

BEFORE THE ENVIRONMENT COURT

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal under clause 14 of the First
Schedule of the Act

BETWEEN

OTAGO REGIONAL COUNCIL
(ENV-2009-CHC-75)

CRAWFORD GLASS DUNEDIN
LIMITED
(ENV-2009-CHC-76)

KAAN'S CATERING SUPPLIES
LIMITED
(ENV-2009-CHC-77)

BRADKEN RESOURCES PTY LIMITED
(ENV-2009-CHC-78)

FARRA ENGINEERING LIMITED
(ENV-2009-CHC-79)

OTAGO CHAMBER OF COMMERCE
(ENV-2009-CHC-80)

CHALMERS PROPERTIES LIMITED
(ENV-2009-CHC-85)

Appellants

AND

DUNEDIN CITY COUNCIL

Respondent

Environment Judge J R Jackson sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch



CONSENT ORDER

- [A] Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeal is allowed in part, with Plan Change 7 confirmed subject to the amendments shown in "Annexure 1" attached to and forming part of this order;
 - (3) the appeals are otherwise dismissed.
- [B] Under section 285 of the Resource Management Act 1991, costs are reserved only between Chalmers Properties Limited and the Dunedin City Council.

REASONS

Introduction

[1] During March 2009 ten appeals were lodged against Plan Change 7 – Dunedin Harbourside to the Dunedin District Plan. Some of the appeals have been resolved prior to this consent order. This consent order relates to the outstanding appeals being:

- (a) Topic 2 – relating to the "Whole Plan" with the "Industry" appellants;
- (b) Otago Regional Council; and
- (c) Chalmers Properties Limited

[2] The respondent withdrew part of the Plan Change ("stage 2") in April 2010 and then withdrew another part ("Northside") in October 2011.

[3] The court has now read and considered the consent memorandum of the parties dated 24 January 2012 which proposes to resolve the appeal.

Other relevant matters

[4] The following parties have given notice of an intention to become parties under section 274 of the Resource Management Act 1991 ("the RMA" or "the Act") and have signed the memorandum setting out the relief sought:

Industry Appeals

- Chalmers Properties Limited – ENV-2009-CHC-76, 77, 78, 79, 80
- Otago Regional Council – ENV-2009-CHC-76, 77, 78, 79, 80
- Arthur Barnett Properties Limited – ENV-2009-CHC-76, 77, 78, 79, 80
- Polarcold Stores Limited – ENV-2009-CHC-76, 77, 78, 79, 80
- Progressive Plastics Limited – ENV-2009-CHC-76, 79, 80



Sundrum Farm Limited – ENV-2009-CHC-76, 77, 78, 79, 80

Port Otago Ltd - ENV-2009-CHC-76, 77, 78, 79, 80

Fonterra Co-operative Group Limited - ENV-2009-CHC-76, 79, 80

Otago Regional Council Appeal

Port Otago Limited; and
Chalmers Properties Limited.

Chalmers Properties Limited Appeal

Crawford Glass Dunedin Limited;
Kaan's Catering Supplies Limited;
Farra Engineering;
Bradken resources PTY Limited;
Sundrum Farm Limited; and
Arthur Barnett Properties Limited.

Orders

[5] The court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at Christchurch

March 2012


J R Jackson
Environment Judge



Issued:

- 7 MAR 2012

**DUNEDIN CITY DISTRICT PLAN
DISTRICT PLAN CHANGE 7
DUNEDIN HARBOURSIDE**

Amendments to District Plan
(incorporating decisions on submissions (February
2009) and amendments as a result of withdrawal
of the Harbourside Zone in part on 17 April 2010
and on 26 October 2011)

October 2011



**DUNEDIN CITY
COUNCIL**
Te Kaitiaki o Te Ōhanga
CITY PLANNING



Resource Management Act (1991)

DUNEDIN CITY DISTRICT PLAN

**DISTRICT PLAN CHANGE 7: Rezoning Dunedin
Harbourside Area**
**(incorporating decisions on submissions (February
2009) and amendments as a result withdrawal of
the Harbourside Zone in part on 17 April 2010 and
26 October 2011)**

Plan Change 7 inserts a new section 26 and makes amendments to existing sections of Volume 1 of the Dunedin City District Plan and amends Volume 2 as summarised on the following table:

VOLUME 1		
Chapter	Provision	Amendment
1 Introduction	1.5.3 Methods of Implementation	Insert new method 25 <i>Design Codes</i>
3 Definitions		Add 'Commercial Residential Harbourside Activity'
		Add 'Contaminated Site'
		Add 'Potentially Contaminated Site'
		Add 'Tourist and Entertainment Activity'
		Amend 'Home Occupation'
13 Townscape	Assessment matter in Rule 13.3.7(ii)	Insert new assessment matter as (x) and subsequent renumbering
18 Subdivision	Rules 18.5.1(iv), 18.5.4 and 18.5.6	Amend to include reference to Harbourside Zone
	Rule 18.5.12	Amend to include reference to Harbourside
	Assessment Matters 18.6.1(w)	Amend to include reference to Harbourside Zone
	Assessment Matters 18.6.2	Amend to include reference to Harbourside Zone
19 Signs	Rule 19.5.6b	Insert new rules for 'Signs in Harbourside Zone'
	Rule 19.5.10(iii)	Amend to include reference to Harbourside Zone



VOLUME 1		
Chapter	Provision	Amendment
	Assessment Matter 19.6	Add new assessment matter 19.6.6 Harbourside Zone
20 Transportation	Rule 20.5.4(ii)(b)	Amend to include reference to Harbourside Zone
	Assessment Matter 20.6.1 Parking and Loading	Insert new assessment matter (j) to include reference to financial contributions in Harbourside Zone
22 Utilities	Rules 22.5.2(vii)(e), 22.5.2(ix)	Amend to include reference to Harbourside Zone
26 Harbourside		Insert new chapter as attached

VOLUME 2	
Legend for Zone Maps	In the Legend insert 'H Harbourside Zone' under Zones after 'RR Rural Residential Zone'
Schedule 25.1	Add items to schedule
Maps 35 and 49	Amend to include extent of new Harbourside Zone
	Amend to include new Schedule 25.1 items
Map 49	Re-zone area bound by Roberts Street, French Street and Buller Street to Industrial 1



VOLUME 1 AMENDMENTS

Proposed amendments to existing provisions, and proposed new provisions are shown as underlined. Proposed deletions are shown as ~~struck-out~~.

Chapter 1 Introduction

The following changes are proposed to Chapter 1 Introduction:

Insert the following two new methods 24 and 25 into 1.5.3 Methods of Implementation as follows:

24 Structure Plans

Note: Method 24 was inserted into the Plan by way of Consent Order C17/2008. 12/02/08.

25 Design Codes

Design codes seek to identify predominant physical patterns and significant features of an area, including heritage values, and encourage ways in which new development can enhance those patterns and features to contribute positively to the character of the area. The design code seeks to encourage high quality buildings, places and spaces. The design code will be used to assess development to achieve good design outcomes.

Chapter 3 Definitions

The following changes are proposed to Chapter 3 Definitions:

Insert the following definitions:

Commercial Residential - Harbourside Activity - in the Harbourside Zone means land or buildings which are occupied as a residence on a temporary basis (periods of up to three months continuous occupation during any 12 month period) and includes, backpackers accommodation, homestay facilities for more than five people, motels, hotels, tourist lodges, holiday flats, tourist cabins, motor inns, and accessory buildings or ancillary activities on the same site. This definition includes property held in common ownership where ownership by each owner is limited in duration to less than three months during any twelve-month period.

Contaminated Site - means a site at which hazardous substances occur at concentrations above background levels (ambient levels of a contaminant in the local area of the site under consideration) and where assessment indicates it poses, or is likely to pose, an immediate or long-term hazard to human health or the environment.



Potentially Contaminated Site

- means a site that is currently used, or has been previously used, by land uses that are identified in Schedule A: Hazardous Activities and Industries List (HAIL) of the Ministry for the Environment Contaminated Land Management Guidelines (January 2004).

Tourist and Entertainment Activity

- in the Harbourside Zone means the use of land and buildings for recreation and entertainment, including museums, theatres, art galleries, cinemas, events, ferry terminal building, visitor information centres, interpretation centres and conference facilities, including ancillary services such as booking offices and changing rooms.

Amend the definition for 'home occupation' as follows:

Home Occupation

- means an occupation, craft or profession whether carried out as a commercial business or not, which:
 - (a) is carried on by a member or members of the residential unit on the site and which employs no other person, provided that within the Mixed Use Character Area of the Harbourside Zone up to three people may be employed; and
 - (b) is accessory and secondary to the residential activity on the site.

Chapter 13 Townscape

The following changes are proposed to Chapter 13: Townscape:

Insert the following new Assessment Matter 13.7.3 (ii) (x) and subsequent renumber of existing assessment matters thereafter:

- (x) Where items are located within the Harbourside Zone, the relevant assessment matters listed within 26.11-9 including the extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.

Chapter 18 Subdivision

The following changes are proposed to Chapter 18: Subdivision:

Insert a new method 18.4.4 into 18.4 Methods of Implementation:

Method 18.4.4 Structure Plans

Note: Method 18.4.4 was inserted into the Plan by way of Consent Order C17/2008, 12/02/08.



Amend Rule 18.5.1(iv) Discretionary Activities (Restricted) as follows:

- (iv) Subdivision applications in the following zones where the application complies with Rules 18.5.3 - 18.5.6, 18.5.9, 18.5.10 and 18.5.12:
- Central Activity, Local Activity and Large Scale Retail
 - Industry
 - Ports
 - Campus
 - Harbourside

Amend Rule 18.5.4 to reflect the provision of a reduced esplanade reserve in Harbourside Zone as follows:

18.5.4 Water bodies where Esplanade Reserves or Strips will be required the minimum requirement

- (i) An esplanade reserve shall be created on the subdivision of any land into lots of less than 4 ha, abutting the:
- Coastal Marine Area, including Blueskin Bay, Hawksbury Lagoon, Hooper's Lagoon and Orokonui Estuary
 - Lower Taieri River (being the Taieri River below the Outram Bridge)
 - Water of Leith
 - Kaikorai Stream
 - Silverstream.
- (ii) The esplanade reserve required under Rule 18.5.4(i) shall be of a minimum width of 20 m measured in a landward direction from the line of mean high water springs of the sea, tidal rivers or estuaries, or the bank of any stream or river, except as provided for in Rule 18.5.4(iii).
- (iii) An esplanade reserve of variable width, including less than 20 metres, shall apply in the Harbourside Zone, provided that the public open space areas shown on the Structure Plan in Appendix 26.1.2 and specified in Rule 26.6.2 or Rule 26.6.6(ii) are vested in Council. The esplanade reserve shall include any wharf structure located in a landward direction from the line of mean high water springs. Esplanade reserves can be developed progressively in accordance with the development segments shown on the Structure Plan in Appendix 26.1.4.
- (iv) Subject to Assessment Matter 18.6.1(s), where an allotment of 4 ha or more is to be created, an esplanade strip shall be created where the land abuts the water bodies identified in Rule 18.5.4(i). *[Amended by Consent Order 2/5/02]*

Amend Rule 18.5.6 to insert reference to Harbourside Zone as follows:

Rule 18.5.6 Service Connections

- (a) Every allotment in the:
- Residential 1 - 4 Zones
 - Residential 6 Zones at Braeside, East Taieri, Cove Extension, Mission Cove and Wakari *[amended by C174/2001, C24/2002 and C68/2002]*
 - Industrial Zone



- Port Zones
- Campus Zone
- Activity Zones
- Harbourside Zone

shall have reticulated sewerage infrastructure available within the road providing access or within the allotment.

(b) Every allotment in the:

- Residential 1 - 6 Zones
- Industrial Zone
- Port Zones
- Campus Zone
- Rural Residential Zone
- Activity Zones
- Harbourside Zone

shall have reticulated power and telephone services available within the road providing access or within the allotment.

(c) Every allotment in the:

- Residential 1 - 4 Zones
- Residential 5 Zone at Outram
- Residential 6 Zone at Braeside, East Taieri, Cove Extension, Mission Cove and Wakari [amended by C174/2001, C24/2002 and C68/2002]
- Industrial Zone
- Port Zones
- Campus Zone
- Activity Zones
- Harbourside Zone

shall have reticulated stormwater within the allotment, or reticulated stormwater or kerb and channel or watertables available within the road providing access.

(d) Every allotment in the:

- Residential 1 Zone (excluding Middlemarch)
- Residential 2 - 4 Zones
- Residential 5 Zone at Outram and Waitati
- Residential 6 Zone (excluding Momona Airport Village)
- Industrial Zone
- Port Zones
- Campus Zone
- Activity Zones
- Harbourside Zone

shall have a reticulated water supply available within the road providing access or within the allotment.



Insert the following as (c) into Rule 18.5.12 Structure Plans:

Rule 18.5.12 Structure Plans

Subdivision of land subject to a structure plan shall be in accordance with the relevant Structure Plan as follows:

- (a) Mosgiel East – Appendix 8.2 *[Inserted by C17/2008, 12/02/08]*
- (b) Abbotsford – Appendix 8.3 *[Amended by Plan Change 4, 3/03/08]*
- (c) Harbourside – Appendix 26.1

Insert the following introduction line into 18.6 Assessment of Resource Consent Applications:

Note: The introduction line was inserted into the Plan by way of Consent Order C17/2008, 12/02/08.

Amend the following to Assessment Matter 18.6.1(w) relating to the reduction of Esplanade Reserves or Strips as follows:

- (w) Reduction of Esplanade Reserves or Strips:
 - (i) In considering an application seeking to reduce the width of an esplanade reserve or strip, the Council shall have regard to:
 - the objectives and policies of the Regional Plan: Coast
 - the objectives and policies of this District Plan
 - whether an esplanade reserve or esplanade strip of less than 20 m can reasonably achieve the purposes identified in section 229 of the Act
 - for proposed commercial and industrial activities, whether the esplanade reserve or strip is detrimental to security and public safety
 - Policies 6.5.10 and 8.5.3 of the Regional Policy Statement of Otago, and the New Zealand Coastal Policy Statement.
 - (ii) In considering applications in the Harbourside Zone, Council will have regard to:
 - consistency with the variable widths of the esplanade reserve as provided for through the public open space areas on the Structure Plan in Appendix 26.1.4.
 - the necessity to consider appropriate legal mechanisms to ensure maintenance of public access to and along the waterfront.
 - progressive development of esplanade reserves in development segments in accordance with Rule 26.76.46.

Insert the following into Assessment Matter 18.6.2:

18.6.2 Assessment Matters for Subdivision Activities for land identified in Structure Plans *[Inserted by C17/2008, 12/02/08]*

The extent to which the subdivision meets the intent of the structure plan.

- (a) Mosgiel East
 - Structure Plan and Design Assessment Criteria – Appendix 8.2

- (b) Abbotsford [Amended by Plan Change 4, 3/03/08]
 - Abbotsford Residential 6 Zone (Grandvista) Structure Plan – Appendix 8.3
- (c) Harbourside
 - Harbourside Structure Plans – Appendices 26.1.1 – 26.1.4

Chapter 19 Signs

The following changes are proposed to Chapter 19 Signs:

Insert the following new rule as Rule 19.5.6b

Rule 19.5.6b Signs Permitted in the Harbourside Zone

(i) General Standards

The following general standards apply to signs within the Harbourside Zone:

- a) Signs are to be located on the site where the activity occurs.
- b) The sign rules are associated with permitted and controlled activities.
- c) Signs are not required to comply with Zone performance standards.
- d) Signs are not to be illuminated by flashing or pulsating lights.
- e) Signs are not to contain rolling or travelling messages.

(ii) Steamer Basin –South and South East Character Area

The following types of signs are permitted in the Steamer Basin South and South East Character Areas:

- (a) Signs located above a verandah/first floor level, provided that:
 - (i) On each street frontage or building facade, there may be no more than one sign depicting the name of the building or commercial residential activity mounted flat against the facade of the building or one sign mounted at right angles to the facade of the building.
 - (ii) Signs flat against buildings shall have a maximum sign area of 2.16 m² and shall be either:
 - (a) Embossed or otherwise incorporated into the building fabric, or
 - (b) Cut out lettering mounted in relief on the building surface, or
 - (c) Painted directly onto the building surface.
 Signs shall not be sign boards on the building surface.
 - (iii) Signs at right angles to a building facade shall have:
 - (a) A maximum of two display faces per sign.
 - (b) A maximum total area of 4.32 m², with no one display face exceeding 2.16m² in area.
 - (c) No sign shall project out from the facade to which it is attached by more than 1350mm.
 - (iv) No sign may project above the height of the parapet or eave line of the facade on which it is mounted.



- (b) Signs located on the fascia of a verandah, provided that:
 - (i) No sign shall exceed the vertical depth of the verandah on which it is to be placed up to 500 mm.
 - (ii) No sign shall be closer to the kerb line than 500 mm.
- (c) Signs on the underside of a verandah, provided that:
 - (i) All signs shall be no closer than 500mm to the kerb.
 - (ii) The maximum vertical depth of any sign shall not exceed 500mm.
 - (iii) There shall be a maximum of two display faces per sign.
 - (iv) There shall be a maximum of one sign per 5m of frontage.
- (d) Signs on building facades that do not have verandahs:
 - (i) The rules for signs above verandahs (Rule 19.5.6 b (i)) shall apply to the portion of the facade which is higher than 3m above ground level.
- (e) Signs located on building facades below the verandah, or for buildings without verandahs between ground level and 3m above ground level, are permitted in the Steamer Basin South and South East Character Areas.
- (f) Sandwich board signs, provided that:
 - (i) There is only one sandwich board sign outside each site.
 - (ii) The maximum height is 800mm and the maximum width is 600mm.
- (iii) **Mixed Use Character Area**
The following types of signs are permitted in the Mixed Use Character Area in the Harbourside Zone provided that:
 - (a) On each street frontage or building facade there shall be no more than one sign mounted flat against the face of the buildings, provided that the total area of such signs shall not exceed 5% of the area of the building facade on to which they are painted or attached, or 4m², whichever is the lesser.

Amend Rule 19.5.10 (iii) as follows:

Sandwich board signs, except those in the Central Activity, Local Activity 1 and Harbourside Zones

Insert the following new assessment matter 19.6.6 into 19.6 Assessment of Resource Consent Applications.

19.6.6 Harbourside Zone

- (i) Whether the location, size, colour, lettering or content of the sign will have an adverse effect on the traffic safety on the adjacent road and the navigational safety of vessels in the Steamer Basin area.
- (ii) The extent to which the proposed signage is consistent with the Harbourside Design Code in Appendix 26.2.



Chapter 20 Transportation

The following changes are proposed to Chapter 20 Transportation:

Amend Rule 20.5.4(ii)(b) as follows:

- (b) Parking spaces are to be provided on the site of the activity requiring them, except for those activities in the Harbourside Zone as specified by Rule 26.408.3(i).

Add the following Assessment Matter as (j) to 20.6.1 Parking and Loading Provision

- (j) Within the Harbourside Zone, whether it is appropriate to require, or an applicant may propose, that some or all of the on-site parking spaces, are to be provided by way of a financial contribution in lieu thereof. Any financial contribution shall be determined, paid and used in accordance with the provisions of Harbourside Zone – General Rule 26.408.12.

Chapter 22 Utilities

The following changes are proposed to Chapter 22 Utilities:

Amend Rule 22.5.2(vii) (e) as follows:

No mast shall exceed a height greater than 5 m above the maximum height for buildings in any Rural Zone, the Central Activity Zone, Harbourside Zone or the Large Scale Retail Zone. In calculating height, no account shall be taken of lightning rods, aerials or antennas (except dish antenna).

Amend row 4 of the table in Rule 22.5.2(ix) as follows:

Central Activity, <u>Harbourside</u> and Large Scale Retail Zones:	1.8 m	1.5m ²
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Chapter 26 Harbourside

Insert new section as attached



VOLUME 2 AMENDMENTS

Legend for Zone Maps

Insert 'H Harbourside Zone' under Zones after RR Rural Residential Zone

Schedule 25.1: Townscape and Heritage Buildings and Structures

Include the buildings identified below on Schedule 25.1:

Site Number	Map Number	Item	Address	Legal Description	HPT Reg No	HPT Category	Protection Required & Comments
B754	49	Greg & Co Building (former)	21 Fryatt Street	Lot 5 Deeds Plan 423			Facade and bulk appearance to Fryatt Street
B755	49	Wharf Hotel	25-27 Fryatt Street	Lot 1 DP 10210 & Lot 4 Deeds Plan 423			Facade and bulk appearance to Fryatt Street
B756	49	Waterside Workers Building (former)	57 Fryatt Street	Lot 2 DP 21823			Facade and bulk appearance to Fryatt Street
B757	49	Wilson & Canham Ltd Warehouse (former)	63-65 Fryatt Street	Lots 1 & 2 DP 300344			Facade and bulk appearance to Fryatt Street
B758	49	Waterfront Industry Commission Building (former)	27 Willis Street	Lot 1 DP 21823			Entire External Building Envelope
B759	49	The Iron & Steel Company of NZ Ltd Store (former)	39 Willis Street	Lot 1 DP 7678			Facade and bulk appearance to Willis Street
B760	35	The Evening Star Store (former)	68 Willis Street	Section 39, 40 and 41 Block LXIII DP 1900 Town of Dunedin			Entire external building envelope
B761	35	The Otago Daily Times Warehouse	34 Maseon Street	Section 12 DP 1900			Entire external building envelope
B762	35	Farrar Bros. Offices	10 Tewsley Street	Section 5 DP 1900 Block LXIII Town of Dunedin			Facades and bulk appearance to Tewsley & Creswell Streets
B763	49	Seafarers Centre (former)	2 Birch Street	Lot 2 DP 9757 with & part subject to Right of Way over Lot 1 DP 9757			Entire external building envelope
B765	49	Farrar Dunedin Engineering Co	Cnr Fryatt & Fish Streets	Part Section 12 Block L II (CT 288/71, 67/233)			Bulk appearance as viewed from the Fryatt/Fish Street corner.

Site Number	Map Number	Item	Address	Legal Description	HPT Reg No	HPT Category	Protection Required & Comments
B766	35, 49	Dunedin Engineering & Steel	24 Willis Street	Part Section 1 Block L II (CT 67/233)			The single storey Art Deco office building facing Thomas Burns Street – entire external building envelope
B767	35, 49	Dunedin Engineering & Steel	24 Willis Street	Sections 2- 6 Block L II (CT 288/11)			The building along Willis Street – bulk appearance as viewed from Willis Street
B768	49	Sargood, Son & Ewen (Radcliffe Shoes)	20 – 32 Willis Street	Sections 1 to 3 Block LZ II			The two storied section occupying the Fairley/Willis Street corner – bulk appearance
B769	49	Sargood, Son & Ewen	36 Cresswell Street	Section 6 Block LX II			Entire external building envelope
B770	35	Farra Bros Workshop	43 Cresswell Street	Sections 6 & 7 DP 1500			Facades and bulk appearance to Cresswell Street
B771	35	Tucker Box	14 Mason Street	Section 53 Block LX II (CT 318/217)			Entire external building envelope
B772	49	Turner Bros Offices	55 Fryatt Street	Lot 1 DP 26374			Bulk appearance as viewed from the Fryatt/Fish Street corner
B773a, B773b & B773c	49	Stone walls and railway abutment	1A and 1B Roberts Street, 2 Birch Street, 8 Wharf Street	Section 36 Block LXI SO 19010 Town of Dunedin, Lot 5 DP 22285, Lot 2 DP 9757, Lot 10 DP 15162			Entire structures

Planning Maps

Amend Maps 35 and 49 as shown on the following attached maps.




**DUNEDIN CITY DISTRICT PLAN CHANGE 7 –
AMENDMENTS TO MAPS 35, 35A AND 49 FOR ADDITIONS TO
SCHEDULE 25.1: TOWNSCAPE AND HERITAGE BUILDINGS AND
STRUCTURES**



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Legend

 New Scheduled 25.1 Buildings

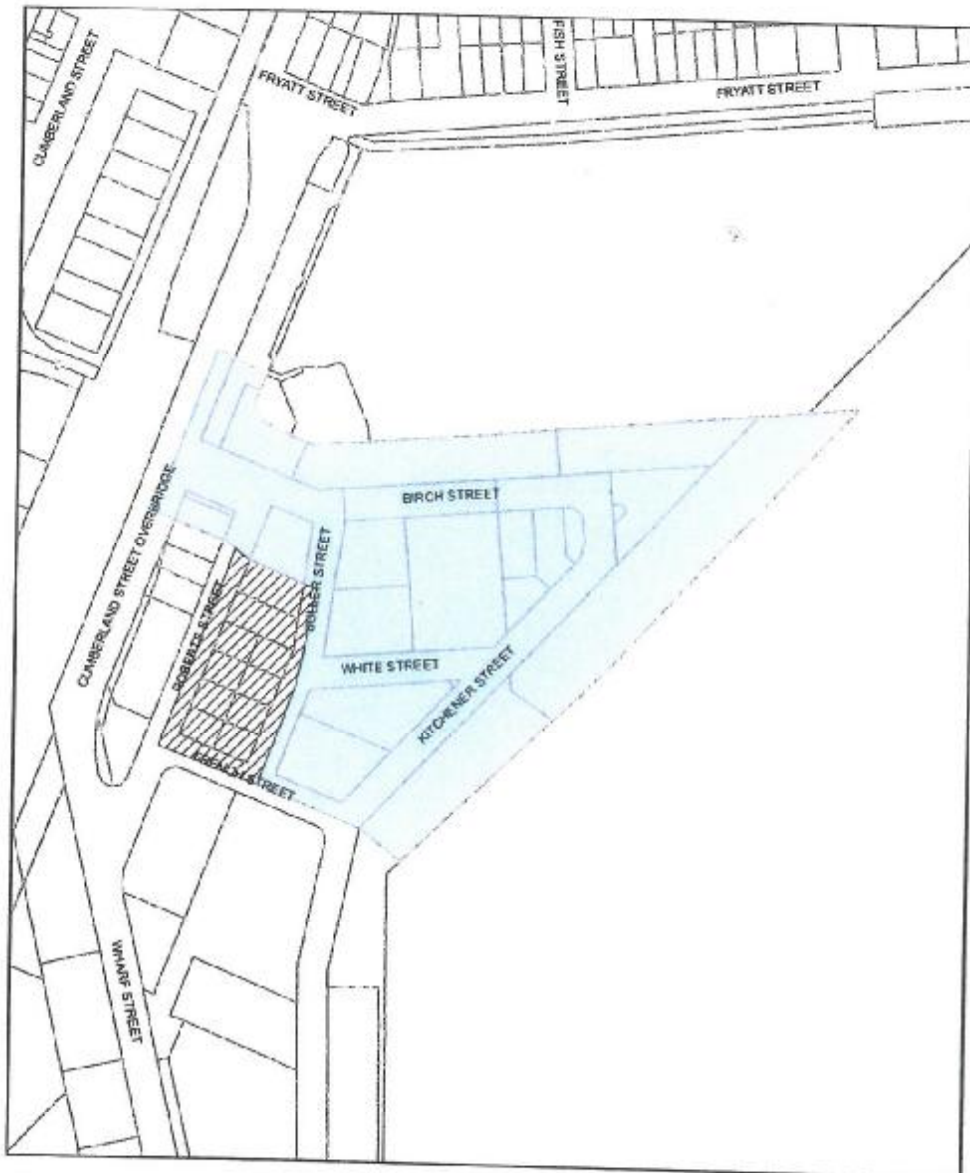


DUNEDIN CITY
COUNCIL



Plan Change 7: Dunedin Harbourside

**DUNEDIN CITY DISTRICT PLAN CHANGE 7 –
AMENDMENTS TO MAPS 35 AND 49 REZONING OF DUNEDIN
HARBOURSIDE**
(as amended by withdrawal of part of Harbourside Zone on 26 October
2011 and ORC consent memorandum)



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Legend



Land Currently zoned Port 2 to be rezoned Industrial 1



Land Currently zoned Port 2 and Industrial 1 to be rezoned Harbourside Zone



26 Harbourside

- Steamer Basin Character Area – South and South East
- Mixed Use Character Area

Introduction

The Dunedin harbourside area is centred on Steamer Basin and encompasses the area defined by the harbour edge, Wharf Street, Birch Street, French Street and Buller Street. The operations of the Dunedin Port are concentrated to the north of the area, while the railway and Wharf Street/Thomas Burns Street arterial are located to the west. The harbourside has played a significant role in the port and industrial activities of Dunedin over the past 140 years, with many of the original port warehousing buildings still in use and contributing to the character of the area.

Despite its central location, proximity to the City Centre and the harbour edge, the harbourside area has lacked connection to the city centre and public access to the harbour edge is limited. With the concentration of port activities in Port Chalmers and rationalisation of operations at Dunedin Port, Port Otago no longer requires areas in Steamer Basin and surrounds, including warehousing, cargo sheds and berthage. This presents an opportunity to improve and enhance public access to the waterfront, reconnect the heart of the city to the harbour and rejuvenate the harbourside with a mix of land uses, public spaces and amenity areas that maximise its waterfront location and complement the city centre. It will also encourage access to view the indigenous wildlife that frequent the area.

The Harbourside Zone recognises these potential amenity values and attributes, and seeks to encourage a range of compatible activities that will attract people to live, work and visit the harbourside while managing the existing Dunedin Port and industrial activities. With the focus upon the Steamer Basin, provision will be made for a network of public open spaces to connect with the city centre and with recreational opportunities around the harbour edge.

Utilising the existing street pattern and built form, the Harbourside Zone has been categorised into character areas. These areas are intended to develop their own local character that collectively contributes towards the harbourside area as a quality environment that is liveable, safe, accessible and well used. Each character area provides for activities that are compatible in terms of amenity, effects, the resulting built form and the relationship with public space.



Character Area Descriptions

Development within the Harbourside will be managed through the following Character Areas (extent of which are shown in Appendix 26.3):

- **Steamer Basin Character Area –South and South East** includes the areas adjoining the south side of the Steamer Basin, currently occupied by the slipway, the existing wharf buildings and wharf. The area will be the focus of people activities within harbourside, through an enhanced public realm with quality open spaces along the harbour edge providing a promenade, event spaces and access to maritime activities, pontoons and jetties. The harbour edge is also frequently used by indigenous wildlife and this natural coastal element will be respected. Development will focus upon creating buildings reflecting the port/maritime character, integrated with adjoining public spaces and re-built or re-furnished wharf structures. Public spaces will be located to maximise connections along the harbour edge and visual connections from the city to the water. Activities will include residential, recreation, tourist, entertainment, cafés and bars. The Steamer Basin South East Character Area contains the Slipway Operational Area, which defines the working area around the slipway. While the slipway remains operational, the Slipway Operational Area will not be available for public access or redevelopment.
- The **Mixed Use Character Area** includes the land to the south of Steamer Basin. It is intended that this area will provide for the continued operation of industrial and service activities that alongside residential activities that will be managed to ensure they can co-exist alongside residential activities, encouraging a live-work environment.

Recognising that redevelopment will take time and to reduce the potential impacts upon existing port and industrial activities, a staged integrated approach will be taken to manage development and activities through the character areas. The first stage will focus upon encouraging development within the Steamer Basin South and Steamer Basin South East Character Areas. Limiting the range of activities that can be undertaken in the first stage in the remaining character area to those that are compatible with existing activities will ensure that the harbourside continues as a working area with existing industrial and port related activities. When the level of development and activities established in the Steamer Basin Character Area has reached the point where it can be sustained as a people orientated area with activities and well-established connections to the harbour, then the second stage can occur. The second stage of development enables the full range of activities provided for within the Mixed Use Character Area to be undertaken.



26.1 Significant Resource Management Issues

Issue 26.1.1

The Dunedin harbourside area has poor connections between the city centre and water, with limited accessibility for both vehicles and pedestrians.

Objectives: 26.2.1, 26.2.2

Policies: 26.3.2, 26.3.4, 26.3.10, 4.3.6

Explanation

Dunedin's harbourside area is centrally located, close to the central business district, railway, arterial, port and the harbour. Despite this central location, direct pedestrian and vehicle access from the City Centre to the harbourside and port area is restricted by the location of the railway and its shunting facilities, the lack of a rail crossing from Rattray Street and the arterial road along Thomas Burns Street. Within the harbourside, the main public access to the water edge is limited to the western edge of the Steamer Basin area, known as the Cross Wharf. There is also limited access available to parts of other wharf areas.

Issue 26.1.2

Improving accessibility to the Dunedin harbourside will create greater public interest and presence in the area, with demand for enhanced recreational opportunities, a wider variety of land uses and improved amenity values.

Objectives: 26.2.1-3

Policies: 26.3.1-26.3.4, 26.3.8

Explanation

With part of the harbourside area released from port operational use, the opportunity exists to improve public access to the harbour and the recreational amenities that it offers. Improving movement between the city centre and the harbourside will increase accessibility to the water for the public in general, which will then increase the desire for people to be attracted to the area. This will generate pressure to provide for a range of activities that support and enhance use of the water edge. There may also be an expectation to improve amenity values associated with capitalising on its attributes as a water front location. Such pressures and expectations should have regard to the use of the area by indigenous wildlife.



Issue 26.1.3

The introduction of new land uses that encourage people to visit, work and live in the Dunedin harbourside area may displace or constrain the operations of existing industrial activities and the Dunedin Port, and create impacts upon the vibrancy and vitality of the city centre.

Objectives: 26.2.2, 26.2.3

Policies: 26.3.1, 26.3.2, 26.3.5, 26.3.6, 26.3.7, 26.3.11 & 26.3.12

Issue 26.1.4

The location and design of buildings and structures along the Steamer Basin harbour edge may restrict or reduce public access and the provision of useable public spaces connected to the waterfront and wharf.

Objectives: 26.2.1, 26.2.5

Policies: 26.3.4, 26.3.10, 26.3.11

Explanation

The Dunedin Port is an important physical resource that contributes towards the social and economic well-being of the City. It is important that the Dunedin Port maintains the ability to operate efficiently. The introduction of people-orientated activities to the harbourside, as a result of improved access, may not necessarily be compatible with existing Dunedin Port and industrial activities that operate in the area. Conflicts may arise with new land uses that are sensitive to noise, have different expectations of amenity, or different traffic patterns and parking demand, which in turn limit's the ability of existing port and industrial activities to operate efficiently.

The provision of an unlimited range of activities, particularly those that are people-orientated, may also have consequential impacts upon the vibrancy and vitality of the city centre.

Explanation

Public access, use and enjoyment of the Otago Harbour as part of the coast of Dunedin City is important, contributing towards the social and cultural well-being of the community. Adequate provision of useable public spaces, safe linkages and an active interface with adjoining buildings encourages an accessible and enjoyable harbour environment. The location and design of existing wharf buildings currently limits public access, the ability to create a network of public spaces connected to the harbour and the city, and visual connections between city and harbour. The width and condition of the existing wharf structures further restrict their use for people activities in a safe manner.



Issue 26.1.5

The values associated with industrial architectural heritage, maritime history and port development of buildings in the Dunedin harbourside area may be diminished or lost upon redevelopment and the introduction of new land uses.

Objectives: 26.2.4

Policies: 26.3.4, 26.3.5, 26.3.8 & 26.3.9

Issue 26.1.6

The historical development and use of the Dunedin harbourside area for industrial and port activities may have contributed to site contamination.

Objective: 26.2.2, 26.2.3

Policies: 26.3.2, 26.3.8

Explanation

The current building stock within the harbourside represents various building styles and historical events from the past 140 years, many of which are related to port and industrial activities. The width and layout of streets, consistent height of buildings combined with their relationship to the street and adjoining sites, creates a distinctive character. Redevelopment of buildings and the introduction of new land uses in the harbourside could affect these values and their contribution towards the character and the historical connections with the harbourside area.

Explanation

With its history of industrial and port related activities, there is potential for the existence of contaminated sites within the harbourside area. Disturbance of contaminated sites can adversely affect site redevelopment and pose a health and safety risk to people.



26.2 Objectives

Objective 26.2.1

The Dunedin harbourside is easily accessible with strong visual and safe physical connections to the city centre, harbour and surrounding areas.

Issues: 26.1.1, 26.1.2
Policies: 26.3.1, 26.3.3
AER: 26.10.1, 26.10.2

Explanation

Greater accessibility to the Steamer Basin and Otago harbour from the city centre, particularly for pedestrians and cyclists, is important for the Dunedin community. Safe and convenient transportation connections and a choice of travel modes from the city centre, the harbour and surrounding areas into the harbourside will attract people into the area, creating and enhancing vibrancy. This will facilitate the desire to connect Rattray Street across the railway to the harbourside. Visual connections, integrating city and harbour, will contribute toward enhanced accessibility.

Objective 26.2.2

The Dunedin harbourside area is a vibrant and attractive place to visit, work and live, with public open spaces along the harbour edge creating a high quality waterfront environment.

Issues: 26.1.1-26.1.3
Policies: 26.3.1-26.3.4, 26.3.7, 26.3.10, 26.3.12, 26.3.15
AER: 26.10.2

Explanation

A high quality environment focused upon the Steamer Basin, is created by development and a range of land uses integrated with a network of public spaces, connected along the harbour edge and to the city centre. Such an environment ensures a vibrant and attractive harbourside where people will want to visit, work and live.

Objective 26.2.3

The Dunedin harbourside supports a range of compatible land uses that enable the continued operation of Dunedin Port and complement, but do not compete with, the vibrancy and vitality of the city centre.

Issues: 26.1.3, 26.1.6
Policies: 26.3.1, 26.3.2, 26.3.5, 26.3.6, 26.3.10, 26.3.11
AER: 26.10.4, 26.10.2

Explanation

Land uses undertaken in the harbourside have the potential to adversely impact upon one another and upon uses within adjoining areas. Likewise land uses undertaken in the harbourside can be sensitive to the operations of the nearby Dunedin Port and existing industrial uses. The management of such effects will ensure a quality environment with compatible land uses and the continued operation of the Dunedin Port.

With its close proximity to the city centre and improved accessibility, it is important to ensure that the range of land uses at the harbourside will complement activities in the city centre and do not adversely affect the sustainability of the city centre by competing with it.



Objective 26.2.4

The built form of development creates a liveable environment that reflects and enhances the industrial, maritime and port heritage in the Dunedin harbourside.

Issues: 26.1.4, 26.1.5

Policies: 26.3.2- 26.3.5, 26.3.9,
26.3.10, 26.3.12

AER: 26.10.3, 26.10.2

Explanation

The character of the Dunedin harbourside has developed through its industrial and port activities. The enhancement of this character through the retention of existing heritage buildings and the development of new buildings that reflect the values of the harbourside, provide flexibility for land uses and are integrated with public space will contribute towards an environment that is a good place to visit, work and live.



26.3 Policies

Policy 26.3.1

Provide for a compatible range of activities that establishes a mixed-use environment with opportunities to visit, work and live within the Dunedin harbourside.

Objectives: 26.2.2 & 26.2.3

Methods: 4.4.1, 26.4.1, 26.4.5, 26.4.6

Explanation

The provision of activities that encourage a live, work and visit environment at Dunedin harbourside will contribute to an area that is attractive, vibrant and liveable. The compatibility of activities is important to ensure the success of the mixed-use environment.

Policy 26.3.2

Manage the nature, scale and design of development within the Dunedin harbourside area by specifying amenity levels, public open space and built form values within Character Areas identified, as follows:

(i) Steamer Basin South

(ii) Steamer Basin South East

(iii) Mixed Use

Objectives: 26.2.1 - 26.2.4

Methods: 4.4.1, 26.4.1, 26.4.3, 26.4.5, 26.4.6 & 26.4.10

Explanation

The identified Character Areas within the harbourside will enable management of development to reflect the function of each area. This will be achieved through the nature and scale of activities; the desired levels of amenity; compatibility between activities; the intensity of people related activities; pedestrian accessibility; management of effects; and the design and location of buildings. Character areas enable development of their own character that collectively contributes to the quality of the harbourside as a great place.

Policy 26.3.3

Identify the location of areas to be provided and maintained for public open space, pedestrian connections and view shafts to vistas of the water.

Objectives: 26.2.1, 26.2.2, 26.2.4

Methods: 4.4.1, 26.4.1, 26.4.2, 26.4.6, 26.4.10, 26.4.11

Explanation

Identifying the location of pedestrian connections and areas of public open space clearly establishes and protects areas where physical connections and public access to and along the waterfront can be expected. It also provides structure for public space, which can then be integrated with adjoining development. The view shafts will create visual connections along nominated roads to the water, which can be realised upon redevelopment of existing buildings.

Policy 26.3.4

Quality development is encouraged in the Dunedin harbourside area through good urban design that reflects the industrial architectural, maritime and port heritage values of the area.

Objectives: 26.2.1, 26.2.2, 26.2.4

Methods: 4.4.1, 26.4.4-26.4.6, 26.4.10

Good urban design encourages and facilitates the making of sustainable, safe and enjoyable places through responsive design in relation to its control. Controlling the design and appearance of new buildings and alterations to existing buildings within the harbourside will ensure that the resulting built form maintains quality and consistency with the values of the area. Good design extends to the interface between the public and private space, which is of particular importance for the main pedestrian and public space areas.

Policy 26.3.5

Require residential and commercial residential activities in the Dunedin harbourside area to provide adequate measures, such as acoustic insulation, to mitigate potential noise effects, including high ambient levels, of a mixed-use environment and the Dunedin Port operations.

Objectives: 26.2.3, 21.2.3

Methods: 4.4.1, 26.4.5-26.4.8

Explanation

The existing environment in the harbourside area is adjacent to the working Dunedin Port, and has a high ambient noise level, which is different to that normally expected in a residential area. Requiring acoustic insulation for residential and commercial residential activities will ensure compatibility of activities in a mixed-use environment and mitigate adverse effects of noise. These measures are necessary for the health and well-being of residents and visitors to the Dunedin harbourside. This will also enable the continued efficient operation of existing industrial and Dunedin Port activities.

Policy 26.3.6

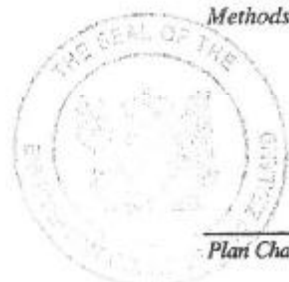
Require separation between activities involving the use, storage or disposal of hazardous substances and residential and commercial residential activities in the Dunedin harbourside area.

Objectives: 26.2.3, 21.2.3

Methods: 4.4.1, 26.4.5-26.4.8

Explanation

Adequate separation from hazardous substances to residential and commercial residential activities will ensure compatibility, mitigate adverse effects and maintain efficient operation of existing industrial activities. These measures are necessary for the health and well-being of residents and visitors to the Dunedin harbourside.



Policy 26.3.7

Manage the quality of the residential environment in the Dunedin harbourside by requiring minimum standards for density, amenity open space, privacy and adequate access to daylight.

Objectives: 26.2.2, 26.2.3

Methods: 4.4.1, 26.4.5-26.4.7

Explanation

The harbourside area is within walking distance of the city centre, providing a desirable choice and location for residential development in a waterfront location, particularly apartments in refurbished or purpose-built buildings. Minimum area standards for habitable rooms, suitable provision for amenity open space and access to daylight will ensure the design of quality residential developments with a suitable level of amenity for occupants.

Policy 26.3.8

Encourage adaptive re-use of scheduled heritage buildings through reduced standards for parking and acoustic insulation for noise sensitive activities in the Dunedin harbourside.

Objectives: 26.2.4

Policy: 13.3.10

Methods: 4.4.1, 26.4.5, 26.4.6,
26.4.9, 26.4.8

Explanation

Adaptive re-use of heritage buildings that make a significant contribution to the architectural character and interest of the harbourside area is important to ensure their retention. Flexible performance standards for parking and acoustic insulation recognise the site limitations of these buildings, many of which occupy the full extent of the site, while enabling re-use and protection of their heritage values.

Policy 26.3.9

Require refurbishment or redevelopment of the Birch Street wharf structure to be integrated with the design and development of adjacent buildings and activities.

Objectives: 26.2.1, 26.2.2, 26.2.4

Methods: 4.4.1, 26.4.1, 26.4.2,
26.4.5, 26.4.6

Explanation

The wharf structure and relationship to the adjoining buildings is essential for ensuring continuous safe public access around Steamer Basin, however due to its use as a working port the current wharf structure is not safe for maximising public access. Development facing onto the wharf will complement and interact with this structure, creating an important people place. In recognition of this important link and the need to improve the wharf structure through rebuilding or refurbishment, it is appropriate that the wharf structure is required prior to commencement of any activities or development adjoining the wharf. The rebuilt or re-furbished wharf structure will also enable anticipated sea level rises to be taken into account.



Policy 26.3.10

Require testing for site contamination and appropriate remediation, where redevelopment in the Dunedin harbourside area disturbs or alters the ground.

Objectives: 26.2.3

Methods: 4.4.1, 26.4.2

Explanation

Upon change of land use, site redevelopment may require disturbance to foundations and ground. There is potential for contaminants to be released and affect the health and safety of visitors, residents and workers in the area. With the history of industrial and port activities in the harbourside, it is appropriate that sites are tested and remediation is undertaken prior to redevelopment.

Policy 26.3.11

Provide for the calculation and collection of financial contributions in the form of money to offset actual or potential effects of activities not providing on-site car parking within the Dunedin harbourside.

Objectives: 26.2.2

Methods: 4.4.1, 26.4.9, 26.4.10

Explanation

Some sites within the harbourside are small or have an identified pedestrian frontage where it may be impractical or inappropriate to meet the normal requirement for provision of on-site parking. Providing flexibility to recognise these restrictions through payment of a financial contribution enables development to occur alongside efficient provision of centralised parking facilities in the area.

Policy 26.3.12

Staging of the Dunedin harbourside area will manage the nature and scale of development to ensure the Steamer Basin is a vibrant people orientated place and the effects upon existing industrial and port activities are managed.

Objectives: 26.2.2, 26.2.3

Methods: 4.4.1, 26.4.1, 26.4.2, 26.4.8

Explanation

Restricting the full range of activities outside of the Steamer Basin South and Steamer Basin South East Character Areas as part of Stage 1 will ensure sustainable integrated development of the harbourside, appropriate monitoring and management of change upon existing industrial and port operations in the area. Stage 2 can be triggered enabling further residential and commercial residential development. This will occur when development of the building footprint within the Steamer Basin has reached a level that will ensure its success as a vibrant and attractive place with people-orientated activities and well-established connections to the harbour.



Policy 26.3.13

Manage the Steamer Basin South East Character Area by:

- (i) **Limiting the scale of commercial office activities and their extent at ground level.**
- (ii) **Identifying the extent of the slipway operational area and its activities.**

Objectives: 26.2.2, 26.2.3

Methods: 4.4.1, 26.4.5, 26.4.6

Explanation

The Steamer Basin South East Character Area takes in a large area which includes the terminus of the Birch Street and Kitchener Street wharves and the Slipway Operational Area. The area provides an important focal point and pedestrian destination as part of the Steamer Basin.

To ensure there are opportunities for development of the site as a destination, limited commercial office activity is provided for along with a range of activities consistent with the Steamer Basin South. The limit encourages a mixed use environment to occur and complements other areas of the Harbourside where commercial office activity is also provided for. It will support continuation of the active frontage along the Steamer Basin.

Requiring acoustic insulation for noise sensitive activities will ensure compatibility of activities and the continuing activities of the Slipway Operational Area.



26.4 Methods of Implementation

In addition to the zoning and rules, the methods to be used to achieve the objectives and policies identified in this Section include the following:

Method 26.4.1 Structure Plans

Structure Plans will be used to identify the following elements:

- 1 Key areas of public open space
- 22 View shafts
- 63 Nominated corner building heights
- 84 Building platforms and minimum wharf widths along Steamer Basin
- 105 Important sites or areas where specific provisions are appropriate.

Policies: 26.3.1, 26.3.2, 26.3.3, 26.3.10, 26.3.12

Method 26.4.2 Liaison

Liaise with the Port Operator, the Otago Regional Council and landowners to ensure integrated management of the harbourside land adjoining the port and the coastal marine area.

Liaise with ONTRACK to achieve an appropriate option for a safe crossing at Rattray Street for vehicle and pedestrian connections between the city centre and harbour.

Liaise with Kai Tahu to ensure that development in the harbourside area reflects the cultural, spiritual, historical and traditional association of Kai Tahu with Te Tai O Arai Te Uru (Otago Coastal Marine Area).

Liaise with and provide Otago Regional Council with any contaminated site reports received as a result of site investigations to enable Otago Regional Council to maintain a register outlining details of sites which are contaminated.

Policies: 26.3.2, 26.3.3, 26.3.8, 26.3.10, 26.3.12

Method 26.4.3 Bylaws

Consider the use of bylaws to manage commercial activities undertaken on public open space and legal roads, to promote public safety and avoid nuisance in the Harbourside Area.

Policies: 26.3.2 & 26.3.3

Method 26.4.4 Works Programmes

- (i) The implementation of appropriate streetscape amenity improvements including, street tree planting, widening of footpaths and provision of street furniture where it is appropriate to encourage a safer and more pleasant environment for pedestrians.
- (ii) The provision of appropriate street lighting, which recognises the different requirements of vehicles and pedestrians and promotes safety.

Policies: 26.3.3 & 26.3.4



Method 26.4.5 Design Code

A design code will provide the principles and criteria for achieving a quality environment in the harbourside. The guide will be used to assess resource consents, guide new development, and provide a framework to enable solutions to achieve a quality environment within the Dunedin harbourside.

Policies: 26.3.1 - 26.3.44g

Method 26.4.6 Urban Design Panel

Council will consider establishing an urban design panel to provide guidance and advice on development proposals in a manner that promotes high quality development of the harbourside area in accordance with established urban design principles expressed in the design code.

Policies: 26.3.1 - 26.3.44g

Method 26.4.7 Land Information Memorandum and Reports

Council will indicate on Land Information Memorandum and Land Information Reports for titles within the Harbourside Zone that the amenity values of the zone are not the same as a conventional residential zone and that the area is one of mixed use including industrial and adjacent port operations.

Policies: 26.3.1, 26.3.5 & 26.3.6

Method 26.4.8 Advice and Education

Council will provide advice on potential relocation of industrial and service enterprises to other appropriate locations within Dunedin City. Council will also raise awareness of the amenity to be expected in the Harbourside Zone through the provision of information to those considering developing or moving to the zone.

Policies: 26.3.1, 26.3.5-26.3.8 & 26.3.12

Method 26.4.9 Financial Contributions

Council may accept financial contributions in lieu of required on-site parking upon application where it is desirable. This will enable potential or actual effects to be off-set through a contribution towards provision of public parking facilities in the area.

Policies: 26.3.11

Method 26.4.10 Traffic Management

Council will prepare, implement and review management plans for traffic in the area to ensure that conflict between activities, and with pedestrians, is minimised and the requirements of users of the transportation network continue to be met. Liaison with road users and landowners will be undertaken as part of managing traffic.

Policies: 26.3.2-26.3.4 & 26.3.11

Method 26.4.11 Designations

Designations will be used by Council where walkways and squares are required to ensure that the

connections are retained between the city centre and the harbour edge.

Policies: 26.3.3



26.5 Summary Activity Table

The following table is intended as a summary guide to the activities provided for in all Character Areas within the Harbourside Zone and does not form part of the District Plan. Character Areas are shown within Appendix 26.3. All activities are subject to the performance standards specified within the relevant Character Area (26.76-26.7) and the General Harbourside Rules (26.8).

For the purpose of this table:

P	=	Permitted activity
C	=	Controlled activity
DR	=	Discretionary (Restricted) activity
D	=	Discretionary (Unrestricted) activity
NC	=	Non complying activity
NA	=	Not Applicable

* Except on 2 Birch Street and 6 Birch Street, activities in the Steamer Basin South and South East are subject to wharf construction along Birch Street, excluding Kitchener Street Wharf

Activities subject to the staging rule

Activity	Harbourside Zone Character Area		
	Steamer Basin South	Steamer Basin South East	Mixed Use
Additions and alterations to buildings and structures not listed on Schedule 25.1 where the addition or alteration is not visible from a public place or road reserve	P	P	P
Berthing and mooring of ships, including the passenger embarkation and disembarkation	NC	P	NA
Buildings used solely for car parking purposes.	NC	P	P
Commercial Office Activity in the Steamer Basin South East Character Area with a gross floor area of up to and including 3000m ² (inclusive of floors below ground level)	NC	P	NC
Commercial Office Activity in the Steamer Basin South East Character Area with a gross floor exceeding 3000m ² (inclusive of floors below ground level)	NA	NC	NA
Community Support Activity	P	P	P*
Commercial Residential Harbourside Activity	P	P	NC
Commercial Residential Harbourside Activity undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.8.8 Noise Insulation.	DR	NA	DR#
Commercial Residential Harbourside Activity that does not comply with Rule 26.8.8 and is not located within a building listed on Schedule 25.1.	NC	NC	NC#
Construction of a rebuilt or refurbished wharf structure along Birch Street	DR	DR	NA
Construction of new buildings and structures (excluding signage), or additions and alterations to buildings and structures not listed on Schedule 25.1 where the additions and alterations are visible from a public place or road reserve.	C	C	C
Industrial Activity that does not require an air discharge consent from the Otago Regional Council.	NC	NC	P
Licensed Premises	P	P	NC
Recreational Activity provided that associated structures do not exceed 200m ² in gross floor area	P	P	P

Activity	Harbourside Zone Character Area		
	Steamer Basin South	Steamer Basin South East	Mixed Use
Residential Activity	P	P	P#
Residential Activity undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.8.8 Noise Insulation.	DR	NA	DRNA#
Residential Activity that does not comply with Rule 26.8.8 and is not located within a building listed on Schedule 25.1.	NC	NA	NC#
Restaurant Activity	P	P	P#
Retail Activity in conjunction with an industrial activity, industrial tourist activity or service activity	NC	NC	P
25.1 Scheduled buildings – additions, alterations, demolition	Refer to Section 13: Townscape		
Service Activity that does not require an air discharge consent from the Otago Regional Council.	NC	NC	P
Tourist and Entertainment Activity	P	P	NC
In the Slipway Operational Area identified on the Structure Plan in Appendix 26.1.2 only those activities specified in Rules 11.6.1(iii), 11.6.1(iv) and 11.6.1(v) of the Port 2 Zone are permitted provided that the slipway operational infrastructure has not been removed.	NA	P	NA
Any permitted or controlled activity that does not comply with one or two performance standards of permitted activity rule or General Rule 26.8 (exclusive of 26.8.1, 29.9.2, 26.8.8, 26.8.11, 26.8.12, 26.8.14, 26.8.12 – will vary depending upon character area).	DR	DR	DR
Any permitted or controlled activity that does not comply with three performance standards of permitted activity rule or General Rule 26.8 (exclusive of 26.8.1, 29.9.2, 26.8.8, 26.8.11, 26.8.12, 26.8.14, 26.8.12 – will vary depending upon character area).	D	D	D
Any permitted activity that does not comply with Structure Plan Rule 26.8.1.	D	D	D
Any activity that does not comply with Staging Rule 26.8.2	NA	NA	NC
Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying.	NC	NC	NC
Any activity to be established prior to a rebuilt or refurbished wharf structure required under Rule 26.6.1 being completed	NC	NC	NA



26.6 Steamer Basin (South and South East) Character Area - Rules

Note to Plan Users: Refer to Section 13: Townscape for rules relating to buildings listed on Schedule 25.1, including additions, alterations, signage and demolition.

Rule 26.6.1 Wharf Construction (Policies 26.3.1, 26.3.2, 26.3.4 & 26.3.9)

The following activity is discretionary activity (restricted) provided they comply with the performance standards in Rule 26.6.2:

- (i) Construction of a rebuilt or refurbished wharf structure along Birch Street in accordance with the Structure Plan in Appendix 26.1.4, provided the activity complies with Rule 26.6.6(i). For clarity this rule does not apply to the Kitchener Street Wharf. The Council's discretion is restricted to the matters below:
- (a) Design and external appearance of the wharf structure.
 - (b) Extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.
 - (c) The extent to which the proposal is consistent with a Comprehensive Development Plan.
 - (d) The necessity of the developer to provide a bond to Council to ensure completion of the wharf.
 - (e) The provision of public access over the wharf structure and the necessity to establish an appropriate legal mechanism to ensure public access is maintained.

Note to Plan Users: The current (2007) wharf structure straddles mean high water springs and consent may also be required from the Otago Regional Council.

Non-Notification

Council will consider such applications under Rule 26.6.1(i) without written consent of affected persons, service of applications, or public notification under sections 93 -94D of the Resource Management Act 1991 unless special circumstances exist.

Rule 26.6.2 Performance Standards for Wharf Construction (Policy 26.3.4, 26.3.3, 26.3.9)

The following performance standards apply to discretionary activity (restricted) Rule 26.6.1:

- (i) **Comprehensive Development Plans**
- (a) Construction of a wharf structure within the Steamer Basin Character Area shall be accompanied by a Comprehensive Development Plan for the relevant Character Area within which the wharf structure is located (South or South East). The Comprehensive Development Plan shall identify the following:
 - (i) The layout of buildings and public spaces.
 - (i) The location of parking, loading and access areas for the development.



- (iii) The manner in which the land/water interface will be developed. This includes the relationship between buildings and the wharf.
 - (iv) The location of any signage associated with the proposed development.
 - (v) The staging of the development, including construction and, where development occurs in stages, how new segments of wharf will be integrated with existing segments.
- (b) Wharf construction in the Steamer Basin Character Area may proceed in the segments as shown in accordance with the Structure Plan in Appendix 26.1.4.
- (ii) The re-built or refurbished wharf along Birch Street shall be designed to have freeboard of at least 0.33m above the highest recorded tide to take account of predicted sea level rise to the year 2050, where the top finished level of the wharves shall not be less than 102.20m above Otago Metric Datum.
- (iii) The rebuilt or refurbished wharf along Birch Street shall be constructed in accordance with:
 - a) New Zealand Building Code Requirements, with a minimum structural (operational) life of 50 years
 - ~~e)b~~ AS 4997-2005 being Guidelines for the design of maritime structures
 - ~~e)c~~ AS 3962-2001 being Guidelines for design of marinas.

Rule 26.6.3 Permitted Activities (Policies 26.3.1, 26.3.2, 26.3.4, 26.3.9 & 26.3.12 & 26.3.13)

- (i) Subject to completion of a rebuilt or refurbished wharf structure in accordance with Rule 26.6.1 in a segment as shown on Structure Plan in Appendix 26.1.4, the following are permitted activities within that segment (except on Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street)). Activities are then permitted provided they comply with the performance standards in Rule 26.6.4 and the Harbourside Zone General Rules in Rule 26.8.
 - (a) Additions and alterations to buildings and structures not listed on Schedule 25.1 where the addition or alteration is not visible from a public place or road reserve
 - (b) Commercial Office Activity in the Steamer Basin South East Character Area with a gross floor area of up to and including 3000m² (inclusive of floors below ground level)
 - (c) Commercial Residential Harbourside Activity
 - (d) Community Support Activity
 - (e) Licensed Premises
 - (f) Recreational Activity provided that associated structures do not exceed 200m² in gross floor area.
 - (g) Residential Activity
 - (h) Restaurant Activity
 - (i) Tourist and Entertainment Activity
 - (j) The berthing and mooring of ships, including the passenger embarkation and disembarkation, in the Steamer Basin South East Character Area



- (ii) On Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street) the following activities are permitted provided they comply with the performance standards in Rule 26.6.4 and the Harbourside Zone General Rules in Rule 26.9:
- (a) Additions and alterations to buildings and structures not listed on Schedule 25.1 where the addition or alteration is not visible from a public place or road reserve
 - (b) Commercial Residential Harbourside Activity
 - (c) Community Support Activity
 - (d) Licensed Premises
 - (e) Recreational Activity provided that associated structures do not exceed 200m² in gross floor area
 - (f) Residential Activity
 - (g) Restaurant Activity
 - (h) Tourist and Entertainment Activity
- (iii) In the Slipway Operational Area identified on the Structure Plan in Appendix 26.1.2 only those activities specified in Rules 11.6.1(ii), 11.6.1(iv) and 11.6.1(v) of the Port 2 Zone are permitted provided that the slipway operational infrastructure has not been removed. The performance standards in Rule 26.6.4 shall not apply to the above slipway activities.

Rule 26.6.4 Performance Standards For Permitted Activities

(i) **Yards** (Policy 26.3.2 & 26.3.4)

(a) Steamer Basin South Character Area

No yards are permitted within the building platforms as shown on the Structure Plan in Appendix 26.1.4.

(b) Steamer Basin South East Character Area

Yards are permitted within the building platform as shown on the Structure Plan in Appendix 26.1.4.

(ii) **Building and Structure Heights** (Policy 26.3.2 & 26.3.4)

(a) Steamer Basin South and Steamer Basin South East Character Area

(i) **Maximum Height**

- | | |
|---|-----|
| (a) <u>On 2 Birch Street and 6 Birch Street</u> | 13m |
| (b) <u>On Birch Street Wharf all other sites</u> | |
| (a) (i) For up to 75% of the building footprint | 15m |
| (b) (ii) For the balance of the building footprint | 13m |

Heights shall be measured from the existing wharf level before the rebuilding of the wharf structure.

(ii) **Maximum Number of Floors above Ground Level**

- | | |
|---|---|
| (a) <u>On 2 Birch Street and 6 Birch Street</u> | 3 |
| (b) <u>On Birch Street Wharf all other sites</u> | |



- (a) (i) For up to 75% of the building footprint 4
- (b) (ii) For the balance of the building footprint 3
- In calculating the number of floors mezzanine levels and lofts with or without dormers or pop-ups count as full floor levels, i.e. within the three floors.
- (iii) Minimum internal ground floor height, measured between the finished ground floor level and the finished first floor level, where the ground floor has a public use (i.e. restaurant, licensed premises, tourist and entertainment activity). 4m
- (iii) **Minimum Habitable Room Area for Residential Activities (Policy 26.3.7)**
Refer to Harbourside Zone – General Rule 26.8.11.
~~Residential activities shall have a minimum floor area per habitable room as follows:~~
- (a) ~~Up to two habitable rooms – 35m² gross floor area per habitable room.~~
- (b) ~~Three or more habitable rooms – 30m² gross floor area per habitable room.~~
- (iv) **Minimum Car Parking (Policy 26.3.2)**
Refer to Harbourside Zone - General Rule 26.8.3.
- (v) **Loading and Access (Policy 26.3.2)**
Refer to Harbourside Zone - General Rule 26.8.4.
- (vi) **Noise, Glare, Lighting and Electrical Interference (Policy 26.3.2)**
Refer to Section 21: Environmental Issues.
- (vii) **Outdoor Storage (Policy 26.3.2)**
Refer to Harbourside Zone - General Rule 26.8.5.
- (viii) **Signs (Policy 26.3.2)**
Refer to Section 19: Signs.
- (ix) **Contaminated and Potentially Contaminated Sites (Policy 26.3.10)**
Refer to Harbourside Zone - General Rule 26.8.6.
- (x) **Hazardous Substances (Policy 26.3.6)**
Refer to Harbourside Zone - General Rule 26.8.7.
- (xi) **Noise Insulation for Residential Activities and Commercial Residential Activities (Policy 26.3.5)**
Refer to Harbourside Zone - General Rule 26.8.8.
- (xii) **Amenity Open Space, Sight Lines and Access for Residential Activities (Policy 26.3.7)**
Refer to Harbourside Zone - General Rule 26.8.9.
- (xiii) **Home Occupations (Policy 26.3.1)**
Refer to Harbourside Zone - General Rule 26.8.10.



(xiv) **Noise Insulation for Commercial Office Activities in the Steamer Basin South East Character Area (Policy 26.3.13)**

Any executive office and meeting room to be used for a Commercial Office Activity shall be acoustically insulated from noise emanating from the external environment to achieve an internal noise level of 40 dBA Leq and 55 L max. The Airborne Sound Insulation provided to insulate these rooms shall achieve a minimum performance standard of $D_{2m, nT,w} + C_{tr} \geq 40$ dB. This performance standard means the weighted standardised level difference plus traffic noise spectrum adaption term as defined by ISO 140-5 and ISO 717/1.

Compliance with this performance standard shall be achieved by ensuring that the rooms identified above are designed and constructed in accordance with either:

- (a) A construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the minimum performance standard; or
- (b) An acoustic design certificate signed by a suitably qualified acoustic engineer stating that the design as proposed will achieve compliance with the minimum performance standard.

(xv) **Additional Performance Standards for the Steamer Basin South East Building Platform (Policy 26.3.13)**

In addition to the performance standards in Rule 26.6.4 (i)-(xiv) the following shall apply to buildings and structures in the Steamer Basin South East Character Area building platform shown on Structure Plan 26.1.4:

(a) Building Platform Coverage

A maximum of 80% of the building platform shown on Structure Plan 26.1.4 shall be covered in buildings and structures provided that:

- (i) At least 10% of the building platform shall remain available to the public for the purpose of public open space.

(b) Maximum Total Gross Floor Area

- i. The total gross floor area of all buildings and structures collectively within the building platform shown on Structure Plan 26.1.4 shall not exceed 11,000m².
- ii. No one building within the building platform shall contain more than 60% of the maximum permitted gross floor area (ie. 6600m²).

(c) Commercial Office Activity

No more than 20% of Commercial Office Activity shall occur on the ground floor area of any one building.



Rule 26.6.5 Controlled Activities (Policies 26.3.2, 26.3.4 & 26.3.9)

The following activities are controlled provided they comply with Rule 26.6.1 and the relevant performance standards in Rules 26.6.4, 26.6.6 and 26.8.

- (i) Subject to completion of a rebuilt or refurbished wharf structure in accordance with Rule 26.6.2 in a segment as shown on Structure Plan in Appendix 26.1.4, the following activities are controlled activities within that segment (except on Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street)). ~~Activities are controlled provided they comply with Rule 26.6.1 and the relevant performance standards in Rules 26.6.4, 26.6.6 and 26.8.~~

- (a) Construction of new buildings and structures (including signage 4 metres above ground level), or additions and alterations to buildings and structures not listed on Schedule 25.1 where the additions and alterations are visible from a public place or road reserve. Council reserves control over and may set conditions on the matters below:
- (i) Design and external appearance of buildings.
 - (ii) Site and building layout including parking, vehicle and pedestrian access and manoeuvring and provision of public open space.
 - (iii) The extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.
 - (iv) The extent to which the proposal is consistent with a Comprehensive Development Plan.
 - (v) The staging of construction to avoid significant delays between demolition and construction of structures.

- (ii) The following activities are controlled activities on Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street) provided they comply with the performance standards in Rule 26.6.4 and the Harbourside Zone General Rules in 26.8.

- (a) Construction of new buildings and structures (including signage 4 metres above ground level), or additions and alterations to buildings and structures not listed on Schedule 25.1 where the additions and alterations are visible from a public place or road reserve. Council reserves control over and may set conditions on the matters below:
- (i) Design and external appearance of buildings.
 - (ii) Site and building layout including parking, vehicle and pedestrian access and manoeuvring and provision of public open space.
 - (iii) The extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.
 - (iv) The staging of construction to avoid significant delays between demolition and construction of structures.



Rule 26.6.6 Performance Standards for Controlled Activities

In addition to the performance standards in Rule 26.6.4 the following apply to controlled activities:

- (i) **Comprehensive Development Plans** (Policy 26.3.2-26.3.4 & 26.3.9)
 - (a) Construction and development of any site within the Steamer Basin Character Areas shall be accompanied by a Comprehensive Development Plan for the relevant Character Area within which the development is located (South and South East). The Comprehensive Development Plan shall identify the following:
 - (i) The layout of buildings and public spaces.
 - (ii) The location of parking, loading and access areas for the development.
 - (iii) The manner in which the land/water interface will be developed. This includes the relationship between buildings and the wharf.
 - (iv) The location of any signage associated with the proposed development.
 - (v) The staging of the development, including construction and, where development occurs in stages, how new segments of wharf will be integrated with existing segments.
 - (b) Development of the Steamer Basin Character Area may proceed in the segments as shown in accordance with the Structure Plan in Appendix 26.1.4.

(ii) **Public Promenade and Open Space** (Policy 26.6.1-26.3.4, 26.3.9)

(a) **Steamer Basin South Character Area – excluding 2 Birch Street and 6 Birch Street**

All development in the Steamer Basin South Character Area, excluding Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street), shall provide the following areas for the purpose of harbour edge open space areas and public promenade ~~public open space~~ in accordance with the Structure Plan in Appendix 26.1.2. Harbour edge open space areas and public promenade ~~Open space areas~~ shall be preserved and available for public use and shall include:

- (i) Viewshafts/pedestrian access-ways from Birch Street to the harbour edge wharf, including a 10 metre wide pedestrian access way between Birch Street and the harbour edge wharf, at the approximate mid-point of built development to the west of the Kitchener Street view shaft, to the width dimension and location as shown on the Structure Plan in Appendix 26.1.1. Viewshafts shall be provided at ground level through buildings to a minimum height of 7 metres and may be enclosed by clear glazing.

~~(ii)~~ Pedestrian linkage to the existing Cross Wharf esplanade (minimum width 6m) and to the southeast.

(b) **Steamer Basin South East Character Area**

All development in the Steamer Basin South East Character Area shall provide the following areas for the purpose of harbour edge open space areas and public promenade in accordance with the Structure Plan in Appendix 26.1.2. Harbour edge open space areas and public promenade shall be preserved and available for public use and shall include:

- (a) Viewshaft from Birch Street to the harbour edge wharf to the width and location shown on the Structure Plan in Appendix 26.1.1. The viewshaft shall be provided at ground level through buildings to a minimum height of 7 metres and may be enclosed by clear glazing. The viewshaft from Birch Street shall not be required if the Otago



Regional Council has given effect to designation D214 in Schedule 25.5.

- (ii) The harbour edge open space and public promenade identified on the Structure Plan in Appendix 26.1.2 to be provided within the Slipway Operational Area shall not be available for public use until the slipway operational infrastructure is removed.



Rule 26.6.7 Discretionary Activities (Restricted) (Policies 26.3.1, 26.3.2, 26.3.8, 26.3.9)

- (i) Subject to completion of a rebuilt or refurbished wharf structure in accordance with Rule 26.6.1 in a segment as shown on Structure Plan in Appendix 26.1.4, the following activities are discretionary activities (restricted) within that segment (except on Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street)).
- (a) Any permitted or controlled activity that does not comply with one or two performance standards of Rule 26.6.2 or Rule 26.8 (exclusive of 26.8.1, 26.8.2, 26.8.8, 26.8.11, ~~26.8.12~~ and 26.6.4 (ii)). The Council's discretion is restricted to the standard or standards with which the activity fails to comply, extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2 and may set conditions on the above matters.
 - (b) Residential Activities and Commercial Residential Harbourside Activities undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.8.8 Noise Insulation. The Council's discretion is restricted to the standard with which the activity fails to comply and assessment matter 26.9.4.
- (ii) The following activities are discretionary activities (restricted) on Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street)).
- (a) Any permitted or controlled activity that does not comply with one or two performance standards of Rule 26.6.4 or Rule 26.8 (exclusive of 26.8.1, 26.8.2, 26.8.8, 26.8.12). The Council's discretion is restricted to the standard or standards with which the activity fails to comply, extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2 and may set conditions on the above matters.
 - (b) Residential Activities and Commercial Residential Harbourside Activities undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.8.8 Noise Insulation. The Council's discretion is restricted to the standard with which the activity fails to comply and assessment matter 26.9.4.

Rule 26.6.8 Discretionary Activities (Unrestricted) (Policies 26.3.1-26.3.4, 26.3.9)

- (i) Subject to completion of a rebuilt or refurbished wharf structure in accordance with Rule 26.6.1 in a segment as shown on Structure Plan in Appendix 26.1.4, the following activities are discretionary activities (unrestricted) within that segment (except on Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street)). In assessing an application for discretionary activities (unrestricted), Council shall have regard but not be limited to the matters identified in section 26.9.
- (a) Any permitted or controlled activity that does not comply with three or more performance standards of Rule 26.6.4 or Rule 26.8 (exclusive of Rules 26.8.2, 26.8.8, ~~26.8.11~~ 26.8.12 and 26.6.6(ii)).
 - (b) Any activity that does not comply with Harbourside Zone - General Rule 26.8.1 Structure



Plan.

- (ii) The following activities are discretionary activities (unrestricted) on Lot 2 DP 9757 (2 Birch Street) and Lot 1 DP 7743 (6 Birch Street)). In assessing an application for discretionary activities (unrestricted), Council shall have regard but not be limited to the matters identified in section 26.9.
- ~~(b)(a)~~ Any permitted or controlled activity that does not comply with three or more performance standards of Rule 26.6.4 or Rule 26.8 (exclusive of Rules 26.8.2, 26.8.8, 26.8.12).



Rule 26.6.9 Non-Complying Activities (Policies 26.3.1-26.3.4, 26.3.5, 26.3.9, 26.3.12, 26.3.13)

The following are non-complying activities. In assessing an application for non-complying activities, Council shall have regard but not be limited to the matters identified in section 26.9.

- (i) Any activity to be established prior to a rebuilt or refurbished wharf structure required under Rule 26.6.1 being completed.
- (ii) Any Residential and Commercial Residential Harbourside Activity that does not comply with Harbourside Zone – General Rule 26.8.8 Noise Insulation and is not located within a building listed on Schedule 25.1.
- (iii) ~~(iii)~~—Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.
- (iv) Commercial Office Activity in the Steamer Basin South East Character Area with a gross floor area exceeding 3000m² (inclusive of floors below ground level).

