Dear Allan

RESOURCE CONSENT APPLICATIONS:  LAND USE:  LUC-2008-580
372-392 PRINCES ST, 11 STAFFORD ST  
DUNEDIN

The above application for the demolition of the facades and buildings at 372-392 Princes Street and 11 Stafford Street, and for the construction of two replacement buildings having on-site car parking, was processed on a notified basis in accordance with sections 93 and 94 of the Resource Management Act 1991. The Hearings Committee comprising Councillors Colin Weatherall (Chair), Richard Walls and Fliss Butcher heard the application in public on 18 - 19 December 2008, 11 August 2009, and 14 December 2009 before issuing an interim decision on 12 February 2010.

The interim decision stated that the Committee was ‘... of a mind to grant consent ...’ to the demolition of the listed facades and buildings, and to the construction of replacement buildings exceeding maximum height and with breaches of the transportation rules of the District Plan, subject to the provision of an updated design for the proposed new facades on Princes Street which is more representative of the character of the precinct. A new design for the Princes Street facades was submitted by the applicant on 24 May 2010, and the Committee reconvened for a fourth time to hear the application on 19 August 2010.

At the end of the public part of the fourth hearing the Committee in accordance with section 48(1) resolved to exclude the public. The Committee had undertaken a site visit on 21 September 2009.

The Committee (by majority) has granted consent to the revised application on 24 August 2010. The full text of this decision commences on page 11.

Hearings I, II and III, and appearances, have been detailed in the interim decision of 12 February 2010, and will not be repeated here. The following is an account of the fourth hearing.

The Hearing (IV) and Appearances: 19 August 2010

The following were in attendance:
The Applicant:
Luke Dirkzwager (Director for the applicant company), Allan Cubitt (Consultant Planner) and Gary Todd (Consultant Architectural Designer).

Council Staff:
Lianne Darby (Processing Planner), Phil Marshall (Senior Planner/Advisor to Committee), and Doug Jackson (Governance Support Officer).

John Gray (Consultant Architect) was available for most of the hearing via teleconference call.

Submitters
Owen Graham and Matthew Schmidt (New Zealand Historic Places Trust), Peter Entwisle, Rosemary McQueen, and Elizabeth Kerr.

Procedural matters
Mr Owen for the New Zealand Historic Places Trust advised that he was involved in Environment Court mediation, and would not be available for much of the morning. A time for Mr Owen to speak was organised.

Principal issues of contention
The following are the principal issues of contention:

- Whether the revised design for the facades was in accordance with the townscape precinctual values of the District Plan; and
- Whether the revised design was an ‘appropriate’ development for the site.

Summary of the Evidence Heard
Introduction from Processing Planner

Mrs Darby made a brief summary of developments since the issuing of the interim decision. She noted that the hearing had been reconvened to consider the additional information – that is, the revised design for the Princes Street facades - submitted by the applicant since the issuing of the interim decision. She did not make a recommendation to the Committee as to the granting or declining of consent.

The Applicants’ Case

Mr Cubitt opened the applicant’s presentation, noting that the decision for the demolition of the existing buildings had been given by the Committee, and that the hearing was to consider the latest design for the proposed replacement buildings only. He was therefore disappointed that Mr Gray, Council’s Consultant Architect, had recommended the retention of the existing façade of 386 Princes Street, and noted that Mr Gray had not inspected the buildings. The recommendation to retain the façade of 386 Princes Street was outside the scope of the hearing, and the Committee should disregard. The revised design replicated the original façade of 386 Princes Street.

Mr Todd spoke to his written submission, detailing the design approach to the proposed facades. The revised design had focussed on the present façade of 386 Princes Street, and had created a close replica to the original façade of this building with complementary design for the others. When questioned by the Committee, Mr Todd said he would be proud of the design in 20 years time. The costing of the façade details had not been considered, and Mr Dirkzwager explained that that had not been part of Mr Todd’s brief for the design.

Presentations by Council’s Consultants

Mr Gray had prepared a report on the architectural elements of the proposed buildings which was attached to the agenda. Mr Gray expressed his doubts that an 1864 photograph attached to Mr Todd’s designs showed the building at 386 Princes Street as the façade was different to
the present building. He believed that the existing façade to 386 Princes Street could, and should, be retained. It would not be a difficult engineering problem to retain, but he was of the opinion that it was, "... incredibly important for heritage and streetscape". Overall, Mr Gray considered the proposed design to be better than either of the previous two submitted by the applicant.

Mr Cubitt responded by noting that the hearing had moved on from the retention issues. The site had a group of intertwined buildings, and it was not so easy to retain as supposed. There was no mention of the retention of any facades in the interim decision, and the revised design had not taken that possibility in to consideration.

Submitters’ Presentations

Mr Entwisle took the opportunity to advise the Committee that the 1864 photograph did show 386 Princes Street. The subtle differences from the present day façade were due to another skin of brick being built up in front of the original façade at some point in the 19th century. He then presented his written submission.

In response to questioning by the Committee, Mr Entwisle did not believe that the declining of consent would lead to empty, deteriorating buildings long term. The applicant could change approach again so as to retain the facades, or could sell them so as to provide someone else with the opportunity to redevelop. While the design was largely acceptable, Mr Entwisle was still opposed to the loss of the four Princes Street facades as the historic fabric would be lost. The proposed façade for 386 Princes Street was, however, a good replica.

Ms McQueen noted that the proposed facades were ‘admirably consistent’ with what is required for the area, but the height of the penthouse was not right. She noted that the existing consent for the subject site provided for the demolition of the building at 386 Princes Street but not the façade. Ms McQueen supported Mr Entwisle in his submission. The proposed design would be appropriate for another location in the City, but for this site, only the retention of the facades would serve.

Ms Kerr spoke to her submission. She answered questions from the Committee, and confirmed that she appeared as a private individual and not an expert witness.

Mr Graham spoke to his written submission, supported by Mr Schmidt. Mr Owen advised the Committee that further investigation had been carried out regarding the old oven at 392 Princes Street, and, as of the week before, they were considered to be of national significance. The application had not contained sufficient information to confirm this detail earlier. Mr Graham did not believe that the historic significance of the buildings had been addressed adequately, and that the retention of the facades had been fully explored. An archaeological authority from the Trust was still required for any demolition, but it was Council’s role to manage the built heritage. The oven was part of the buildings.

Processing Planner’s Review of Hearing

Mrs Darby noted that very little discussion at the hearing had actually addressed the appropriateness of the latest design proposal which was the focus of the hearing and her report. She commented on a few points made by submitters, and advised the Committee she was not making any recommendation as to whether the application should be granted or declined.

Applicant’s Right of Reply

Mr Cubitt noted that the Processing Planner’s report was technically sound, and adequately addressed the issues to be considered at the hearing. Mr Cubitt understood from the interim decision that the decision to demolish had already been made. The applicant had not revisited the question of demolition because that was not what he was asked to do by the Committee.
Mr Cubitt said there was nothing new in the evidence of the New Zealand Historic Places Trust in regard to the oven, and no evidence had been presented by the trust to support their statements. The applicant had undertaken an archaeological assessment and there was still the archaeological authority to come. The treatment of the oven could be determined through that process. It was not a design matter.

Mr Cubitt noted that, leaving aside the question of demolition, there had been few issues raised about the proposed design. He thanked Mr Entwisle for a very helpful submission, and Mr Gray for his professional comments. Ms Kerr’s evidence had been inconsistent with what she had given at earlier hearings. Mr Cubitt noted that the New Zealand Historic Places Trust had tried to introduce new design criteria to the debate, but it was the District Plan which was relevant. As little of the evidence given had been about the new design, there was little to answer.

Statutory Provisions

In accordance with section 104 of the Resource Management Act the recommending report to the Committee detailed in full the relevant statutory provisions and other provisions the Committee has considered.

These statutory provisions included the following Part II matters of the Act, sections 5(2)(c), 6(f), 7(b), 7(c), 7(f) and 7(g). Regard was given to chapters 4: Manawhenua, 5: Land, and 9: Built Environment of the Regional Policy Statement for Otago. As detailed in the recommending report, regard was then given to the relevant provisions of the following chapters of the District Plan, 4: Sustainability, 5: Manawhenua, 9: Central Activity, 13: Townscape, 20: Transportation, and 21: Environmental Issues.

The main findings of fact determined by the Hearings Committee that have led to the decision below, and the reasons for it, have been reached after considering the application, the evidence and submissions heard at all four hearings, the reports prepared by the Processing Planner, all the relevant statutory and planning provisions, as well as the principal issues in contention which are noted on page 2 of this decision and on page 2 of the interim decision.

DECISION

That pursuant to section 34A(1) and 104B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council grants consent to a non-complying activity being:

- the demolition of the existing listed facades at 372, 374, 376, 378, 380, 386 & 392 Princes Street;
- the demolition of the buildings at 372, 374, 376, 378, 380, 386 & 392 Princes Street and 11 Stafford Street;
- the construction of new buildings at 372, 374, 376, 378, 380, 386 & 392 Princes Street and 11 Stafford Street;
- residential activity with under-width access onto Stafford Street; and
- the construction of new buildings greater than maximum height for the zone;

being the sites legally described as Lot 1 DP 8704 (CFR OT391/45) and Lot 1 DP 366424 (CFR 269174), subject to conditions imposed under section 108 of the Act shown on the attached certificate.

Reasons for this Decision

The Hearings Committee considered the evidence heard, the relevant statutory and plan provisions, the principal issues in contention and the main findings of fact. The main findings of fact have been incorporated within the reasons discussed below.

1. The Committee recognises that the ‘purpose’ of the Resource Management Act 1991, as written in section 5 of the Act, is to sustainably manage natural and physical resources. Section 5(2) states:
'In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety…'

The Committee has therefore kept a wide perspective when considering the proposal. It recognises the existing buildings as a physical resource, but is mindful that the land is also a natural resource which the Act allows to be used and developed. The 'people and communities' of section 5(2) include the developer, the owners and occupiers of buildings in the immediate area, and the wider community, all of whom have valid, if sometimes conflicting, viewpoints. The Committee considers that the granting of consent will enable the developer and those who have invested in the South Princes Street area, as well as the Dunedin community, to provide for their social, economic, and cultural wellbeing. This can be achieved while appropriately managing effects and achieving one purpose of the Act

2. The Committee is aware that the proposed demolition of the existing buildings is a key component of this decision, and a matter on which much of the discussion at the hearings has focussed. Section 6(f) of the Resource Management Act 1991 requires the Committee to '... recognise and provide for ... the protection of historic heritage from inappropriate subdivision, use and development'. This does not require the Committee to protect historic structures or sites from appropriate redevelopment. Mr Gray, Council’s Consulting Architect, has assessed the design now before the Committee as being consistent with the majority of the precinct values. Mr. Entwisle in his evidence said that while he disagreed with, "... the modernist design of the topmost, fifth floor penthouse," the provisions of the District Plan and the South Princes Street Townscape Precinct, "... make it clear replacement buildings should resemble in overall form, substance and ornamental detail the buildings which are there now.” The Committee is also aware that while the consideration of a non-complying or discretionary activity is subject to Part II (and accordingly, section 6(f) regarding ‘historic heritage’), this is only one of a number of matters for the Committee to consider, and must be weighted for relevance against the permitted baseline, effects on the environment, objectives and policies, and other planning provisions.

3. The subject buildings have an extensive history which has been well documented for the Committee during the hearing process. The Princes Street buildings and 11 Stafford Street pre-date 1900, and represent a period of rapid expansion in Dunedin during the gold rush years. 386 Princes Street is also a tangible link to William Mason, a noted architect of that period. However, the Heritage Assessment did not identify any significant person, business or event occurring at the Princes Street and Stafford Street addresses which would determine that the buildings had heritage values worth preserving at all cost. Likewise, the information presented by the submitters highlighted the age and long use of the buildings, but did not identify any reasons to consider these buildings unique or of value at more than a local level. The Committee considers the history of the buildings to be of interest, but not to the extent that the 'history' can be deemed 'heritage' of any great value, or at least not to the degree where redevelopment proposals for the sites cannot be entertained.

4. The New Zealand Historic Places Trust informed the Committee the brick oven was of ‘national significance’ at the fourth hearing. This information was therefore received very late in the process and, the Committee notes, was not supported by any evidence. Furthermore, the fourth hearing was convened to discuss the design for the proposed replacement buildings. The information given about the oven was beyond the scope of the hearing. The Committee has therefore given little weight to this disclosure when deliberating. The Committee is also aware that the District Plan allows the demolition of accessory buildings in a townscape precinct, where the works
are not visible from any adjoining public place, to occur as a permitted activity. Therefore, the District Plan does not specifically protect the brick oven. Any protection to the oven will be given by the Historic Places Act 1993 and the archaeological authority to be obtained prior to its removal. The Committee also notes that there is an existing resource consent for the demolition of 386 Princes Street behind the façade (and including the brick oven on-site) to which the New Zealand Historic Places Trust has given affected party approval.

5. The Committee accepts that it is possible to retain and rejuvenate the existing facades and buildings; the question has always been whether the work will be cost effective and worthwhile. The Committee would like to see as many facades retained as possible, but accepts that this may not be as easy to do as some believe given conflicting advice from expert witnesses on this subject. The Committee notes that Mr Robinson, who advocated the retention of the facades, was probably unaware at the time that 386 Princes Street has two front facades, one behind the other. This information was presented by Mr Entwisle at the fourth hearing. This information was therefore not instrumental in the Committee making the decision to grant consent to the demolition of the buildings and facades, as this was recorded by the interim decision of 12 February 2010.

6. The buildings are located within the South Princes Street Townscape Precinct, and the facades of the four Princes Street buildings are listed in Schedule 25.1 of the Plan. The Committee believes that the facades have been listed for their townscape values rather than any heritage values they may possess. The District Plan does not make a clear distinction between townscape and heritage values, and there is often a relationship between the two. In this case, the Committee is aware that the removal of the buildings behind the facades is likely to compromise any heritage values the facades may have. It is also possible that new buildings will contribute positively to the townscape values of a townscapce precinct as the age of the buildings is not critical to the character of the area in the same way that older buildings are to a heritage precinct. As such, the Committee does not require any of the four Princes Street facades to be retained. Even so, the Committee encourages the developer to retain and incorporate as many of the facades into any new development as is possible.

7. 386 Princes Street has been assessed by structural engineers, Council’s Chief Building Inspector, and a company specialising in demolition and strengthening of buildings, as being structurally unsound. This building shares a site with 380 and 392 Princes Street which are also likely to be compromised structurally because of the shared walls. The three buildings are currently vacant, and cannot be utilised until remedial work addresses the structural failings of the buildings. The Committee accepts that such work is possible, and that the buildings can be renovated to the point where they could have an extended life span. The Committee is not convinced, however, that the costs involved in such work will be justified when taking into account the likely return on the investment, and the finished value of the buildings. A use for the renovated buildings also has to be found. While the Committee has not based its decision on the economics of retaining the buildings or the facades, the Committee is aware that the declining of consent does not automatically guarantee the existing buildings will be renovated to any degree, and that, inevitably, the deciding factor on whether any remedial or renovation work will be undertaken is likely to be financial. Evidence from a valuer, structural engineer, and quantity surveyor presented at the second hearing suggest that the retention of the buildings and/or facades will not be financially positive for the developer.

8. The Committee is conscious that the Princes Street commercial area is struggling to function as a viable economic and successful social area; a fact that is recognised in the District Plan. Objective 9.2.4 of the District Plan seeks to encourage redevelopment and expansion of the southern end of the Central Activity zone. There are several significant buildings in the street which have
been vacant for years, and for which a use or financial backer for redevelopment cannot be found. These buildings are deteriorating, and adversely impact on the character of the area. The more buildings there are which do not contribute economically and socially to the Princes Street commercial district, the more difficult it is for the businesses in other buildings to remain viable. The Committee considers that the proposed redevelopment will contribute positively to the area in a way that the existing buildings currently do not by stimulating pedestrian traffic and the partial regeneration of a tired and rundown area.

9. A number of submitters spoke positively of the contribution to the area made by the existing buildings in terms of their appearance and historic style. These submitters were opposed to their demolition, and lamented the effect their removal would have on the character and heritage of Dunedin. The Committee notes, however, that the buildings had been on the market for some time without generating any interest from potential buyers other than the applicant. Furthermore, no parties had offered to contribute finance or time to a restoration project. Several submitters criticised the applicant for the state of the existing buildings, not acknowledging that the applicant had owned the buildings (approximately 145 years old) for only three years. The Committee considers that it is easy to oppose an application, or to suggest extensive mitigation, when there are no personal consequences resulting for the submitter or submitters.

10. The New Zealand Historic Places Trust referred to the Environment Court decision, New Zealand Historic Places Trust v Manawatu DC [2005] NZRMA 431 in their submission dated 11 August 2009. In this decision, the Court discusses the retention of an existing heritage building in respect to the sustainable management of providing for the social, economic and cultural well-being of people and communities. The Court concluded that unless some public source of funding over and above that which the owners could reasonably be expected to make was found for the building, the argument for retaining the building was outweighed by the financial realities. The Committee sees many similarities with the situation in Princes Street. The Committee believes that the granting of consent will better enable the property owner, and ultimately, the people of Princes Street, to provide for their social, economic and cultural well-being in accordance with section 5 of the Resource Management Act 1991.

11. The final revised proposal for the new Princes Street buildings is considered by the Committee to meet the scale of the streetscape, and is in accordance with the majority of the listed townscape precinctual values. However, the Committee would like to see more decorative elements on the façade of the penthouse floor. This floor will be visible from some viewpoints on Princes Street, and the Committee would like it to have it visually incorporated into the general style and appearance of the Princes Street facades. The Committee considers the proposed facades to Princes Street to be an appropriate design for the South Princes Street Townscape Precinct.

12. The Committee considers the proposed redevelopment of the two subject sites is an appropriate development for this area. The new buildings will include retail and residential spaces, as is permitted for this zone. The retail space can be internally divided as necessary to meet the requirements of any new tenants of the buildings, or can be utilised as commercial office space. The proposal includes on-site parking for residents which the Committee considers will be beneficial for the occupants of the buildings and the wider area, although not specifically required by the District Plan. While the use of the proposed Stafford Street building is not known at this time, it is not relevant provided the future use is permitted for the zoning. The Stafford Street building required resource consent for its appearance under the townscape rules of the District Plan.
13. The bulk and location breaches of the new buildings are not expected to have adverse effects which are more than minor on Princes Street or the wider area. The penthouse floor of the Princes Street redevelopment will be visible to pedestrians on the street when viewed from certain locations. However, the upper floor will sit back from the façade in a manner successfully managed elsewhere in the City where buildings have floors above façade height but which are not prominently visible. The Committee is also aware that the ground slopes upwards from Princes Street, and existing buildings behind the subject sites are sited higher than the proposed new development. As such, any height breaches of the proposed buildings will be tempered by the relative elevations of nearby buildings, some of which happen to be tall buildings in their own right.

14. The narrow vehicle access to the new buildings is considered by the Committee to have adverse effects which will be largely confined to the subject sites. The Committee considers that the advantages of having on-site parking outweighs the inconvenience caused by the narrow access width, particularly as the consequences of the access being under-width can be mitigated by the use of signals or passing bays. The location of the access onto Stafford Street does not meet the required minimum distance from an intersection, but is a historical situation that cannot be readily altered. It has been assessed by Council’s Transportation Planner as being acceptable in this case, and is unlikely to have adverse effects on the transportation network which are more than minor.

15. In order for the demolition of the listed facades to occur without the setting of an undesirable precedent, it is normally necessary for there to be an aspect about the site or proposal which is exceptional. The Committee is adamant that the granting of consent will not constitute a precedent allowing other listed buildings and facades to be demolished. Each and every application, should there be others, will be assessed purely on its own merits.

16. The Committee is satisfied that the proposed demolition of the Princes Street facades meets at least one of the gateway tests of section 104D. The proposal is considered to have effects on the townscape precinct which are no more than minor as any adverse effects will be mitigated by the construction of the replacement buildings. However, the proposal is considered to be inconsistent or contrary with the relevant objectives and policies of the Townscape section of the District Plan in regard to the removal of the existing buildings and any heritage qualities they may have. The heritage values have been assessed as being limited, and it is the townscape values which has led to the listing of the existing facades. The Committee notes that the objectives and policies of the Townscape Section are all concerned with the retention, maintenance and enhancement of the existing buildings and precinct values; objectives which cannot be met where demolition is to occur.

17. The replacement buildings for Princes Street are considered to be a non-complying activity because of the proposed under-width access at the rear and, therefore, are also required to satisfy the gateway test of section 104D. The effects of the non-complying aspects of the new building are considered to have adverse effects which are no more than minor. The proposal is also considered to be consistent or generally consistent with the objectives and policies to do with sustainability, Central Activity zone, transportation, and environmental issues.

Duration of Consent
This consent shall expire after a period of 5 years from the date of this decision unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
Right of Appeal

In accordance with section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
Christchurch 8140

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council;
- The applicant;
- Every person who made a submission on the application.

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

DEVELOPMENT CONTRIBUTION

In accordance with Section 198 of the Local Government Act 2002 and the Dunedin City Council Policy on Development Contributions of the adopted 2009/10 – 2018/19 Community Plan, a development contribution of $5764.50 (including GST) is payable on this development. This contribution has been calculated as set out below:

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<th>Contribution Area</th>
<th>Rate per Unit of Demand 2009/10#</th>
<th>Additional Units of Demand</th>
<th>Contribution excluding GST</th>
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<tr>
<td>Total:</td>
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<td>$5764.50</td>
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</tbody>
</table>

This contribution has been calculated on the basis of 16 new residential units within the new Princes Street building, taking into account the two existing sites. The internal layout of the Stafford Street building is not known at this time, and any residential units within this building will require the payment of an additional development contribution at the time of Building Consent.

Payment shall be made at your earliest convenience but shall be prior to the residential units being occupied.

In the event that the development contribution for this consent is not paid, the Council may pursuant to section 208 of the Local Government Act 2002:

a) withhold a certificate under section 224(c) of the Resource Management Act 1991 and
b) register the development contribution under the Statutory Land Charges Registration Act 1928, as a charge on the title of the land in respect of which the development contribution was required.

Yours faithfully

Colin Weatherall
Chair, Hearings Committee
Consen
Type: Land Use
Consent Number: LUC-2008-580

Location of Activity: 372, 374, 376, 378, 380, 386 & 392 Princes Street, 11 Stafford Street, Dunedin.

Legal Description: Lot 1 DP 8704 (CFR OT391/45) and Lot 1 DP 366424 (CFR 269174).

Lapse Date: 14 September 2015, unless the consent has been given effect to before this date. The lapse period applies to each of the Stafford Street and Princes Street buildings, so that substantial progress for each building has to occur by the stated lapse date. If substantial progress has not been made on one or the other of the new buildings by the stated date, the consent is deemed to have lapsed in respect to that building only. The lapse date shall apply regardless of the date the consent is deemed to commence.

That pursuant to section 34A(1) and 104B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council grants consent to a non-complying activity being:

- the demolition of the existing listed facades at 372, 374, 376, 378, 380, 386 & 392 Princes Street;
- the demolition of the buildings at 372, 374, 376, 378, 380, 386 & 392 Princes Street and 11 Stafford Street;
- the construction of new buildings at 372, 374, 376, 378, 380, 386 & 392 Princes Street and 11 Stafford Street;
- residential activity with under-width access onto Stafford Street; and
- the construction of new buildings greater than maximum height for the zone;

being the sites legally described as Lot 1 DP 8704 (CFR OT391/45) and Lot 1 DP 366424 (CFR 269174), subject to the following conditions imposed under section 108 of the Act as follows:

1. Prior to any demolition occurring on-site, the consent holder shall enter into a bond or bonds with Council. One bond shall be for the sum of $50 000 for 11 Stafford Street, and the other, $300 000 for all the Princes Street buildings combined. If the Stafford Street frontage and the Princes Street frontage of the subject sites are to be redeveloped in sequence rather than simultaneously, the bonds can likewise be paid sequentially, provided the respective bond for each frontage is paid prior to any physical works commencing on that specific frontage. The bonds are to allow for mitigation measures to be put in place should the new facades not be constructed directly following the demolition of the existing buildings, thus resulting in adverse effects on the townscape values of the South Princes Street Townscape Precinct. The bond shall be in cash or be secured by a guarantee in a form satisfactory to the Resource Consents Manager.

2. Prior to any physical works occurring on-site, the consent holder shall supply to the Resource Consents Manager a signed construction agreement with an agreed start date and letter from the consent holder’s financial backer stating that they are holding funds or have approved finance to pay for the contract.

3. The proposal shall be given effect to generally in accordance with:
a. The plans prepared by Baker Gardner Architects, received at Council with the original application for LUC-2008-580 on 21 October 2008, in regard to the Stafford Street building only;

b. the plans prepared by Gary Todd Architecture, received at Council with the additional information for LUC-2008-580 on 24 May 2010, in regard to the Princes Street building;

c. the information submitted with the original application received at Council on 21 October 2008, and the further information received at Council on 24 and 27 July 2009, and 24 May 2010;

except where modified by the following:

4. The two sites shall be formally amalgamated, and the new computer freehold register provided to Council as confirmation this has occurred.

5. That the penthouse level of the Princes Street building shall have greater decorative elements incorporated into the building facade. The decorative elements shall be consistent with the rest of the Princes Street façade, and the characteristics of the South Princes Street Townscape Precinct values. The revised design shall be submitted to the Resource Consents Manager for approval prior to the demolition of the Princes Street buildings.

6. Prior to the demolition of the existing buildings, plans showing access and parking arrangements for the new buildings shall be submitted to the Transportation Operations Manager and approved.

7. Prior to the demolition of the existing buildings on-site, a plan detailing the water supply, waste water and stormwater drainage provisions for the new buildings shall be submitted to, and approved by, Council’s Water and Waste Services Business Unit. The supply of water to the site and the disposal of wastewater and stormwater shall be in accordance with the approved plan.

8. The existing services to the buildings shall be cut and plugged prior to their demolition.

9. That the construction of the new building for Princes Street shall commence within four weeks of the demolition of the existing Princes Street buildings, and the new Stafford Street building within four weeks of the demolition of the existing 11 Stafford Street building.

10. A Traffic Management Plan applying to the Princes Street redevelopment, and another for the Stafford Street redevelopment, shall be submitted to and approved by the Transportation Operations Manager prior to the commencement of any demolition and construction work for each frontage, as appropriate. Traffic shall be managed during the construction phase in accordance with the approved plans.

11. An appropriate electronically controlled traffic light system shall be employed to control vehicle movements to the parking area. Priority shall be given to vehicles exiting the site, and the design and location for the signals shall be submitted to and approved by the Transportation Operations Manager prior to their establishment.

12. A waiting area shall be permanently marked at the bottom of the ramp, and shall be located in such a way as to not impede vehicles exiting the site.

13. The existing right of way in favour of 13 Stafford Street shall be widened to the full available width between buildings, for its full length, in order to provide legal width for the passing of vehicles.
14. The new Stafford Street building shall not be built over the existing right of way on the site, in any location.

15. A new water connection with meter and backflow preventer will be required for the new commercial premises. An additional water connection will be required for the residential units in the buildings. These shall be installed as necessary.

16. That any debris carried onto the road during construction shall be removed immediately at the expense of the consent holder.

17. That any damage to any part of the footpath or road formation as a result of the construction works shall be reinstated at the expense of the consent holder.

18. The consent holder shall ensure that all practicable measures are used to mitigate erosion and to control and contain sediment-laden stormwater run-off from the site during any stages of site disturbance that may be associated with this development.

19. The new residential units shall be noise insulated so as to achieve a maximum Leq of 30dBA for bedrooms and 35dBA for other rooms. Insulation for the new buildings should be calculated so as to achieve a minimum performance standard of $D_{\text{sm}} / n_T, w + C_n > 30$, as required the District Plan Inner City Noise provision.

Advice Notes:

1. In addition to the conditions of a resource consent, the Resource Management Act establishes through Section 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effects created from an activity they undertake. A similar responsibility exists under the Health Act 1956.

2. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.

3. It is the responsibility of any party exercising this consent to comply with any conditions imposed on their 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.

4. This is a resource consent. Building consent might be required before any work is undertaken on site. Please contact the Building Control Office, Development Services, to establish whether or not a building consent is required.

5. The Committee would like to see as many of the facades of the existing Princes Street buildings retained and incorporated into the design of the new building as possible. Accordingly, the Committee recommends that the consent holder give consideration to the retaining of the facades, and in particular, that of 386 Princes Street, but does not require this as a condition of consent.

6. The construction of the new buildings is to comply with the New Zealand Building Code and the Building Act 2004.

7. Any issues to do with drainage can be handled via the building consent process.

8. It is expected that the construction of the buildings shall be limited to the times set out below and shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999. – *Upper Limits for Construction Noise in Industrial or Commercial areas.*
<table>
<thead>
<tr>
<th>Time Period</th>
<th>Duration of Work</th>
<th>Short-term duration</th>
<th>Long-term duration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Typical duration</td>
<td>L_{eq} (dBA)</td>
<td>L_{eq} (dBA)</td>
</tr>
<tr>
<td>0730-1800</td>
<td>75</td>
<td>80</td>
<td>70</td>
</tr>
<tr>
<td>1800-0730</td>
<td>80</td>
<td>85</td>
<td>75</td>
</tr>
</tbody>
</table>

Should there be residential activity within the area, the noise for 1800 to 0730 may need to be reduced.

9. It is an offence under the Historic Places Act 1993 to damage, destroy or modify the whole or any part of an archaeological site without prior consent of the New Zealand Historic Places Trust. An archaeological authority from the New Zealand Historic Places Trust will be required for this project prior to work commencing. Should the construction work unexpectedly disturb a site of archaeological significance, the consent holder is to cease work in that area and shall consult with, or obtain a further Archaeological Authority from, the New Zealand Historic Places Trust before recommencing construction activity. If in doubt, the consent holder should consult with the Trust as to the nature and extent of any artefact or materials that, if found, would indicate the presence of an archaeological site. The consent holder must ensure all contractors are advised accordingly.

10. It is advised that the World Health Organisation guidelines recommend a maximum Leq of 30dBA for bedrooms and 35dBA for other rooms. Insulation for the new buildings should be calculated so as to achieve a minimum performance standard of D_{sm,n,T,w} + C_{u} > 30, as required the District Plan Inner City Noise provision.

11. Should any of the proposed retail outlets provide services that are regulated by Environmental Health, then the premises should be constructed to comply with any such Act, Regulations or Bylaws.

12. If heat pumps are to be installed within the proposed buildings, they should be installed so as to ensure that noise emissions comply with the permitted noise levels of the District Plan. Heat pumps should be installed in such a position, and include sufficient baffling to prevent motor and compressor noise creating an environmental noise nuisance.

13. The Water and Waste Services Business Unit require that the installation and connection of any new water reticulation to the existing public water system shall be carried out after the consent holder has completed and submitted an 'Application for Water Supply' form to the Council and following the consent holder’s acceptance of the quote for the required work (as per the Dunedin City Council’s Terms and Conditions for the Supply of Water and the Dunedin City Council Code of Subdivision (Part 4)). A quote for the required work can be obtained from either the Dunedin City Council (DCC) or an approved water supply connection installer (AWSCI).

14. This consent does not address signage for the new buildings or businesses. It is expected that any new signage will comply with the District Plan provisions, or will obtain further resource consent.

15. The requirements of Parts 4 and 5 (Drainage and Water Supply) of the Dunedin City Council’s ‘Code of Subdivision’ shall be complied with.

16. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off and for the design and construction for erosion and sediment control measures:


Issued at Dunedin on 14 September 2010.

Colin Weatherall
Chair, Hearings Committee
COPY OF ELEVATIONS: Not to Scale

PROPOSED PRINCES STREET ELEVATION 1:200
Existing Stafford St Building

Proposed new Stafford Street Building

PRISTA APARTMENTS
372-382 Princes Street, Dunedin

CONCEPT PLANS
For Resource Consent

3D IMAGES
Sheet 08  16 / 10 / 08