

Dunedin City District Plan  
**PROPOSED DISTRICT PLAN CHANGE 7**  
Dunedin Harbourside

Section 32  
Volume 1 Summary Report

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

## **TABLE OF CONTENTS**

### **VOLUME 1 Report**

#### **Part A**

1. Purpose of Report
2. Context and History
  - 2.1 Description of Dunedin Harbourside Area
  - 2.2 The Harbourside Vision
3. Issues
4. Relevant Provisions of the Resource Management Act 1991 and other Statutory Documents
5. Gap Analysis of District Plan
6. Broad Options to Address Issues
7. Overview of Plan Change Provisions
8. Consultation

#### **Part B**

9. Evaluation of Appropriateness of Objectives, Costs and Benefits of Policies, Rules and Methods
10. Conclusion

### **VOLUME 2 Supporting Documentation**

## SECTION 32 REPORT

# Proposed District Plan Change 7: Dunedin Harbourside

## 1 PURPOSE OF REPORT

Before a proposed plan change can be publicly notified the Council is required under section 32 of the Resource Management Act 1991 (the Act) to carry out an evaluation of alternatives, costs and benefits of the proposed change.

As outlined in section 32 of the Act the evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*

*An evaluation must also take into account:*

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

*Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.*

*A report must be prepared summarising the evaluation and giving reasons for the evaluation. The report must be available for public inspection at the time the proposed change is publicly notified.*

This report summarises the evaluation of Proposed Plan Change 7: Dunedin Harbourside to the Dunedin City District Plan (the Plan) as required by the Act. It should be read together with the text of the Plan Change itself.

A number of specialist technical reports were prepared and considered in coming to and informing an approach on the Plan Change. These documents are appended to this report. The final Proposed Plan Change may incorporate different views to the reports, which reflects the progressive development of the Plan Change and the fact that some of the technical reports commented on earlier versions of the Plan Change. The resulting Plan Change takes a holistic combined view on what is considered to be a reasonable position on various issues in the context of the Plan and the wider vision.

Consequently and in order to avoid the unnecessary repetition of technical documents the summary evaluation in this report references those documents where necessary within the parameters of section 32 but does not summarise them. If a more detailed description is required of the analysis undertaken it is recommended that the reader refers to each relevant specialist report.

## **2 CONTEXT AND HISTORY**

### **2.1 Description of Dunedin Harbourside Area**

Dunedin's harbourside area is centrally located, representing the area encompassed by Mason Street to the north, the railway and the Thomas Burns Street arterial to the west, French Street and Buller Street in the south and the harbour edge to the east.

The area has been progressively reclaimed from 1860, which has created a distinctive grid street pattern that follows the alignment of the Inner Basin (also known as the Steamer Basin), angled where they intersect with Thomas Burns Street and Mason Street. Street blocks have a depth of 72 metres on Fryatt Street, with the longest block at 170m. Lots tend to be small, averaging 15m to 26m wide, with buildings extending across the full extent of the site. Towards Mason Street the depth of the blocks reduces to 50m.

The oldest buildings are located in Fryatt Street and date from the 1880's, with the oldest being the Wharf Hotel.

Primarily characterised by industrial buildings, including port warehousing, activities include engineering, manufacturing, fabrication, processing, fishing, warehousing, depots, storage, automotive services and marine related activities. Some of the larger industries on the northern side include Farra Engineering (which extends over several discrete sites), Steel and Tube, and Holgate. The New Zealand Navy occupies a shed on the Fryatt Street wharf. In early 2007, Sealords, who occupied buildings on the Birch Street wharf, closed down. Smaller overseas passenger ferries dock at the overseas terminal wharf at the end of Fryatt Street. Bulk storage facilities are located toward the Wickliffe Street end of Fryatt Street outside the study area.

The Inner Basin consists of existing wharves along Fryatt Street and Birch Street. At the head of the basin is the Cross Wharf. In 2000 the Cross Wharf was redeveloped to provide an open space, public promenade and recreational fishing opportunities for the public. Activities on the fringes of the Inner Basin include the Customhouse restaurant, offices of the Monarch Cruises, Jade building which contains offices (this building is located in the coastal marine area) and Plato restaurant on Birch Street.

With the exception of the Cross Wharf, the remaining wharf areas provide limited access for the public to the harbouredge. A reserve owned by the Dunedin City Council (the Council) is located in Kitchener Street providing for a helicopter landing area, and a green space where the harbouredge can be accessed. The High Tide restaurant is located adjacent to the reserve.

Changes to the operation of the Port of Otago and increasing operational difficulties have rendered the upper harbour only suitable for lower draught vessels. Operations have been rationalised away from the Inner Basin towards the wharf area focused around oil and LPG jetty, Leith Wharf and Victoria Wharf. The Kitchener Street/Birch Street slipway provides for 500 tonne displacement used by fishing trawlers and tourist launches. The emphasis upon Port Chalmers, reduced demand for Dunedin Port and the surrounding land for port related activities have raised questions about the future development opportunities and land uses for the area.

There are a number of civic developments within the vicinity of the harbourside area, including the Chinese Garden and the Settlers Museum. There is an opportunity to link these with improved public access to the harbourside, to enhance and complement existing amenity improvements around the Cross Wharf.

Direct access to the harbourside is limited. The most direct pedestrian access is via the railway overbridge on the south side of the railway station, which requires crossing Thomas Burns Street. Vehicle access is via the Thomas Burns Street arterial road, providing access from the Jetty Street overbridge to St Andrews Street/Anzac Avenue intersection. From Thomas Burns Street access can be gained into Fryatt Street, Willis Street, Tewsley and Mason Streets. Access is also available from the south via Portsmouth Drive into Roberts Street. Council's Transportation Strategy contains a number of proposals for direct access from the city centre and plans to develop a harbour cycleway.

Reflecting the role of the harbourside in industrial, port and port related activities, the current Plan provisions zone the area Port 2 and Industrial 1.

## **2.2 The Harbourside Vision**

During consultation on the development of the Long Term Council Community Plan (LTCCP) in 2001, the community expressed a desire for the central city to have better linkages to the harbour and public spaces. As a result of consultation, funding was earmarked within the 2003-2013 Community Plan to improve harbour access and enhance harbour amenity between 2007 and 2011. This funding continues to be provided within the Community Plan but it is noted that it has been moved out to 2008/09-2011/12 in the 2007/08 Annual Plan.

Chalmers Property Limited (CPL), the commercial arm of Port Otago Limited, owns the majority of the land within the harbourside area with ground leases for the activities upon them. In 2002, CPL indicated their desire to change the use of some of their harbourside land, and in 2003 commissioned an urban design competition for the Dunedin harbourside area. Following the competition, the Council and CPL used the best elements from the three entries to develop a long-term vision for the area. In December 2003 the Council agreed to work alongside CPL in the preparation of a master plan for the area based upon the following outcomes:

- 1 Connection between the city and the harbour
- 2 Provision of public access to the harbour edge
- 3 Enhancement of public facilities and amenities on the harbourside
- 4 Enhancement of the character and visual amenity of the area
- 5 Provision for better use of land
- 6 Planning for growth
- 7 Provision for housing choice

As a result, a vision was consulted on in July 2005 concentrating on the north of the Inner Basin. A revised version of the vision was consulted on in October 2006, encompassing a wider study area to include the south side of the inner basin (attached as Appendix A). The objective of the vision was *"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 50-year vision involves the following key elements:

- Creating new public amenity spaces on the waterfront
- Encouraging greater recreational and tourist use of the harbour
- Developing new business opportunities
- Enabling the transformation of the wharf-sheds and Fryatt Street area through encouraging cafes, bars, recreational and tourism uses
- Encouraging a mix of land uses, including housing, retail, commercial and tourism uses to develop alongside existing industrial activity. This may include provision for up to 250 residential units
- Improving public access to the area by creating new pedestrian and vehicular crossings across the road and rail corridor. This includes long term aims of moving

the arterial roadway (Thomas Burns Street) closer to the railway to create a buffer area, opening up of Rattray Street crossing and in the interim creating a new pedestrian footbridge from the Chinese Gardens to the harbour side.

Achieving the vision is subject to a number of principles including:

- maintaining an efficient working port
- protecting existing industries within the harbourside
- port areas and protecting the vibrancy and vitality of the central city.

As a signatory to the New Zealand Urban Design Protocol, the Council recognises the importance of urban design in creating a better living environment. The redevelopment of the harbourside in achieving the vision represents an opportunity to reflect urban design principles by reinforcing the existing character and built form, which provides an important basis upon which to develop people orientated activities.

The harbourside vision outlines regulatory, open space, capital works and community infrastructure that are required to be undertaken to give effect to the vision. These include district plan changes, streetscape improvements, public open space acquisition, designations for connections to the city centre and within the harbourside and establishment of a community within the harbourside.

A Harbourside Project Control Group, with representatives from both the City Council and Chalmers Properties Limited, working under the direction of an independent Chairperson, was established in 2005 to oversee the development of the Harbourside project, advocate for the project, to approve the work programme of the project team and make strategic decisions.

### **3 ISSUES**

The effective utilisation of the existing Dunedin Port has reduced in the past decade, with greater use of the Port Chalmers facilities and decision by Port Otago to rationalise its Dunedin Port activities towards the northern wharves. At the same time the community has expressed a desire for greater access to the harbour edge and better connection between the city and harbour, reflected in the Council's community plan. In the wider context, there are also a number of civic projects occurring within the vicinity of the harbourside area, including the Chinese Gardens and redevelopment of the Settlers Museum. There is also a collaborative project between the Council and a number of groups to develop a harbour cycle route. Alongside this, CPL has expressed a desire for a different land use mix for land under its ownership within the harbourside. All these factors have influenced the development of the vision for Dunedin harbourside and affect the planning context with a range of opportunities.

In responding to the demand for greater access to the harbouredge and a wider mix of land use activities the following issues have been identified:

1. The Dunedin harbourside area has poor connections with the city centre and water, with limited accessibility, particularly for pedestrians.
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 activities and improved amenity values.
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.

4. The location and design of buildings and structures along the Inner Basin harbour edge may restrict or reduce public access and the provision of useable public spaces connected to the waterfront and wharf.
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.
6. The historical development and use of the Dunedin harbourside area for industrial and port activities may have contributed to site contamination.

### **3.1 Are these resource management issues?**

Before undertaking further assessment, the following questions are relevant:

***Are these issues resource management issues?***

Yes. The Otago Harbour and access to the Dunedin harbourside is an important physical resource for the city that provides for social and economic well-being. The operation of Dunedin Port and industrial activities, sustainability of the city centre, the retention of heritage and amenity values also provide for social and economic well-being.

***Are the issues of significance to the District?***

Yes. Access to and use of the Dunedin harbourside is important to the social and economic well-being of the city. Providing access to the harbourside while enabling continued efficiency of the port and industrial activities, and sustainability of the city centre are important for the economic and social well-being of the city. The integration of activities and development with access to the harbour is important for enhancement of amenity values and the creation of a quality environment.

***Is addressing these issues likely to make a difference?***

Yes. Addressing these issues will enable integrated management to enable access to be provided to the harbourside achieving the harbourside vision while enabling continued efficient operation of the Dunedin Port and industrial activities, retaining heritage buildings and the effects of different land uses can be managed to ensure compatibility with existing industrial and port activities and the city centre. The integrated management will achieve a quality environment that manages resources and effects while enhancing amenity values within the harbourside.

***Do these issues need to be addressed by the Plan?***

Yes. Altering the Plan provisions that apply to the harbourside area will effectively enable integrated management of the resource providing a range of people orientated activities, heritage protection, character of the area and management of internal and external effects, particularly on the existing port and industrial activities, along with consequential impacts upon the city centre. This will lead to enhancing the quality of the environment and of the amenity values that will create an attractive place to live, work and visit.

## **4 RELEVANT PROVISIONS OF THE RESOURCE MANAGEMENT ACT 1991 AND OTHER STATUTORY DOCUMENTS**

The Act provides the legislative framework defining the responsibilities of territorial authorities for managing natural and physical resources. The following sections of the Act are of particular relevance to this Plan Change. Part II of the Act, containing Sections 5-8 sets out the purpose and principles of the Act. Sections 31 and 74 define the functions of territorial authorities and matters to be considered by them. Section 32 establishes the requirement for the Council to carry out an evaluation of the proposed plan change.

### **4.1 Section 5 – Sustainable Management**

The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management is defined in section 5(2) as:

*..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.*

The Council must be satisfied that the Plan Change promotes the sustainable management of the natural and physical resources of the District.

This Plan Change is consistent with the purpose of the Act in that by responding to the demand for greater public access to the harbour edge and provision of a wider mix of land use activities will manage development in such a way and at rate that the community can provide for its future social and economic well being. However this must be done in a manner that avoids, remedies or mitigates any adverse effects upon the character of the wider Dunedin harbourside, consequential effects upon the City Centre and existing industrial and port operations in the area. Management of development and effects will provide for future generations by sustaining this important physical resource for Dunedin residents.

### **4.2 Section 6 - Matters of National Importance**

Section 6 of the Act contains six matters that the Council must recognise and provide for as matters of national importance. The following paragraphs deal with each of these in turn in relation to the issues raised by this Plan Change.

Section 6(a) provides for the *preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development*. The Dunedin harbourside involves part of the coastal environment of Dunedin City. This part of the coast is highly modified and does not retain any natural character that requires preservation.



Section 6(b) is concerned with the *protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*. The District Plan identifies a number of significant landscape areas that require protection. The Dunedin harbourside is not included within or adjacent to such an area.

Section 6(c) is concerned with *protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*. There are a number of such areas in the District Plan which are recognised as "Areas of Significant Conservation Value". The Dunedin harbourside is not included within or adjacent to such an area.

Section 6(d) is concerned with the *maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers*. The Dunedin harbourside adjoins the coastal marine area. One of the central aims for Dunedin harbourside is to improve, maintain and enhance public access to and along the harbour edge, as part of the coastal marine area.

Section 6(e) is concerned with the *relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*. Consultation with Kai Tahu has not indicated any significant concerns.

Section 6(f) is concerned with the *protection of historic heritage from inappropriate subdivision, use and development*. Assessment of heritage values of the Dunedin harbourside has been undertaken, involving identification of items for protection, attached as Appendix D to this report. These matters are dealt with in detail further on in this report.

### **4.3 Section 7 Matters**

Section 7 of the Act contains a number of relevant matters to which Council must have particular regard. The following sub-sections are of particular relevance to this Plan Change:

Section 7(b) relates to the *efficient use and development of natural and physical resources*. Redevelopment in the Dunedin harbourside will make efficient use of existing infrastructure and the physical land resource, which is in close proximity to the harbour and the city centre. Efficient use of the harbourside is also considered in terms of the wider resources within the city, including the Dunedin Port and the vibrancy and vitality of the city centre.

Section 7(c) is concerned with the *maintenance and enhancement of amenity values*. As a result of this Plan Change the amenity values of the Dunedin harbourside will be enhanced through redevelopment of the area and the creation of public spaces along the water edge.

Section 7(f) requires that particular regard be had to the *maintenance and enhancement of the quality of the environment*. The quality of the environment within the Dunedin harbourside is important particularly as accessibility to the harbour is improved and new residential and recreational activities are encouraged. As the environment changes from an industrial and port focus to people focus the quality of the environment needs to be enhanced to reflect the change in focus. The range of activities, design of development and management of effects will contribute to the quality of the environment.

Section 7(g) relates to any *finite characteristics of natural and physical resources*. The location of Dunedin harbourside in relation to the coastal environment and existing urban infrastructure is a finite physical resource. It is important that this resource is managed in a manner that ensures sustainable management.

#### **4.4 Section 8 – The Treaty of Waitangi**

Section 8 states that:

*"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."*

There are no Treaty principles that will be impacted upon by this Plan Change and no issues of concern have been raised through consultation with Kai Tahu.

#### **4.5 Section 31 – Functions of Territorial Authorities**

Section 31 of the Act defines the functions and responsibilities of territorial authorities for the purposes of giving effect to the Act and in particular the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, protection of land and the associated natural and physical resources of the district.

The analysis of objectives, policies and methods relevant to this Plan Change are found in Part B of this report.

#### **4.6 Section 32 – Duties to consider alternatives, assess cost and benefits**

Section 32 of the Act requires that, prior to the adoption of any objective, policy, rule or method intended to achieve the purpose of the Act. These requirements were highlighted in the introduction to this report. This report addresses the requirements of section 32.

Section 73 of the Act provides for the preparation and change of District Plans. It states that plan changes must be appeared in accordance with the First Schedule of the Act. The requirements of the First Schedule of the Act have been met in preparation and subsequent notification of this Plan Change.

#### **4.7 Section 74 – Matters to be considered by territorial authorities**

Section 74 of the Act requires that in preparing and changing its district plan a territorial authority shall have regard to other relevant planning documents including any proposed regional policy statements or plans. A district plan must not be inconsistent with the regional policy statement or any regional plans. Of particular relevance to examining issues regarding the Dunedin harbourside are the New Zealand Coastal Policy Statement, iwi planning documents, the Otago Regional Policy Statement and the Otago Regional Plan: Coast.

##### **4.7.1 New Zealand Coastal Policy Statement**

The New Zealand Coastal Policy Statement 1994 establishes national priorities in five policies for the preservation of the natural character of the coastal environment. The national priorities include protection from inappropriate subdivision, use and development; protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; protection of features that are essential or important elements of the natural character; protection of the integrity, functioning and resilience of the coastal environment; and to restore and rehabilitate the natural character where appropriate.

Of particular note is the national priority in Policy 1.1.1 to preserve the natural character of the coastal environment through means such as encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment. It is considered that redevelopment of the Dunedin harbourside is consistent with this Policy.

#### **4.7.2 Kai Tahu Ki Otago Natural Resource Management Plan 2005**

Section 74(2A)(a) requires the Council to take into account relevant iwi planning documents. The relevant document in this case is the Kai Tahu Ki Otago Natural Resource Management Plan 2005.

Of relevance to this Plan Change is Chapter 5 contains the generic issues, objectives and policies for all catchments of the Otago Region. *Objective 5.6.3* recognises the relationship Kai Tahu ki Otago have with land in all resource management activities and decisions. *General Policy 5.6.4 (24)* discourages the erection of structures in culturally significant landscapes, lakes, rivers or the coastal environment. Policy 5.8.4 encourages the integrated management of the coastal environment and encourage land use activities adjacent to the coastal environment to avoid or mitigate any adverse effects on coastal water quality.

Chapter 8 relates to objectives and policies specific to the Otago Harbour Catchment. Policies in this chapter include *Policy 8.4.3 (1)* in relation to the identification and protection of mahika kai sites of importance in the Otago Harbour, and *Policy 8.5.3 (5)* to protect important landscapes, landforms and features of significance from inappropriate activities.

#### **4.7.3 Regional Policy Statement for Otago**

The Regional Policy Statement for Otago became operative on 1 October 1998 and is due for review on 1 October 2008. The Regional Policy Statement considers a wide range of significant regional resource management issues. Of particular relevance are the following objectives and policies from section 8: Coast and section 9: Built Environment.

*Objective 8.4.1* seeks to promote the sustainable management of Otago's coastal resources in order to meet the present and reasonably foreseeable needs of Otago's people and communities. *Objective 8.4.6* seeks to maintain and enhance public access to and along Otago's coastal marine area.

*Policy 8.5.1* recognises and provides for the relationship of Kai Tahu with the Otago Coast. *Policy 8.5.2* recognises the need to accept some uses within the coastal environment where effects can be managed. *Policy 8.5.3* maintains and enhances public access along the coast by identifying areas where access can be improved and situations where restrictions on access are necessary. *Policy 8.5.8* recognises and provides for sea-level rise by incorporating best estimates into planning and design of structures.

*Objective 9.4.1* seeks the promotion of the sustainable management of Otago's built environment to meet the present and reasonably foreseeable needs of Otago's people and communities, provide for amenity values, conserve and enhance environmental and landscape quality and recognise and protect heritage values. *Objective 9.4.3* seeks to avoid, remedy or mitigate the adverse effects of the building environment on natural and physical resources. Adverse effects

include, amongst others, air and water pollution, the loss of, or damage to, landscapes and heritage resources, and the loss of amenity values.

*Policy 9.5.1* seeks to recognise and provide for the protection of sites and resources of cultural importance to Kai Tahu from the adverse effects of the built environment. *Policy 9.5.2* seeks to promote and encourage efficiency in development that maximises the use of existing infrastructure. *Policy 9.5.4* seeks to minimise the adverse effects of urban development and settlement by avoiding, remedying or mitigating adverse effects that arise through its existing use or change of use in either urban or rural settings.

The objectives and policies of the Regional Policy Statement are supported by the proposed Plan Change in the following ways:

- sustainable management of a coastal resource being the Dunedin harbourside
- improved public access to and along the harbour
- use of zoning to provide for the management of effects of the built environment and use of existing urban area.

#### **4.7.4 Regional Plan: Coast for Otago**

The Regional Plan: Coast for Otago considers the range of issues relating to use, development and sustainable management of Otago's coastal marine area.

*Objective 5.3.1* provides for the use and development of Otago's CMA while maintaining or enhancing the natural character, features and landscapes along with ecosystem, amenity, cultural and historical values. The coastal marine area is managed through the identification of three areas with differing sensitivity to adverse effects, being the Coastal Protection, Coastal Development and Coastal Recreation Areas. *Policy 5.3.4* recognises five coastal development areas (CDA) within the CMA, including CDA4 Otago Harbour (which includes the Inner Basin). *Policy 5.4.4* ensures that regard is given to the values associated with any CDA when considering use, development and protection.

*Objective 6.3.1* seeks to manage the effects of activities crossing the boundary line of mean high water springs. *Objective 7.3.1* seeks to maintain and enhance public access to Otago's coastal marine area.

The objectives and policies from the Regional Plan: Coast for Otago are supported by the proposed Plan Change in the following ways:

- enhanced access and recreational use of the coastal marine area of the Dunedin harbourside
- management of development that complements the use of the coastal marine area
- managing cross boundary effects.

It is noted that a private plan change request will be made to the Otago Regional Council to ensure consistency with the proposed provisions of this plan change as it extends into the coastal marine area.

## 5 GAP ANALYSIS OF DISTRICT PLAN

The Dunedin City District Plan became fully operative on 3 July 2006. The following analysis summarises the extent to which the District Plan currently addresses the identified resource management issues for the Dunedin harbourside and identifies any gaps.

Plan Section	Comments
<b>4 Sustainability</b>	<p>This section establishes the philosophical approach by which the Council intends to manage the natural and physical resources of the City to achieve the purpose of the Act. <i>Objectives 4.2.1 – 4.2.5</i> seek to enhance amenity values, sustainably manage infrastructure and the levels of service provided, protect significant natural and physical resources and provide a comprehensive planning framework to manage the effects of the use and development of resources.</p> <p><i>Policy 4.3.4</i> specifically recognises the need to protect a number of natural and physical resources, including recognition of the Port Zones and significant heritage and townscape buildings and structures. <i>Policy 4.3.6</i> recognises the importance of providing access to natural and physical resources for the community, including developments that are compatible. <i>Policy 4.3.8</i> seeks to avoid indiscriminate mixing of incompatible uses and developments. <i>Policy 4.3.10</i> adopts a holistic approach to addressing the effects of the use and development of natural and physical resources.</p> <p><b>Issues addressed:</b> At the strategic level the issues are addressed through recognition of the need to manage resources and the effects of land use, and enhancement of amenity values. These resources include the port, heritage values and need to ensure compatible development. These objectives and policies are directed at the strategic level and not at any particular locality.</p> <p><i>Partly addresses Issues 1 to 6</i></p>
<b>6 Industry</b>	<p>The area including Mason Street, Thomas Burns Street, Tewsley Street and the north side of Willis Street is zoned <b>Industrial 1</b>. In the south this includes 41 Wharf Street, south of Birch Street, west of Roberts Street and south of French Street.</p> <p>This section manages industrial activities and their effects. <i>Objective 10.2.1</i> seeks to avoid, remedy or mitigate the adverse effects of industrial activities while <i>Objective 10.2.2</i> seeks to sustainably manage the natural and physical resources of the Industrial zone. <i>Objective 10.2.3</i> seeks to ensure that non-industrial activities within industrial areas do not limit the operation of industrial activities.</p> <p><i>Policy 10.3.2</i> seeks to exclude activities not part of or associated with industrial activities in the Industrial 1 zone, while <i>Policy 10.3.1</i> seeks to manage the adverse effects of industrial activities. This is reflected in the limited range of activities provided for, including the absence of people orientated activities.</p> <p><b>Issues addressed:</b> Partly addresses Issue 3 in that it recognises the effects of industrial activities and the ability to operate without constraints. The Industrial 1 zone specifically excludes mixed-use, people orientated activities and the recognition of management of effects between the two within the same zone. It is noted that the Industrial 2 zone recognises historical mixed-use development in proximity to the campus of residential and industrial, with appropriate controls.</p>

Plan Section	Comments
<p><b>7</b></p> <p><b>Port</b></p>	<p>The area fronting the harbour edge extending back to the south side of Willis Street and east side of Tewsley Street, south side of Cresswell Street, is zoned <b>Port 2</b>. It also includes the Cross Wharf, and south of the Inner Basin the area to the east of Roberts Street and north of French Street.</p> <p>Port 1 covers Port Chalmers while Port 2 covers the Dunedin Port.</p> <p>The objectives focus upon managing the port resource, recognising and providing for port related activities on adjoining land. <i>Policy 11.3.4</i> seeks to avoid the effects of port activities. <i>Policy 11.3.7</i> recognises that although public access to the coastal marine area is important, such access may have public health and safety issues due to the port operations.</p> <p>The Port 2 zone provides for a variety of port related activities including cargo storage, loading of sea vessels, repair, berthing and mooring of ships along with a range of industrial and service activities. No yards or height limits apply within the Port Zone.</p> <p><b>Issues addressed:</b> The Port section is established on a similar basis to the Industry section in that it recognises the port and its activities and the need to operate free of constraints. In the case of the Dunedin Port it is generally free of constraints as it is surrounded by industrial activities, unlike Port Chalmers. There is some recognition that access to the coastal marine area is important but can be limited for health and safety reasons.</p> <p><i>Partly addresses Issues 1 to 4.</i></p>
<p><b>13</b></p> <p><b>Townscape</b></p>	<p>The following provisions of the Townscape section apply within the harbourside area:</p> <ol style="list-style-type: none"> <li>Items listed on Schedule 25.1: Townscape and Heritage Buildings and Structures: <ul style="list-style-type: none"> <li><b>B106</b> NZ Loans and Mercantile Building (former) on the corner of Thomas Burns and Fryatt Streets</li> <li><b>B616</b> Cossens and Black Ltd Building (Custom House Offices) on the corner of Wharf and Fryatt Streets (Category II HPT)</li> </ul> </li> <li><b>TH12 Queens Garden Heritage Precinct</b> extends from Queens Garden across the railway and Thomas Burns Street taking in Item B106 and half the block bounded by Fryatt, Fish, Willis and Thomas Burns Streets. Section 13.3.6 describes the precinct, focusing upon Queens Garden open space, First Church and Burlington Street, the buildings that frame Queens Garden and a high concentration of heritage buildings. There is no mention of the Fryatt Street part of the precinct.</li> <li><b>Urban Landscape Conservation Area 02, Harbourside Areas Dunedin</b>, extends along the water edge of Kitchener Street, from White Street to French Street. ULCA02 extends along the harbour edge from Andersons Bay Inlet to the boat harbour, excluding the wharf areas.</li> </ol> <p>The Townscape section recognises the importance of maintaining the townscape character through retention of heritage buildings and use of precincts. <i>Objective 13.2.6</i> ensures that development does not adversely affect the character and amenity of central city precincts, with the precincts specifically recognised through <i>Policy 13.3.4</i>. <i>Policies 13.3.5-13.3.7</i> deal with development, including additions, demolition and signage that will have adverse effects upon townscape and heritage values of the precincts. <i>Policy 13.3.10</i> encourages adaptive re-use of buildings, while <i>Policy 13.3.13</i> involves identification of heritage items and inclusion on the schedule.</p> <p><i>Objective 13.2.1</i> and <i>Policy 13.3.1</i> ensure that the important natural values and features that provide setting for the urban area are protected and enhanced through</p>

Plan Section	Comments
	<p>the identification of ULCA's.</p> <p><b>Issues addressed:</b> This section partly addresses <i>Issue 5</i> in that the Plan has established mechanisms to recognise and protect heritage items through identification on Schedule 25.1.</p> <p>The objectives and policies of the Townscape Section recognise existing precincts and manage the effects of development upon the precinct values. Provided that the identified values and desired outcomes within the harbourside can be effectively recognised and managed as a precinct then the objectives and policies will be applicable. However, the current Townscape section has limitations in that it is an overlay on the zones, which does not relate well to the zone provisions or balancing of issues. This makes it difficult to achieve an integrated approach to development, one that would include consideration of building design, the relationship to adjoining public space and the activity. An evaluation of the Townscape section undertaken in 2005, highlighted these inefficiencies.</p>
<p><b>17</b></p> <p><b>Hazards and Hazardous Substances</b></p>	<p>The objectives of this section recognise the effects of a range of natural and technological hazards and the effects related to the use, storage and disposal of hazardous substances. <i>Policy 17.3.5</i> seeks to control development in areas likely to be affected by sea level rise. <i>Policy 17.3.8</i> seeks to control hazardous substances and identify where they are located. <i>Policy 17.3.6</i> seeks to control development in areas likely to be affected by coastal hazards such as erosion. <i>Policy 17.3.7</i> encourages development along arterial routes to avoid the possibility of debris from collapsed structures blocking routes.</p> <p>The methods used relate to the Hazard Register and provision of information through the LIM/PIM process. Rules within this section only relate to hazardous substances.</p> <p><b>Issues addressed:</b> This section partly addresses <i>Issues 3 and 6</i> at the broad level, recognising the effects of technological hazards and hazardous substances. There are no rules that relate to site contamination within this section of the Plan, which is partly a regional council function.</p> <p>In terms of sea level rise, the harbourside is in a coastal location that has been developed and utilised as an operational port. It has established sea walls and is not subject to the same hazards and impact of inundation as unprotected coastal areas, which is mentioned in <i>Policy 17.3.6</i>. The Council's adopted policy is based on a sea level rise of 0.33, from predictions for 2050 from the Intergovernmental Panel on Climate Change (IPCC).</p>
<p><b>18</b></p> <p><b>Subdivision</b></p>	<p>This section manages subdivision and its effects. <i>Objective 18.2.4</i> and <i>Policy 18.3.9</i> seek to maintain and enhance public access along selected water bodies and the coast through the creation of esplanade strips and reserves at the time of subdivision. <i>Objective 18.2.5</i> and <i>Policy 18.3.10</i> are concerned with preserving the natural character and conservation values along the coastal marine area in accordance with the Act and the Otago Regional Policy Statement.</p> <p>Rule 18.5.4 requires a minimum 20 metre esplanade reserve along the coastal marine area upon the creation of lots less than 4 hectares. For lots greater than 4 hectares an esplanade strip will be required.</p> <p><b>Issues addressed:</b> The section <i>partly addresses Issues 1 and 4</i> recognising the importance of coastal access, which is a matter of national importance under the Act, and the need to secure public access upon subdivision. These rules will only apply upon subdivision as defined under the Act. Without subdivision public access cannot be secured under the provisions of this section.</p>



Plan Section	Comments
<b>20 Transportation</b>	<p>This section manages transportation and its effects throughout the city.</p> <p>The importance of commercial ports at Port Chalmers and Dunedin as part of the transportation network are recognised by <i>Objective 20.2.3</i>. <i>Objective 20.2.2</i> recognises that activities have adverse effects on the transportation network while <i>Objective 20.2.4</i> seeks to maintain and enhance a safe, efficient and effective transportation network. <i>Policy 20.3.8</i> provides for the safe interaction between pedestrians and vehicles. <i>Policy 20.3.9</i> seeks sustainable management of nationally or regionally important transport infrastructure so that they can operate effectively and continue to meet the needs of future generations.</p> <p>It is noted that Planning Map 74 Road Hierarchy identifies Thomas Burns Street as a regional road, Fryatt Street and Mason Street as Collector Roads and a small portion of Mason Street as a District Road. The hierarchy directly relates to rules in the transportation section.</p> <p><b>Issues addressed:</b> This section <i>partly addresses Issues 1, 2 and 3</i> recognising the need to provide a transportation network for a variety of users with safety between users, particularly pedestrians and vehicles. This section also recognises the need to manage effects of activities upon the transportation network.</p>
<b>21 Environmental Issues</b>	<p>This section recognises the effects of noise, glare, lighting and electrical interference upon health and amenity values. <i>Policy 21.3.5</i> specifically recognises the effects of the port operations at Port Chalmers and the need to use particular noise management and mitigation measures due to topography and concentration of residential activities. These special measures do not apply to the Dunedin Port as it is used less frequently, does not have topographical constraints and has predominately industrial activities.</p> <p><b>Issues addressed:</b> <i>Partly addresses Issue 3</i> in recognising effects of activities upon health and amenity values, which is important in a mixed use environment. There is some recognition that the Dunedin Port does not experience the same effects as Port Chalmers, which could change if residential activities introduced.</p>
<b>Other Provisions</b>	<p>Designations Schedule 25.5 identifies <b>D625</b> held by the Dunedin City Council (City Property) for Dunedin Heliport "<i>Heliport - Emergency Purposes Only</i>" located at Kitchener Street on Pt Lot 1 DP 22365 with the following conditions:</p> <ol style="list-style-type: none"> <li>1. The site shall be fenced along the northern, western and southern boundaries.</li> <li>2. Signs advising of the site's purpose, and warning of the hazards associated with helicopter operations, shall be erected on all boundaries.</li> </ol>

Overall the gap analysis indicates that the current provisions of the Plan recognise:

- the existence of the Dunedin Port, the need to manage effects and its role within the transportation network as a significant resource.
- provision for industrial activities and their general need to operate without restrictions
- where heritage values exist they should be identified and protected
- the importance of securing coastal access, particularly through the subdivision process.

The current Plan provisions do not fully recognise all the issues identified (section 3) for the Dunedin harbourside in a comprehensive manner, making it difficult to provide for an



accessible coastal environment balanced with provision for new and existing activities. The Port and Industry sections of the Plan are focused upon managing those resources in a generally unhindered environment with limited recognition of internal or external effects or the ability to introduce a greater variety of activities, including residential. The ability to establish a wide range of activities that would attract people into the harbourside, while managing effects upon existing port and industrial activities and the city centre, is difficult to effectively achieve through these existing provisions and to manage the effects between activities.

The provision of coastal access is provided for within the Plan, but is limited to subdivision and does not apply to development in general. The values associated with the architectural heritage, maritime and port development of the harbourside are not currently recognised in the Plan, however there is the ability to recognise these values by inclusion of items on Schedule 25.1. The Plan also has little or limited ability to enable integration of buildings and public spaces along the harbouredge. While aspects of the issues identified in section 3 of this report are recognised in disparate sections within the Plan they are not adequately addressed in a comprehensive manner for the Dunedin harbourside area or enable the vision to be attained.

## **6 BROAD OPTIONS TO ADDRESS ISSUES**

The following options have been considered as to how to address the issues relating to the Dunedin harbourside:

### **Option 1: Amend Provisions of Existing Port and/or Industrial Zones to Enable Mixed Use Development**

Option 1 would amend the existing provisions that apply to the area. This may have potential effects wider than harbourside, upon full extent of the port and industrial zones.

### **Option 2: Establishment of a New Zone**

Option 2 would establish a new zone to provide for activities that are expected in the harbourside. This would involve new objectives, policies and rules that:

- provide the opportunity for managing the potential effects of the redevelopment, including impacts upon the city centre, existing industrial and port activities.
- promote and implement a consistent vision for the Dunedin City Harbourside area.
- ensure good design outcomes.

### **Option 3: Status Quo**

This option retains the existing zone provisions. Activities would have to seek resource consent which may be difficult to obtain under the current provisions.

### **Option 4: No controls**

This option involves no controls over activities in the harbourside.

Table 1 discusses the benefits, costs, efficiency and effectiveness of each broad option.

**TABLE 1 – BROAD OPTIONS FOR ADDRESSING ISSUES**

	<b>OPTION 1 Provide for activities in the Industrial 1 and Port Zones</b>	<b>OPTION 2 Establish a new zone within harbourside</b>	<b>OPTION 3 Status Quo</b>	<b>OPTION 4 No controls</b>
<b>Benefits</b>				
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• Provides for mix of activities desired in the harbourside</li> </ul>	<ul style="list-style-type: none"> <li>• Tailored to provide for the right mix of activities desired in the harbourside</li> <li>• Ability to recognise existing activities and make suitable provision to ensure effects managed</li> <li>• Public access to waterfront is integral part of development</li> <li>• Good design outcomes can be attained</li> </ul>	<ul style="list-style-type: none"> <li>• Consideration of activities and effects on case by case basis</li> <li>• Existing industrial activities have priority</li> </ul>	<ul style="list-style-type: none"> <li>• None identified</li> </ul>
<b>Social</b>	<ul style="list-style-type: none"> <li>• Certainty for community</li> <li>• Increased choice of location for residential and other activities</li> <li>• Public access to waterfront and supporting activities</li> <li>• Heritage buildings identified and protected</li> </ul>	<ul style="list-style-type: none"> <li>• Certainty for community</li> <li>• Increased choice of location for residential and other activities</li> <li>• Public access to waterfront and supporting activities</li> <li>• Heritage buildings identified and protected</li> </ul>	<ul style="list-style-type: none"> <li>• Community can participate in notified consent process</li> </ul>	<ul style="list-style-type: none"> <li>• Choice and variety of development and activities</li> </ul>
<b>Economic</b>	<ul style="list-style-type: none"> <li>• Plan change provides for choice of development opportunities within the harbourside</li> </ul>	<ul style="list-style-type: none"> <li>• Harbourside developed with opportunities for mixed use activities</li> <li>• Effects upon existing industrial and port activities and city centre can be managed through rules</li> </ul>	<ul style="list-style-type: none"> <li>• Low implementation cost as using existing provisions</li> <li>• Cost of consent process to applicants and Council</li> </ul>	<ul style="list-style-type: none"> <li>• Activities freely develop based on market</li> </ul>
<b>Costs</b>				
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• Potential conflict with existing industrial and port activities</li> <li>• Precedent established for other parts of the industrial zone throughout the city</li> <li>• May not fully recognise the characteristics of a mixed use environment</li> <li>• Activities may be incompatible</li> <li>• Potential to dilute the industrial zone provisions</li> </ul>	<ul style="list-style-type: none"> <li>• Conflict with existing activities as people orientated activities move in and potentially restrict their operations</li> <li>• Compliance costs of higher standards for all development</li> <li>• Transportation conflicts between existing and new users</li> </ul>	<ul style="list-style-type: none"> <li>• Ad hoc development</li> <li>• Difficulty in obtaining consents for non-complying development that may be appropriate in waterfront environment</li> <li>• Undermines integrity of plan</li> <li>• Existing provisions do not provide for mixed use development</li> <li>• Heritage buildings not protected</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of heritage buildings</li> <li>• No guarantee of good design or public access</li> <li>• City centre at risk</li> <li>• Existing activities at risk</li> </ul>

	<b>OPTION 1 Provide for activities in the Industrial 1 and Port Zones</b>	<b>OPTION 2 Establish a new zone within harbourside</b>	<b>OPTION 3 Status Quo</b>	<b>OPTION 4 No controls</b>
<b>Social</b>	<ul style="list-style-type: none"> <li>• Potential conflict between existing and new activities</li> </ul>	<ul style="list-style-type: none"> <li>• Potential conflict between existing and new activities</li> </ul>	<ul style="list-style-type: none"> <li>• Need for adjoining landowner / occupier to be aware of activities and consent process</li> <li>• Vision may not be achieved and the ability for public access to harbour not guaranteed</li> </ul>	<ul style="list-style-type: none"> <li>• Increased potential for conflict with surrounding landowners and public</li> <li>• Increased conflict with traffic and public access</li> <li>• No certainty for community or operators</li> <li>• Vision may not be achieved</li> </ul>
<b>Economic</b>	<ul style="list-style-type: none"> <li>• Cost of plan change process</li> <li>• Existing legitimate activities move out of area to find alternative suitable location, cease to operate or leave city</li> <li>• Loss of land dedicated to industrial activities</li> <li>• Cost on whole of city as potentially opens up industrial zones city-wide</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of plan change process</li> <li>• Existing legitimate activities move out of area to find alternative suitable location, cease to operate or leave city</li> <li>• Loss of land dedicated to industrial activities</li> </ul>	<ul style="list-style-type: none"> <li>• High cost of resource consent process</li> <li>• Monitoring and enforcement costs to council</li> </ul>	<ul style="list-style-type: none"> <li>• Costs of compliance and legal action</li> <li>• Cost of plan change to remove current controls</li> </ul>
<b>Effectiveness and Efficiency</b>				
	<ul style="list-style-type: none"> <li>• Does not adequately address all issues.</li> <li>• May raise additional unintended effects in other areas of city covered by such zones unless tailored to suit harbour side area.</li> <li>• Increased monitoring and enforcement required by Council may reduce efficiency.</li> </ul>	<ul style="list-style-type: none"> <li>• Effectively deals with issues in a comprehensive manner managing effects while enabling development of area and effect to vision.</li> <li>• Efficient as it provides certainty for landowners, community and existing business operators.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing situation is ineffective in addressing the issues in an integrated manner or achieving the vision</li> </ul>	<ul style="list-style-type: none"> <li>• No certainty that issues will be addressed or the vision achieved.</li> <li>• Inefficient with high costs to the community and the environment.</li> </ul>

## 6.1 Assessment

Having considered the four broad options above, Options 3 and 4 are ineffective and inefficient in addressing the issues that have been identified for the Dunedin harbourside in Section 3 of this report. Option 1, partly addresses some issues but not in an integrated manner and has the potential to raise inefficiencies for other Port and Industrial zones elsewhere in the City.

It is recommended that on the basis of effectiveness and efficiency, Option 2 involving the establishment of a new Harbourside Zone, is the most appropriate way to address the issues identified in the Dunedin harbourside. This option provides the benefit of integrated management of the harbourside, achieving the vision, whilst meeting demands, providing choice and managing effects. The objectives, policies, rules and methods of the proposed Plan Change 7 are evaluated in Part B of this report.

## **7 OVERVIEW OF PLAN CHANGE PROVISIONS**

Plan Change 7 takes a 'design based' approach to address the issues and meet the demand for improved access to the Dunedin harbourside. This approach emphasises good design outcomes to benefit both the wider Dunedin community and the harbourside community, and establishes bottom line principles in terms of the rules and performance standards. A full range of planning tools are utilised that will allow continuation of existing activities, while at the same time allow for long term redevelopment and the introduction of new activities into the area. Alongside the planning tools are a range of methods that are outside of the Plan Change but will contribute towards achieving the harbourside vision and improved access to the harbour edge. These methods include works programmes for amenity improvements to streets and pedestrian areas, management of traffic and parking in the area, and long-term plans identified in the Transportation Strategy in relation to the Thomas Burns arterial route.

As previously mentioned, the Council is signatory to the New Zealand Urban Design Protocol. In recognition of this, proposed Plan Change 7 introduces the Harbourside Zone, using a design based approach for future development. The current Plan provisions use a limited design based approach through the provisions and application of townscape and heritage precincts. These precincts work by providing an overlay on the zone to control the external design and appearance of buildings to contribute towards the identified townscape, while the zone controls the activities and set the performance standards for development. The approach proposed for the Harbourside Zone does not involve the use of the townscape precincts as an overlay but proposes a new approach where activities, performance standards and design of the built form are fully integrated within the zone. The basis of this approach is the identification of six Character Areas and the implementation of a design code.

The Character Areas identified within the harbourside represent distinctive blocks of development that will build upon or create a particular character based upon the activities provided for, the degree of people orientated activity encouraged, the resulting built form and relationship to the provision of public open space. The Character Areas integrate both the design of buildings and spaces, and the activities taking place within them. Development can then be considered in the wider context of the harbourside and the contribution it makes to the Character Area.

The benefit of the Character Area approach enables development of the rules directly related to the design outcomes being sought within each Character Area and tailoring the management of compatible activities and effects.

As reflected in the approach adopted, the importance of urban design and the resulting built form of new development within the harbourside was considered as an important issue during development of the Plan Change, which was also reflected in consultation feedback. Various approaches were considered as to the level and form of urban design controls to balance the environmental outcomes while enabling development (Appendix C). The option initially selected was to apply a townscape precinct over Fryatt Street North, keeping the character areas. As outlined above there are a number of problems in terms of how the townscape precincts relate to the zone provisions and the relationship with the remaining areas of the harbourside. Imposing a precinct results in duplication of the Character Area provisions, identifies only one area of the harbourside and potential inefficiencies in its administration. For these reasons the Plan Change uses the more integrated approach of the Character Areas with the design code. It is acknowledged that the harbourside does and will continue to contribute towards the townscape values of Dunedin City, as intended by the Townscape section.

## **7.1 Character Areas**

The Character Areas are described below:

### **7.1.1 Fryatt Street North Character Area (included in Stage 1)**

Fryatt Street North includes the sites fronting the north side of Fryatt Street and bound by Thomas Burns Street and Willis Street. The three blocks comprise a total land area of 1.9 hectares. The blocks contain few undeveloped areas with buildings occupying the full extent of their sites, with some extending from Fryatt Street through to Willis Street. A range of industrial and service activities are located in the block, along with the Wharf Hotel. The existing built form will be continued with new development that encourages warehouse and industrial character, and buildings up to the front and side boundaries.

Fryatt Street North serves as an importance entrance to the harbourside with long term plans to re-open pedestrian and/or vehicle access from Rattray Street across the railway. This will provide both the physical and visual connections between the harbour and the city centre, and connections with other nearby features such as the Chinese Gardens. As a result of these connections, Fryatt Street North will be a pedestrian orientated area with activities including small-scale retail, recreational and tourist activities, cafes and restaurants on the ground level. Residential, office and commercial residential will be encouraged on the upper floors. Protection of the pedestrian frontages will be enhanced through rules that limit vehicle access, provide for a reduction in parking requirements and require assessment where buildings are to be demolished without being replaced. Connections to the north for pedestrians will be through the provision of two walkways and squares from Fryatt Street North through to Willis Street.

The Fryatt Street North Character Area also contains important heritage buildings, one of which is already listed on Schedule 25.1. It is proposed that four other buildings are added to the schedule located at 21 Fryatt Street, 25-27 Fryatt Street, 57 Fryatt Street and 63-65 Fryatt Street.

### **7.1.2 Inner Basin Character Area**

This Character Area encompasses the wharf areas around the Inner Basin, and includes 41 Wharf Street. The area has been divided into North, South and North East.

#### ***a) North (included in Stage 1)***

The Inner Basin North encompasses the narrow strip along the north side of the Inner Basin and the Cross Wharf with an area of 1.2 hectares. The undeveloped site at 41 Wharf Street is also included in this Character Area, with a site area of 3960m<sup>2</sup>. Existing buildings include three existing wharf sheds and the Customhouse on the Cross Wharf.

The Inner Basin North will complement Fryatt Street as a pedestrian orientated area with access to the waterfront. Activities are the same as those in the Fryatt Street North Character Area. The built form is encouraged to reflect the maritime environment with three building platforms provided that will take a linear form parallel to the wharf and Fryatt Street. Building height will be 10-14 metres to provide for development that will maximise the harbour edge location, without dominating the pedestrian area or wider city views.

Areas of public open space will be provided around the building platforms to facilitate the continuous pedestrian environment and access to the harbour edge. Additional public promenade in front of the building development will be provided through a rebuilt or refurbished wharf along Fryatt Street. Built form will be integrated with the public open space and wharf.

*b) South (included in Stage 1)*

The Inner Basin South Character Area consists of 1.31 hectares and encompasses the narrow strip between Birch Street and the Inner Basin up to the Slipway. The area contains existing wharf buildings previously occupied by Sealords. The continuous people orientated environment will be encouraged with areas of public open space and wharf provision on the same basis as the Inner Basin North.

Activities provided for within the South are different from those in the North. Being located on the south side with sufficient solar access, the Inner Basin South is intended to be the focus for residential and commercial residential development, with cafes and restaurants. Retail and commercial office activities are not permitted in the Inner Basin South. Like the Inner Basin North, built form is encouraged to reflect the maritime environment with three building platforms taking a linear form parallel to the wharf and Birch Street. Buildings will be three-storey with maximum height of 13-15 metres to provide for apartment development. Inner Basin South is part of Stage 1.

*c) North East (included in Stage 2)*

This area (7500m<sup>2</sup>) includes the building and wharf area adjoining the Inner Basin North extending up towards the Holcim New Zealand site. The Inner Basin North East will be available in the long term and is included in Stage 2 of the development. No activities are permitted until Stage 2 is triggered. The built form will encompass one building with a maximum of three floors and height of 13 metres and integrated with public open space. Activities provided for in this area are the same as those in the Inner Basin South.

7.1.3 Mixed Use Character Area

The Mixed Use Character Area covers the greatest extent within the Harbourside Zone and consists of two discrete areas. To the north it encompasses the area between the south side of Willis Street and Mason Street. This covers seven blocks with a total area of 5.47 hectares. In the south it encompasses the area south of Birch Street, north of French Street and Kitchener Street. This covers two blocks with an area of 1.82 hectares, plus the strip between Kitchener Street and the harbour edge of 4788m<sup>2</sup>. Both areas contain a variety of industrial and service activities, although the density of development is greater in the north.

The Mixed Use Character Area provides for industrial and service activities that do not require air discharge consents from the Otago Regional Council, which can be undertaken as part of Stage 1. This will ensure compatibility with other activities to be introduced when Stage 2 is triggered. These include residential activities and community support. It is noted that the south side of Willis Street is included in Stage 1, reflecting the potential for development on Fryatt Street to incorporate these sites.

The Mixed Use Character Areas will have a lesser general pedestrian orientated focus, although there will be walkways providing connectivity between the Inner Basin and

the existing railway pedestrian bridge. The continuation of the existing built form will be encouraged with buildings up to the front and side boundaries. There are five heritage buildings identified for listing on Schedule 25.1 within this Character Area. These include 27 Willis Street, 39 Willis Street, 68 Willis Street, 10 Tewsley Street and 2 Birch Street.

#### 7.1.4            *Mason Street Character Area*

This area encompasses all sites with frontage to Mason Street, with an area of 1.97 hectares. It is intended that Mason Street be developed with a residential focus. A limited range of activities is provided including industrial and service activities, commercial residential, dairy, licensed premises and restaurants. The built form will change the existing character to a more residential character by encouraging the provision of two to three metre front yards and building heights of three to four floors up to 16m fronting Mason Street. Amenity improvements to Mason Street to enhance the street environment will be undertaken as part of works programmes.

Mason Street is included in Stage 2 of development, where residential, commercial residential, licensed premises and restaurants are not permitted until Stage 2 is triggered. The Otago Daily Times Warehouse at 24 Mason Street is identified for listing on Schedule 25.1.

## **7.2                    Design code**

With a focus on development of a quality environment within the harbourside, the Harbourside Design Code, in combination with the Character Areas and performance standards, is an important method to ensure good design outcomes, particularly in relation to the public realm.

The design code forms an integral part of the Plan Change documentation, it will have a statutory role as part of the District Plan and will be appended to the Harbourside section. It gives effect to the New Zealand Urban Design Protocol and the principles of Crime Prevention through Environmental Design (CPTED). The rules will set the minimum requirements for development while the code will influence the quality of the outcome. All new buildings and structures, and additions/alterations to existing structures visible from a public place will require consent as a controlled activity. The design code will be used to assess applications, along with all other applications as is relevant. This will ensure the quality of the environment and the resulting built form based upon the values identified for the Character Areas.

The design code is beneficial for applicants providing guidance as to the built form expected in the harbourside, while there is some certainty to the community of the outcome and that the vision can become a reality.

The design code is based on the following principles, which will establish the built form and character envisaged for harbourside. The rules establishing performance standards such as yards and height were also developed in light of these principles.

- 1        *Design Coherence:* New buildings or public space should have its own design coherence and integrity by demonstrating its own inherent design that integrates and optimises relevant design criteria, rather than just meeting the rules.
- 2        *Context:* Development should consider and respect the local context, including both



the local streetscape and the broader neighbourhood. This recognises and respects the unique qualities and sense of place of the Dunedin harbourside setting.

- 3 *Perimeter Block Layout:* The siting and layout of buildings on their sites allows for intended activities while also acknowledging neighbouring buildings, reinforcing valued patterns of public space layout, and creating positive open spaces.
- 4 *Active Edges:* Buildings lining the edges of streets and other public spaces establish the character, quality and attractiveness of those streets and spaces. Collectively they establish the setting for the activities that will take place there and the visual and physical connections of the public-private interface, the active edge.
- 5 *Pedestrian Priority & Pedestrian Connectivity:* Successful and vibrant mixed use neighbourhoods are destinations that attract people and have high quality public spaces that the public enjoy being in.
- 6 *Building scale and Rhythm:* For perimeter block development the street facade is the primary element of the building as seen from the public realm.
- 7 *Appropriate Parking and Servicing:* Parking is often inactive and unattractive. It is desirable that parking is not located or visible at ground level building edges on the street.
- 8 *Personal Safety:* Safety is an essential element of successful open spaces and can be supported by adopting the principles of Crime Prevention Through Environmental Design (CPTED).

### **7.3 Structure Plans**

Four Structure Plans form part of the Harbourside Zone provisions, appended to the zone. The Structure Plans are used to identify the location of key urban design elements within the zone, providing a visual tool linking the rules and design code. The Structure Plans identify areas of public open space, view shafts, Identified Pedestrian Frontages, nominated corner building heights, Inner Basin development segments, building platforms and minimum wharf widths along the Inner Basin and squares and walkways (subject to the designation process). The staging areas are also shown on the Structure Plans. All development and subdivision is required to be in accordance with the Structure Plans, with any deviation requiring consent as a discretionary activity.

### **7.4 Heritage Buildings**

With its role of the harbourside in port and industrial development within the city, an initial assessment of heritage values was undertaken by Salmond Reed Architects. This report is included in Appendix D. The initial assessment identified a number of buildings or groups of buildings that had heritage value, along with the view that the area has a distinctive character based upon the setting and use of the buildings including the wide streets. Further input was provided on an early draft of plan provisions, resulting in a number of changes that are considered to effective in maintaining and enhancing the character of the harbourside, including the use of the design code.

The initial buildings identified by Salmond Reed Architects were assessed against the



criteria in the Plan to determine their significance. The recommendations were considered by the Project Control Group and resulted in ten buildings identified for inclusion on Schedule 25.1 of the Plan. The assessment of these, and others that were not recommended for inclusion, is included in Appendix D. It is noted that the Seafarers building on Birch Street is included, which was not initially considered in the Salmond Reed report, which focused on the north side of the Inner Basin.

The addition of these buildings to Schedule 25.1 protects those values identified, such as the facade or bulk and form. Development that affects these values will be subject to the provisions of Section 13 Townscape, which controls development in relation to all items on Schedule 25.1. A minor amendment to Section 13 is proposed as part of this Plan Change to enable consideration of the Harbourside design code as an assessment matter in relation to scheduled items within the Harbourside Zone.

Recognising the importance of these heritage buildings and their ability to be re-used, flexibility is provided within the performance standards to encourage their use. Parking will not be required for activities undertaken within Schedule 25.1 buildings, which often extend across the full extent of the site limiting their ability to provide parking on-site. There is also a lesser activity status where the acoustic insulation standards for residential and commercial residential buildings are unable to be met.

## **7.5 Open Space, Esplanade Provisions and Wharf Development**

The provision of open space and public access along the harbour edge is a significant issue and primary driver for the harbourside vision. The vision shows areas along the Inner Basin that consist of public promenade and wharves, and areas where buildings can be established adjacent to the Inner Basin. These areas will be connected by other walkways and squares throughout the remainder of the harbourside area to enable pedestrian and visual connections to the city centre.

The maintenance and enhancement of public access to and along the coastal marine area is a matter of national importance under the Act. This is recognised through provision for esplanade reserves and strips.

Where land adjoins the coast and is subject to subdivision, the provisions of the Act require that the Council take a 20 metre esplanade strip or reserve on the landward side, unless otherwise specified by a rule in the District Plan. Esplanade reserves are vested in Council, set aside as local purpose reserves under the Reserves Act 1977. Rule 18.5.4 of the Subdivision section of the Plan requires the minimum 20m to be provided upon subdivision of any land into lots of less than 4ha abutting the Coastal Marine Area. It is noted that those parts of the wharves extending beyond MHS are not land and cannot be vested as esplanade reserve, nor are they under the control or jurisdiction of the Dunedin City Council.

The application of Plan Rule 18.5.4 to subdivision within the Inner Basin would result in an esplanade reserve with an area of 1.01 hectares on the north side and 0.7 hectares on the south side. Due to the narrow strips of land available between MHS and the adjoining road, the full 20 metre wide reserve is not possible. Ultimately such a reserve would create an open space between the wharf edge and development on the opposite side of Fryatt Street and Birch Street. In reality the location of existing buildings along the harbour edge would limit the ability to take a continuous 20 metre esplanade reserve.

The existence of buildings along the harbour edge, the desire to create a people orientated

environment based upon the provision of access to and along the harbour edge with supporting amenities and activities, and the ability to obtain public space only upon subdivision resulted in consideration of alternative approaches to the provision of public space along the coast (Appendix E). With potential redevelopment of the area it presents an opportunity to identify where public open space is desired at the outset, maximising both the provision of public access and development opportunities.

The approach taken with the Plan Change provisions involves the identification of building platforms and areas of public open space around the Inner Basin on the structure plan. As buildings are developed, the performance standards require the provision of areas identified on the structure plan as public open space/promenade. These areas are to remain available for public access, which can be secured by way of a legal mechanism if required. Upon subdivision these areas can then be vested in the Council as reserve.

### ***Wharf Development***

The wharves in the Inner Basin are an integral part of the provision of access to the water edge for the public. Currently the wharves form part of the port operational area with limited public access. The main public access is along the Cross Wharf, which was redeveloped for the millennium. The current standard of the wharves are not suitable for public access in terms of health and safety. The location of the existing wharf buildings also limits the ability to access the wharf directly.

Only a small portion of the wharf structures are located on land above Mean High Water Springs (MHWS), which is under the administration of the Dunedin City Council. This is where the public will gain access to the wharf and the interface of development along it. The building platforms indicated on the structure plans are located up to four metres from MHWS. This distance varies along both sides of the Inner Basin.

Beyond MHWS, generally taken as the sea wall underneath the wharf structures, is the coastal marine area, which is the jurisdiction of the Otago Regional Council. Any redeveloped wharf structure will continue to span these boundaries and is subject to provisions under the Regional Plan: Coast for Otago.

Given the connection of the wharf structure to the land and the direct relationship to any buildings that may be developed adjoining it, a rebuilt or refurbished wharf along Fryatt Street and Birch Street will be required.

Within the Inner Basin the construction of a rebuilt or reconstructed wharf is a discretionary (restricted) activity that is required prior to development and any activities within the building platform adjacent to it. Development or activities prior to completion of the wharf is a non-complying activity. The rule provides an assurance as to the sequencing of development and achieving a good design outcome with continuous safe public access.

The expectation is that development will occur within the segments in a comprehensive manner consisting of both the rebuilt wharf and the building adjoining it. This would be sensible to minimise disruption during construction and it is likely that the wharf structure is an important determinant on the construction of development adjoining it, in terms of structural integrity.

The structure plan and rules specify a total maximum width of wharf that is expected, however only part of this is within the jurisdiction of the Council and is ultra vires for the Council to require it beyond the boundary of MHWS. To ensure consistency with the design and enable the wharf to be developed in an integrated manner a private Plan Change is proposed to the Otago Regional Council to amend the Regional Plan Coast. This private

plan change will provide the necessary match to the District Plan provisions proposed, including the use of the design code and ensure that integrated development is achieved across boundaries to maximise the outcome for public access.

As a result the provision of the open space around the buildings and the wharf, including that portion which is outside the jurisdiction of the Council, an average of 20 metres around the inner basin can be provided, equating to the esplanade reserve that would be required upon subdivision. Overall there is no loss to the community or coastal access.

It is noted that the pedestrian walkways and squares identified on the structure plan outside of the Inner Basin are subject to notices of requirement to ensure that these areas are secured to provide the necessary connections.

## **7.6 Inner Basin Comprehensive Development Plans**

The Inner Basin plays a central role in ensuring a people orientated environment with continuous harbour edge access integrating buildings, open space and the adjoining wharf, as outlined above. It is recognised that the areas identified as building platforms within the Inner Basin are extensive, requiring substantial investment and that development is likely to be undertaken either in a number of stages or by different developers. To facilitate development the Inner Basin has been divided in a number of development segments.

Development along the Inner Basin North and South is required to provide a comprehensive development plan as part of any consent for new structures and alterations to existing structures. While the structure plans identify the location of building platforms and area of public open space at the broad level, the comprehensive development plans provide the detail of the layout of the buildings and spaces, parking and the interface with the wharf. They also enable comprehensive design of one side of the wharf, which will then be undertaken in stages or development segments.

## **7.7 Consequential Effects upon the City Centre**

Protecting the vibrancy and vitality of the central city is one of the principles in developing the harbourside vision and a significant resource management issue for the Plan Change. The provision of improved connections, a mixed-use environment, public spaces and pedestrian orientated development within the harbourside has the potential to affect the central city.

Reports undertaken by Marketplace New Zealand Limited assessed the market potential of a mixed-use environment within the harbourside and consequential implications in resource management terms of various alternatives to provide for commercial activities, attached as Appendix F. The range of commercial activities considered in the assessment included commercial office, retailing, cafes and restaurants. Overall the assessment concluded that impacts upon the city centre could be managed by adopting a graduated approach that imposed size limitations on individual retail activities with an overall cumulative threshold providing for up to a decade of growth, above which Council could consider impacts. The graduated approach enables site specific and urban design matters to be taken into consideration. This approach also enables large format retail activities to be non-complying, enabling the harbourside to develop with small-scale boutique retail. It was also recommended that commercial potential be focused around the concentrated public domain.

The general approach recommended in the Marketplace report has been adopted and is outlined below. Council is also taking a precautionary approach in relation to commercial office by imposing an overall cumulative threshold, above which the Council has the ability to consider potential impacts on the harbourside and the city centre.

To manage any impact upon the city centre, the following summarises the provisions proposed by the Plan Change:

- Restrict the range of commercial activities, as defined within the Plan, to only retail activities and commercial office
- Limit Retail Activities only to Fryatt Street North and the Inner Basin North Character Areas, with the focus upon their provision at ground floor to support pedestrian frontages
- Limit Commercial Office Activities only to Fryatt Street North and the Inner Basin North Character Areas
- Impose a hierarchy of floor areas to manage the urban design impacts of individual retail activities – 200m<sup>2</sup> Permitted, 201-500m<sup>2</sup> Restricted Discretionary, 501-1000m<sup>2</sup> Discretionary
- Retail activities above 1000m<sup>2</sup> are non-complying to manage the urban design impacts and distributional impacts
- Impose a cumulative floor limit for retail activities of 3000m<sup>2</sup>, above which distributional impacts can be considered on the city centre with each subsequent application
- Impose a cumulative floor limit for commercial office activities of 6000m<sup>2</sup>, above which impacts can be considered on the harbourside and the city centre with each subsequent application
- Provide for retail ancillary to industrial and service activities in other Character Areas (this is the same approach that currently applies in the Industrial zones)
- Provide for a new activity definition of 'dairy' with floor limit in Mason Street Character Area only
- Add a new activity definition for 'Tourist and Entertainment Activity' within the Harbourside Zone.

## **7.8 Provision for existing activities and continued operation of Port**

Reflecting the zoning of Industrial 1 and Port 2, the harbourside area is characterised by industrial, port and service activities. There is a slipway located at the end of the Birch Street Wharf, owned by Port Otago Limited, used by the Port and a number of marine engineering activities in the area. The Council recognises the importance of these activities to the economic well-being of the city. At the same time there is a desire to achieve the vision for the harbourside.

Market Economics undertook an evaluation of the effects of changing to a mixed-use environment and the harbourside vision upon the land in harbourside, attached as Appendix G. The report recognised the amenity values of harbourside, with its close proximity to the waterfront and the city centre, would benefit from the introduction of new activities. The report considered that the industrial activities are generally not reliant on their coastal location and with their small average size most could be relocated elsewhere without adversely affecting their operations. The evaluation indicated that the harbourside area, at 7 hectares, represents a small portion of the overall industrial land in the city and

that displacement of activities would not have a significant impact. The report concluded that by managing the location of certain activities, the creation of a mixed-use environment would have minimal adverse effects on existing activities and significant benefits to people of Dunedin.

The approach adopted within the Harbourside Zone utilises the activity status and the Character Areas to manage the location of compatible activities. Industrial and service activities are not provided for in the Fryatt Street North and Inner Basin Character Areas, to ensure that these areas become the focus for people orientated activities. To encourage the provision of a mixed use, live work environment and in recognition of existing activities, industrial and service activities that do not require discharge consents from the ORC are provided for within the Mixed Use and Mason Street Character Areas. This recognises that discharges into the air can have adverse effects upon amenity, health and safety of residents or the increase in people orientated activities.

In terms of other effects upon residential and commercial residential activities, performance standards have been established to manage effects including: requirement for acoustic insulation; separation distances from hazardous substances or buildings containing hazardous substances; screening of outdoor storage; and the location of amenity space. The design code will also guide new development to ensure that design considerations are taken into account to manage effects between activities to create a quality environment for both residents and industrial activities.

The acoustic insulation provisions were developed in consultation with Marshall Day Acoustics Limited, who undertook noise surveys of the area and recommended appropriate provisions for residential activities in a mixed-use environment (Appendix I).

The above provisions will manage effects from the operations of the Dunedin Port, particularly the effects of noise through the requirement of acoustic insulation. Staging of activities within the proposed Plan Change will also manage change within the harbourside and impacts upon existing industrial activities (as outlined below).

It is noted that as with any plan change, activities that are no longer provided for through proposed provisions have to rely upon existing use rights, including any consents they hold, under section 10 of the Act. This will apply to any activities within the Harbourside Zone that do not meet the proposed provisions.

## **7.9 Staging of Development**

A number of alternatives were considered during development of the Plan Change to ensure that the impact of the re-zoning can be managed and that development occurs in an integrated manner to achieve the vision and objectives (Appendix J). Initially these considerations were designed to manage both the impact upon existing industrial activities and the impact upon the city centre. However, limitations on commercial activities, including their scale and extent, have been developed to manage impacts upon the city centre.

The proposed Plan Change is designed over two stages. The first stage of development focuses upon the Inner Basin and the block between Fryatt and Willis Street (which includes all of the Fryatt Street North Character Area and part of the Mixed Use Character Area along Willis Street). This area provides for identified pedestrian frontages of Fryatt Street and the Inner Basin, along with a mix of activities that will encourage and support people orientated development and recreational aspects of the harbourside. The majority of the

area includes the existing Port 2 zone and areas that Port Otago Ltd no longer requires. The inclusion of Willis Street, which is part of the Mixed Use Character Area, recognises the linkages to the sites on Fryatt Street, where buildings are located with frontage to both streets presenting an opportunity to aggregate a number of sites to provide comprehensive development and vehicle access from Willis Street.

Staging affects the type of activities that can be undertaken within the various Character Areas is outlined below:

Character Area	Stage 1 Activities	Stage 2 Activities
<i>Fryatt Street North</i>	All activities	
<i>Inner Basin North</i>	All activities	
<i>Inner Basin South</i>	All activities	
<i>Inner Basin North East*</i>	No permitted activities	All activities
<i>Mixed Use - south side of Willis Street</i>	All activities	
<i>Mixed Use - all areas, except the south side of Willis Street</i>	All Activities except residential and community support activities (and the buildings in which they are located)	Residential and Community Support Activities (and the buildings in which they are located)
<i>Mason Street</i>	All activities except residential and community support activities (and the buildings in which they are located)	Residential, Commercial Residential Harbourside, Licensed Premises and Restaurant Activities (and the buildings in which they are located)

\*In terms of the Inner Basin North East Character Area, Port Otago Ltd accept the limitations on activities within that Character Area, effectively meaning that activities can only be undertaken on that site under the existing use provisions of the Act.

Activities will only be permitted within Stage 2 when 70% of the building platforms within the Inner Basin North and South Character Areas have been developed and occupied with activities provided for within the Character Area rules. The building platforms are shown on the structure plans.

Various options were considered as triggers for staging, however the Inner Basin forms an integral part of the vision and the provision of access to the harbouredge. Essentially it is the focus of the zone and it is important that development occurs here in an integrated manner that enables the area to maintain and sustain itself as a people orientated environment. If development within the Harbourside Zone were to only occur in one place then it should be the Inner Basin.

The intention is that staging will enable the impact upon existing activities in the remaining areas to be managed over time, providing an opportunity to relocate or comply with relevant rules if appropriate. It is recognised that there are existing industrial and service activities located within the stage 1 area, which will necessitate reliance upon existing use rights and performance standards for new potentially sensitive activities introduced.



## **7.10 Contamination and Hazards**

Discussions with the Otago Regional Council advise that the long historical use of the harbourside for port and industrial activities has the potential for increased existence of contaminated sites. With redevelopment involving replacement of existing structures and introduction of people orientated activities, it is appropriate that sites are investigated for potential contamination and remediation occurs where relevant. This will be required through a performance standard, with exceptions where there is no change to the foundations or floor of a building. The Council considers that a precautionary approach will ensure health and safety for future residents, workers and visitors to the harbourside.

## **7.11 Transportation, Parking and Financial Contributions**

As previously mentioned the Council's Transportation Strategy recognises the importance of improved connections to the harbourside. Council's Transportation Planning department, has considered the transportation effects from development within the harbourside, attached as Appendix K. As a result of modelling, the conclusion is that impacts upon the wider roading network are considered to be no more than minor, particularly when the improvements to Thomas Burns Street are taken into consideration. Minor improvements may be required to the various entrance points into the harbourside, with detailed design to be undertaken in future. In terms of internal effects, it is considered that the internal roading network and existing wide streets will continue to have capacity to accommodate the traffic generated by development. Street works will improve pedestrian access and maximise on street parking. There will also be provision for public transport and cycle routes through the area.

With the redevelopment of the Harbourside Zone encouraging people orientated activities, a live and work environment, and better connections to the harbour edge, there will be a change in parking demands within the area. With an increase in visitors to the area there will be increased expectation to access adequate parking, whether it is public or private. The majority of street parking within the harbourside is not currently time restricted. In addition to use by the existing activities in the area, commuters who work in the inner city use the street parking. Over time the Council recognises that this will require management through the introduction of different street parking arrangements to increase capacity and time restrictions on parking, ensuring that parking supports demand from activities and visitors.

As with other zones in the Plan, activities in the Harbourside Zone will be required to provide parking on-site to meet the performance standards. These standards utilise both existing standards in the Plan and adjustments to reflect changes to standards.

The Plan expects that any required parking is provided on-site in relation to the activity being undertaken. However, there are particular constraints to the provision of on-site parking within the harbourside that have been considered:

- Achieving a continuous pedestrian frontage along Fryatt Street and the Inner Basin North Character Areas where rules will not permit vehicle crossings or parking at ground level unless within an existing building.
- Prevalence of small sites, particularly fronting Fryatt Street with width of 15-26 metres

- Existence of heritage buildings that occupy full extent of their sites
- Maximise development potential of sites, which may include retention of existing buildings

The desired outcomes for the harbourside share some similarities with the Plan provisions applied to the Central Activity Zone. The policy of Council, which is reflected in the Plan, is that public car parking will be provided for the benefit of the wider community within the central parking area, recognising that many sites are unable to provide on-site parking, safety and efficiency of the roading network and to protect amenity of the inner City as a people place. Only large scale retail and commercial residential activities within the Central Activity Zone are required to provide parking.

The harbourside is not part of the central parking area. While there are similarities, there is the ability to provide parking on-site within the harbourside as sites are redeveloped.

A number of options were considered in relation to the issues surrounding the provision of parking. These included applying the same rules as the Central Activity Zone, all activities paying parking in lieu contribution and requiring the full provision of on-site parking. The current Plan provisions only utilise financial contributions in a limited manner, restricted to one rule that relates to landscaping in the Industrial 2 Zone.

The approach selected involves a combination of existing provisions within the Plan and the introduction of financial contributions for parking. The proposed Plan Change expects that required parking is provided on-site, except parking is not required for retail and restaurant activities located along the identified pedestrian frontages and heritage buildings. All other activities have to provide on-site parking where possible. If this is not possible then consideration can be given to waiving the requirements all together, alternative locations for parking tied to the activity with a legal instrument or payment of financial contributions. The option to pay a financial contribution provides an alternative that developers may wish to take up when considering development options. Financial contributions can be used to fund the provision of public parking within the area, such as improving street parking or provision of a public parking building.

In addition to on-site parking, stand alone car park buildings are only permitted within the Mixed Use Character Area, recognising that there may be demand for such parking arrangements and that parking buildings can have upon negative impacts urban design and pedestrian environments.

## **7.12 Infrastructure Implications**

Consideration of the potential redevelopment of the Harbourside Zone upon existing infrastructure by Council's Water and Waste Services department indicates that there will be no significant implications, attached as Appendix L.

The harbourside is currently full served by wastewater, stormwater and water reticulation. The existing wastewater system currently supports industrial activities and it is indicated that the proposed activities will have a lesser impact with sufficient capacity. Likewise the existing water and stormwater capacity can accommodate the development envisaged.

There is the possibility that existing stormwater discharge outlets located under the proposed redeveloped wharf areas along Birch Street and Fryatt Street may need to be extended or retrofitted with stormwater treatment devices. Detailed design and costings



have not been undertaken at this stage.

### **7.13 41 Wharf Street**

The vacant site at 41 Wharf Street is located between the railway and Thomas Burns Street, which separates it from the Cross Wharf. The Council intends to designate the site for future realignment of Thomas Burns Street and the Jetty Street over bridge. In the long term this will enable a number of options to improve the amenity and connections to the harbourside, including the provision of a larger open space at the head of the Inner Basin and safe access from Rattray Street. The designation is not part of this section 32 but is subject to a separate report and process, to be notified alongside the Plan Change.

The designation protects the site from activities that are inconsistent with the purpose of the designation and require approval from the requiring authority. To reflect the potential end use of the site the type of activities permitted have been restricted to only recreational activities, to prevent the unnecessary costs of removing structures in future.

### **7.14 Subsequent Amendments**

The proposed Plan Change also proposes subsequent amendments to the Section 1: Introduction, Section 3: Definitions, Section 13: Townscape, Section 18: Subdivision, Section 20: Transportation and Section 22: Utilities, to provide appropriate cross-referencing to the provisions of the Harbourside Zone. Provision for signage within the Harbourside Zone is included within the Signs section.

#### 6.13.1 Definitions

It is proposed to add new definitions for 'Tourist and Entertainment Activity', 'Commercial Residential Harbourside Activity', 'Contaminated Site', 'Dairy' and 'Potentially Contaminated Site'. The definition for 'home occupation' will be amended to allow for employment of people not residing on-sites within some harbourside Character Areas.

#### 6.13.2 TH12 Queens Garden Heritage Precinct

It is proposed that the extent of heritage precinct TH12 is amended to exclude that part identified as the Fryatt Street Character Area. The description of TH12 fails to mention that part of the precinct extends across the railway. The focus of the precinct is upon Queens Gardens, the way buildings frame the gardens and the dense collection of heritage buildings in Dowling and Burlington Streets. It would appear that the inclusion of this part of the precinct was a matter of convenience or an anomaly at the time of developing the Plan. There is no effect of removing this part of the precinct from TH12. Heritage item B106 still remains, protected under the Townscape rules, while the Fryatt Street Character Area provisions will maintain control over the design of buildings consistent with the harbourside area and not Queens Gardens.

## 8 CONSULTATION

Consultation has been undertaken through a number of events in relation to the vision for the harbourside and the Plan Change. The comments received have been summarised in Appendix M.

The initial vision was released for consultation in August 2005. Fifty-one written responses were received from the general public, including two detailed written responses from the 28 attendees at the public information evening held on 9 August 2005. The general tenor of the comments was:

- High level of overall support for vision.
- Improving public access to the wharf and water is a priority.
- Improving vehicle and pedestrian links to the area is important.

Key issues raised were:

- Support for reinstating Rattray Street access – making it easier for people to get to the harbourside.
- Need to address on-street parking provision. Day-long parking by central city workers currently takes up much of the on-street provision.
- Concern by some industrial users that they will be able to remain in the area with no reverse sensitivity issues from new residents and operators and that current heavy vehicle access be retained.
- Leasehold tenure is holding people back from investing in the area. Free holding of the area is critical if you want business to invest in the area.
- Seek public spaces - designed to address Dunedin's climate and prevailing winds.
- Need to do something about the wharf sheds, which are in a poor state of repair. Mixed views on whether they should be retained for heritage value.
- Few strong views expressed about heritage approach, except from Historic Places Trust and Urban Design Forum.

Taking into account the issues raised, a revised vision was released for stakeholder consultation in October 2006, with 32 written submissions were received. A series of meetings were held with stakeholders and property interests during October 2006. More than 40 people attended a public information meeting held on 17 October.

A strong message was received from the various industrial and engineering businesses consulted regarding the impact on industry and the need for improved provision for industry. Other issues raised were:

- High level of overall support for vision
- Improving vehicle and pedestrian links to area, especially reinstating Rattray Street access and industrial operators' access
- Staging and implementation uncertainty about future of businesses
- Impact of proposed designations for walkways and squares (on business operations and property investments)
- Perception that change of land use will adversely impact on businesses
- Need to address on-street parking provision
- Stronger response to heritage

Consultation has also been undertaken with various landowners and leasees business operators within the area, with Kai Tahu ki Otago Ltd, and with statutory authorities.

The consultation feedback received on the vision has been taken into account in developing the provisions of the Plan Change, which is intended to give effect to the vision, alongside other methods.

## **PART B**

### **9 EVALUATION**

Section 32 requires the Council to be satisfied that the objectives in the Plan are the most appropriate means of achieving the purpose of the Act, contained in section 5 of the Act.

In assessing the extent to which the objective is the most appropriate way to achieve the purpose of the Act, it is necessary to look at the proposed policies, rules or other methods that will implement the objective. The evaluation of those provisions should ideally reveal that the cost of pursuing the objective does not significantly outweigh the benefits.

#### **9.1 Examining the Appropriateness of the Objectives, Policies, Rules and Methods**

The following tables summarise the evaluation of each of the proposed objectives along with the proposed policies, rules and methods that will achieve the objectives. In particular, it considers whether these policies and methods are the most appropriate for achieving the objective, having regard to their efficiency and effectiveness. It also examines the costs and benefits of the proposed policies, rules and methods and analyses the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies or methods.

## 9.1.1 Objective 26.2.1

### **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.***

#### **Why is the objective the most appropriate way to achieve the purpose of the Act?**

This objective recognises the importance of connecting the harbour with the city centre and surrounding areas, visually and physically. This also includes enabling public access within and along the harbourside, and providing accessibility through transportation choices with the improved connections. Improved connections will then attract people into the harbourside area and directly along the harbour edge.

Achieves social, economic, cultural, health and safety, sustaining elements of the purpose of the Act. This objective will also achieve sections 6(d), 7(c) and 7(f) of the Act.

*Addresses Issues 26.1.1, 26.1.2 and 26.1.4*

**The following policies are the most appropriate for achieving Objective 26.2.1, having regard to their efficiency and effectiveness:**

#### **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) *Fryatt Street North*
- (ii) *Inner Basin North*
- (iii) *Inner Basin South*
- (iv) *Inner Basin North East*
- (v) *Mixed Use*
- (vi) *Mason Street*

#### **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.*

#### **Policy 26.3.5**

*Manage identified pedestrian frontages along Fryatt Street and the Inner Basin North by:*

- (i) *Limiting activities at ground level to those that attract pedestrians*
- (ii) *Defining the street edge through continuous built form*
- (iii) *Setting minimum internal ground floor building heights*
- (iv) *Requiring a predominance of glazing at ground level*
- (v) *Minimising vehicle crossings*
- (vi) *Reducing the parking required for selected activities.*
- (vii) *Controlling demolition of structures that will create unintended vacant sites.*

#### **Policy 26.3.10**

*Require re-development of the Birch Street and Fryatt Street wharf structures to be integrated with the design and development of adjacent buildings and activities.*

**The following rules and methods are the most appropriate for achieving Objective 26.2.1, having regard to their efficiency and effectiveness:**

- *Method 4.4.1 (Sustainability Section) Establishment of the Harbourside Zone, where the range of activities provided within each Character Area are consistent with the desired character and amenity expected, which is relative to its degree of pedestrian orientation, proximity to the harbouredge and to existing industry and port activities.*

- *Method 26.4.1 Structure Plan - The structure plans consist of four appendices to the zone provisions as follows: 26.1.1 height controls, protected view shafts and access ways; 26.1.2 public open space and intersection improvements; 26.1.3 staging and designations; and 26.1.4 Inner Basin Building Platforms and Wharf. All activities are required to comply with the structure plans, through general Rule 26.10.1 and various rules that deal with specific aspects of the structure plans, including:*
  - *Rule 26.7.6(ii) requires provision of view shafts, open space and public promenade along the Inner Basin upon development. Public access could be secured via a legal instrument*
  - *Rules 26.7.1 and 26.7.2 require rebuilt or reconstructed wharves along Birch Street and Fryatt Street as an activity and provision of public access*
  - *Development areas along the inner basin have been delineated through building platforms on the Structure Plan 26.1.4 in association with public open space Rule 26.7.6*
  - *Rules 26.7.2(i) and 26.7.6(i) requires comprehensive development plans for the Inner Basin to ensure integrated development of buildings, wharf and public space. Plan can be provided in segments as relates to the Structure Plan.*
  - *Rule 18.5.4 requires esplanade reserve upon subdivision based upon the public open space areas identified in Structure Plan 26.1.2*
  - *Non-compliance with the structure plan is a discretionary activity within each Character Area.*
- *Method 26.4.2 Liaison - with the Port Operator and the Otago Regional Council in relation to the wharf structures, which straddle mean high water springs. Coordination of administration will be required for consents under both the District Plan and the Regional Plan: Coast.*
- *Method 26.4.3 Bylaws - enable Council to manage the use of public open space and legal roads for commercial activities.*
- *Method 26.4.4 Works Programme - Council can provide for amenity improvements and links on streets creating safe and more pleasant environment for pedestrians.*
- *Method 26.4.5 Design Code - implemented through Rules 26.6.3, 26.7.5, 26.8.3 & 26.9.3 that require controlled activity consent for all new buildings and additions and alterations visible from street. All new development is required to be consistent with the design code to create a quality harbourside environment, relationship of buildings to spaces, public areas and pedestrian activities. The design code is used as an assessment matter in other activity status to ensure consistency with outcomes of design code.*
- *Method 26.4.10 Traffic Management - managing the potential conflicts and demands between activities to ensure transportation efficiency is maintained. In the long term this may include closure of Fryatt Street as shown on Structure Plan 26.1.2, amendments to roading hierarchy, and realignment of Thomas Burns Street, which will be achieved through the Transportation Strategy.*
- *Method 26.4.11 Designations - enable key sites to be secured to give effect to pedestrian access ways and squares to provide accessible connections and contribute to amenity and quality of the environment.*

**Other rules:**

- *Rule 26.7.9 Non complying activity status for development in the Inner Basin Character Area prior to rebuilt or reconstructed wharf*
- *Activities along Identified Pedestrian Frontage controlled through Rules 26.6.2(iii) and 26.7.4(iii) to encourage people orientated activities including:*
  - *retail and restaurants encouraged at ground level*
  - *commercial office and habitable rooms for residential and commercial residential not permitted at ground level*
  - *verandahs required, minimum glazing, no vehicle entrances*
  - *parking flexibility for ground floor activities.*
- *General rules requiring minimum car parking Rule 26.10.3 and loading and access Rule 26.10.4*

## Effectiveness

The policies, rules and methods selected will be effective in achieving Objective 26.2.1 by ensuring that the Dunedin harbourside can be accessed easily through a variety of transportation choices and routes both to and within the harbourside, including to and along the harbour edge. The main methods to improve access, particularly to the harbourside, remain outside of the Plan through the management of the transportation network and works programmes. The provision of public open spaces along the harbouredge is an important part of the accessibility, and ultimately the vision. The rules are effective in that public space/promenade can be provided upon both development and subdivision. The rules will effectively provide for visual connections to the harbour that will attract people into the area. The rules and methods establish pedestrian routes and priority areas through identified pedestrian frontages, an effective method that is already used within the Plan.

The design code will enable assessment of all applications to ensure a good relationship between the building and public space that will optimise public areas.

The policies, rules and methods will only be effective to the extent that activities are attracted to the harbourside area and development occurs so that the rules can be applied. Rules requiring the provision of open space and rebuilt wharves upon development will only be effective if developers/applicants are prepared to undertake such a development, the rules can be administered effectively and are not challenged. Effectiveness will also depend upon coordination with ORC in terms of consistent administration and assessment of consents for wharf structures, which span the line of mean high water springs.

## Efficiency

The policies, rules and methods are efficient in establishing where access is to be provided or expected, managing effects on pedestrian priority areas, identifying the provision of public open space and promenade areas, and the integral role of the wharves with development and access. The use of the design code and rules provide clear outcomes for the quality of development. The use of structure plans clearly identify where public open space and access is to be provided.

Some rules and methods are currently used within the Plan and prove to be efficient. New methods, such as the design code and the wharf rule, will be subject to interpretation, which may lead to initial administrative inefficiencies that will improve over time.

The activity status (discretionary restricted) of the wharf construction/reconstruction matches provisions proposed for the Regional Plan: Coast, providing for integration and administrative efficiencies across jurisdictional boundaries.

## Benefits of proposed policies, rules and methods

### *Social*

- Easily accessible high quality waterfront environment, with connections to the city for pedestrians, cyclists and vehicles.
- Activities are managed along important pedestrian frontages minimising conflict and ensuring pedestrian safety.
- Rebuilt wharf structures that provide safe and secure public access in the Inner Basin to the harbour edge, and the ability to provide for maritime recreational activities.
- Enhanced public access (including ease of access to the area) to harbourside implements the desire expressed by the community within in the Community Plan.

### *Environmental*

- Improved amenity and quality of the environment along the Dunedin harbourside that attracts and supports a variety of activities.
- Integration of buildings, wharf and development along the harbouredge.
- Provision of esplanade reserves along the coastal marine area.
- Structure plans clearly identify key elements of the harbourside providing certainty for developers

and public.

- Wharf construction ensures sequencing of development in a comprehensive and integrated manner that will maximise public access to the water edge and achieve a good design outcomes.

#### *Economic*

- Compromise reached between provision of an esplanade reserve/public space and development spaces along Inner Basin enabling both public access along the coastal marine area and development opportunities.
- Improved access between the harbourside and the city centre opens up development potential of the area and in the long term improves transportation efficiencies.

### **Costs of proposed policies, rules and methods**

#### *Social*

- Conflict between increased pedestrian access and existing industrial and port activities.

#### *Environmental*

- The provision of the full 20m esplanade reserve on land adjoining coastal marine area is not achieved.
- Existing wharf sheds are demolished.

#### *Economic*

- The requirement and significant cost to redevelop or rebuild the Inner Basin wharves may deter development.
- Costs for developers to apply for consent and comply with design code for all development.
- Loss of development sites through identification of areas for pedestrian access, open space and view shafts.

### **Risk of Acting with proposed policies, rules and methods**

Medium-High risk -

As a package the policies, rules and methods outlined above enable provision of visual and physical connections for public to the waterfront, which is currently not available, and support the harbourside vision.

In particular, the specific rules requiring a wharf present a risk in that development in the Inner Basin will be discouraged, deferred or will occur at a different scale than anticipated by the rules. There is also a medium-high risk that the rule is challenged, as with all rules, with litigation costs.

In terms of other methods, there is a risk that works programmes to improve access and connections to the harbourside (such as Rattray Street) are delayed due to budget constraints, limiting access to development that may have already occurred within the harbourside.

### **Risk of Not Acting of proposed policies, rules and methods**

High Risk -

Enabling development to occur within the harbourside without the identification of public access, connections or open space areas around the coastal marine area runs the risk that these areas and connections will not be provided, or will have to be provided at a high cost in the future to secure the sites. Without improvements, the wharf will remain a health and safety risk that cannot be accessed by the public, or integrated into adjoining development to create a quality environment and desired coastal access.

### **Summary**

Overall the proposed policies, rules and methods are considered to be the most appropriate way to achieve Objective 26.2.1, given their effectiveness and efficiency. While the costs and risks of requiring the provision of a wharf are significant, the benefits and the risk of not providing such a facility as an integral part of the vision and improved public access outweigh the costs.

## 9.1.2 Objective 26.2.2

### **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.***

#### **Why is the objective the most appropriate way to achieve the purpose of the Act?**

This objective seeks to achieve a quality Dunedin harbourside environment where people can live, work and visit, providing choice for the community and achieving social and economic well-being. The provision of quality public open spaces along the harbour edge provides access to the coastal marine area and enhances the vibrancy and amenity values of an area where people will want to live and visit.

Achieves the social, economic, health and safety, sustaining elements of the Act. This objective will also achieve sections 6(d), 7(c) and 7(f) of the Act.

*Addresses Issues 26.1.1-26.1.4*

#### **The following policies are the most appropriate for achieving Objective 26.2.2:**

##### **Policy 26.3.1**

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

##### **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) Fryatt Street North*
- (ii) Inner Basin North*
- (iii) Inner Basin South*
- (iv) Inner Basin North East*
- (v) Mixed Use*
- (vi) Mason Street*

##### **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.*

##### **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.*

##### **Policy 26.3.5**

*Manage identified pedestrian frontages along Fryatt Street and the Inner Basin North by:*

- (i) Limiting activities at ground level to those that attract pedestrians*
- (ii) Defining the street edge through continuous built form*
- (iii) Setting minimum internal ground floor building heights*
- (iv) Requiring a predominance of glazing at ground level*
- (v) Minimising vehicle crossings*
- (vi) Reducing the parking required for selected activities.*
- (viii) Controlling demolition of structures that will create unintended vacant sites.*

##### **Policy 26.3.6**

*Require residential and commercial residential activities in the Dunedin harbourside area to provide acoustic insulation to mitigate potential noise effects of a mixed-use environment and the Dunedin Port operations.*



**Policy 26.3.7**

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

**Policy 26.3.8**

*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.*

**Policy 26.3.10**

*Require re-development of the Birch Street and Fryatt Street wharf structures to be integrated with the design and development of adjacent buildings and activities.*

**Policy 26.3.11**

*Retail and commercial office activities are limited in scale and location to Fryatt Street and the Inner Basin North Character Areas.*

**Policy 26.3.12**

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

**Policy 26.3.13**

*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.*

**Policy 26.3.14**

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

**The following rules and methods are the most appropriate for achieving Objective 26.2.2:**

- *Method 4.4.1 - Establishment of the Harbourside Zone. The zone uses six Character Areas where the range of activities provided within each area are consistent with the desired character and amenity expected, which is relative to its degree of pedestrian orientation, proximity to the harbourside and existing industry:*
  - *Residential, Community Support and Recreational Activities permitted in all Character Areas (subject to staging in some areas).*
  - *Tourist and Entertainment Activity, provided for as permitted activity within Fryatt Street North and Inner Basin Character Areas (Rules 26.6.1 & 26.7.3). New definition added for the activity.*
  - *Retail and Commercial Office Activities only permitted in Fryatt Street and Inner Basin North Character Areas (Rules 26.6.1 & 26.7.3), subject to scale and threshold limitations.*
  - *Commercial Residential Harbourside Activity, Restaurant and Licensed Premises not permitted within Mixed Use Character Area.*
  - *Industrial and Service Activities are provided for in Mixed Use and Mason Street Character Areas, provided they do not require air discharge consents (Rules 26.8.1 & 26.9.1).*
  - *Buildings used solely for car parking purposes only permitted in Mixed Use Character Area.*
- *Method 26.4.1 Structure Plan - The structure plans consist of four appendices to the zone provisions as follows: 26.1.1 height controls, protected view shafts and access ways; 26.1.2 public open space and intersection improvements; 26.1.3 staging and designations; and 26.1.4 Inner Basin Building Platforms and Wharf. All activities are required to comply with the structure plans, through general Rule 26.10.1 and various rules that deal with specific aspects of the structure plans.*

- *Non-compliance with the structure plan is a discretionary activity within each Character Area, with the exception of staging, which is non-complying.*
- *Method 26.4.2 Liaison - with the Otago Regional Council in relation to the wharf structures spanning mean high water springs. Coordination of administration will be necessary for consents under both the District Plan and the Regional Coast Plan.*
- *Method 26.4.3 Bylaws - enable Council to manage the use of public open space and legal roads for commercial activities.*
- *Method 26.4.4 Works Programme - Council can provide for amenity improvements and links on streets creating safe and more pleasant environment for pedestrians*
- *Method 26.4.5 Design Code - implemented through Rules 26.6.3, 26.7.6, 26.8.3 & 26.9.3 that require controlled activity consent for all new buildings and additions and alterations visible from the street. All new development is required to be consistent with the design code to create a quality harbourside environment, relationship of buildings to spaces, public areas and pedestrian activities.*
- *Method 26.4.10 Traffic Management - managing the potential conflicts and demands between activities to ensure transportation efficiency is maintained. In the long term this may include closure of Fryatt Street as shown on Structure Plan 26.1.2, amendments to roading hierarchy, and realignment of Thomas Burns Street.*
- *Method 26.4.11 Designations - enable key sites to be secured to give effect to pedestrian access ways and squares to provide accessible connections and contribute to amenity and quality of the environment.*

#### Other rules

- *Rule 26.7.9 Non complying activity status for development in the Inner Basin Character Area prior to rebuilt or reconstructed wharf.*
- *Yards and height minimum/maximum standards specified in each Character Area under Rules 26.6.2(i)-(ii), 26.7.4(i)-(ii), 26.8.2(i)-(ii), 26.9.2(i)-(ii).*
- *Rule 26.10.5 requires screening of outdoor storage.*
- *Rule 26.10.7 requires appropriate separation from residential activities to buildings with hazardous substances or activities using hazardous substances.*
- *Rule 26.10.8 requires standards for acoustic insulation of residential and commercial residential activities.*
- *Non-complying activity status under Rules 26.6.6(ii), 26.7.9(iii), 26.8.6(iii), 26.9.6(iii) where acoustic insulation standards are not met in non-scheduled buildings*
- *Flexibility for scheduled heritage buildings not complying with acoustic insulation as a discretionary (restricted) activity under Rules 26.6.4(ii), 26.7.7(ii), 26.8.4(ii), 26.9.4(ii).*
- *Identification of Identified Pedestrian Frontage on planning map along the majority of Fryatt Street and the Inner Basin North*
  - *Activities along Identified Pedestrian Frontage controlled through Rules 26.6.2(iii) and 26.7.4(iii) to encourage people orientated activities:*
    - *retail and restaurants encouraged*
    - *commercial office and habitable rooms for residential and commercial residential not permitted at ground level*
    - *verandahs required, minimum glazing, no vehicle entrances*
    - *parking flexibility for ground floor activities.*
- *Minimum car parking Rule 26.10.3 and loading and access Rule 26.10.4.*
- *Discretion and provision for use of financial contributions under Rule 26.10.13 where parking cannot be provided or not best solution to provide it on-site.*
- *Rule 26.10.6 requires investigation of all sites for site contamination prior to establishing a new activity, unless there is no change required to the foundations or flooring.*

- *Rule 26.10.7 provides separation distances from hazardous substances for residential and commercial residential activities.*
- *Quality of residential development managed through standards for minimum habitable rooms are (Rules 26.6.2(iv)), amenity open space, sight lines and access, and not located on ground floor of pedestrian frontages.*
- *Rule 26.10.10 limits the extent of home occupations to 50m<sup>2</sup>*
- *A new definition is introduced for home occupations in the harbourside allowing for employees who do not live on the site.*
- *Compliance required with existing provisions relating to noise, glare, lighting and electrical interference in section 21.*
- *New rules for signs in Harbourside Zone proposed for Section 19: Signs.*

### **Effectiveness**

These policies, rules and methods will be effective in ensuring that the harbourside develops as an attractive place to visit, work and live, achieving Objective 26.2.2.

- The use of the zoning is effective in listing activities suitable in each Character Area, managing effects of activities expected within a mixed use environment with residential, retail, restaurants and offices around Fryatt Street North and the Inner Basin and industrial and service activities in Mixed Use Character Areas.
- The use of Character Areas integrates the design of buildings, the activities taking place within them and their relationship with the surrounding public space and activities.
- The rules use activity status to ensure a range of compatible activities within each Character Area, where performance standards manage effects and assessment criteria will maintain and enhance a quality environment in the harbourside. Rules are effective in providing a degree of certainty.
- The use of the design code in assessing all consent applications and controls upon design of buildings will be effective in contributing towards an attractive place, reinforcing the pedestrian orientated environment and values of the harbourside, particularly the relationship between buildings and adjoining public spaces.
- The use of the structure plan is effective in that it establishes the location of key elements such as open space, view shafts and key building sites, prior to development.

The policies, rules and methods will only be effective to the extent that activities are attracted to the harbourside area and development occurs so that the rules can be applied. Rules requiring the provision of open space and rebuilt wharves upon development will only be effective if developers/applicants are prepared to undertake such a development, the rules can be administered effectively and are not challenged. Effectiveness will also depend upon coordination with ORC in terms of consistent administration and assessment of consents for wharf structures.

### **Efficiency**

These policies, methods and rules are considered to be an efficient approach to providing and managing a quality waterfront within the Dunedin harbourside that is attractive to visit, work and live, and where public open spaces are provided. The rules are designed to manage the effects of activities and between new and existing activities.

Zoning, rules and full use of the activity status as a package are efficient in that they are well established methods within the Plan, provide certainty for activities that can be established and that effects are managed. The structure plan is efficient in providing clear guidance for key structural elements. New methods, such as the design code, comprehensive development plan and the wharf rule, will be subject to interpretation which may lead to initial administrative inefficiencies that will improve over time.

Administration of the wharf rules will require coordination with the ORC in relation to the wharf structures in the coastal marine area.

## Benefits of proposed policies, rules and methods

### *Social*

- Redevelopment will progressively improve the amenity value so that the harbourside becomes an attractive place to visit, work and live.
- Quality safe public spaces are established enhancing the visual and social experience.
- Enhanced public access (including ease of access to the area) will implement the desire expressed by the community in the Community Plan.
- Housing choices are increased with opportunities to live within the harbourside.
- Important pedestrian areas will be redeveloped without vehicle crossings making it safer for people to enjoy the streetscape.

### *Environmental*

- Activities can establish as part of a mixed-use environment where effects between activities are managed in an integrated manner.
- Development enhances the values of the harbourside area through design code.
- View shafts open up visual and physical linkages and key public entrances to the Inner Basin.
- Comprehensive development of the wharf and adjoining buildings.
- Building heights are defined that minimise visual impact on Central Activity Area and vantage points around the City.
- Coordination and liaison between the DCC and the ORC achieves integrated management of coastal marine area.
- Heritage buildings are identified, protected and re-used.
- The provision of live and work encourages reduced reliance upon transportation and energy efficiency.

### *Economic*

- Port and industrial activities can continue to operate, under existing use rights or where they are compatible alongside new activities
- Ability to maximise use of site for development by enabling the choice of financial contributions for parking.
- Increase in land values attracts new activities.

## Costs of proposed policies, rules and methods

### *Social*

- Loss of some existing industries and employment within the harbourside.

### *Environmental*

- Demolition of the existing building resource, where re-use may not be sufficiently encouraged through rules
- Reverse sensitivity effects on existing industrial activities from increase in people orientated activities.

### *Economic*

- Re-zoning results in loss of land dedicated to the provision of port and industrial activities.
- Displacement or loss of industrial activities that can no longer operate due to introduction of sensitive or incompatible activities, or the onerous costs of compliance.
- Increased land values/ground rentals drives out existing industrial and service activities, and limits those activities attracted into the area.
- The cost and commitment imposed upon the developer to undertake a comprehensive

development plan for an area of the Inner Basin, where they only intend to complete development of one segment.

- Costs for all development to apply for consent and comply with design code.
- The high cost to redevelop the wharf may be a disincentive to the market taking the opportunity.
- Cost of complying with acoustic insulation and hazardous substances separation provisions for residential and commercial residential activities
- Cost of contaminated site remediation, where required.

#### **Risk of Acting of proposed policies, rules and methods**

Low - Medium Risk

In particular, the specific rules requiring a wharf present a risk in that development in the Inner Basin will be discouraged, deferred or will occur at a different scale than anticipated by the rules. There is also a medium-high risk that the rule is challenged, as with all rules, with litigation costs.

The mix of activities provided for, the extent of the pedestrian frontage and the scale of the Character Areas does not enable the creation of a concentrated pedestrian orientated development or create vibrancy.

There is a risk that the design code is open to interpretation that will take time and potentially litigation to resolve.

#### **Risk of Not Acting of proposed policies, rules and methods**

High Risk -

Redevelopment of the harbourside does not occur in a comprehensive manner, the potential of the area is not realised as a vibrant and attractive place to visit, work and live. Public open spaces are not established along the waterfront. Ad hoc development results in adverse effects and costs upon existing industrial and port activities.

#### **Summary**

Overall the proposed policies, rules and methods are considered to be the most appropriate way to achieve Objective 26.2.2, given their effectiveness and efficiency. While the economic costs of the proposed policies, rules and methods are high they do not outweigh their effectiveness, benefits and risks of not acting.

### **9.1.3 Objective 26.2.3**

#### ***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.***

#### **Why is the objective the most appropriate way to achieve the purpose of the Act**

Compatibility of land uses within the Dunedin harbourside is important to ensure a quality live work environment is achieved, that existing activities such as the Dunedin Port, as a significant physical resource, continue to provide for the economic well-being of the city, and the community can provide for their social and economic well-being. The retention of the vibrancy and vitality of the city centre is an important resource that can be adversely impacted upon where activities compete with it and impacts upon the social, cultural and economic well-being of the city.

Achieves social, economic, effects elements of the Act. This objective also achieves section 7(f) of the Act.

*Addresses issues 26.1.3, 26.1.6*

**The following policies are the most appropriate for achieving objective 26.2.3:**

**Policy 26.3.1**

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

**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) Fryatt Street North*
- (ii) Inner Basin North*
- (iii) Inner Basin South*
- (iv) Inner Basin North East*
- (v) Mixed Use*
- (vi) Mason Street.*

**Policy 26.3.6**

*Require residential and commercial residential activities in the Dunedin harbourside area to provide acoustic insulation to mitigate potential noise effects of a mixed-use environment and the Dunedin Port operations.*

**Policy 26.3.7**

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

**Policy 26.3.8**

*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.*

**Policy 26.3.11**

*Retail and commercial office activities are limited in scale and location to Fryatt Street and the Inner Basin North Character Areas.*

**Policy 26.3.12**

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

**Policy 26.3.14**

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

**The following rules and methods are the most appropriate for achieving Objective 26.2.3:**

- *Method 4.4.1 - Establishment of the Harbourside Zone. The zone uses six Character Areas where the range of activities provided within each area are consistent with the desired character and amenity expected, which is relative to its degree of pedestrian orientation, proximity to the harbourside and existing industry:*
  - *Residential, Community Support and Recreational Activities permitted in all Character Areas (subject to staging in some areas).*
  - *Tourist and Entertainment Activity, provided for as permitted activity within Inner Basin and Fryatt Street Character Areas (Rules 26.6.1 & 26.7.3). New definition added for the activity.*
  - *Retail and Commercial Office Activities only permitted in Fryatt Street and Inner Basin North Character Areas (Rules 26.6.1 & 26.7.3), subject to scale and threshold limitations.*
  - *Commercial Residential Harbourside, Restaurant and Licensed Premises not permitted within Mixed Use Character Area.*
  - *Industrial and Service Activities are provided for in Mixed Use and Mason Street Character Areas, provided they do not require air discharge consents (Rules 26.8.1 & 26.9.1).*

- *Buildings used solely for car parking purposes only permitted in Mixed Use Character Area.*
- *Method 26.4.1 Structure Plan - The structure plans consist of four appendices to the zone provisions as follows: 26.1.1 height controls, protected view shafts and access ways; 26.1.2 public open space and intersection improvements; 26.1.3 staging and designations; and 26.1.4 Inner Basin Building Platforms and Wharf. All activities are required to comply with the structure plans, through general Rule 26.10.1 and various rules that deal with specific aspects of the structure plans.*
- *Non-compliance with the structure plan is a discretionary activity within each Character Area, with the exception of staging which is non-complying.*
- *Method 26.4.4 Works Programme - Council can provide for amenity improvements and links on streets creating safe and more pleasant environment for pedestrians.*
- *Method 26.4.5 Design Code - implemented through Rules 26.6.3, 26.7.6, 26.8.3 & 26.9.3 that require controlled activity consent for all new buildings and additions and alterations visible from street. All new development is required to be consistent with the design code to create a quality harbourside environment, relationship of buildings to spaces, public areas and pedestrian activities. The design code is used as an assessment matter in other activity status to ensure consistency with outcomes of design code.*
- *Method 26.4.7 Raising awareness of amenity expectation in the area through education material and notification on LIM reports.*
- *Method 26.4.8 Advice and Education - if activities wish to be relocated either from the harbour side or into the harbourside Council can provide advice.*
- *Method 26.4.10 Traffic Management - managing the potential conflicts and demands between activities to ensure transportation efficiency is maintained. In the long term this may include closure of Fryatt Street as shown on Structure Plan 26.1.2, amendments to roading hierarchy, and realignment of Thomas Burns Street.*

Management of retail and commercial office activities by:

- *Full use of activity status for retail activities in Fryatt Street North and Inner Basin North Character Areas - up to 200m<sup>2</sup> permitted, 201-500m<sup>2</sup> restricted discretionary and up to 1000m<sup>2</sup> discretionary.*
- *Rule 26.10.11 imposes a maximum cumulative floor area of 3000m<sup>2</sup> for retail activities in Fryatt Street North and the Inner Basin North Character Areas. Above this each activity has to be assessed for potential impact upon city centre sustainability as discretionary unrestricted activity.*
- *Rule 26.10.12 imposes a maximum cumulative floor area of 6000m<sup>2</sup> for commercial office activity in Fryatt Street North and the Inner Basin North Character Areas. Above this each activity has to be assessed for potential impact upon city centre sustainability as discretionary unrestricted activity.*
- *Activities along Identified Pedestrian Frontage controlled through Rules 26.6.2(iii) and 26.7.4(iii) to encourage people orientated activities*
  - *retail and restaurants encouraged.*
  - *commercial office and habitable rooms for residential and commercial residential not permitted at ground level.*

Management of effects upon industrial and port operations by:

- *Rule 26.10.2 provides for the two stages of development in the harbourside in relation to the Structure Plan. Effect of this rule is that residential, commercial residential, community support, licensed premises and restaurants are not permitted in Mixed Use and Mason Street Character Areas as Stage 1. No activities are allowed in the Inner Basin North East Character Area as Stage 1. Stage 2 can be undertaken when development within the Inner Basin North and South has reached 70% of the building footprints. This general Harbourside rule flows through to the Character Area rules that limit activities within each area.*
- *Rule 26.10.5 requires screening of outdoor storage.*
- *Rule 26.10.7 requires appropriate separation from residential activities to buildings with*



*hazardous substances or activities using hazardous substances.*

- *Rule 26.10.8 requires standards for acoustic insulation of residential and commercial residential activities.*
- *Non-complying activity status under Rules 26.6.6(ii), 26.7.9(iii), 26.8.6(iii), 26.9.6(iii) where acoustic insulation standards are not met in non-scheduled buildings*
- *Flexibility for scheduled heritage buildings not complying with acoustic insulation as a discretionary (restricted) activity under Rules 26.6.4(ii), 26.7.7(ii), 26.8.4(ii), 26.9.4(ii).*
- *Identification of Identified Pedestrian Frontage on planning map along the majority of Fryatt Street and the Inner Basin North.*
- *Minimum car parking Rule 26.10.3 and loading and access Rule 26.10.4.*
- *Discretion and provision for use of financial contributions under Rule 26.10.13 where parking can not be provided or not best solution to provide it on- site.*
- *New rules for signs in Harbourside Zone proposed for Section 19: Signs.*
- *Rule 26.10.6 requires investigation of all sites for site contamination prior to establishing a new activity, unless there is no change required to the foundations or flooring*
- *Rule 26.10.7 provides for separation distances from hazardous substances for residential and commercial residential activities.*

#### **Effectiveness**

These policies, rules and methods will be effective in ensuring that the harbourside supports a range of compatible activities, achieving Objective 26.2.3.

- The use of the zoning is effective in listing activities suitable in each Character Area, managing effects of activities expected within a mixed use environment with residential, retail, restaurants and offices around Fryatt Street North and the Inner Basin and industrial and service activities in Mixed Use Character Areas.
- The rules use activity status to ensure a range of compatible activities within each Character Area, where performance standards manage effects and assessment criteria will maintain and enhance a quality environment in the harbourside. Rules are effective in providing a degree of certainty.
- The use of zoning and rules to manage retail activities and commercial office activities limits their extent to Fryatt Street North and the Inner Basin North Character Areas, and scale. This will be effective in ensuring that harbourside plays a complementary rather than competitive role with the city centre. In addition the full range of commercial activities (as defined in the Plan) are not provided for in harbourside.
- The staging rule will be effective in ensuring that development is concentrated around the Inner Basin and achieves a sustainable level of development before allowing the full range of activities elsewhere. It will enable industrial and service activities the ability to continue to operate and time to manage the effects of change upon their operations, if necessary.
- The use of the design code in assessing all consent applications and controlling external appearance of buildings will be effective in contributing towards an attractive place, reinforcing the pedestrian orientated environment and values of the harbourside, particularly the relationship between buildings and adjoining public spaces.

The policies, rules and methods will only be effective in managing compatibility of activities where:

- activities are established in compliance with the rules
- the rules are administered consistently, including the staging rule to reduce potential break out the cumulative threshold trigger is established at a reasonable level and
- the extent of the zone is not too large.

#### **Efficiency**

These policies, methods and rules are considered to be an efficient approach to providing for a compatible range of activities within the harbourside. The rules manage the effects of activities and between new and existing activities providing certainty. The rules apply to new activities that are

established within the area.

Zoning, rules and full use of the activity status as a package are efficient in that they are methods that are well established within the Plan, provide certainty for activities that can be established and that effects are managed. New methods, such as the staging rule, will be subject to interpretation, which may lead to initial administrative inefficiencies that will improve over time. There may be some cost involved in knowing where hazardous substances are located to enable the relevant rule to be administered.

The staging rule requires monitoring and compliance. There may be also an increase in demand for monitoring and compliance of the rules.

The rule requiring remediation of contaminated land is efficient in that it is only triggered through redevelopment, limiting the impact upon existing activities.

### **Benefits of proposed policies, rules and methods**

#### *Social*

- People have the choice to live and work within the harbourside.
- Residents and visitors are provided with a suitable level of internal and external amenity.
- Effects on health arising from the development, occupation and use of contaminated sites will be remedied or avoided.
- The risks associated with the storage of hazardous substances in proximity to residential and commercial residential activities will be appropriately managed.

#### *Environmental*

- Activities can establish as part of a mixed-use environment where effects between activities are managed in an integrated manner.
- Effects of noise, contaminated sites and storage of hazardous substances upon residents are managed through performance standards.
- Industrial and Service Activities that result in discharges or exceed hazardous substances thresholds appropriate for mixed use can be managed through the consent process or established in more appropriate locations elsewhere in the city.
- Staging enables management/transition for existing industrial and service activities as the introduction of more people orientated activities.
- Staging focus upon the Inner Basin and ensuring that this reaches a level of success before the remainder of the area is released, allows for comprehensive development of area. Also ensures that if development is only sufficient for stage 1, industrial and service activities can still continue to operate within the stage 2 area.
- Effects upon the city centre are managed with limited retailing and commercial office.
- Limiting the range of commercial activities to only retail and commercial office limits the potential impact upon the city center.
- Fryatt Street North and the Inner Basin North is the focus for pedestrian activities.
- Small-scale boutique style retail development encouraged that is consistent with the desired character and pedestrian areas.
- Use of activity status for retail activities enables site specific and urban design considerations to be incorporated as permitted and discretionary restricted activities. While distributional matters that will affect the city centre are managed through the maximum overall threshold.

#### *Economic*

- Dunedin Port, along with industrial and service activities can continue to operate in the harbourside.
- The harbourside provides for new development opportunities.
- The establishment of a competing commercial area to the city centre is avoided.
- Increase in land values attracts new activities.

## **Costs of proposed policies, rules and methods**

### *Social*

- Lesser standard of compliance for acoustic insulation of heritage buildings results in buildings unsuitable level of internal amenity for occupants.

### *Environmental*

- Insufficient protection and buffer provided for Mason Street Character Area to nearby port and industrial activities where development has minimal controls including no height limit or separation distances.
- Increased requirements for monitoring and compliance may be necessary.

### *Economic*

- Re-zoning results in loss of land specifically set aside for the provision of port and industrial activities to operate without significant limitations.
- Displacement or loss of industrial activities which can no longer operate due to introduction of sensitive or incompatible activities, or the onerous costs of compliance.
- Costs to Council associated with raising awareness about amenity expectation and increased monitoring costs associated with ensuring compliance with performance standards.
- Costs for new Residential and Commercial Residential development involved with the design and installation of acoustic insulation and associated ventilation.
- Costs for all development to apply for consent and comply with design code.
- Cost to Council of obtaining regular land use survey and economic reports on retail and commercial office and development of Inner Basin.
- Cost of relocation or loss to the city of industrial activities at the expense of residential development where insufficient protection for existing industrial activities.
- Costs involved with the sampling of soil for potentially contaminated sites and in the event remediation is required the costs of remediation of sites prior to a new development occurring.
- Cost of knowing where hazardous substances are located and cost of ensuring adequate separation may result in limited use of some buildings.
- Increased land values/ground rentals drives out existing industrial and service activities, and limits those activities attracted into the area.

## **Risk of Acting of proposed policies, rules and methods**

### Medium

- The staging provision is not effective in preventing break out from Stage 1 prior to the development threshold being reached in Inner Basin, creates compliance and enforcement issues and potential constraints upon industrial and service activities.
- The threshold set for staging is too low or too high and does not lead to effective utilisation and development of the people orientated waterfront environment focused upon the Inner Basin.
- Retail and commercial office thresholds are set too high and affects upon the vitality and vibrancy of the city centre.
- Retail and office thresholds are set too low and creates additional costs to Council and developers through the consent process.

## **Risk of Not Acting of proposed policies, rules and methods**

### High

- Development within harbourside competes with the city centre, impacting upon its vibrancy and vitality, social and economic well-being of the city.
- Ad hoc development and incompatible activities limit the operation of existing industrial and port activities without integrated management of effects.

- The live, work and visit vision for harbourside is not achieved.

## Summary

Overall the proposed policies, rules and methods are considered to be the most appropriate way to achieve Objective 26.2.3, given their effectiveness and efficiency. While the economic costs of the proposed policies, rules and methods are high they do not outweigh their effectiveness, benefits and risks of not acting.

## 9.1.4 Objective 26.2.4

### **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.***

#### **Why is the objective the most appropriate way to achieve the purpose of the Act**

The maintenance and enhancement of amenity and the quality of the environment is encouraged through this objective. The existing built form of the harbourside has characteristics and values that can be maintained and enhanced with new development. Built form is also important to creating a liveable, safe and successful environment for people. This objective also enables recognition of heritage values that may exist in the harbourside.

Achieves the social, economic, cultural and healthy elements of the Act. The objective also achieves section 6(f), 7(c) and 7(f) of the Act

*Addresses issues 26.1.4, 26.1.5*

#### **The following policies are the most appropriate for achieving Objective 26.2.4:**

##### **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) *Fryatt Street North*
- (ii) *Inner Basin North*
- (iii) *Inner Basin South*
- (iv) *Inner Basin North East*
- (v) *Mixed Use*
- (vi) *Mason Street.*

##### **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.*

##### **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.*

##### **Policy 26.3.5**

*Manage identified pedestrian frontages along Fryatt Street and the Inner Basin North by:*

- (i) *Limiting activities at ground level to those that attract pedestrians*
- (ii) *Defining the street edge through continuous built form*
- (iii) *Setting minimum internal ground floor building heights*
- (iv) *Requiring a predominance of glazing at ground level*
- (v) *Minimising vehicle crossings*
- (vi) *Reducing the parking required for selected activities.*
- (vii) *Controlling demolition of structures that will create unintended vacant sites*

##### **Policy 26.3.8**

*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.*

**Policy 26.3.9**

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

**Policy 26.3.13**

*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.*

**The following rules and methods are the most appropriate for achieving the objective:**

- *Method 26.1.1 Structure Plan - The structure plans consist of four appendices to the zone provisions as follows: 26.1.1 height controls, protected view shafts and access ways; 26.1.2 public open space and intersection improvements; 26.1.3 staging and designations; and 26.1.4 Inner Basin Building Platforms and Wharf. All activities are required to comply with the structure plans, through general Rule 26.10.1 and various rules that deal with specific aspects of the structure plans, including:*
  - *Rules 26.7.6(ii) require provision of view shafts, open space and public promenade along the Inner Basin upon development, which may include securing public access via a legal instrument.*
  - *Rules 26.7.1 and 26.7.6 require rebuilt or reconstructed wharves along Birch Street and Fryatt Street as an activity and provision of open spaces.*
  - *Development areas along the Inner Basin have been delineated through building platforms on the Structure Plan 26.1.4 in association with public open space Rule 26.7.6(ii).*
  - *Additional building height is permitted on nominated sites within the Structure Plan 26.1.1 and through Rules 26.6.2(ii), 26.7.4(ii), 26.8.2(ii), 26.9.2(ii).*
  - *Rules 26.7.2(i) and 26.7.6(i) requires comprehensive development plans for Inner Basin to ensure integrated development. Plan can be provided in segments as relates to the Structure Plan.*
  - *Rule 18.5.4 requires esplanade reserve upon subdivision based upon the open space areas identified in Structure Plan 26.1.2.*
- *Non-compliance with the structure plan is a discretionary activity within each Character Area.*
- *Method 26.4.2 Liaison - with the Otago Regional Council in relation to the wharf structures that straddle mean high water springs. Coordination of administration will be necessary for consents under both the District Plan and the Regional Coast Plan.*
- *Method 26.4.4 Works Programme - Council can provide for amenity improvements and links on streets creating safe and more pleasant environment for pedestrians.*
- *Method 26.4.5 Design Code - implemented through Rules 26.6.3, 26.7.6, 26.8.3 & 26.9.3 that require controlled activity consent for all new buildings and additions and alterations visible from street. All new development is required to be consistent with the design code to create a quality harbourside environment, relationship of buildings to spaces, public areas and pedestrian activities. The design code is used as an assessment matter in other activity status to ensure consistency with outcomes of design code.*

**Other rules:**

- *Rule 26.7.9 non-complying activity status for development in the Inner Basin Character Area prior to rebuilt or reconstructed wharf*
- *Yards and height minimum/maximum standards specified in each Character Area under Rules 26.6.2(i)-(ii), 26.7.4(i)-(ii), 26.8.2(i)-(ii), 26.9.2(i)-(ii).*
- *Rule 26.10.5 requires screening of outdoor storage.*
- *Identification of Identified Pedestrian Frontage on planning map along the majority of Fryatt Street and the Inner Basin North.*
- *Activities along Identified Pedestrian Frontage controlled through Rules 26.6.2(iii) and 26.7.4(iii) to encourage people orientated activities*

- *retail and restaurants encouraged.*
- *commercial office and habitable rooms for residential and commercial residential not permitted at ground level.*
- *verandahs required, minimum glazing, no vehicle entrances*
- *parking flexibility for ground floor activities.*
- *Minimum car parking Rule 26.10.3 and loading and access Rule 26.10.4.*
- *Provision for financial contributions under Rule 26.10.13 where parking can not be provided or not best solution to provide it on-site.*

#### Schedule 25.1 Townscape and Heritage Buildings and Structures

- *The addition of ten buildings identified for their heritage onto Schedule 25.1, standards under section 13 Townscape will manage effects upon redevelopment of buildings and their demolition.*
- *Reduced parking standards under Rule 26.10.3 for Schedule 25.1 buildings.*
- *Reduced acoustic insulation standards for residential and commercial residential activities in Schedule 25.1 buildings.*

### **Effectiveness**

These policies, rules and methods will be effective in ensuring the development of a liveable environment that reflects its heritage values, achieving Objective 26.2.4.

- The use of the zoning, including Character Areas, is effective in providing activities that will reinforce the character of each identified area.
- The rules establish minimum performance standards, including yards and height, and use activity status and assessment criteria to manage effects and maintain and enhance a quality environment in the harbourside. Rules are effective in providing a degree of certainty.
- The design code will be effective in assessing all consent applications and controlling the built form that contributes towards an attractive place, reinforcing the pedestrian orientated environment and values of the harbourside, particularly the relationship between buildings and adjoining public spaces.
- The use of the structure plan is effective in that it establishes the location of key elements such as open space, view shafts and key building sites, that will be important in achieving a liveable environment.
- Identification of heritage values through inclusion of buildings on Schedule 25.1, an effective established method for protecting and recognising heritage within the Plan

The policies, rules and methods will only be effective to the extent that activities are attracted to the harbourside area and development occurs so that the rules can be applied. The application of the design code will only be effective if new development occurs triggering the need to utilise the code.

The use of the existing Townscape section could provide another effective method to achieve objective 26.2.4, by identifying the harbourside area as a townscape precinct. However, the use of this existing method is not considered effective in that it only focuses upon the visual appearance of buildings within precincts and does not provide the holistic management of effects, design and the relationship between space and buildings, which the preferred method of Character Areas and design code does. It also creates an unnecessary doubling up of some rules.

### **Efficiency**

These policies, methods and rules are considered to be an efficient approach to ensuring built form creates a liveable environment within the Dunedin harbourside. The rules manage the effects of activities and the built form.

Zoning, rules and full use of the activity status as a package are efficient in that they methods that are well established within the Plan, provide certainty for activities that can be established and that effects are managed. New methods, such as the design code, comprehensive development plan and the wharf rule, will be subject to interpretation which may lead to initial administrative inefficiencies that will improve over time.

### **Benefits of proposed policies, rules and methods**

#### *Social*

- Buildings with heritage value are retained and continue to make a contribution to the city and its past.
- A safe environment is created through the application of CPTED principles to development.
- New development retains the connection with history and past use.

#### *Environmental*

- Buildings with significant heritage values are retained and protected through inclusion on Schedule 25.1, where additions, alterations and demolition require consideration on case-by-case basis.
- Adaptive re-use of heritage buildings.
- Design code maintains standard of development to create better environment where people will want to live, work and visit.
- Identified key areas for pedestrian connections have people orientated activities at ground level such as retail, restaurants and tourist activities along with safe and minimal conflict without vehicle crossings.
- Public open space forms integral part of harbourside character.
- New buildings continue to define the street edge and built form.
- Height of buildings provides flexibility while minimising visual impacts upon the city centre and vistas from around the harbour.
- All new structures require assessment against design code to create consistent character.
- Demolition of buildings that create vacant sites along Fryatt Street North can be considered on a case-by-case basis through the consent process, including their impact upon the amenity and structure plan.

#### *Economic*

- Flexibility for acoustic insulation and parking requirements in relation to heritage buildings encourages their adaptive re-use.

### **Costs of proposed policies, rules and methods**

#### *Social*

- Loss of buildings that make a contribution to Dunedin's history.

#### *Environmental*

- Buildings not listed on Schedule 25.1 are not protected and will potentially be lost upon redevelopment.
- Reliance upon use of controlled activity status for new development means consent may not provide sufficient discretion.
- Items listed on Schedule 25.1 are not fully protected if only parts of buildings identified for protection.
- The existing built form fabric of the harbourside may be lost.

#### *Economic*

- Costs to developers associated with retention and renovation of heritage buildings.
- Owners may view scheduling of buildings as imposing additional cost. However scheduling does not impose any requirement to maintain the buildings.
- Additional cost of development and process imposed as result of design code and controls upon all building development.



#### **Risk of Acting of proposed policies, rules and methods**

Limited –

- Urban design criteria are open to interpretation that may take time and potentially litigation to resolve.
- Owners object to inclusion of their buildings on Schedule 25.1.

#### **Risk of Not Acting of proposed policies, rules and methods**

Medium to high -

Loss of character, heritage buildings and inappropriate design that does not encourage a successful living urban environment within the harbourside.

#### **Summary**

Overall the proposed policies, rules and methods are considered to be the most appropriate way to achieve Objective 26.2.4, given their effectiveness and efficiency. Overall the benefits and the risk of not acting through the policies, rules and methods outweigh the identified costs and risk of acting.

## **9.2 Extent of Zone**

As previously mentioned in this report, the harbourside vision initially involved the north side of the Inner Basin. Through consultation and further development of the vision, it was expanded to include the south side of the Inner Basin. The Plan Change applies to the same area, as included in the vision with some adjustments.

The block bounded by French Street, Roberts Street and Buller Street is currently zoned Port 2. It is proposed that this block is re-zoned to Industrial 1 rather than Harbourside Zone. The exception is the sites at 2 and 9 Birch Street, which form the ends of the block facing towards the harbour edge and frame development of the Inner Basin. These sites, including the existing Plato restaurant, will be included in the Mixed Use Character Area.

In recognition of the importance of the location of the slipway on the harbour edge of Birch Street/Kitchener Street and to the supporting marine industry in the vicinity, the slipway site retains its Port 2 zoning. This will enable the continued operation and recognition of the activities.

## **10 OVERALL CONCLUSION**

The Dunedin harbourside represents an opportunity to reconnect the city centre to the harbour and provide public access to the water, complemented by amenities and a range of activities. The proposed plan provisions have been developed to allow this opportunity to be realised while also addressing the need to ensure a quality environment for people to live, work and visit while ensuring the retention of existing activities in the vicinity.

As required by section 32 of the Act the assessment has been undertaken of the objectives, policies, rules and methods proposed by the Plan Change. The conclusion is that the proposed objectives address the resource management issues identified and are considered to be the most appropriate way of achieving the purpose of the Act. The proposed policies, rules and methods are efficient and effective means of achieving the objectives.