



## **Notice of requirement by Dunedin City Council for designation**

**Sections 168A(1), (2) and 181 and clause 4 of First Schedule,  
Resource Management Act 1991.**

### **1. INTRODUCTION**

#### **1.1 PURPOSE OF DESIGNATION**

Dunedin City Council, a requiring authority pursuant to section 166 of the Resource Management Act 1991, gives notice to the Dunedin City Council of a requirement for a designation for a public work being the construction, operation and maintenance of a public road.

#### **1.2 BACKGROUND AND NATURE OF PROPOSED WORK**

The Council is currently preparing a Plan Change for the Harbourside area. The objective of the Council for the harbourside area is:

*To reconnect the heart of the City to the harbour and to rejuvenate the Harbourside with a mix of land uses, public spaces and amenity areas.*

The Harbourside Vision Plan is attached as Attachment A.

The Harbourside Plan Change project is being promoted jointly by the Dunedin City Council and Chalmers Properties Ltd, owner of a significant portion of the land to which the Plan Change relates. Chalmers Properties also own the land over which a number of designations are sought for public walkways and public places.

The long term vision for Dunedin's harbourside envisages increased public open space at the head of the harbour basin. To achieve this, the Council will require realignment of the arterial route and the overbridge off ramp into the land at 41 Wharf Street. It is proposed in connection with Harbourside Plan Change to the District Plan.

A minor realignment of the arterial roadway (Wharf Street / Thomas Burns Street) opposite the Fryatt Street intersection and the construction of an 'at grade' connection across the rail corridor to Rattray Street were signalled in the Council's Transportation Strategy.

This arterial route links the south-eastern suburbs with the City Centre and North Dunedin, and in addition connects to State Highway 88 and the Port of Otago. Transit New Zealand's State Highway Strategy (2007) signals an eventual transfer of

SH1 to this route as it provides direct access between the Southern motorway and Port Chalmers. Relocation of the arterial roadway next to the railway line (as shown on the vision Plan Attachment A) allows for these transport objectives to be maintained, and for a buffer to be created between the arterial route and the harbourside area. The above works involve realigning the roadway onto land already within Council control.

The proposed designation will allow the arterial and the overbridge to be realigned and an increased public open space to be created. This notice of requirement does not include the land required to form an at-grade link across the rail corridor to Rattray Street.

Once the arterial roadway is repositioned a new public open space will be created adjacent to the harbour basin, linking with other harbourside amenity spaces. This is considered complementary to the vision. Development of 41 Wharf Street for industrial use or other use, other than roading or open space, would preclude achievement of the long-term vision.

## **2. DESCRIPTION OF THE SITE**

### **2.1 LOCATION AND DESCRIPTION**

The site to which the requirement applies is as shown in Attachment B: Relocation of arterial roadway - Harbourside (Designation Plan 5).

### **2.2 LEGAL DESCRIPTION**

Schedule 1: Land physically affected by the designation:

The following property is affected by the Notice of Requirement.

<b>Site ref.</b>	<b>Legal Description</b>	<b>Address shown on rating records</b>	<b>Freeholder</b>	<b>Leaseholder</b>
	Lot 3 DP 25158	41 Wharf Street	TA Barnett	TA Barnett

### **2.3 EXISTING LAND USES**

The above property affected by the Notice of Requirement is currently zoned Industrial 1.

The proposal requires acquisition of 41 Wharf Street for roading and open space purposes. The site is vacant land and zoned for industrial use (Industrial 1 zone). It is bounded by railway to the east, with large scale retail units fronting Cumberland Street beyond the railway. The site is bounded to the east by Wharf Street (arterial roadway), which provides the only means of access to the site.

The over bridge which is currently the main vehicular access to the harbourside area is to the south west of the site. The area directly to the north of the site is the location of the proposed new vehicular access to the harbourside, by way of a vehicular access linking Rattray and Fryatt Streets. This area is shown as an unformed road on the Dunedin City Council District Plan maps.

The site is at the head of the harbour basin and provides the backdrop view for those approaching the harbour basin by water.



### **3. NATURE OF THE PROPOSED WORK**

#### **3.1 ACTIVITY OUTLINE**

The proposed designation is required to provide for the realignment of the existing roadway, including repositioning of one of the off ramps to the over bridge. The works will involve the design, construction, operation and maintenance of a realigned roadway, and over bridge off-ramp, and associated footpaths and cycle ways.

The construction works will generally comprise the following activities.

##### **3.1.1 ESTABLISHMENT**

The initial stage of the road realignment will require negotiations regarding acquisition of the required land. Upon confirmation of the Notice of Requirement, and once the site acquisitions are negotiated and completed, consultation will be undertaken with adjacent landowners and occupiers to focus on the final design and streetscape of the works.

Prior to the commencement of any of the works required to create the realigned road, all necessary contracts, works procedures and design documentation will be prepared and any necessary traffic management and health and safety systems implemented. This will require the surveying and marking of the widened road reserve, as well as surveying and making the necessary adjustments to cadastral boundaries to reflect the extent of the new road and public areas.

##### **3.1.2 CONSTRUCTION WORKS**

The construction works associated with the creation of the walkway generally fall into three areas, as described below.

- (i) Demolition of the Wharf Street North off ramp. Since the Wharf Street North off ramp and neighbouring portion of Wharf Street occupies the area proposed to become open space, it will be necessary to demolish the off ramp and remove the existing road formation and realign the road and new off ramp over 41 Wharf Street.
- (ii) The Requiring Authority intends that the construction of the new roadway with associated footpaths as per the approved design would occur in tandem with development of the Stage 1 of the Harbourside Plan Change.
- (iii) Once the new roadway with associated footpaths are constructed, associated landscaping and street furniture will be provided.

##### **3.1.3 REINSTATEMENT**

Any areas adjacent to the works that are affected by the construction activities will be reinstated as near as practicable to the conditions that existed prior to the works.

##### **3.1.4 DURATION**

The Harbourside Plan Change is intended to provide for a significant portion of the city's growth and the rejuvenation of the Harbourside area over the next 10 years. The road realignment is considered to be vital to unlocking the potential of the area by providing improved vehicular access and traffic flows in the area. Given the scale of the project, and to enable sufficient flexibility to best fit the completion of the road realignment with the development of the Harbourside area, a duration of 10 years from the date the Plan Change being made operative is requested for the Designation. At this stage, the Harbourside Plan Change process is anticipated to be completed around December 2008.

#### **4. PROPOSED RESTRICTIONS / CONDITIONS**

The following restrictions are proposed to be attached to the Designation:

- (i) Prior to the commencement of construction of the new roadway, an Outline Plan shall be submitted to the Council identifying the final design and layout of the new roadway, off ramp and walkway, including landscaping and street furniture.



## 5. EFFECTS ON THE ENVIRONMENT

Section 3 of the Resource Management Act defines "effect" in the following way:

**3. Meaning of effect** – *In this Act, unless the context otherwise requires, the term effect ... includes –*

- (a) *Any positive or adverse effect; and*
- (b) *Any temporary or permanent effect; and*
- (c) *Any past, present, or future effect; and*
- (d) *Any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration, or frequency of the effect, and also includes –*
- (e) *Any potential effect of high probability; and*
- (f) *Any potential effect of low probability which has a high potential impact.*

The effects that the public work will have on the environment and the ways in which any adverse effects will be mitigated are explained below. As the new roadway is a critical element in the Harbourside vision, the assessment must be seen in the context of the Harbourside Plan Change, as the road realignment would not proceed if the Plan Change was not implemented.

### 5.1 PHYSICAL EFFECTS

The proposal results in the loss of development potential on 41 Wharf Street. The current occupier has applied for a Certificate of Compliance under section 139 of the Act to establish and operate a bio-technology complex on the site. The proposal comprises the following:

- Two buildings providing for a total of four biotechnology suites, each comprising an open plan manufacturing / processing floor and associated reception and administration areas.
- A total of 26 parking spaces to be located between the two proposed buildings
- Two way access from a single entrance point off Wharf Street
- Loading bays within each of the two buildings to serve vehicles up to B-train dimension.

The certificate was issued on 29 June 2007. (Refer Attachment E.)

The Council and Chalmers Properties Limited will continue to work with the affected property owner to identify potential alternative sites for an exchange.

### 5.2 TRANSPORTATION & SAFETY EFFECTS

The proposed realignment provides for more efficient traffic flows along the existing arterial road, and the improvements to the Rattray St / Fryatt Street junction will provide greater vehicular access to the Harbourside area.

A cycleway is proposed to link with the existing cycleway network, including the existing routes around the perimeter of the harbour. Enhanced provision for vehicular traffic and cyclists, as well as the pedestrian routes to be established through the Harbourside process, will provide a safer environment for pedestrians.



### **5.3 NOISE EFFECTS**

Some construction noise is anticipated. Contractors will be required to adhere to the National Construction Noise Standard NZ56803:1999 "Acoustics - Construction Noise".

The physical works associated with the construction of the near roadway and the Wharf Street north off ramp, and the demolition of the existing Wharf Street north off ramp and roadway, will be short term in nature and will not create any adverse noise effects on adjoining property owners or occupiers.

Following completion of the roadway, it is anticipated that there will be noise associated with the use of the roadway. However this is not anticipated to be significantly greater than traffic noise associated with the existing arterial.

### **5.4 HAZARDOUS SUBSTANCES**

No effects are anticipated from the construction, operation and maintenance of the roadway and overbridge.

### **5.5 DISCHARGE OF CONTAMINANTS**

No effects are anticipated from the construction, operation and maintenance of the roadway and over bridge.

### **5.6 SITE CONTAMINATION**

Given the historical use of much of the area for a range of industrial purposes, sites will be tested for contamination prior to the construction of the walkway. Any areas found to be contaminated will be appropriately remediated.

### **5.7 VISUAL EFFECTS**

The proposal will potentially allow for an improved visual appearance at the head of the harbour basin. There is potential, through careful design for the realigned off ramp to the Jetty Street over bridge and realigned arterial, and associated landscaping, to provide for an improved visual appearance of the area. The site is currently vacant and enabling its use in part for public spaces and associated landscaping will preclude the use of more undesirable uses of this site, given its strategic location at the head of the basin and the entrance to the harbourside.

### **5.8 EFFECTS ON AMENITY**

The proposal potentially results in the creation of an amenity space (or development site) adjacent to and accessible from the harbour edge. The creation of such a new amenity space contributes to community health and well-being. The amenity space will be linked with other public spaces created as part of the Harbourside vision, adding to a cumulative improvement in public access to the Harbourside area.

The alterations to the overbridge and road will not create any significant adverse amenity effects. The area already accommodates various on and off ramps and





overbridge, and realigning these to provide greater functionality will improve peoples' overall perceptions of the area as a result of more efficient traffic flows.

#### **5.9 EFFECTS DURING CONSTRUCTION**

Construction effects will be limited given the nature of the proposed works. While there will be some noise arising from the demolition of the existing off ramp, this will be temporary in nature and not inconsistent with construction noise experienced routinely in most parts of the City. The construction of the new roadway and off ramp will be no different to other road and construction works around the City. Any dust generated will be minor, and appropriate suppression techniques will be employed if necessary to ensure no dust creates a nuisance. Overall the effects of the construction of the new road and off ramp will be minor.

#### **5.10 IWI EFFECTS**

No effects on tangata whenua values are anticipated. No items or areas of cultural significance are identified in the District Plan.

#### **5.11 SOCIAL AND CULTURAL**

The proposal potentially results in the creation of an amenity space (or development site) adjacent to and accessible from the harbour edge. The creation of such a new amenity space contributes to community health and well-being. The benefits are intensified, because the amenity space would be linked to the around the harbour walkway and cycleway.

#### **5.12 ECONOMIC**

Through this road realignment, the creation of improved open space and pedestrian links to the Harbourside, signposted from key tourist routes in the central area, and promoted in tourist guides, potentially increases tourism interest in the area, particularly as the Harbourside Plan Change is implemented and the anticipated rejuvenation of the area commences.

#### **5.13 MONITORING**

No monitoring is proposed.



## **6. STATUTORY PLANNING PROVISIONS**

### **6.1 RESOURCE MANAGEMENT ACT 1991**

Part II of the Act sets out its purpose and principles. The purpose of the Act is set out in section 5 as set out below:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *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 well-being and for their health and safety while—*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 of the Act addresses Matters of National Importance. Of direct relevance to this proposal is section 6(d) which considers the maintenance and enhancement of public access to the coastal marine area a Matter of national importance. While the walkway will not give access directly to the coastal marine area, it will enable enhanced public access to the waterfront area and is therefore considered consistent with this section.

Section 7 addresses other matters. Particularly, sections 7(c) and (f) address amenity values and the quality of the environment. These matters have been considered earlier in the assessment of the effects of this proposal, and overall the proposed walkway will enhance the amenity values of the area and the overall quality of the environment.

### **6.2 RELEVANT POLICY STATEMENTS AND PLANS**

As the roading improvements and amenity space are to be created under a designation they are not required to comply with the rules included within relevant plans, the Council must nonetheless consider the provisions of any relevant statutory planning document.

The relevant provisions of the New Zealand Coastal Policy Statement, Regional Policy Statement for Otago, Otago Regional Plans and the Dunedin City District Plan are addressed in the following sections.

### **6.3 NEW ZEALAND COASTAL POLICY STATEMENT**

The NZ Coastal Policy Statement (NZCPS) is not directly related to the proposal as the walkway is not within the coastal marine area. However, Chapter 3 of the NZCPS includes policy regarding the maintenance and enhancement of public access to the coastal marine area. The open space component of the Designation is



consistent with this policy as it will enhance public opportunities to access the waterfront.

#### **6.4 REGIONAL POLICY STATEMENT FOR OTAGO**

There are no directly relevant policies in the Regional Policy Statement.

#### **6.5 REGIONAL PLAN: COAST**

Made Operative in 1 September 2001, this Plan address activities within the coastal marine area of the region and as such is not directly relevant to the proposed roading improvements. However, Objective 7.3.1 seeks to maintain and enhance public access to the coastal marine area of the region. The proposed amenity area is consistent with this objective as it enables opportunities for limited recreation within the waterfront and Harbourside area.

#### **6.6 DUNEDIN CITY DISTRICT PLAN**

The areas subject to the Notice of Requirement are zoned Industry 1. The relevant sections of the Plan are Sections 4 (Significant Resource Management Issues), 10 (Industry) and 20 (Transportation). The proposal has been considered in terms of the relevant provisions as discussed below.

##### *Section 4 - Significant Resource Management Issues*

##### **Objective 4.2.1**

##### **Enhance the amenity values of Dunedin.**

*Issue: 4.1.1*

*Policy : 4.3.1*

##### **Explanation**

Throughout the City there is a variety of significant amenity values in different locations. These include:

- spaciousness and separation of activities in the rural area
- heritage values throughout the City
- urban and rural landscapes
- natural and recreation areas.

The Council seeks to enhance all amenity values in the future.

##### **Policy 4.3.1**

##### **Maintain and enhance amenity values.**

*Objective: 4.2.1*

*Method: 4.4.1*

##### **Explanation**

Dunedin contains a wide range of amenity values in both urban and rural areas. Use and development of resources in some circumstances can adversely affect the pleasantness of an area, and where those effects are significant, such use and development should be avoided.

##### **Policy 4.3.6**

##### **Provide access to natural and physical resources.**

*Objective: 4.2.4*

##### **Explanation**

People and communities require access to natural and physical resources and special provision must be made for access to reserves, including natural areas and the margins of rivers and the coast.



Methods: 4.4.1, 4.4.3,  
6.4.2, 11.4.3,  
12.4.2

The proposed amenity space, and roading alterations, are consistent with these provisions. Public access to the waterfront will be enhanced.

## Section 10 – Industry

### Objective 10.2.3

### Explanation

**Ensure non-industrial activities in industrial areas do not limit the operation of industrial activities.**

This objective recognises that the location of non-industrial activities in industrial areas can inhibit the use and development of the physical resources required for the operation of industrial activities. Non-industrial activities often require higher levels of amenity than industrial activities.

*Issue: 10.1.4*

*Policy: 10.3.2*

### Policy 10.3.3

### Explanation

**Avoid reverse sensitivity effects arising from the range of activities provided for in the Industrial 2 and Special Development zones.**

The Industrial 2 and Special Development zones include a mixture of residential and industrial activities, in or near the zone, which have developed together over time. It is important that standards ensure that future development of the area does not lead to incompatibility between these activities. This is to be achieved by way of performance standards.

*Objective: 10.2.4*

*Method: 10.4.1*

*[Inserted by Variation 8:  
15/12/01 and amended by  
Consent Order 23/07/03]*

The proposal is not inconsistent with these provisions. The project is to be constructed in tandem Stage 1 of the Harbourside Plan Change, and will involve consultation with adjoining landowners to ensure that their activities are not unnecessarily curtailed.

## Section 20 – Transportation

### Objective 20.2.2

### Explanation

**Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.**

Some land use activities may adversely affect the transportation network because of their character, scale, intensity or location. This includes reverse sensitivity effects produced by incompatible land use activities locating close to the transportation network. In promoting sustainable management of the transportation network it is necessary to ensure that these adverse effects are avoided, remedied or mitigated. *[Amended by Consent Order 4/5/2005]*

*Issue: 20.1.2*

*Policies: 9.3.4 - 9.3.6,  
12.3.8, 20.3.4 -  
20.3.6*

### **Objective 20.2.3**

**Achieve integrated management of the roading network, including pedestrian and cycle use, with rail, air and sea networks.**

*Issue: 20.1.3*

*Policies: 9.3.5, 9.3.6,  
20.3.7, 20.3.8*

### **Explanation**

The road and rail transportation networks, Momona Airport and the commercial ports within the City at Port Chalmers and Dunedin constitute significant physical resources which contribute to the City's social, cultural and economic well-being.

Consideration of how these physical resources interact, together with their interaction with pedestrian and cycle use, is essential to achieve sustainable management of these resources. In terms of the provisions of the Act, the extent to which the Council can achieve integration is limited to the development of appropriate land use controls on the roading network, liaison, consultation, adoption of protocols and accords, implementing bylaws, providing information and undertaking of works and services.

### **Objective 20.2.4**

**Maintain and enhance a safe, efficient and effective transportation network.**

*Issues: 20.1.1 - 20.1.3*

*Policies: 9.3.6, 12.3.8,  
20.3.5, 20.3.6*

### **Explanation**

Safety, efficiency and effectiveness require special consideration because of the reliance of people on the transportation network to achieve their social and economic well-being.

A control may achieve safety and efficiency, but it may not be effective in terms of providing for people's reasonably foreseeable needs. The safe, efficient and effective operation of the transportation network will be achieved by recognising the interdependence of the use of the physical resources comprising the transportation network and the use of the land adjacent to those resources. Effectiveness, although not specifically recognised in Part II of the Act, is an important consideration in achieving sustainable management.

### **Policy 20.3.8**

**Provide for the safe interaction of pedestrians and vehicles.**

*Objective: 20.2.3*

*Methods: 20.4.1, 20.4.3,  
20.4.5 - 20.4.10*

### **Explanation**

Pedestrians are users of the transportation network. Pedestrian activity is also environmentally-friendly and in areas where traffic congestion occurs, efforts should be made to minimise potential adverse effects on pedestrian safety.

For example, a high level of pedestrian traffic is a key feature of Campus traffic flows. The large area covered by the Campus, coupled with its location relative to both the Inner City Area and the core part of the student housing resource, means that a significant volume of pedestrian traffic interacts with major roads. This has implications for resource use efficiency and the safety of pedestrians and drivers of vehicles. In order to ensure the successful integration of Campus-



generated pedestrian traffic within the broader environment, localised traffic and pedestrian management is essential.

The proposed amenity area will achieve the intention of these provisions by providing a dedicated amenity area to facilitate public access to the waterfront. Providing a defined area will avoid pedestrian and vehicle conflicts as the area develops as anticipated by the Harbourside vision.

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## 7. ALTERNATIVE SITES, ROUTES AND METHODS

### 7.1 ALTERNATIVES

In preparing a Notice of Requirement, a requiring authority is not required to select the best site or option for the proposed work. However, it has a requirement to show that alternatives have been investigated and that the selected option is appropriate and will meet the requiring authority's objectives. Alternative sites, routes, and methods for the proposed works have been considered to the following extent. Two alternative routes have been considered, being:

Option 5a - Realign arterial closer to rail lines as shown on Plan D between overbridge off ramp (north east leg) and Wharf Street to create amenity space at head of Steamer Basin (as shown on Plan 5a in Attachment C).

Option 5b - Transportation Strategy. Realign arterial to provide for a connection with a new level crossing to be provided at Rattray Street.

These alternatives are identified on Attachment C.

#### Assessment:

	Option	Pros	Cons
5a.	<b>Realign arterial closer to rail lines (between overbridge off ramp - north east leg) and Wharf Street to create amenity space at head of Steamer Basin</b>	<ul style="list-style-type: none"><li>i. Does not require major works to existing overbridge.</li><li>ii. Medium cost - \$6.01 million</li><li>iii. Safeguards amenity of harbour basin by precluding development of strategic site for industrial use.</li><li>iv. No impact on the Transport network once construction is complete.</li></ul>	<ul style="list-style-type: none"><li>i. Creates a small amenity space at the head of the basin (compared with the preferred option)</li></ul>
5b.	<b>Transport Strategy - Realign arterial to provide for a connection with a new level crossing to be provided at Rattray Street.</b>	<ul style="list-style-type: none"><li>i. This proposal aims to improve connectivity between the central city and the harbour by creating an at grade crossing of the rail corridor..</li><li>ii. Low cost - \$3.01m</li></ul>	<ul style="list-style-type: none"><li>i. As this area is currently in the active shunting area safety will not allow construction of this crossing until the shunting yards are relocated</li></ul>

These alternative options, along with the preferred route, are shown in Attachment C. The preferred option, being that subject to this Notice of Requirement, was selected as it provides the best option for increasing connectivity to the Harbourside and creates an appropriate area of open space, consistent with the Council's objective, which is to:

*Reconnect the heart of the City to the harbour and to rejuvenate the Harbourside with a mix of land uses, public spaces and amenity areas.*

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## **8. REASONS FOR DESIGNATION**

### **8.1 NEED FOR THE WORK**

The public work and designation are reasonably necessary for achieving the objective of the requiring authority. The objective is to:

*Reconnect the heart of the City to the harbour and to rejuvenate the Harbourside with a mix of land uses, public spaces and amenity areas.*

The proposed open space that would be created by realigning the existing road forms part of the overall vision for the Harbourside area (Refer Attachment A). Improved public access to the harbour has been identified as a priority by the Dunedin Community, from the "Choices" consultation in 2001 on future priorities for the city, through to more recent consultation on the vision for the Harbourside (July 2005.) The open space is a key element in improving pedestrian access from other key pedestrian routes and visitor areas.

The open space forms part of a wider plan for improved access to, and movement within, the harbourside area, including the Fairley Street and Eastern walkways. These are two key pedestrian routes to the open space at the Harbourside, as shown on the Structure Plan (Attachment D).

The open space also serves an urban design function, contributing to a sense of interconnected public spaces and creation of a distinct character within the regenerated harbourside area.

## **9. OTHER CONSENTS REQUIRED**

No consents are required at this stage.



## **10. CONSULTATION**

### **10.1 COMMUNITY CONSULTATION**

The following consultation has been undertaken with parties that are likely to be affected.

A letter was sent on 12 July 2005, inviting the owner of the land to a group briefing for affected landowners / lessees on 18 / 19 July. As the site was outside the immediate Plan Change area, the owner was not invited for a 1 - 1 briefing.

Following a phone call from the owner expressing concern regarding lack of contact and consultation, the Harbourside Project Team invited him to a meeting on 2 February 2006. Issues discussed included concerns regarding lack of clarity over Council's Transportation strategy, including plans for the arterial road (and the State Highway). The owner also outlined his plans to develop 41 Wharf Street for a multi level industrial unit with offices above. Access restrictions pertaining to the site were discussed. An easement was intended along the front of the site to provide access and a turnaround to enable egress at 90 degrees to the arterial road.

The property owner was then invited to an individual briefing with the Project Control Group on 10 October 2006 to discuss the harbourside proposals. Issues raised included the need to address egress issues for bulk retail units (Cumberland St), before the sale of 41 Wharf Street can be considered. He advised that he was considering development of the site for an industrial tenant (as a first stage), with potential to be converted to office later.

The City Property Manager convened a meeting in mid March 2007 to discuss possible acquisition of the site. This was initially on behalf of the Transportation Planning in connection with the Transportation Strategy and the requirements for the Rattray Street junction. Subsequently there were ongoing verbal discussions regarding potential purchase.

The Chief Executive also met with the owner on 28 March 2007, at the owner's request, to discuss the Harbourside plans and the site in question.

### **10.2 OUTCOMES OF CONSULTATION**

Approaches have been made by the City Property Manager regarding the potential purchase of the site. As a result of initial discussions, options being considered include an outright purchase of the site by the City Council and a possible land swap.

## 11. ADDITIONAL INFORMATION

Philip James Harland, Chief Executive, Dunedin City Council attaches the following information required to be included in this notice by the District Plan or any regulations made under the Resource Management Act 1991.

### Attachments

- A. Harbourside
- B. Site Plan
- C. Plans showing alternative sites / routes
- D. Harbourside Structure Plan - Access
- E. Certificate of Compliance COC - 2007-5 41 Wharf Street, dated 3 July 2007.



.....  
Signature of the person giving notice (or person authorised to sign on behalf of person giving notice)



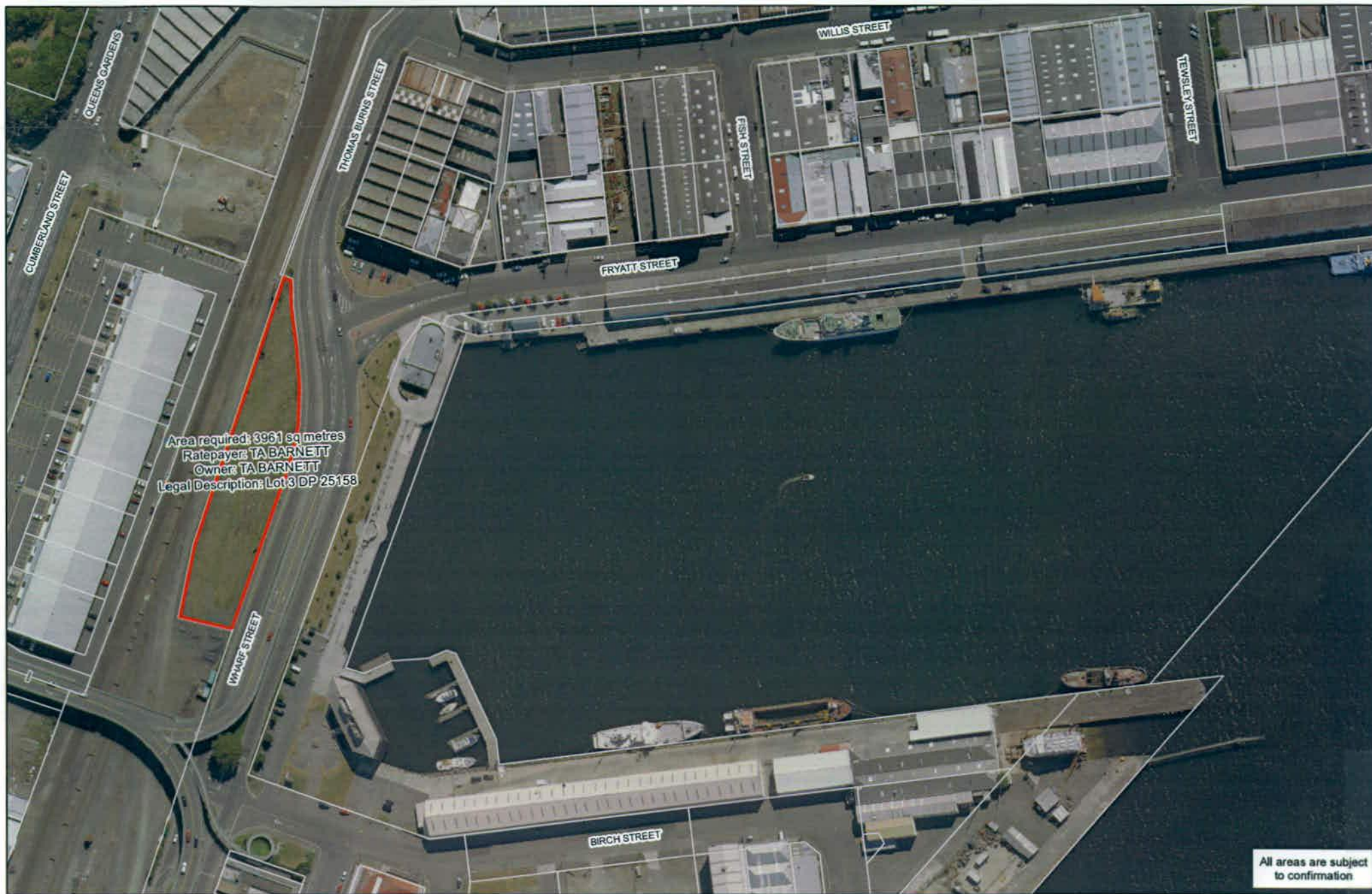
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Date





12





Area required: 3961 sq metres  
 Ratepayer: TA BARNETT  
 Owner: TA BARNETT  
 Legal Description: Lot 3 DP 25158

All areas are subject  
 to confirmation





Notice of Requirement : Fairley Street Walkway  
Option 1b

*h.*





Notice of Requirement : 41 Wharf Street  
Option 5a

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Notice of Requirement : 41 Wharf Street  
Option 5b

*h.*

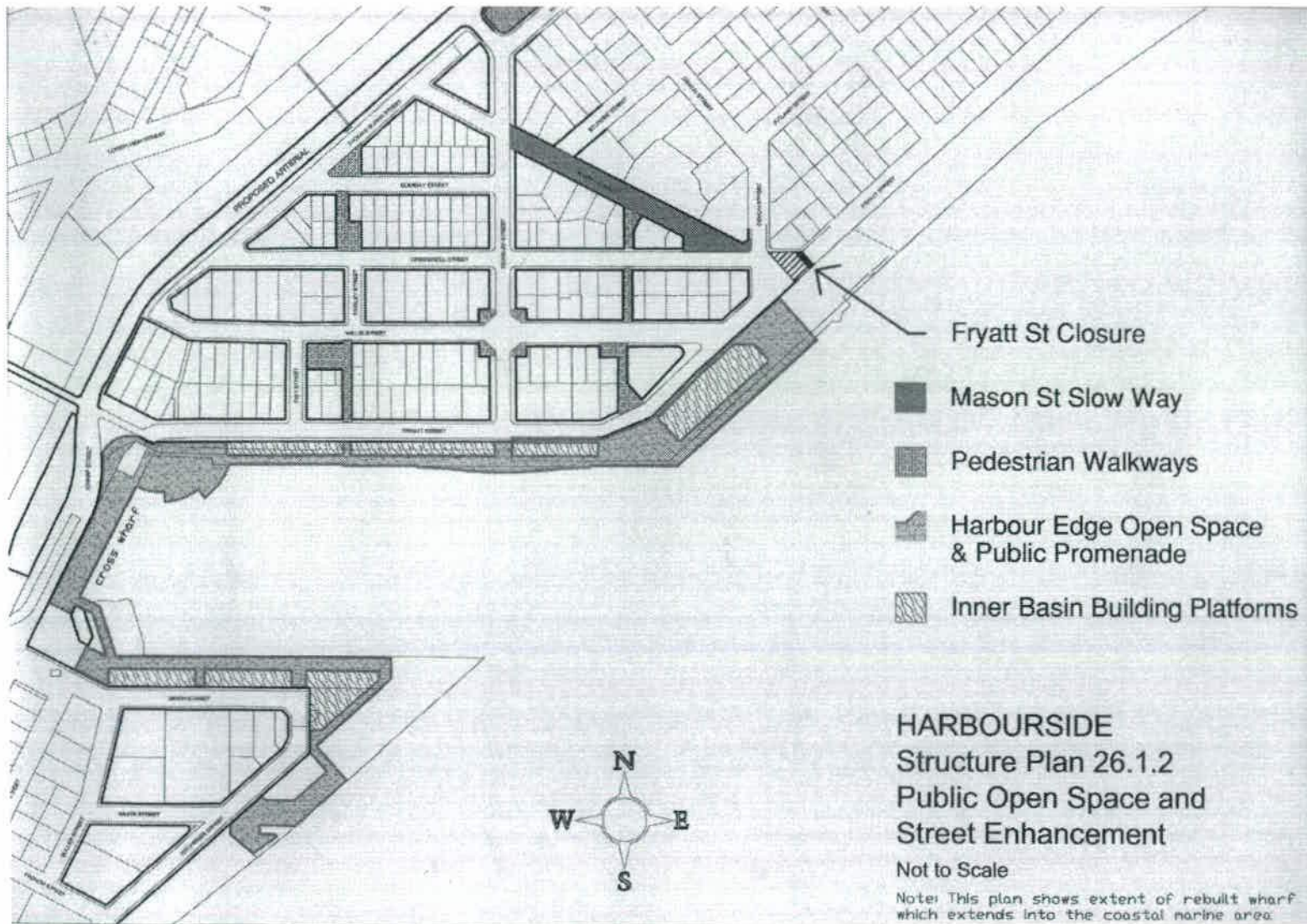




Notice of Requirement : 41 Wharf Street  
Preferred Option 5

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**DUNEDIN CITY**  
**COUNCIL**  
*Kaunihera-a-rohe o Otepoti*

**Attachment E**  
**(NOR 5)**

50 The Octagon, PO Box 5045, Dunedin 9031, New Zealand

Telephone: 03 477 4000, Fax: 03 474 3594,

Email: dcc@dcc.govt.nz

[www.CityofDunedin.com](http://www.CityofDunedin.com)

03 July 2007

T. A. Barnett  
C/ Paterson Pitts Resource Management Ltd  
PO Box 1083  
Dunedin 8030

Attention: Don Anderson

Dear Don

**CERTIFICATE OF COMPLIANCE:      COC-2007-5**  
**CERTIFICATE OF COMPLIANCE**  
**41 WHARF STREET, DUNEDIN**

Your application for a certificate of compliance for a bio-technology complex on the site at 41 Wharf Street, Dunedin, was processed in accordance with section 139 of the Resource Management Act 1991. A Senior Planner considered the application and authorised the issue of a certificate of compliance under delegated authority on 29 June 2007.

**DESCRIPTION OF ACTIVITY**

T A Barnett seeks a certificate of compliance to establish and operate a bio-technology complex on the site at 41 Wharf Street, Dunedin. The subject site is legally described as *Lot 3 Deposited Plan 25158*, comprising approximately 3961m<sup>2</sup> and held in Computer Freehold Register OT17A/1107.

The proposal comprises the following:

- Two buildings providing for a total of four biotechnology suites, each comprising an open-plan manufacturing/processing floor and associated reception and administration areas.
- A total of 26 parking spaces to be located between the two proposed buildings.
- Two-way access from a single entrance point off Wharf Street.
- Loading bays within each of the two buildings to serve vehicles up to B-train dimension.

Access to the site will be from Wharf Street, being a 'Regional Road' in the District Plan Rooding Hierarchy.

**CERTIFICATES OF COMPLIANCE**

Section 139(1) of the Resource Management Act 1991 states:

*Where an activity could be lawfully carried out without a resource consent, in respect of any particular location, the consent authority shall, upon request and payment of the appropriate administrative charge, issue to any person who so requests a certificate that a particular proposal or activity complies with the plan in relation to that location.*

## DISTRICT PLAN RULES

The subject allotment is within the **Industrial 1 Zone** in the Dunedin City District Plan.

The establishment and operation of an industrial activity is a permitted activity within this zone subject to the conditions imposed by Rule 10.5.2 of the District Plan. I note that the District Plan definition of Industrial activity is as follows:

*...means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing or associated storage of goods, and includes offices and staff facilities which are ancillary to the primary activity on the site.*

The application and supporting information states that the proposed activity involves the manufacturing, processing and packaging of bio-technology products including offices and staff facilities which are ancillary to the primary activity on the site. I consider that this proposed activity fits within the District Plan definition of Industrial activity. The conditions that apply to permitted Industrial activity within the Industrial 1 zone are addressed below in turn.

### *Yard and Height Requirements*

No yard or height requirements are applicable to the subject site.

### *Minimum Car Parking*

The Industrial 1 provisions require the provision of car parking as follows:

#### **Minimum Car Parking**


*On-site car parking shall comply with the performance standards in Section 20 (Transportation) and shall be provided on the following basis:*

##### **(a) Industrial Activity and Service Activity**

*Staff requirement as follows:*

- (i) Up to 99 m<sup>2</sup> gross floor area: 2 car parks
- (ii) 100 m<sup>2</sup> – 149 m<sup>2</sup> gross floor area: 3 car parks
- (iii) 150 m<sup>2</sup> – 249 m<sup>2</sup> gross floor area: 4 car parks
- (iv) 250 m<sup>2</sup> – 400 m<sup>2</sup> gross floor area: 5 car parks
- (v) Over 400 m<sup>2</sup> gross floor area: 5 car parks plus 1 car park for each additional 200 m<sup>2</sup> gross floor area in excess of the initial 400 m<sup>2</sup> gross floor area.
- (vii) Visitor requirement of an additional 20% (1 car park minimum).

The proposed bio-technology complex would have a total gross floor area of 3,800m<sup>2</sup>. Therefore, 5 car parks would be required for the first 400m<sup>2</sup> of gross floor area and an additional 17 car parks for the remaining area. Further, an additional 5 car parks would be required for visitor parking, bringing the total number of parks required to 26. 26 parking spaces are provided designed in accordance with appendix 20B of the District Plan. I also note that three of these parks are designated as disability parks, which exceeds by one the number required by Rule 20.5.4(ii) of the District Plan. The car parking requirements specified by the District Plan are therefore considered to be satisfied.





### *Loading and Access*

The Industrial 1 provisions require provision for loading and access as follows:

*For the following activities loading and access shall comply with the performance standards in Section 20 (Transportation):*

- (i) *Industrial Activity and Service Activity with building gross floor area 2,500 m<sup>2</sup> or greater.*

*Loading shall be provided for on the following basis:*

*Minimum Size: 20 m long x 3.5 m wide x 4.4 m high.*

*Manoeuvre Area: To accommodate a B Train truck as shown in Appendix 20E.*

The proposed biotechnology complex will have a gross floor area of 3,800m<sup>2</sup>. One loading bay is to be located in each of the proposed buildings and each will comply with the dimensions outlined in the above Rule. Further, the application plan shows tracking curves for a B-train vehicle that demonstrate that on-site manoeuvring will be achieved for a B-train utilising either loading bay such that reversing onto or off Wharf Street will not be required. The loading and on-site manoeuvring requirements of the District Plan are therefore satisfied.

With regard to access, all activities within the Industrial 1 zone must comply with the performance standards in Section 20 (Transportation). In this regard, I note that the proposed access from Wharf Street will be approximately seven metres wide, therefore exceeding the 5 metre width required by the relevant performance standard contained in Rule 20.5.6(v).

### *Screening*

There are to be no outside storage areas associated with the proposed activity and therefore no requirements regarding screening apply.

### *Landscaping*

The landscaping requirements of the District Plan are not applicable to the subject site.

### *Noise*


The application states that the proposed activity will comply with the performance standards of the Environmental Issues section of the District Plan as required.

### *Electrical Interference*

The application states that the proposed activity will comply with the performance standards of the Environmental Issues section of the District Plan as required.

### *Signs*

No detail as to signage is contained in the application. Nevertheless, the application states that the proposed activity will comply with the performance standards of the Signs section of the District Plan as required.





*Residential Activity*

Not applicable.

*Hazardous Substances*

The application states that the proposed activity will comply with the performance standards of the Hazards and Hazardous Substances section of the District Plan as required.

*Service Stations*

Not applicable

*Water for Fire Fighting Purposes*

Not applicable

*Groundwater Protection*

Not Applicable

The proposed biotechnology complex is thus considered to fully comply with the District Plan requirements and is therefore a **permitted activity**.

**STATEMENT OF COMPLIANCE**

Accordingly, it is considered the proposal is consistent with the provisions of section 139 of the Resource Management Act, in that the activity is a permitted activity in terms of the Dunedin City District Plan as at 26 January 2007, the date the Council received the proposal. The Council is therefore able to issue a Certificate of Compliance for the proposed work.

A copy of the certificate of compliance is duly enclosed.

Yours faithfully



Doug Spittle  
**PLANNER**





**DUNEDIN CITY**

**COUNCIL**

*Kaunihera-a-rohe o Otepoti*

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**CERTIFICATE OF COMPLIANCE**

**SECTION 139 RESOURCE MANAGEMENT ACT 1991**

**Certificate of Compliance Number:** COC2007-5  
**Property Address:** 41 Wharf Street, Dunedin  
**Applicant:** T. A. Barnett  
**Dunedin City District Plan:** Industrial 1  
**Date Received:** 23 May 2007

T A Barnett seeks a certificate of compliance to establish and operate a bio-technology complex on the site at 41 Wharf Street, Dunedin. The subject site is legally described as *Lot 3 Deposited plan 25158*, comprising approximately 3961m<sup>2</sup> and held in Computer Freehold Register OT17A/1107. The proposed activity comprises the following:

- Two buildings providing for a total of four biotechnology suites, each comprising an open-plan manufacturing/processing floor and associated reception and administration areas.
- A total of 26 parking spaces to be located between the two proposed buildings.
- Two-way access from a single entrance point off Wharf Street.
- Loading bays within each of the two buildings to serve vehicles up to B-train dimension.

*The proposed activity is considered to constitute an Industrial activity in accordance with the District Plan definition and is authorised as a permitted activity in terms of the provisions contained in Rule 10.5.2 of the Dunedin City District Plan:*

The certificate of compliance is effective from the date that the Dunedin City Council received the request for this certificate and is valid for a maximum period of five years from the date of issue on this certificate in accordance with Section 125 of the Resource Management Act 1991.

Doug Spittle  
**PLANNER**

**ISSUE DATE:** [REDACTED] 03 July 2007