

12 February 2025

Totara-Dunedin Properties Limited
C/- Allan Cubitt
Cubitt Consulting
PO Box 9054
Dunedin 9047

Via email: allan@cubittconsulting.co.nz

Dear Allan

RESOURCE CONSENT APPLICATION:

**LAND USE: LUC-2024-494
380, 386 & 392 PRINCES STREET
DUNEDIN**

Your application for resource consent was processed on a publicly notified basis in accordance with section 95 of the Resource Management Act 1991. The application was considered by Council's Resource Consents Manager, under delegated authority, on 12 February 2025.

The Council has granted consent to the application with one condition. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificate is attached to the rear of this letter.

The consent certificate outlines the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.

You may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries
Dunedin City Council
PO Box 5045
Dunedin 9054

You may request that the objection be considered by a hearing commissioner. The Council will then delegate its functions, powers, and duties to an independent hearings commissioner to consider and decide the objection. Please note that you may be required to pay for the full costs of the independent hearing commissioner.

Alternatively, there may be appeal rights to the Environment Court. Please refer to section 120 of the Resource Management Act 1991. It is recommended that you consult a lawyer if you are considering this option.

You will be contacted in due course if you are due a partial refund or you have to pay additional costs for the processing of your application.

Please feel free to contact me if you have any questions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'LC Darby'.

Lianne Darby
Associate Senior Planner

APPLICATION LUC-2024-494: 380, 386 & 392 PRINCES STREET, DUNEDIN

Department: Resource Consents

DESCRIPTION OF ACTIVITY

Resource consent is sought for the installation of two vehicle crossings (entry and exit) over a primary pedestrian street frontage mapped area at the subject site of 380, 386 and 392 Princes Street, Dunedin.

The subject site is legally described as Lot 1 Deposited Plan 366424, held in Record of title 269174, and has an area of 727m². It is an irregular shaped parcel with frontage to Princes Street along its southeast boundary. The former buildings at this site have been demolished and the site is currently vacant although the applicant is working towards the redevelopment of the property.

While a redevelopment proposal for the site has not been finalised, the applicant's preferred development option is a comprehensive commercial residential accommodation activity for which vehicle access is an essential pre-requisite for the viability of the project and will inform the design of a replacement building. The future activity is expected to have no more than 250 vehicle movements per day. The applicant therefore seeks consent for this specific element of the proposal, to be certain that access on and off the site can be achieved. The proposed access will be a loop with one entry and one exit onto Princes Street capable of accommodating a coach. The vehicle crossings will each have a maximum width of 9.0m.

The application was submitted with a Transport Assessment prepared by Beca Ltd ("Beca").

REASONS FOR APPLICATION

Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (referred to in this report as the "2006 Plan", and the Proposed Second Generation Dunedin City District Plan (the "Proposed Plan").

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

From 19 August 2024, the Proposed Plan became partially operative and almost completely superseded the 2006 Plan except for specific provisions and a number of identified areas that are still subject to appeal. Where these provisions and appeals are relevant, the 2006 Plan must still be considered. Otherwise, the assessment of the application is to be undertaken fully under the Partially Operative Second Generation Dunedin City District Plan (referred to in this report as "the 2024 Plan"). In this case, the relevant rules and zoning are not subject to appeal, and accordingly, the 2006 Plan is not relevant to this proposal.

Plan Change 1 (Minor Improvements) to the 2024 Plan was notified on Wednesday 20 November 2024. Rules that protect areas of significant indigenous vegetation or habitats of indigenous fauna, and that protect historic heritage, have immediate legal effect from notification of Plan Change 1. None of the rules that have immediate legal effect are relevant to this application. While the submission period has now closed, the analysis of the submissions is not complete and it is still unclear which Plan Change 1 rules are in effect. However, it is unlikely that any of the proposed changes are relevant to this site or proposal.

2024 Partially Operative District Plan

The subject site is zoned **Central Business District**. It is subject to:

- **Heritage Precinct Overlay Zone – South Princes Commercial Heritage Precinct**
- **Archaeological Alert Layer**

- **Archaeological Site – A043 19th century bread ovens**

The Planning Map shows three listed buildings on the subject site – B488, B489 and B490 – but these have been removed and the site is currently vacant except for the bread ovens mentioned above.

Princes Street is an **Arterial Road** in the 2024 Plan road classification hierarchy, and the footpath in front of the subject site is a **Pedestrian Street Frontage Mapped Area**.

Land Use

The proposed access falls under the definition of *parking, loading and access*. Under the 2024 Plan provisions, activities have both a land use activity and a development activity status.

Land Use:

Parking, loading and access does not feature in the land use activity status table. There are no land use performance standards to consider.

Development

Rule 18.3.6.23 lists parking, loading and access on a scheduled heritage site where visible from an adjoining public place or public place within the heritage site as being a restricted discretionary activity. While 380 Princes Street accommodates a heritage site (the bread ovens), the proposed access is not directly connected with the heritage site. The rule does not apply to properties within heritage precincts.

Rule 18.3.6.24 lists parking, loading and access as a site development activity in the commercial zones as being a permitted activity subject to compliance with the performance standards. The proposed access will fail to comply with the following:

- Rule 18.6.14.1 requires parking, loading and access to comply with Rule 6.6.
- Rule 6.6.3.1.a specifies a maximum number of one vehicle crossing on a frontage of up to 100m along an Arterial Road. The proposal will result in two vehicle crossings on a 28m frontage.

Activities which contravene this rule are considered to be a **restricted discretionary** activity pursuant to Rule 6.6.3.1.d.

- Rule 18.6.14.2 specifies that new vehicle accesses are not allowed across any primary pedestrian street frontage mapped area. The proposal is for two vehicle crossings on the primary pedestrian street frontage of Princes Street.

Activities which contravene this rule are considered to be a **non-complying** activity pursuant to Rule 18.6.14.3.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the soil contamination NES and/or might require resource consent.

The subject sites do not appear on the Otago Regional Council's database of known contaminated sites. The applicant has not had a search of the Dunedin City Council's records undertaken. If the subject sites should be considered a HAIL site, consent under the NES is required for subdivision, change in land use, or disturbance of soils. While the proposal might involve the disturbance of soils at a level which triggers the

NES-CS provisions (should they be relevant at all), the construction of the vehicle crossings will not commence until such time as there is a redevelopment proposal for the subject site. It is therefore acceptable to defer any HAIL assessment of the subject site until the time of resource consent or building consent assessment for the primary development project.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, there is only one rule involved. The activity status is determined by the 2024 Plan and is considered to be a **non-complying** activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

Rule 18.4.3.1 specifies that applications for new vehicle accesses that cross a primary pedestrian street frontage mapped area must be publicly notified. Accordingly, the application was publicly notified on 14 December 2024. A sign was placed on the fence along the site's frontage and an advertisement was placed in the Otago Daily Times. Possible interested parties and nearby neighbours were directly notified.

One submission was received following notification. The submission is summarised as follows:

Submitter	Support /Oppose	Reasons for submission	Wish to be heard?
Heritage New Zealand Pouhere Taonga (HNZPT)	Neutral	- Part 2, subsection 6(f) of the RMA identifies the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance. - The HNZPTA requires the permission of HNZPT before there is modification, damage or destruction of an archaeological site. - The submission provides a brief history of the subject site. The site of the proposed works is not recognised on the New Zealand Heritage List/Rarangi Korero; however, there are two recorded archaeological sites protected under section 13 of the HNZPTA. - No archaeological assessment relating to the proposed works has been submitted with the application. HNZPT strongly recommends a condition for the obtaining of an archaeological authority. It is a separate requirement from other consents that applies to all archaeological sites. - Any earthworks within the Archaeological Alert Layer may trigger requirements under the HNZPTA. HNZPT recommends that a consultant archaeologist undertake an archaeological assessment. - HNZPT recommends avoidance of potential archaeological features and mitigation of adverse effects to archaeological sites wherever possible. - There are two known archaeological sites within the area of the proposed works: I44/284 (above	No

		ground archaeology associated with 372-278 (sic) Princes Street) and 144/366 (bread ovens). The above ground archaeology associated with 144/284 was destroyed in 2024 with the demolition of the buildings. • Authority no: 2023/535 was granted to Totara Properties Dunedin Ltd to demolish the pre-1900 buildings at 380, 386 and 392 Princes Street. The application explicitly stated that there would be no earthworks for that phase of the works. HNZPT granted the authority on that basis with six conditions. HNZPT recommends that the applicant apply for a new authority for below ground works. • The site was one of the first settled in Dunedin, the foundations may hold some of the earliest foundations of the City, holding significance historical record of Dunedin's settlement. • HNZPT is of the view that where possible pedestrian street frontage should be maintained or mitigated to avoid any adverse effects to the Princes Street shopping area through design and operation of the accesses. • HNZPT supports redevelopment of the site for economic and social reasons. It is expected that the redevelopment of the site will further add to the economic and amenity uplift of the Princes Street shopping area. • HNZPT recommends a condition of consent requiring an archaeological assessment of the site.	
--	--	---	--

Hearing

The interested Council departments did not identify any effects of the proposal which would be more than minor and the HNZPT did not wish to speak in support of their submission. Accordingly, the Manager Resource Consents, in consultation with the Chairperson of the Consents Hearings Committee, determined that a hearing is not necessary, as is provided for by Section 100 of the Resource Management Act 1991.

Effects on the Environment

Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect. This is known as the permitted baseline.

A variety of commercial and community activities, such as office, retail and visitor accommodation, are permitted within the Central Business District zone. Residential activity is also permitted.

No development resulting in a building or structure is permitted on a site within a heritage precinct where the site is visible from an adjoining public place. Repairs and maintenance of existing structures, including the restoration of scheduled heritage buildings (not listed as HNZPT Category 1) are permitted.

Parking, loading, and access is a permitted activity provided it is not undertaken on a scheduled heritage site. However, a new vehicle access across the primary pedestrian street frontage mapped area is not permitted.

It is considered that this is the appropriate baseline against which the activity should be considered. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the crucial elements for consideration.

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the present environment is a site recently cleared of all buildings and structures except for historic ovens maintained near the southern boundary. Resource consent LUC-2023-77/A, for the demolition of the former buildings, has been given effect but includes on-going expectations for the redevelopment project and is therefore part of the existing environment.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises commercial buildings constructed to their side and front boundaries, along one of Dunedin's main streets. The buildings are predominantly two or three-storey historic structures. To the west of the subject site is the rear of commercial buildings fronting Stafford Street

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment rules in the 2024 Plan, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

1. Vehicle Crossing on Primary Pedestrian Street Frontage (2024 Plan 18.12.5.9 & A2.2.6.4.c.i/ii)

The 2024 Plan gives the assessment matters for the installation of a vehicle crossing on a primary pedestrian street frontage as being Objective 18.2.3 and Policy 18.2.3.2. These are in respect of maintaining and enhancing streetscape amenity, including visual and environmental amenity for pedestrians. The policy is in respect of suitable building design along primary pedestrian street frontages.

In this case, there is no development proposal for the subject site and the applicant is seeking approval for the vehicle crossing to assist in the design of the future development and to ensure that vehicle access will be achievable. Consideration was given as to whether it was appropriate to consider the application for vehicle crossings independently from the application for the development of the site itself. The applicant sought to separate the two elements so that consent could be obtained for an essential component of the overall design without needing to finalise the development proposal. This is acceptable on the basis that parking, loading and access is an independent development activity within the 2024 Plan.

Council's Heritage Advisor has considered the proposal. He notes that it is difficult to assess the effects of the proposed vehicle crossings without any detailed design of the building on the currently vacant site. The application states that the crossings will be constructed to accommodate a tour coach, and a comprehensive development comprising commercial residential accommodation is proposed. He notes that:

“The construction of two vehicle crossings on the subject site is likely to have a negative effect on the heritage streetscape character of the heritage precinct. However, this may be balanced by the overall positive effects of sympathetic new development.”

The new development will need to respond to the proposed crossings, with either a *porte cochere*, garaging, or at-grade parking. The Heritage Advisor recommends that the giving effect of the consent for the vehicle crossings subject to the applicant gaining approval for an acceptable new development on the subject site, allowing the Council to consider the overall effect on the heritage precinct once the finalised design of the proposed development is known. This can be achieved by the imposition of a condition of consent pursuant to s115 of the Resource Management Act 1991.

2. Street Trees

There is a mature street tree positioned at the kerb line, approximately midway along the site’s frontage. Accordingly, the proposed vehicle entrance will be to the south of this tree, and the exit will be to the north. There is also a street tree outside 396 Princes Street which might be affected by the proposed vehicle crossings. There is no formal protection for the trees, and consent is not required for works or activities being undertaken within the dripline of the trees or within a distance of half the height of the trees (being the specified setbacks in respect of scheduled trees).

Nevertheless, the trees belong to the Council, and the proposal has been assessed by Council’s Tree Officer. He has concerns about the potential for excavations to disturb the tree roots within the Tree Protection Zone (“TPZ”) and possibly within the Critical Root Zone (“CRZ”). This can adversely affect the stability and health of the tree. The Tree Officer recommends a condition of consent requiring an arborist to be on-site during excavations, if any, required for the formation of the vehicle entrance and exit.

3. Transport

Council’s Planner – Transport has considered the proposed vehicle crossings in respect of the Transport section of the 2024 Plan. He notes that Princes Street is classified as an Arterial Road in the 2024 Plan road classification hierarchy and Princes Street is also a primary pedestrian street frontage mapped area. While no development of the subject site is currently proposed, the application has been assessed in the context of a short-term visitor accommodation activity. The application is supported by an Integrated Transport Assessment (“ITA”).

Vehicle Access

The applicant proposes to establish two new vehicle crossings onto Princes Street to operate as an entrance to, and exit from, a future on-site pickup and drop off loading area. The access will effectively operate on a one-way basis. The proposed access will be designed to accommodate the vehicle tracking of a tour coach which is anticipated to be the largest vehicle to use the proposed vehicle crossings.

Rule 6.6.3.1 specifies that the maximum number of vehicle crossings permitted on an Arterial Road frontage for a site with approximately 28.0m of road frontage is one. The applicant proposes to establish two vehicle crossings and therefore this aspect will not comply with this requirement, albeit the two vehicle crossings will effectively operate as a single entrance. In addition, as Princes Street is classified as a Primary Pedestrian Street Frontage Mapped Area, Rule 18.6.14.2 requires that new vehicle accesses are not permitted from the site onto Princes Street.

The applicant’s traffic engineer has considered the effects of these two non-compliances and any potential mitigation of these effects. They note that, while the final design of the vehicle crossings is yet to be confirmed, the vehicle crossings will be designed such that the public footpath will appear to be continuous to retain pedestrian priority. It will delineate the public footpath including a

different surface treatment within the new on-site pickup and drop off loading area, and vehicle widths will not exceed 9.0m. They also note that the design of the proposed vehicle crossings will provide good intervisibility between vehicles and pedestrians with this likely being achievable by keeping the entrances relatively open along the site's road frontage. This will act to mitigate effects on pedestrians and the design is expected to be further refined as part of the building proposal for the site.

Upon discussions with the Transport Safety Team, these measures are considered to be appropriate in this instance. On that basis, the effects of these two non-compliances are considered to be no more than minor and can be managed via conditions of consent including requiring detailed engineering design plans of the vehicle crossings to be approved by Transport, prior to construction.

The 2024 Plan requires the provision of minimum sight distance requirements from a new vehicle access which in this instance requires 69.0m of sight distance in both directions along Princes Street with a posted speed limit of 50km/h in accordance with Rule 6.6.3.2. Compliance with this requirement will for the most part be achieved by the proposal albeit visibility may be partially obstructed by existing street trees, but these are unlikely to be a significant impediment to visibility along Princes Street due to the flat and straight nature of the carriageway. Due to the raised central median along Princes Street, vehicle movements will also be limited to entering from the south and exiting toward the north. Vehicle movements on the far side of the median is unlikely to have much bearing on the operation of the proposed vehicle crossings. This is acceptable.

Rule 6.6.3.3 specifies that the maximum width of a vehicle access for all non-residential activities is 9.0m. The applicant notes that the vehicle crossings will not exceed this requirement, and the crossings are therefore acceptable.

Rule 6.6.3.4 specifies that the minimum distance of a new vehicle crossing along an Arterial Road from intersections with Arterial Roads/Commercial Centre Streets is 30.0m. It is noted that the northern most vehicle crossing will meet/exceed this requirement from the Princes Street/Stafford Street/Jetty Street/Manse Street intersection and the separation distance is therefore acceptable.

The applicant's traffic engineer has also reviewed the safety record of the roading environment outside of the site using the NZTA Crash Analysis System (CAS). He has noted that there has been a total of nine reported crashes in the most recent five-year period with only one minor injury crash reported because of a nose-to-tail crash on Jetty Street as a result of driver distraction, none of which involved pedestrians. T

he majority of incidents were associated with nose-to-tail collisions by vehicles queuing to travel through the nearby intersection and the likelihood of these types of crashes being increased as a direct result of the proposal is considered to be low. On that basis, it is considered that there are no pre-existing road safety deficiencies that are relevant to this proposal.

The applicant has recommended a condition of consent requiring that the proposed vehicle crossings authorised by this consent must not be constructed until building consent/resource consent to establish a new building on the site has been obtained for any future development, which is supported by Transport.

It is noted that while the proposal will result in a loss of on-street car parking outside of the site, this has been discussed with the Transport Parking Regulatory Team who have advised that they are generally comfortable with this reduction given that it will enable on-site coach loading and unloading compared to regulating this via on-street coach parking areas and pickup/drop off parking spaces which would also increase congestion along the footpath.

Overall, subject to recommended conditions and advice notes below, the proposed vehicle access provision can be supported from a Transport perspective.

Pickup/Drop off Loading Area (Porte-Cochere)

While the final configuration of the redevelopment of the site is yet to be confirmed, the provision of two new vehicle crossings to the site will enable the creation of, and will likely serve as, vehicle access to a pickup/drop off loading area (porte-cochere) for a short-term visitor accommodation activity. The operation of the vehicle crossings for this purpose has been assessed below accordingly.

Rule 6.6.2.1 requires sufficient manoeuvring space to be provided to ensure that no vehicle accessing a vehicle loading area is required to reverse either onto or off an Arterial Road. It is noted that the proposed vehicle access and pick up/drop off loading area has been designed so that tour coaches and other smaller B99 percentile vehicles can safely enter and exit the site without having to reverse onto Princes Street. This is acceptable.

Rule 6.6.2.3 requires that loading areas, including associated access, and manoeuvring areas, must be hard surfaced, adequately drained, and permanently marked. Compliance with this requirement is anticipated and Transport recommends a condition to this effect.

Rule 6.6.2.4 requires that loading areas, including associated access and manoeuvring areas, that are used at night must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation. Compliance with this requirement is anticipated and Transport recommends a condition to this effect.

Rule 6.6.2.5 requires that required vehicle loading spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or loading space on the site.

The applicant's traffic engineer notes that the pickup/drop off loading area will be able to accommodate two 99th percentile vehicles or one tour coach at a time. As it appears that the pickup/drop off areas will be open to the public, compliance with this requirement may not be achievable depending on the types of vehicles utilising the loading area. Conflict may arise between coaches and smaller vehicles should the loading area already be occupied when another vehicle is seeking to enter the site.

The applicant considers that potential conflict between tour coaches and other vehicles, including taxis, can be managed through coach arrivals being scheduled, check-in times for non-coach arrivals being open for long periods and offset from coach arrival times, and by managing access across the footpath. They also note that coaches will be informed that they can use nearby loading zones should an inadvertent overlap occur.

While these measures are generally supported, the applicant should note that tour buses/coaches are not permitted to park within on-street loading areas (AVOs). Tour coaches within Dunedin are only permitted to park on-street using dedicated Coach Stops with the closest stop located approximately 250m away. Therefore, it is strongly recommended that the pickup/drop off area be managed in a way that restricts/prohibits other vehicles using this area when coaches are expected to arrive. This can likely be managed as part of the operation of the site via a condition of consent. In particular, the condition should seek to ensure that coaches are not required to queue within the road carriageway while waiting to enter the site.

Outside of coach arrivals, it is likely that in the event that the pickup/drop off area is occupied, vehicles will likely find an alternative location drop off/pickup location. The pickup/drop off area can also likely be designed so that 99th percentile vehicles are able to enter and exit the site without being obstructed by or having to move a vehicle occupying the area and a condition to that effect is recommended accordingly. In any case this should be managed to ensure that vehicles are not queuing over the footpath/within the road while waiting to enter/exit the site.

Loading

The applicant notes that no dedicated on-site loading space for the loading and unloading of goods/deliveries associated with the likely short-term visitor accommodation activity will likely be provided as part of the future redevelopment of the site. The proposed pickup/drop off this area is not intended for this purpose, and therefore the site will be required to utilise existing on-street loading zones (Authorized Vehicles Only or AVOs). It is noted that there appears to be two on-street AVO loading areas close the site and, while these are also available for use by other authorised vehicles for the loading and unloading of goods/deliveries, this is acceptable.

Generated Traffic

It is acknowledged that the proposal itself to establish two vehicle crossings will not generate any vehicle traffic. However, the applicant's traffic engineer has considered the traffic volume that could be generated by a permitted short-term visitor accommodation activity utilising the proposed vehicle crossings noting that it is assumed at this stage that the site upon development will not generate more than 250 vehicle movements per day. A large proportion of guests will likely arrive via tour coach with the assumption that six tour coaches will enter and exit the site per day. The traffic assessment also notes that this is a relatively conservative estimate with the remaining vehicle traffic divided between 46 vehicles entering and exiting the pickup/drop off area and guests distributed across the wider network via alternative transport or on-foot. Therefore, the volume of vehicle traffic entering and exiting the site per day is likely to be relatively low.

The applicant's traffic engineer has considered the intended routes for coaches travelling to the site and exiting onto the wider network via the State Highway. They show that coaches will be able to travel east along Jetty Street to access the State Highway travelling south which is not possible due to the configuration of the road layout, but any in case, a variety of routes are available from the site for tour coaches to access the wider transport network.

Overall, the traffic assessment concludes that, at this stage, while the proposed development is expected to result in a low volume of traffic directly accessing the site, there is still the potential to create conflict between vehicles and pedestrians. The assessment considers this to be acceptable given that the vehicle crossings and the pickup/drop off area will be designed to provide a high level of intervisibility between vehicles entering or exiting the site and pedestrians walking along the site's road frontage on Princes Street. As noted above, pedestrians will also only be required to look in one direction along Princes Street given that the proposed vehicle crossings will operate as left-in/left-out only.

This assessment is considered to be reasonable for the purposes of this proposal albeit it is noted that the potential traffic generated by the redevelopment of the site is likely be confirmed and assessed in more detail once the future use of the site is confirmed. Further assessment can be provided in the event that the final use of the site generates more than 250 vehicle movements per day.

While the development of the site as part of a future proposal may increase the demand for existing on-street car parking, short-term visitor accommodation is anticipated within the CBD where there is already high demand for on-street car parking. The demand is also mitigated by the fact that the site is located within close proximity to a number of public transport routes and the majority of visitors to or from the site upon redevelopment will likely arrive by tour coach or taxi. These can be adequately accommodated on the site and via existing public transport.

Overall, Transport considers the effects of the traffic generated as a result of this proposal on the transport network are considered to be no more than minor.

Conclusion

Transport considers that the effects of the proposal on the transportation network will be no more than minor subject to conditions on the formation of the drop-off/pick up area and its operation. As this consent is specifically concerned with the vehicle crossings across the primary pedestrian street frontage mapped area and the number of vehicle crossings along the site's front boundary, those conditions more related to the development of the site and the operation of the further activity on-site and are therefore better addressed as part of the resource consent for the site's redevelopment.

NOTIFICATION ASSESSMENT

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. In this case, the applicant requested public notification in response to Rule 18.4.3.1 which required public notification for new vehicle accesses crossing a primary pedestrian street frontage mapped area. Accordingly, the application was notified on 14 December 2024. There was only one submission, neutral in its stance and the submitter did not wish to speak at a hearing. The Council departments had no issues with the proposal. Accordingly, there has been no hearing, and this decision is issued pursuant to section 100 of the Resource Management Act 1991.

SUBSTANTIVE DECISION ASSESSMENT

Effects

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

Offsetting or Compensation Measures

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

Objectives and Policies

The 2024 Plan was made partially operative on 19 August 2024. No consideration of the objectives and policies of the District Plan 2006 is required, unless the proposal relates to the specific provisions and identified areas of the 2024 Plan that remain subject to an appeal. In this instance, none of the appeals are relevant to this application.

The proposal is considered to be consistent with the following 2024 Plan objectives and policies:

- **Objective 6.2.3 (Transport)**
This seeks to have land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.
- **Policy 6.2.3.3 (Transport)**
This seeks to have land use activities provided adequate vehicle loading and manoeuvring space to support their operations.
- **Policy 6.2.3.9 (Transport)**
This seeks to only allow land use and development activities where adverse effects on the safety and efficiency of the transport networks will be avoided or adequately mitigated and any associated changes to the transportation network will be affordable to the public in the long term.
- **Objective 6.2.4 and Policy 6.2.4.1 (Transport)**

These seek to have parking areas, loading and vehicle access designed and located to provide for the safe and efficient operation of the loading area and facilitate the safe and efficient functioning of the transportation network.

- **Policy 6.2.4.3 (Transport)**
This seeks to avoid new loading areas that require access over a primary pedestrian street frontage mapped area unless any adverse effects on pedestrian safety and ease of movement will be insignificant.
- **Objective 13.2.3 and Policy 13.2.3.3.c (Heritage)**
These seek to require development within commercial heritage precincts to maintain or enhance heritage streetscape character by keeping vehicle crossings to a minimum.
- **Objective 18.2.1 and Policy 18.2.1.1 (Commercial and Mixed Use)**
This seeks to have a well-structured and economically and socially successful range of commercial and mixed-use environment for Dunedin which, in the CBD, is the focus for employment, retail, entertainment, leisure, visitor accommodation and arts and culture activities.
- **Objective 18.2.3 (Commercial and Mixed Use)**
This seeks to have land use and development maintain or enhance the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified pedestrian street frontage mapped areas.

The proposal is considered to be inconsistent with the following 2024 Plan policy:

- **Policy 18.2.3.2 (Commercial and Mixed Use)**
The seeks to have buildings along a primary pedestrian street frontage mapped area to be located, designed and operated to provide a high level of pedestrian amenity by providing a continual frontage of buildings along the street apart from pedestrian accessways.

Objectives and Policies Assessment

The objectives and policies of the 2024 Plan support the granting of consent except that the proposal will be inconsistent with Policy 18.2.3.2 regarding the requirement to have buildings constructed along the full length of the subject site's frontage. While there is no proposal to develop the subject site as part of this application, the proposed vehicle entrance will mean that future development on this site cannot meet this policy. However, the vehicle crossings are anticipated to be an essential component of the future activity for this site and the intent is to maintain pedestrian amenity through the design of the vehicle crossings and the building's façade.

Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here. These issues have been addressed by the Environment Court (starting with *Russell v Dunedin City Council* C092/03) and case law now directs the Council to consider whether approval of a non-complying activity will create an undesirable precedent. Where a plan's integrity is at risk by virtue of such a precedent, the Council is required to apply the 'true exception test'. This is particularly relevant where the proposed activity is contrary to the objectives and policies of the district plan and/or the proposed district plan.

In this case, the land use proposal is non-complying because the 2024 Plan has determined that a vehicle crossing over a primary pedestrian street frontage mapped area is a non-complying activity. The 2024 Plan identifies both sides of Princes Street and George Street over a length of 1500m as primary pedestrian street frontage mapped areas. The subject site is situated 60m from the extreme southern end of this mapped area, in an area which is economically and socially depressed and where there is little foot traffic, particularly when compared to all other locations along this pedestrian street frontage mapped area. The proposed vehicle crossing will therefore have a lesser impact on the footpath than would an equivalent

proposal located elsewhere on this 1500m length of road. Furthermore, the proposed vehicle crossing is seen as an essential component of the likely redevelopment project for this vacant site, and it is desirable that this site be developed for social, economic and streetscape enhancement. While consent is granted for the new vehicle crossings, the consent cannot be given effect until such time as a development proposal for the site itself is granted, giving the Council another opportunity to manage the effects of the proposal. Accordingly, the proposed vehicle crossings are not considered to undermine the integrity of the 2024 Plan.

Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan. It is my opinion that the proposed land use will be consistent with the objectives and policies, and will not have adverse effects which are more than minor. It will pass both branches of the gateway test; therefore, Council can exercise its discretion under Section 104D to grant consent subject to the recommended conditions.

Part 2

Based on the findings above, it is evident that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of Dunedin's natural and physical resources.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104, 104B and 104D of the Resource Management Act 1991.



Lianne Darby
Associate Senior Planner

Date: 12 February 2025

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the granting of resource consent to the proposal:

LUC-2024-494

*Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the 2024 Partially Operative Dunedin District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being two vehicle crossings on the site's frontage, over a primary pedestrian street frontage mapped area, at the site legally described as Lot 1 DP 366424 (RT 269174) at 380, 386 and 392 Princes Street, subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.*



Alan Worthington
Resource Consents Manager

Date: 12 February 2025

Consent Type: Land Use Consent

Consent Number: LUC-2024-494

Purpose: Two vehicle crossings on the site's frontage, over a primary pedestrian street mapped area.

Location of Activity: 380, 386 and 392 Princes Street, Dunedin

Legal Description: Lot 1 DP 366424 (RT 269174)

Expiry Date: 12 February 2030, unless the consent is given effect to prior to this date. This lapse date shall apply regardless of the commencement date of the consent.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application LUC-2024-494 received by the Council on 10 December 2024 except where modified by the following conditions:*
2. *Pursuant to section 115 of the Resource Management Act 1991, this consent must not commence until such time as resource consent for a redevelopment project for 380, 386 and 392 Princes Street has been issued.*

Conditions to be met prior to works on the vehicle crossings commencing:

3. *Detailed engineering plans showing the details of the construction of the new vehicle crossings must be submitted to, and approved by, DCC Transport Group prior to the construction of the vehicle crossings commencing.*
4. *The engineering plans of condition 3 must show the Tree Protection Zone and Critical Root Zone for the street trees located in front of the subject site and 396 Princes Street. Should the crossing and access pass through either of these zones, a report discussing how the stability and health of the tree is to be maintained during and after works, prepared by a suitably qualified arborist, must be submitted to Council for approval.*
5. *An assessment of the works for the installation of the vehicle crossings must be undertaken by a suitably qualified and experienced consultant archaeologist prior to the commencement of any construction works. The archaeological assessment must cover the history of occupation within the development area, the scope of the development, and the likelihood of modifying, damaging, or destroying any archaeological sites. It must determine if an archaeological authority is required for the proposed installation of the vehicle crossings.*

Conditions to be met as part of the construction of the vehicle crossings:

6. *Any excavations within the Tree Protection Zone or Critical Root Zone of the street tree/s must be undertaken in accordance with the details of the arborist's report of condition 4 above. A suitably*

qualified arborist must be present on-site during the excavations to minimise damage to the structural roots of the tree/s.

7. *Each vehicle crossing must be formed to a minimum width of 5.0m and a maximum width of 9.0m, be hard surfaced from the edge of the Princes Street carriageway for a distance not less than 5.0m, and be adequately drained.*
8. *Any damage to any part of the footpath or road formation as a result of the construction of the vehicle crossings must be reinstated at the consent holder's expense.*

Advice Notes:

Heritage

1. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.
2. This consent is concerned specifically with the authorisation of two vehicle crossings on Princes Street and not the development of the subject site itself. The archaeological assessment of condition 5 above need only address the works required for the installation of the vehicle crossings but it is advised that an archaeological assessment of the entire subject site will be needed prior to the site being developed. This development will be subject of another resource consent.

Transport

3. When designing the pickup/drop off area within the site associated with the vehicle crossings, it is advised that it must be designed to allow 99th percentile vehicles to enter and exit the site without the need to move any vehicle already occupying the area.
4. The pickup/drop off area will need to be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation.
5. It will be necessary to produce an access management plan as part of the redevelopment of the subject site which manages the pickup/drop off loading area so that non-coach vehicles are prohibited from using the area when coaches are expected to arrive.

NES-CS

6. No assessment of the HAIL status of the subject site under the provisions of the NES-CS has been undertaken. Should site investigations of the subject site determine that 380, 386 and/or 392 Princes Street, or their street frontage, are HAIL sites, the consent under the NES-CS might be required for the change in land use and/or disturbance of soils. This could include soil disturbance for the formation of the vehicle crossings depending on the amount of soil disturbance proposed. Accordingly, the need for resource consent under the NES-CS for the formation of the vehicle crossings will be assessed as part of the greater development proposal.

General

7. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
8. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
9. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
10. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
11. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 12 February 2025.

A handwritten signature in black ink, appearing to read 'LC Darby'.

Lianne Darby
Associate Senior Planner

Appendix One: Approved Plans (scanned image, not to scale).



VEHICLE PROFILE:



BBS Vehicle (8m min radius) (2004)
 Overall Length 5.200m
 Overall Width 1.840m
 Overall Body Height 2.300m
 Min Body Ground Clearance 0.110m
 Track Width 1.840m
 Lock-to-lock angle 45°
 Left to Right Turning Radius 8.000m
 Not to Scale

GENERAL NOTES:

1. 50km/h FORWARD VEHICLE TRACKING SPEED USED FOR TURNING AND MOVEMENT.

LEGEND:

- PROPOSED SITE
- VEHICLE BODY ENVELOPE
- TREE



PRELIMINARY
 NOT FOR CONSTRUCTION

Original	Design	Draw	28.11.20
Drawn	Draw	28.11.20	
Revised	Draw	28.11.20	
	Draw	28.11.20	



TOTARA-DUNEDIN PROPERTIES LIMITED

PRINCES STREET DEVELOPMENT
 TRANSPORT ASSESSMENT

99%ILE CAR TRACKING FOR
 DROP-OFF AREA

TRANSPORTATION