

## 26 Harbourside

- **Fryatt Street North Character Area**
- **Steamer Basin Character Area – North and South**
- **Mixed Use Character Area**

### *Introduction*

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

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

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

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

## Character Area Descriptions

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

- *Fryatt Street North Character Area* includes sites with frontage to the north side of Fryatt Street between the intersection with Willis Street and Thomas Burns Street. These frontages are characterised by port related warehouse and commercial development that has been established since the 1860s reclamation of the inner harbour. The existing continuous unbroken line of buildings built up to the street edge is distinctive and will be reinforced by future development. As one of the entrance points to the harbourside, activities include small-scale retail, recreation and tourism facilities and cafes, intended to attract people and encourage a pedestrian orientated environment. Other uses such as residential and commercial office will be encouraged on the upper floors.
- *Steamer Basin Character Areas – North and South* include the areas adjoining Steamer Basin, currently occupied by the existing wharf buildings and wharf, the Customhouse plus the Cross Wharf area. The area will be the focus of people activities within harbourside, through an enhanced public realm with quality open spaces along the harbour edge providing a promenade, event spaces and access to maritime activities, pontoons and jetties. The harbour edge is also frequently used by indigenous wildlife and this natural coastal element will be respected. Development will focus upon creating buildings reflecting the port/maritime character, integrated with adjoining public spaces and re-built or re-furbished wharf structures. Public spaces will be located to maximise connections along the harbour edge and visual connections from the city to the water. Activities will include residential, recreation, tourist, entertainment, cafés and bars with retail and commercial offices in the Steamer Basin North.
- The *Mixed Use Character Area* includes the south side of Willis Street along with land to the south of Steamer Basin. It is intended that these areas will provide for the continued operation of industrial and service activities that can co-exist alongside residential activities, encouraging a live-work environment.

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

## 26.1 Significant Resource Management Issues

### Issue 26.1.1

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

*Objectives:* 26.2.1, 26.2.2

*Policies:* 26.3.2, 26.3.4, 26.3.12, 4.3.6

### Explanation

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

### Issue 26.1.2

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

*Objectives:* 26.2.1-3

*Policies:* 26.3.1--26.3.5, 26.3.9

### Explanation

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

### Issue 26.1.3

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

*Objectives:* 26.2.2, 26.2.3

*Policies:* 26.3.1, 26.3.2, 26.3.6, 26.3.7, 26.3.8, 26.3.11 & 26.3.14

### Issue 26.1.4

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

*Objectives:* 26.2.1, 26.2.5

*Policies:* 26.3.4, 26.3.12, 26.3.13, 26.3.15, 26.3.16

### Explanation

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

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

### Explanation

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

**Issue 26.1.5**

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

*Objectives:* 26.2.4

*Policies:* 26.3.4, 26.3.5, 26.3.6,  
26.3.9 & 26.3.10

**Issue 26.1.6**

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

*Objective:* 26.2.2, 26.2.3

*Policies:* 26.3.2, 26.3.9

**Explanation**

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

**Explanation**

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

## 26.2 Objectives

### Objective 26.2.1

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

*Issues:* 26.1.1, 26.1.2

*Policies:* 26.3.1, 26.3.3

*AER:* 26.11.1, 26.11.2

### Explanation

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

### Objective 26.2.2

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

*Issues:* 26.1.1-26.1.3

*Policies:* 26.3.1-26.3.4, 26.3.8, 26.3.12, 26.3.14, 26.3.15

*AER:* 26.11.2

### Explanation

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

### Objective 26.2.3

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

*Issues:* 26.1.3, 26.1.6

*Policies:* 26.3.1, 26.3.2, 26.3.6, 26.3.7, 26.3.12, 26.3.13

*AER:* 26.11.4, 26.11.2

### Explanation

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

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

**Objective 26.2.4**

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

*Issues:* 26.1.4, 26.1.5

*Policies:* 26.3.2- 26.3.6, 26.3.10,  
26.3.12, 26.3.14,  
26.3.15

*AER:* 26.11.3, 26.11.2

**Explanation**

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

## 26.3 Policies

### Policy 26.3.1

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

*Objectives:* 26.2.2 & 26.2.3

*Methods:* 4.4.1, 26.4.1, 26.4.5, 26.4.6

### Explanation

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

### Policy 26.3.2

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

- (i) Fryatt Street North**
- (ii) Steamer Basin North**
- (iii) Steamer Basin South**
- (iv) Mixed Use**

*Objectives:* 26.2.1 - 26.2.4

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

### Explanation

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

### Policy 26.3.3

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

*Objectives:* 26.2.1, 26.2.2, 26.2.4

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

### Policy 26.3.4

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

*Objectives:* 26.2.1, 26.2.2, 26.2.4

*Methods:* 4.4.1, 26.4.4-26.4.6,  
26.4.10

### Explanation

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

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

**Policy 26.3.5**

**Manage identified pedestrian frontages along Fryatt Street and the Steamer 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 create unintended vacant sites.**

*Objectives:* 26.2.2, 26.2.4

*Methods:* 4.4.1, 26.4.1, 26.4.3-26.4.6, 26.4.10

**Explanation**

Identified pedestrian frontages include streets that will be the focus of pedestrian activities. In the harbourside, Fryatt Street North up to Tewsley Street and the Steamer Basin North are identified pedestrian frontages. Management of activities along these streets maintains the character and amenity of these areas for pedestrian comfort, safety, and convenience. This will ensure that their role as pedestrian areas is reinforced.

**Policy 26.3.6**

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

*Objectives:* 26.2.3, 21.2.3

*Methods:* 4.4.1, 26.4.5-26.4.8

**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.**

*Objectives:* 26.2.3, 21.2.3

*Methods:* 4.4.1, 26.4.5-26.4.8

**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.**

*Objectives:* 26.2.2, 26.2.3

*Methods:* 4.4.1, 26.4.5-26.4.7

**Explanation**

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

**Explanation**

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

**Explanation**

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

**Policy 26.3.9**

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

*Objectives:* 26.2.4

*Policy:* 13.3.10

*Methods:* 4.4.1, 26.4.5, 26.4.6,  
26.4.9, 26.4.8

**Policy 26.3.10**

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

*Objectives:* 26.2.1, 26.2.2, 26.2.4

*Methods:* 4.4.1, 26.4.1, 26.4.2,  
26.4.5, 26.4.6

**Explanation**

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

**Explanation**

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

### **Policy 26.3.11**

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

*Objectives:* 26.2.2, 26.2.3

*Methods:* 4.4.1, 26.4.5, 26.4.6

### **Explanation**

The scale of retail activities can have both positive and negative effects upon pedestrian orientated areas. To ensure that pedestrian areas in the harbourside are maintained and enhanced, retail will be limited to pedestrian frontages in Fryatt Street North and Steamer Basin North Character Areas. Limits on the scale will encourage small boutique style development that will reinforce the people orientated environment and the character areas.

Limiting commercial office to the same location as retail activities will further reinforce the pedestrian areas.

The application of a cumulative limit to the floor area of retail activities is necessary to ensure that Fryatt Street and Steamer Basin North provide a mix of activities and do not compete with the vibrancy and vitality of the central activity area. Above these limits effects upon pedestrians, urban character, traffic management and wider distributional issues will need to be carefully considered.

Outside of Fryatt Street and Steamer Basin North, limited retail and office ancillary to industrial and service activities is accepted as an integral part of those activities.

### **Policy 26.3.12**

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

*Objectives:* 26.2.3

*Methods:* 4.4.1, 26.4.2

### **Explanation**

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

**Policy 26.3.13**

**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.**

*Objectives:* 26.2.2

*Methods:* 4.4.1, 26.4.9, 26.4.10

**Explanation**

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

**Policy 26.3.14**

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

*Objectives:* 26.2.2, 26.2.3

*Methods:* 4.4.1, 26.4.1, 26.4.2, 26.4.8

**Explanation**

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

## 26.4 Methods of Implementation

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

### Method 26.4.1 Structure Plans

Structure Plans will be used to identify the following elements:

- 1 Key areas of public open space
- 2 View shafts
- 3 Identified Pedestrian Frontages
- 4 Nominated corner building heights
- 5 Building platforms and minimum wharf widths along Steamer Basin
- 6 Important sites or areas where specific provisions are appropriate
- 7 Squares and walkways
- 8 Road reserve treatments.

*Policies:* 26.3.1, 26.3.2, 26.3.3, 26.3.5, 26.3.10, 26.3.14

### Method 26.4.2 Liaison

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

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

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

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

*Policies:* 26.3.2, 26.3.3, 26.3.9, 26.3.12, 26.3.14

### Method 26.4.3 Bylaws

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

*Policies:* 26.3.2, 26.3.3 & 26.3.5

### Method 26.4.4 Works Programmes

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

*Policies:* 26.3.3, 26.3.4 & 26.3.5

### **Method 26.4.5 Design Code**

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

*Policies:* 26.3.1 - 26.3.11

### **Method 26.4.6 Urban Design Panel**

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

*Policies:* 26.3.1 - 26.3.11

### **Method 26.4.7 Land Information Memorandum and Reports**

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

*Policies:* 26.3.1, 26.3.6 & 26.3.7

### **Method 26.4.8 Advice and Education**

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

*Policies:* 26.3.1, 26.3.6-26.3.9 & 26.3.14

### **Method 26.4.9 Financial Contributions**

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

*Policies:* 26.3.13

**Method 26.4.10 Traffic Management**

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

*Policies:* 26.3.2-26.3.5 & 26.3.13

**Method 26.4.11 Designations**

Designations will be used by Council where walkways and squares are required to ensure that the connections are retained between the city centre and the harbour edge.

*Policies:* 26.3.3

## 26.5 Summary Activity Table

The following table is intended as a summary guide to the activities provided for in all Character Areas within the Harbourside Zone and does not form part of the District Plan. Character Areas are shown within Appendix 26.3. All activities are subject to the performance standards specified within the relevant Character Area (26.6-26.8) and the General Harbourside Rules (26.9).

For the purpose of this table:

P = Permitted activity

C = Controlled activity

DR = Discretionary (Restricted) activity

D = Discretionary (Unrestricted) activity

NC = Non complying activity

NA = Not Applicable

\* Except on 41 Wharf Street, activities in the Steamer Basin North and South are subject to wharf construction

# Activities subject to the staging rule

Activity	Harbourside Zone Character Area			
	Fryatt Street North	Steamer Basin North *	Steamer Basin South *	Mixed Use
Additions and alterations to buildings and structures not listed on Schedule 25.1 where the addition or alteration is not visible from a public place or road reserve	P	P	P	P
Buildings used solely for car parking purposes.	NC	NC	NC	P
Commercial Office Activity	P	P	NC	NC
Community Support Activity	P	P	P	P#
Commercial Residential Harbourside Activity	P	P	P	NC
Commercial Residential Harbourside Activity undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.9.8 Noise Insulation.	DR	DR	DR	DR#
Commercial Residential Harbourside Activity that does not comply with Rule 26.9.8 and is not located within a building listed on Schedule 25.1.	NC	NC	NC	NC#
Construction of a rebuilt or refurbished wharf structure along Fryatt Street and Birch Street	NA	DR	DR	NA
Construction of new buildings and structures (excluding signage), or additions and alterations to buildings and structures not listed on Schedule 25.1 where the additions and alterations are visible from a public place or road reserve.	C	C	C	C
Demolition of buildings and structures and/or the creation of vacant sites adjoining an identified pedestrian frontage, unless associated with approved consent or open space	DR	NA	NA	NA
Industrial Activity that does not require an air discharge consent from the Otago Regional Council.	NC	NC	NC	P
Licensed Premises	P	P	P	NC
Recreational Activity provided that associated structures do not exceed 200m <sup>2</sup> in gross floor area	P	P	P	P
Residential Activity	P	P	P	P#
Residential Activity undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.9.8 Noise Insulation.	DR	DR	DR	DR#

Activity	Harbourside Zone Character Area			
	Fryatt Street North	SteamerBasin North *	SteamerBasin South *	Mixed Use
Residential Activity that does not comply with Rule 26.9.8 and is not located within a building listed on Schedule 25.1.	NC	NC	NC	NC#
Restaurant Activity	P	P	P	P#
Retail Activity with a gross floor area of				
up to and including 200m <sup>2</sup> (inclusive of floors below ground level).	P	P	NC	NC
between 201 and 500m <sup>2</sup> (inclusive of floors below ground level).	DR	DR	NC	NC
of 501m <sup>2</sup> – 1000m <sup>2</sup> (inclusive of floors below ground level).	D	D	NC	NC
exceeding 1000m <sup>2</sup> (inclusive of floors below ground level).	NC	NC	NC	NC
Retail Activity in conjunction with an industrial activity, industrial tourist activity or service activity	NC	NC	NC	P
Retail Activity with a gross floor area 200-1000m <sup>2</sup> that does not comply with Harbourside Zone – General Rule 26.9.11	D	D	NC	NC
25.1 Scheduled buildings – additions, alterations, demolition	Refer to Section 13: Townscape			
Service Activity that does not require an air discharge consent from the Otago Regional Council.	NC	NC	NC	P
Tourist and Entertainment Activity	P	P	P	NC
Any permitted or controlled activity that does not comply with one or two performance standards of permitted activity rule or General Rule 26.9 (exclusive of 26.9.1, 29.9.2, 26.9.8, 26.9.11, 26.9.12 – will vary depending upon character area).	DR	DR	DR	DR
Any permitted or controlled activity that does not comply with three performance standards of permitted activity rule or General Rule 26.9 (exclusive of 26.9.1, 29.9.2, 26.9.8, 26.9.11, 26.9.12 – will vary depending upon character area).	D	D	D	D
Any permitted activity that does not comply with Structure Plan Rule 26.9.1.	D	D	D	D
Any activity that does not comply with Staging Rule 26.9.2	NA	NA	NA	NC
Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying.	NC	NC	NC	NC
Any activity to be established prior to a rebuilt or refurbished wharf structure required under Rule 26.7.1 being completed	NA	NC	NC	NA

## 26.6 Fryatt Street North Character Area - Rules

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

### Rule 26.6.1 Permitted Activities (Policy: 26.3.1, 26.3.2, 26.3.11)

The following are permitted activities provided they comply with the performance standards in Rule 26.6.2 and the Harbourside Zone - General Rules in Rule 26.9:

- (i) Additions and alterations to buildings and structures not listed on Schedule 25.1 where the addition or alteration is not visible from a public place or road reserve
- (ii) Commercial Office
- (iii) Commercial Residential Harbourside Activity
- (iv) Community Support Activity
- (v) Licensed Premises
- (vi) Recreational Activity provided that associated structures do not exceed 200m<sup>2</sup> in gross floor area.
- (vii) Residential Activity
- (viii) Restaurant Activity
- (ix) Retail Activity with a gross floor area of up to and including 200m<sup>2</sup> (inclusive of floors below ground level)
- (x) Tourist and Entertainment Activity

### Rule 26.6.2 Performance Standards for Permitted and Controlled Activities

- (i) **Yards** (Policy: 26.3.2, 26.3.4)  
No front or side yards are permitted.
- (ii) **Building and Structure Heights** (Policy: 26.3.2, 26.3.4)
  - (a) **Minimum Height** 9m
  - (b) **Maximum Height**
    - (i) On nominated street corner sites identified on the Structure Plan in Appendix 26.1.1 16m
    - (ii) On all other sites 13m
  - (c) **Maximum Number of Floors above Ground Level**
    - (i) On nominated street corner sites identified on the Structure Plan in Appendix 26.1.1 4
    - (ii) On all other sites 3

In calculating the number of floors mezzanine levels count as full floor levels.

- (d) **Minimum internal ground floor height**, measured between the finished ground floor level and the finished first floor level. 4m
- (iii) **Identified Pedestrian Frontage** (*Policy: 26.3.5*)  
 On those parts of sites adjoining an identified pedestrian frontage, as shown on the Structure Plan in Appendix 26.1.1:
  - (a) No vehicle crossings are permitted.
  - (b) Pedestrian entrances to buildings shall not exceed 3 m in width.
  - (c) No Residential Activity, Commercial Office or habitable rooms of Commercial Residential Harbourside Activity shall be at ground level, exclusive of the pedestrian entrances to the residential activity or commercial office on the upper floors.
  - (d) No verandahs shall be provided.
  - (e) Glazing and pedestrian entrances to buildings shall occupy a minimum of 50% of the ground floor frontage. The remainder of the frontage may be treated with solid materials or may be glazed.
  - (f) Parking at ground level is not permitted within 8m of the front boundary unless it is within an existing building.
- (iv) **Minimum Habitable Room Area for Residential Activities** (*Policy 26.3.8*)  
 Residential activities shall have a minimum floor area per habitable room as follows:
  - (a) Up to two habitable rooms – 35m<sup>2</sup> gross floor area per habitable room.
  - (b) Three or more habitable rooms – 30m<sup>2</sup> gross floor area per habitable room.
- (vi) **Minimum Car Parking** (*Policy 26.3.2*)  
 Refer to Harbourside Zone - General Rule 26.9.3.
- (vii) **Loading and Access** (*Policy 26.3.2*)  
 Refer to Harbourside Zone - General Rule 26.9.4.
- (viii) **Noise, Glare, Lighting and Electrical Interference** (*Policy 26.3.2*)  
 Refer to Section 21: Environmental Issues.
- (ix) **Outdoor Storage** (*Policy 26.3.2*)  
 Refer to Harbourside Zone - General Rule 26.9.5.
- (x) **Signs** (*Policy 26.3.2*)  
 Refer to Section 19: Signs.
- (xi) **Contaminated and Potentially Contaminated Sites** (*Policy 26.3.13*)  
 Refer to Harbourside Zone - General Rule 26.9.6.
- (xii) **Hazardous Substances** (*Policy 26.3.7*)  
 Refer to Harbourside Zone - General Rule 26.9.7.

- (xiii) **Noise Insulation for Residential Activities and Commercial Residential Harbourside Activities** (*Policy 26.3.6*)  
Refer to Harbourside Zone - General Rule 26.9.8.
- (xiv) **Amenity Open Space, Sight Lines and Access for Residential Activities** (*Policy 26.3.8*)  
Refer to Harbourside Zone - General Rule 26.9.9.
- (xv) **Home Occupations** (*Policy 26.3.1*)  
Refer to Harbourside Zone - General Rule 26.9.10.
- (xvi) **Cumulative Retail Activity** (*Policy 26.3.2, 26.3.11*)  
Refer to Harbourside Zone - General Rule 26.9.11.

### **Rule 26.6.3 Controlled Activities** (*Policy 26.3.2 & 26.3.4*)

The following activities are controlled provided they comply with Rule 26.6.1 and the performance standards in Rules 26.6.2 and 26.9:

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

**Rule 26.6.4 Discretionary Activities (Restricted)** (*Policies 26.3.1, 26.3.2, 26.3.9 & 26.3.11*)

The following activities are discretionary activities (restricted):

- (i) Any permitted or controlled activity that does not comply with one or two performance standards of Rule 26.6.2 or Rule 26.9 (exclusive of 26.9.1 and 26.9.8, 26.9.11 and 26.9.12). The Council's discretion is restricted to the standard or standards with which the activity fails to comply and the relevant matters in 26.10 including the extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.
- (ii) Residential Activities and Commercial Residential Harbourside Activities undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.9.8 Noise Insulation. The Council's discretion is restricted to General Rule 26.9.8 and the relevant matters in 26.10.4.
- (iii) Retail Activity with a gross floor area between 201 and 500m<sup>2</sup> (inclusive of floors below ground level) provided it complies with Harbourside Zone – General Rule 26.9.11. The Council's discretion is restricted to the relevant matters in 26.10 and the extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.
- (iv) Demolition of buildings and structures not listed on Schedule 25.1 and/or the creation of vacant sites adjoining an identified pedestrian frontage, as shown on the Structure Plan in Appendix 26.1.1, except where:
  - (a) the demolition is in accordance with a resource consent granted pursuant to Rule 26.6.3, or
  - (b) the site is identified on the Structure Plan in Appendix 26.1.1 as public open space.

The Council's discretion is restricted to the relevant matters in 26.10 and the extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.

**Rule 26.6.5 Discretionary Activities (Unrestricted)** (*Policy 26.3.1-26.3.5 & 26.3.11*)

The following activities are discretionary activities (unrestricted). In assessing an application for discretionary activities (unrestricted), Council shall have regard but not be limited to the matters identified in Section 26.10.

- (i) Any permitted or controlled activity that does not comply with three or more performance standards of Rule 26.6.2 or Rule 26.9, excluding Rules 26.9.1, 26.9.8, 26.9.11 and 26.9.12.
- (ii) Any activity that does not comply with Harbourside Zone – General Rule 26.9.1 Structure Plan.
- (iii) Retail Activity with a gross floor area of 501m<sup>2</sup> – 1000m<sup>2</sup> (inclusive of floors below ground level) provided it complies with Harbourside Zone – General Rule 26.9.11. The Council's discretion is restricted to the relevant assessment matters in 26.10.

**Rule 26.6.6 Non-Complying Activities** (*Policy 26.3.1-2, 26.3.6 & 26.3.11*)

The following are non-complying activities. In assessing an application for non-complying activities, Council shall have regard but not be limited to the matters identified in Section 26.10.

- (i) Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.
- (ii) Any Residential Activity or Commercial Residential Harbourside Activity that does not comply with Harbourside Zone – General Rule 26.9.8 Noise Insulation and is not located within a building listed on Schedule 25.1.
- (iii) Retail Activity with a gross floor area exceeding 1000m<sup>2</sup> (inclusive of floors below ground level).

## 26.7 Steamer Basin (North and South) Character Area - Rules

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

### Rule 26.7.1 Wharf Construction (Policies 26.3.1, 26.3.2, 26.3.4 & 26.3.10)

The following activity is discretionary activity (restricted) provided they comply with the performance standards in Rule 26.7.2:

- (i) Construction of a rebuilt or refurbished wharf structure along Fryatt Street and Birch Street in accordance with the Structure Plan in Appendix 26.1.4, provided the activity complies with Rule 26.7.6(i). The Council's discretion is restricted to the matters below:
  - (a) Design and external appearance of the wharf structure.
  - (b) Extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.
  - (c) The extent to which the proposal is consistent with a Comprehensive Development Plan.
  - (d) The necessity of the developer to provide a bond to Council to ensure completion of the wharf.
  - (e) The provision of public access over the wharf structure and the necessity to establish an appropriate legal mechanism to ensure public access is maintained.

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

#### Non-Notification

Council will consider such applications under Rule 26.7.1(i) without written consent of affected persons, service of applications, or public notification under sections 93 –94D of the Resource Management Act 1991 unless special circumstances exist.

### Rule 26.7.2 Performance Standards for Wharf Construction (Policy 26.3.4, 26.3.3, 26.3.10)

The following performance standards apply to discretionary activity (restricted) Rule 26.7.1:

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

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

### **Rule 26.7.3 Permitted Activities** (*Policies 26.3.1, 26.3.2, 26.3.4, 26.3.10, 26.3.11 & 26.3.14*)

- (i) Subject to completion of a rebuilt or refurbished wharf structure in accordance with Rule 26.7.1 in a segment as shown on Structure Plan in Appendix 26.1.4, the following are permitted activities within that segment (except on Lot 3 DP 25158 (41 Wharf Street)). Activities are then permitted provided they comply with the performance standards in Rule 26.7.4 and the Harbourside Zone General Rules in Rule 26.9.
  - (a) Additions and alterations to buildings and structures not listed on Schedule 25.1 where the addition or alteration is not visible from a public place or road reserve
  - (b) Commercial Office in the Steamer Basin North Character Area
  - (c) Commercial Residential Harbourside Activity
  - (d) Community Support Activity
  - (e) Licensed Premises
  - (f) Recreational Activity provided that associated structures do not exceed 200m<sup>2</sup> in gross floor area.
  - (g) Residential Activity
  - (h) Retail Activity in the Steamer Basin North Character Area with a gross floor area of up to and including 200m<sup>2</sup> (inclusive of floors below ground level).
  - (i) Restaurant Activity
  - (j) Tourist and Entertainment Activity

- (ii) On Lot 3 DP 25158 (41 Wharf Street) the following activities are permitted provided they comply with the performance standards in Rule 26.7.4 and the Harbourside Zone General Rules in Rule 26.9:
- (a) Additions and alterations to buildings and structures not listed on Schedule 25.1 where the addition or alteration is not visible from a public place or road reserve
  - (b) Commercial Office
  - (c) Commercial Residential Harbourside Activity
  - (d) Community Support Activity
  - (e) Licensed Premises
  - (f) Recreational Activity provided that associated structures do not exceed 200m<sup>2</sup> in gross floor area
  - (g) Restaurant Activity
  - (h) Tourist and Entertainment Activity

#### **Rule 26.7.4 Performance Standards For Permitted Activities**

- (i) **Yards** (*Policy 26.3.2 & 26.3.4*)  
No yards are permitted within the building platforms as shown on the Structure Plan in Appendix 26.1.4.
- (ii) **Building and Structure Heights** (*Policy 26.3.2 & 26.3.4*)
- (a) **Steamer Basin North Character Area**
    - (i) **Maximum Height**
      - (a) On Fryatt Street Wharf
        - (i) To the top edge of the spouting 10m
        - (ii) To the ridgeline 14m

Heights shall be measured from the finished wharf level.

    - (b) Lot 3 DP 25158 (41 Wharf Street) 16m

Height shall be measured from the ground level.
  - (ii) **Roof Pitch** 25-30°
  - (iii) **Maximum Number of Floors above Ground Level**
    - (a) On Fryatt Street Wharf
      - (i) Floors 3
      - (ii) Loft Space – Half-width level for up to 75% of the building length as shown in Figure 1. 1

In calculating the number of floors mezzanine levels count as full floor levels.

## (b) Lot 3 DP 25158 (41 Wharf Street)

Floors	4
--------	---

In calculating the number of floors mezzanine levels count as full floor levels.

- |      |  |    |
|------|--|----|
| (iv) | <b>Minimum internal ground floor height</b> , measured between the finished ground floor level and the finished first floor level. | 4m |
|------|--|----|

## (b) Steamer Basin South Character Area

## (i) Maximum Height

(a)	For up to 75% of the building footprint	15m
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(b)	For the balance of the building footprint	13m
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Heights shall be measured from the existing wharf level before the rebuilding of the wharf structure.

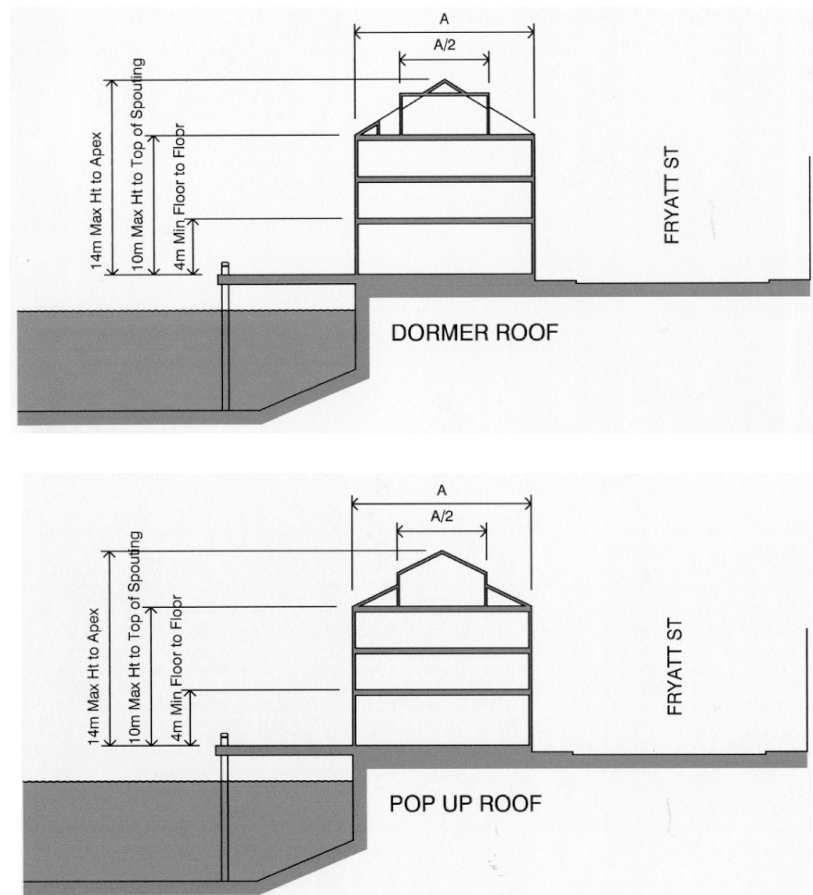
## (ii) Maximum Number of Floors above Ground Level

(a)	For up to 75% of the building footprint	4
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(b)	For the balance of the building footprint	3
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In calculating the number of floors mezzanine levels and lofts with or without dormers or pop-ups count as full floor levels, i.e. within the three floors.

- |       |  |    |
|-------|--|----|
| (iii) | <b>Minimum internal ground floor height</b> , measured between the finished ground floor level and the finished first floor level, where the ground floor has a public use (i.e. restaurant, licensed premises, tourist and entertainment activity). | 4m |
|-------|--|----|



**Figure 1: Building Height and Attic Spaces**

**(iii) Identified Pedestrian Frontage (Policy 26.3.5)**

On those parts of sites adjoining an identified pedestrian frontage, as shown on the Structure Plan in Appendix 26.1.1:

- (a) Verandahs shall be provided along Fryatt Street and shall be:
  - (i) Continuous in coverage
  - (ii) Extend 3 metres over the adjacent footpath, or road reserve where there is no footpath
  - (iii) A minimum height of 3.5 metres above footpath level.
- (b) Frontages to Fryatt Street and the waterside shall have glazing or entrances over a minimum 50% of the ground level façade area. The remainder of the frontage may be treated with solid materials or may be glazed.
- (c) Pedestrian entrances to upper floors of buildings shall not exceed 3m in width.
- (d) No Residential Activity, Commercial Office or habitable rooms of a Commercial Residential Harbourside Activity shall be at ground level exclusive of the pedestrian access to the residential activity or Commercial Office on the upper floors.
- (e) Vehicle access to on site parking is restricted to one access point per building.

- (iv) **Minimum Habitable Room Area for Residential Activities** (*Policy 26.3.8*)  
Residential activities shall have a minimum floor area per habitable room as follows:
  - (a) Up to two habitable rooms – 35m<sup>2</sup> gross floor area per habitable room.
  - (b) Three or more habitable rooms – 30m<sup>2</sup> gross floor area per habitable room.
- (v) **Minimum Car Parking** (*Policy 26.3.2*)  
Refer to Harbourside Zone - General Rule 26.9.3.
- (vi) **Loading and Access** (*Policy 26.3.2*)  
Refer to Harbourside Zone - General Rule 26.9.4.
- (vii) **Noise, Glare, Lighting and Electrical Interference** (*Policy 26.3.2*)  
Refer to Section 21: Environmental Issues.
- (ix) **Outdoor Storage** (*Policy 26.3.2*)  
Refer to Harbourside Zone - General Rule 26.9.5.
- (x) **Signs** (*Policy 26.3.2*)  
Refer to Section 19: Signs.
- (xi) **Contaminated and Potentially Contaminated Sites** (*Policy 26.3.12*)  
Refer to Harbourside Zone - General Rule 26.9.6.
- (xii) **Hazardous Substances** (*Policy 26.3.7*)  
Refer to Harbourside Zone - General Rule 26.9.7.
- (xiii) **Noise Insulation for Residential Activities and Commercial Residential Activities** (*Policy 26.3.6*)  
Refer to Harbourside Zone - General Rule 26.9.8.
- (xiv) **Amenity Open Space, Sight Lines and Access for Residential Activities** (*Policy 26.3.8*)  
Refer to Harbourside Zone - General Rule 26.9.9.
- (xv) **Home Occupations** (*Policy 26.3.1*)  
Refer to Harbourside Zone - General Rule 26.9.10.
- (xvi) **Cumulative Retail Activity** (*Policy 26.3.2, 26.3.11*)  
Refer to Harbourside Zone - General Rule 26.9.11.

**Rule 26.7.5 Controlled Activities** (*Policies 26.3.2, 26.3.4 & 26.3.10*)

- (i) Subject to completion of a rebuilt or refurbished wharf structure in accordance with Rule 26.7.2 in a segment as shown on Structure Plan in Appendix 26.1.4, the following activities are controlled activities within that segment (except on Lot 3 DP 25158 (41 Wharf Street)). Activities are controlled provided they comply with Rule 26.7.1 and the relevant performance standards in Rules 26.7.4, 26.7.6 and 26.9.
  - (a) Construction of new buildings and structures (including signage 4 metres above ground level), or additions and alterations to buildings and structures not listed on Schedule 25.1 where the additions and alterations are visible from a public place or road reserve. Council reserves control over and may set conditions on the matters below:
    - (i) Design and external appearance of buildings.
    - (ii) Site and building layout including parking, vehicle and pedestrian access and manoeuvring and provision of public open space.
    - (iii) The extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.
    - (iv) The extent to which the proposal is consistent with a Comprehensive Development Plan.
    - (v) The staging of construction to avoid significant delays between demolition and construction of structures.

**Rule 26.7.6 Performance Standards for Controlled Activities**

In addition to the performance standards in Rule 26.7.4 the following apply to controlled activities:

- (i) **Comprehensive Development Plans** (*Policy 26.3.2-26.3.4 & 26.3.10*)
  - (a) Construction and development of any site within the Steamer Basin Character Areas shall be accompanied by a Comprehensive Development Plan for the relevant Character Area within which the development is located (North and South). The Comprehensive Development Plan shall identify the following:
    - (i) The layout of buildings and public spaces.
    - (ii) The location of parking, loading and access areas for the development.
    - (iii) The manner in which the land/water interface will be developed. This includes the relationship between buildings and the wharf.
    - (iv) The location of any signage associated with the proposed development.
    - (v) The staging of the development, including construction and, where development occurs in stages, how new segments of wharf will be integrated with existing segments.
  - (b) Development of the Steamer Basin Character Area may proceed in the segments as shown in accordance with the Structure Plan in Appendix 26.1.4.

**(ii) Public Promenade and Open Space** (*Policy 26.6.1-26.3.4, 26.3.10*)

**(a) Steamer Basin North Character Area– excluding 41 Wharf Street**

All development in the Steamer Basin North Character Area, excluding 41 Wharf Street, shall provide the following areas for the purpose of public open space in accordance with the Structure Plan in Appendix 26.1.2. Open space areas shall be preserved and available for public use and shall include:

- (i) View shafts/pedestrian accessways between Fryatt Street and the harbour edge wharf to the width dimension and location as shown on the Structure Plan in Appendix 26.1.1. Viewshafts shall be provided at ground level through buildings to a minimum height of 7 metres and may be enclosed by clear glazing.
- (ii) Open space at the eastern and western ends of the Steamer Basin North Character area as shown on the Structure Plan in Appendix 26.1.2.

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

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

- (i) Viewshafts/pedestrian access-ways from Birch Street to the harbour edge wharf, including a 10 metre wide pedestrian access way between Birch Street and the harbour edge wharf, at the approximate mid-point of built development to the west of the Kitchener Street view shaft, to the width dimension and location as shown on the Structure Plan in Appendix 26.1.1. Viewshafts shall be provided at ground level through buildings to a minimum height of 7 metres and may be enclosed by clear glazing.
- (ii) Pedestrian linkage to the existing Cross Wharf esplanade (minimum width 6m) and to the southeast.

**Rule 26.7.7 Discretionary Activities (Restricted)** (*Policies 26.3.1, 26.3.2, 26.3.5, 26.3.9, 26.3.10, 26.3.11*)

- (i) Subject to completion of a rebuilt or refurbished wharf structure in accordance with Rule 26.7.1 in a segment as shown on Structure Plan in Appendix 26.1.4, the following activities are discretionary activities (restricted) within that segment (except on Lot 3 DP 25158 (41 Wharf Street)).
- (a) Any permitted or controlled activity that does not comply with one or two performance standards of Rule 26.7.2 or Rule 26.9 (exclusive of 26.9.1, 26.9.2, 26.9.8, 26.9.11, 26.9.12 and 26.7.4 (ii)). The Council's discretion is restricted to the standard or standards with which the activity fails to comply, extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2 and may set conditions on the above matters.
  - (b) Residential Activities and Commercial Residential Harbourside Activities undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.9.8 Noise Insulation. The Council's discretion is restricted to the standard with which the activity fails to comply and assessment matter 26.10.4.
  - (c) Retail Activity in the Steamer Basin North Character Area with a gross floor area of 201m<sup>2</sup> - 500m<sup>2</sup> (inclusive of floors below ground level) provided it complies with Harbourside Zone – General Rule 26.9.11. The Council's discretion is restricted to the relevant assessment matters in 26.10.

**Rule 26.7.8 Discretionary Activities (Unrestricted)** (*Policies 26.3.1-26.3.5, 26.3.10, 26.3.11*)

- (i) Subject to completion of a rebuilt or refurbished wharf structure in accordance with Rule 26.7.1 in a segment as shown on Structure Plan in Appendix 26.1.4, the following activities are discretionary activities (unrestricted) within that segment (except on Lot 3 DP 25158 (41 Wharf Street)). In assessing an application for discretionary activities (unrestricted), Council shall have regard but not be limited to the matters identified in section 26.10.
- (a) Any permitted or controlled activity that does not comply with three or more performance standards of Rule 26.7.4 or Rule 26.9 (exclusive of Rules 26.9.2, 26.9.8, 26.9.11, 26.9.12 and 26.7.6(ii)).
  - (b) Any activity that does not comply with Harbourside Zone - General Rule 26.9.1 Structure Plan.
  - (c) Retail Activity in the Steamer Basin North Character Area with a gross floor area of 501m<sup>2</sup> – 1000m<sup>2</sup> (inclusive of floors below ground level) that complies with Harbourside Zone – General Rule 26.9.11.

**Rule 26.7.9 Non-Complying Activities** (*Policies 26.3.1-26.3.5, 26.3.6, 26.3.10, 26.3.14*)

The following are non-complying activities. In assessing an application for non-complying activities, Council shall have regard but not be limited to the matters identified in section 26.10.

- (i) Any activity to be established prior to a rebuilt or refurbished wharf structure required under Rule 26.7.1 being completed.
- (ii) Any Residential and Commercial Residential Harbourside Activity that does not comply with Harbourside Zone – General Rule 26.9.8 Noise Insulation and is not located within a building listed on Schedule 25.1.
- (iii) Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.
- (iv) Retail Activity in the Steamer Basin North Character Area with a gross floor area exceeding 1000m<sup>2</sup> (inclusive of floors below ground level).

## 26.8 Mixed Use Character Area - Rules

**Notes to Plan Users:** 1. Refer to Section 13: Townscape for rules relating to buildings listed on Schedule 25.1, including additions, alterations, signage and demolition.  
2. Harbourside Zone - General Rule 26.9.2 Staging delays the implementation of some of these provisions.

### Rule 26.8.1 Permitted Activities (Policy 26.3.1, 26.3.2, 26.3.14)

The following are permitted activities within the Mixed Use Character Area provided they comply with the performance standards in Rule 26.8.2 and the Harbourside Zone - General Rules in Rule 26.9.

- (i) Additions and alterations to buildings and structures not listed on Schedule 25.1 where the addition or alteration is not visible from a public place.
- (ii) Buildings used solely for car parking purposes.
- (iii) Community Support Activity.
- (iv) Industrial Activity that does not require an air discharge consent from the Otago Regional Council.
- (v) Industrial Tourist Activity.
- (vi) Recreational Activity provided that associated structures do not exceed 200m<sup>2</sup> in gross floor area.
- (vii) Residential Activity
- (viii) Retail Activity in conjunction with an industrial activity, industrial tourist activity or service activity provided that:
  - (a) The retail activity is complementary to and an integral part of the industrial, industrial tourist activity or service activity.
  - (b) The maximum area of gross floor space for retail activities shall not exceed 10% of the total floor space of the premises.
- (ix) Service Activity that does not require an air discharge consent from the Otago Regional Council.

### Rule 26.8.2 Performance Standards For Permitted and Controlled Activities

- (i) **Yards** (Policy 26.3.2, 26.3.4)
  - (a) No front yards are permitted.
  - (b) No side yards are permitted except for the purpose of vehicle access to the rear of the site or for underground parking provided that:
    - (i) Any access shall have a maximum width of 4 metres.
    - (ii) Any access shall not provide access to multiple dwelling units that sit perpendicular to the street.
    - (iii) Any access may be built over by upper floors.
- (ii) **Building and Structure Heights** (Policy 26.3.2, 26.3.4)
  - (a) **Minimum Height** 9m
  - (b) **Maximum Height**
    - (i) On nominated street corner sites identified on the Structure Plan in Appendix 26.1.1 16m

- (ii) On all other sites 13m
- (c) **Maximum Number of Floors above Ground Level**
  - (i) On nominated street corner sites identified on the Structure Plan in Appendix 26.1.1 4
  - (ii) On all other sites 3

In calculating the number of floors mezzanine levels count as full floor levels.
- (iii) **Minimum Habitable Room Area for Residential Activities** (*Policy 26.3.8*)  
Residential activities shall have a minimum floor area per habitable room as follows:
  - (a) Up to two habitable rooms – 35m<sup>2</sup> gross floor area per habitable room.
  - (b) Three or more habitable rooms – 30m<sup>2</sup> gross floor area per habitable room.
- (iv) **Minimum Car Parking** (*Policy 26.3.2*)  
Refer to Harbourside Zone - General Rule 26.9.3.
- (v) **Loading and Access** (*Policy 26.3.2*)  
Refer to Harbourside Zone - General Rule 26.9.4.
- (vi) **Noise, Glare, Lighting and Electrical Interference** (*Policy 26.3.2*)  
Refer to Section 21: Environmental Issues.
- (vii) **Outdoor Storage** (*Policy 26.3.2*)  
Refer to Harbourside Zone - General Rule 26.9.5.
- (viii) **Signs** (*Policy 26.3.2*)  
Refer to Section 19: Signs.
- (ix) **Contaminated and Potentially Contaminated Sites** (*Policy 26.3.12*)  
Refer to Harbourside Zone - General Rule 26.9.6.
- (x) **Hazardous Substances** (*Policy 26.3.7*)  
Refer to Harbourside Zone - General Rule 26.9.7.
- (xi) **Noise Insulation for Residential Activities** (*Policy 26.3.6*)  
Refer to Harbourside Zone - General Rule 26.9.8.
- (xii) **Amenity Open Space, Sight Lines and Access for Residential Activities** (*Policy 26.3.8*)  
Refer to Harbourside Zone - General Rule 26.9.9
- (xii) **Home Occupations** (*Policy 26.3.1*)  
Refer to Harbourside Zone - General Rule 26.9.10

**Rule 26.8.3 Controlled Activities** (Policy 26.3.2 & 26.3.4)

The following activities are controlled provided they comply with Rule 26.8.1 and the relevant performance standards in Rules 26.8.2 and 26.9:

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

**Rule 26.8.4 Discretionary Activities (Restricted)** (Policy 26.3.1, 26.3.2, 26.3.9, 26.3.14)

The following activities are discretionary activities (restricted):

- (i) Any permitted or controlled activity that does not comply with one or two performance standards of Rule 26.8.2 or Rule 26.9 (exclusive of 26.9.1, 26.9.2 and 26.9.8). The Council's discretion is restricted to the standard or standards with which the activity fails to comply, the relevant matters in 26.10, including the extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2 and may set conditions on the above matters.
- (ii) Residential Activities undertaken within a building listed on Schedule 25.1 that do not comply with Harbourside Zone – General Rule 26.9.8 Noise Insulation. The Council's discretion is restricted to the standard with which the activity fails to comply and assessment matter 26.10.4.

**Rule 26.8.5 Discretionary Activities (Unrestricted)** (Policy 26.3.1, 26.3.2)

The following activities are discretionary activities (unrestricted). In assessing an application for discretionary activities (unrestricted), Council shall have regard but not be limited to the matters identified in 26.10.

- (i) Any permitted or controlled activity that does not comply with three or more performance standards of Rule 26.8.2 or Rule 26.9 (exclusive of Rule 26.9.8).
- (ii) Any activity that does not comply with Harbourside Zone - General Rule 26.9.1 Structure Plan.

**Rule 26.8.6 Non-Complying Activities** (*Policy 26.3.1, 26.3.2, 26.3.6, 26.3.14*)

The following are non-complying activities:

- (i) Any activity that does not comply with Harbourside Zone - General Rule 26.9.2 Staging.
- (ii) Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.
- (iii) Any Residential Activity that does not comply with Harbourside Zone – General Rule 26.9.8 Noise Insulation and is not located within a building listed on Schedule 25.1.

## 26.9 Harbourside Zone – General Rules

The General Rules apply to all Character Areas within the Harbourside Zone.

### **Rule 26.9.1 Structure Plan** (Policy 26.3.2, 26.3.3, 26.3.5, 26.3.10, 26.3.14)

All development and subdivision within the Harbourside Zone shall be in accordance with Structure Plans in Appendix 26.1.

### **Rule 26.9.2 Staging** (Policy 26.3.1, 26.3.2, 26.3.14)

(i) The following activities, being:

- (a) Residential Activity and Community Support Activities, and buildings for these purposes, in the Mixed Use Character Area (exclusive of the northern edge of the Willis Street/Fryatt Street block which is included in Stage One as shown on the Structure Plan in Appendix 26.1.3)

may proceed under the provisions of Rules 26.7 and 26.8, and buildings for these purposes, provided that the Steamer Basin North and South Character Areas are, by Council survey, deemed to have 70% of the building footprints of the Steamer Basin North and South Character Areas as shown on the Structure Plan in Appendix 26.1.4 occupied with activities that are established under Rules 26.7.3 and 26.7.5 to 26.7.9.

*Note to Plan Users: Other permitted, controlled or discretionary activities in the Mixed Use Character Area shall comply with Rules 26.8.2.*

### **Rule 26.9.3 Minimum Car Parking** (Policy 26.3.2, 26.3.5, 26.3.9 & 26.3.13)

- (i) On-site car parking shall comply with the performance standards in Section 20 (Transportation) and shall be provided in accordance with Table 26.9.3, except that on-site car parking is not required for:
  - (a) Retail, Restaurant and Licensed Premises established along the Fryatt Street North, Steamer Basin North and Steamer Basin South Character Areas.
  - (b) Activities undertaken within buildings listed on Schedule 25.1.
- (ii) Where on-site car parking as required by Rule 26.9.3(i) and Table 26.9.3 is not complied with it is deemed to be a performance standard that can not be complied with under the relevant Character Area standards. As part of any assessment, consideration will be given to financial contributions in accordance with Rule 26.9.13.

**Table 26.9.3 Minimum Car Parking**

Activity	Parking Spaces Required
<b>Commercial Office</b>	2.8 parking spaces per 100m <sup>2</sup> of gross floor area.
<b>Commercial Residential Harbourside Activity</b>	<ul style="list-style-type: none"> <li>(i) Unit Type construction, for example motels: 1 car park per unit</li> <li>(ii) Guest room type construction, for example hotels: <ul style="list-style-type: none"> <li>(a) 1 car park per 3 guest rooms to 60 guest rooms; thereafter 1 car park per 5 guest rooms, and</li> <li>(b) 1 coach car park per 50 guest rooms, and</li> </ul> </li> <li>(iii) Staff requirements of 1 car park per 20 guest rooms.</li> </ul>
<b>Community Support Activity</b>	<p>On-site car parking is not required except for health care facilities, which shall be provided for on the following basis:</p> <ul style="list-style-type: none"> <li>(a) 3 car parks per professional staff member or 2 car parks per consulting room, whichever is the greater.</li> <li>(b) Staff requirement of 1 car park per professional staff member.</li> <li>(c) 1 car park per 2 other staff or 1 car park per consulting room, whichever is the greater.</li> </ul>
<b>Industrial and Service Activities</b>	<ul style="list-style-type: none"> <li>(i) Staff requirement as follows: <ul style="list-style-type: none"> <li>(a) Up to 99m<sup>2</sup> gross floor area: 2 car parks</li> <li>(b) 100m<sup>2</sup> - 149m<sup>2</sup> gross floor area: 3 car parks</li> <li>(c) 150m<sup>2</sup> - 249m<sup>2</sup> gross floor area: 4 car parks</li> <li>(d) 250m<sup>2</sup>-400m<sup>2</sup> gross floor area: 5 car parks</li> <li>(e) Over 400m<sup>2</sup> gross floor area: 5 car parks plus 1 car park for each additional 200m<sup>2</sup> gross floor area in excess of the initial of 400m<sup>2</sup> gross floor area.</li> </ul> </li> <li>(ii) Visitor requirement of an additional 20% (1 car park minimum).</li> </ul>
<b>Industrial Tourist Activity</b>	<ul style="list-style-type: none"> <li>(i) 1 car park per 3 people the activity can accommodate over a 30 minute period of operation.</li> <li>(ii) 1 coach parking space per 50 people the activity can accommodate over a 30 minute period of operation.</li> </ul>
<b>Recreational, Tourist and Entertainment Activities</b>	<ul style="list-style-type: none"> <li>(i) Outdoor: 1 car park per 750 m<sup>2</sup>.</li> <li>(ii) Indoor: 1 car park per 20 m<sup>2</sup> public floor area or 1 car park per 10 people the facility can accommodate, whichever is the greater, and Staff requirement of an additional 10%.</li> </ul>
<b>Residential Activity</b>	<ul style="list-style-type: none"> <li>(i) 1 car park per residential unit up to and including 4 habitable rooms</li> <li>(ii) 2 car parks per residential unit greater than 4 habitable rooms and up to 7 habitable rooms</li> <li>(iii) 1 additional car park for every 2 additional habitable rooms in excess of 7 habitable rooms.</li> <li>(iv) 2 additional car parks for a residential unit where staff provide for between 13 and 18 residents inclusive.</li> </ul>
<b>Restaurant Activity, Licensed Premises</b>	13.5 car parks per 100m <sup>2</sup> of gross floor area.
<b>Retail Activity</b>	<ul style="list-style-type: none"> <li>(i) 2.8 car parks per 100m<sup>2</sup> gross floor area.</li> <li>(ii) Garden Centres shall provide 1.5 car parking spaces per 100m<sup>2</sup> of retail display area.</li> </ul>

#### **Rule 26.9.4 Loading and Access** (*Policy 26.3.2 & 26.3.5*)

- (i) For the following activities loading and access shall comply with the performance standards in Section 20: Transportation.
- (a) Industrial Activity and Service Activity with building gross floor area 50m<sup>2</sup> or less.  
Loading spaces shall be provided for on the following basis:  
*Minimum Size:* 6 m long x 3.5 m wide x 2.6 m high.  
*Manoeuvre Area:* To accommodate a 90 percentile design car as shown in Appendix 20C.
- (b) Retail Activity, Commercial Residential Harbourside Activity, Industrial Activity and Service Activity with building gross floor area greater than 50m<sup>2</sup> but less than 2500m<sup>2</sup>.  
Loading spaces shall be provided for on the following basis:  
*Minimum Size:* 8 m long x 3.5 m wide x 3.8 m high.  
*Manoeuvre Area:* To accommodate an 8 metre truck as shown in Appendix 20D.
- (c) Industrial Activity and Service Activity with building gross floor area 2500m<sup>2</sup> or greater.  
Loading spaces shall be provided for on the following basis:  
*Minimum Size:* 20 m long x 3.5 m wide x 4.4 m high.  
*Manoeuvre Area:* To accommodate a B Train truck as shown in Appendix 20E.
- (ii) For activities not specified in Rule 26.9.4(i) there are no loading requirements. Access requirements shall comply with the performance standards of Section 20: Transportation.

#### **Rule 26.9.5 Outdoor Storage** (*Policy 26.3.2*)

All materials, which are stored outside a building for any purpose other than display or sale, shall be screened from view from adjoining properties and from any road. The screening is not required if the wall of a building or structure has the same or similar effect. Materials shall not escape and contaminate any off-site area.

#### **Rule 26.9.6 Contaminated and Potentially Contaminated Sites** (*Policy 26.3.12*)

All sites must be investigated and certified based on composite sampling of the site by an appropriately qualified person as not contaminated except where:

- (i) The activity is restricted to re-use of an existing building with no change to the foundations or flooring of the building and there is no outdoor space.

*Note to Plan Users: Consent may also be required from Otago Regional Council if any activity requires the disturbance of contaminated land or the ongoing discharge of contaminants to water, land or air.*

#### **Rule 26.9.7 Hazardous Substances** (*Policy 26.3.1, 26.3.2, 26.3.7*)

- (i) All activities shall comply with the requirements of Section 17: Hazards and Hazardous Substances.

- (ii) Residential Activity and Commercial Residential Harbourside Activity shall not be established in buildings that include other activities, if those activities exceed the hazardous substances thresholds for Residential Activities in Table 17.1 and Table 17.2.
- (iii) Residential Activity and Commercial Residential Harbourside Activity shall not be established in buildings that are contiguous with a building used for other activities, if those activities exceed the hazardous substances thresholds for Residential Activities in Table 17.1 and Table 17.2, except where appropriate firewall separation is provided between the buildings.
- (iv) Any activities established in buildings which include Residential Activity and Commercial Residential Harbourside Activity shall comply with the hazardous substances thresholds for Residential Activities in Table 17.1 and Table 17.2 except where appropriate firewall separation is provided between the floors/walls or buildings.
- (v) Any activities established in buildings which are contiguous with a building used for Residential Activity and Commercial Residential Harbourside Activity, shall comply with the hazardous substances thresholds for Residential Activities in Table 17.1 and Table 17.2, except where appropriate firewall separation is provided between the buildings.

**Rule 26.9.8 Noise Insulation for Residential and Commercial Residential Harbourside Activities** (*Policy 26.3.1, 26.3.2, 26.3.6*)

- (i) Any kitchen, dining area, living room, study or bedroom in a building to be used for a Residential Activity or Commercial Residential Harbourside Activity shall be acoustically insulated from noise emanating from the external environment. The Airborne Sound Insulation provided to insulate these rooms shall achieve a minimum performance standard of  $D_{2m,nTw} + C_{tr} > 30$  dB. This performance standard means the weighted standardised level difference plus traffic noise spectrum adaption term as defined by ISO 140-5 and ISO 717/1. Compliance with this performance standard shall be achieved by ensuring that the rooms identified above are designed and constructed in accordance with either:
  - (a) A construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the minimum performance standard: or
  - (b) An acoustic design certificate signed by a suitably qualified acoustic engineer stating that the design as proposed will achieve compliance with the minimum performance standard.

(ii) **Ventilation**

The internal noise limit in Rule 26.9.8(i) above shall be met simultaneously with the following ventilation requirements:

Either:

- (a) Fan assisted mechanical ventilation system(s) in lieu of air conditioning capable of:
  - (i) Providing at least 15 air changes of outdoor air per hour in the principal living room of each building and five air changes of outdoor air per hour in the other rooms insulated in accordance with Rule 26.9.8(i) above of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non-habitable rooms that need to be ajar to provide air relief paths; and

- (ii) Enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all rooms insulated in accordance with Rule 26.9.8(i) above; and
- (iii) Limiting internal pressure to not more than 30 Pascals above ambient air pressure; and
- (iv) Being individually switched on and off by the building occupants, in the case of each system; and
- (v) Creating no more than Leq 30 dBA in the bedrooms and no more than Leq 40 dBA in the other rooms insulated in accordance with Rule 26.9.8(i) above, and no more than Leq 40 dBA in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.

**Or:**

- (b) Air conditioning plus mechanical outdoor air ventilation capable of:
  - (i) Providing internal temperatures in rooms insulated in accordance with Rule 26.9.8(i) above not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water and Atmospheric Research (“NIWA”) (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000), with all external doors and windows of the habitable rooms closed; and
  - (ii) Providing 7.5 litres per second per person in all rooms insulated in accordance with Rule 26.9.8(i) above; and
  - (iii) Being individually switched on and off by the building occupants; and
  - (iv) Creating no more than Leq 30 dBA in the bedrooms and no more than Leq 40 dBA in the other rooms insulated in accordance with Rule 26.9.8(i) above and, no more than Leq 40 in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser; and
  - (v) Providing a mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

Compliance with this performance standard shall be achieved by a ventilation design certificate signed by a suitably qualified ventilation engineer stating that the design as proposed will achieve compliance with the minimum performance standard. This certificate shall be submitted with the relevant application for resource consent or building consent.

**Rule 26.9.9 Amenity Open Space, Sight Lines and Access for Residential Activities** (*Policy 26.3.8*)**(i) Amenity Open Space**

Every residential unit shall provide amenity open space in accordance with the following:

- (a) Each residential unit located at ground floor level (or where its main living area is at ground floor level) shall provide an area of open space. The open space area shall:
  - (i) Be a minimum area of 24m<sup>2</sup> and be capable of containing a 4m diameter circle.
  - (ii) Not be obstructed by buildings, parking spaces, shared vehicle access or manoeuvring areas.
  - (iii) Be directly accessible from the main living room of the residential unit.
  - (iv) Be located to the north, east or west of the residential unit.
- (b) Each residential unit located above ground floor level shall provide an area of open space comprising either an unenclosed balcony, deck, garden, or terrace which shall:
  - (i) Be a minimum area of 6m<sup>2</sup> and be capable of containing a 2m diameter circle.
  - (ii) Be provided:
    - (a) In the form of individual balconies and decks, directly accessible from the main living area, and for the sole use of an individual residential unit;

**Or:**

  - (b) In the form of two or more shared outdoor living spaces located at ground level, with a minimum area of 12m<sup>2</sup> per unit capable of containing a 4m diameter circle, and accessible from, and overlooked by a majority of the residential units served;
- (c) In the Steamer Basin South Character Area, balconies shall not have an easterly aspect facing the boatyard and slipway on the eastern extremity of the Steamer Basin wharf area.

**(ii) Sight Lines**

No habitable room in a residential unit shall have a line of sight to a habitable room in another separate residential unit where the distance between the two is 10 metres or less.

**(iii) Residential Access**

- (a) The principal access to residential units shall not be either
  - (i) provided from shared balconies or
  - (ii) directly into the main living area.

**Rule 26.9.10 Home Occupations** (*Policy 26.3.1*)

The maximum floor area of a home occupation shall be 50m<sup>2</sup>.

### **Rule 26.9.11 Cumulative Retail Activity** (*Policy 26.3.1, 26.3.2, 26.3.11*)

The total net lettable floor area of retail activity collectively (either existing or together with the net lettable area proposed) within the Fryatt Street North and Steamer Basin North Character Areas shall not exceed a total of 3,000m<sup>2</sup>. For the purposes of applying this rule ‘retailing’ excludes licensed premises and restaurant activities.

### **Rule 26.9.12 Financial Contributions In Lieu of Parking** (*Policy 26.3.13*)

(i) **Circumstances when financial contributions may be taken**

The Council may require, or an applicant may propose, that some or all of the on-site parking spaces, required to be provided under Rule 26.9.3 in connection with a proposed activity or development, are to be provided by way of a financial contribution in lieu thereof.

Any financial contribution shall be determined, paid and used in accordance with the provisions of this section as part of assessment of a resource consent.

(ii) **Determination of the amount of the financial contribution**

The maximum amount of any financial contribution payable pursuant to Rule 26.9.3 shall be a sum calculated according to the following formula:

$$[[ (a) \times (b) \times (c) ] + [ (a) \times (d) ] ] + \text{GST}$$

Where:

- (a) = the number of car parking spaces required under Rule 26.9.3
- (b) = the average value of 1m<sup>2</sup> of land shall be determined by an independent registered valuer and published annually in the Council’s Community Plan/Annual Plan.
- (c) = 25 (nominal area in square metres required for each car parking space plus manoeuvring area).
- (d) = The current cost of construction of 25m<sup>2</sup> of car parking area to a permanent asphaltic, concrete or concrete surface, including earthworks, pavement, kerbing, draining and marking.

All inputs in the calculation of a parking financial contribution under this rule shall be exclusive of Goods and Services Tax (GST). All financial contributions are subject to GST under the Goods and Services Tax Act 1985.

(iii) **Purposes for which financial contributions will be used**

- (a) Any financial contributions received pursuant to this rule shall be used by the Council towards financing the cost of providing, upgrading, extending or purchasing surplus capacity in public parking facilities in the general locality of the land to which the application refers.
- (b) The Council may, at its discretion, use such financial contributions to:
  - 1 Provide public parking on Council owned land or buildings, including street parking;
  - 2 Secure parking within private developments or private land that will be available for public use; or
  - 3 Lease long term privately owned parking spaces to provide for parking requirements associated with a development; or
  - 4 Repay loans for public parking already provided; or
  - 5 Enter into joint ventures for the provision of public parking.
- (c) The Council shall not accept financial contributions for the provision by the Council of parking for the exclusive use of any party.
- (d) The Council will achieve the above in accordance with its parking works programmes as set out in its Community Plan/Annual Plan and it shall be under no obligation to provide parking at a time or in a manner other than in accordance with its Community Plan/Annual Plan. Parking works programmes are subject to availability of funding through the Annual Plan process.

(iv) **Refund of financial contribution previously paid**

Where, after this section became operative, a financial contribution in lieu of parking has been paid and it becomes clear to the Council that it will not utilise that financial contribution in the reasonably foreseeable future, the Council shall consider a request for the refund of part or all of the contribution, plus accrued interest on the amount refunded, to the party who made that contribution or the party's successor.

## ***26.10 Assessment of Resource Consent Applications - Discretionary and Non-Complying Activities***

In assessing any application, in addition to the matters contained in the Fourth Schedule of the Act, the Council will have regard to, but not be restricted by, the following matters and may impose conditions concerning such matters:

### **26.10.1 Sustainability**

The objectives and policies of the Sustainability Section.

### **26.10.2 Manawhenua**

The objectives and policies of the Manawhenua Section.

### **26.10.3 Character, Amenity Values, Bulk and Location, Design and Appearance of Buildings and Structures**

- (i) The extent to which the proposal is consistent with the principles and criteria of the Harbourside Design Code in Appendix 26.2.
- (ii) The relevant assessment matters in Rule 13.7.3 where there are buildings and structures listed on Schedule 25.1.
- (iii) The bulk and location of buildings associated with the proposed activity and their effects on the amenity values including architectural values of the environment in which they are located.
- (iv) The potential effects of shade and wind on public open spaces and road reserves from the bulk and location of buildings.
- (v) The impact on amenity values within the Harbourside Zone generally.
- (vi) Whether the proposal will detract from the form and character of the Harbourside Zone and be appropriate in terms of scale and function as defined on the Structure Plan in Appendix 26.1.1.
- (vii) The extent to which landscaping of on-site car parking maintains amenity.
- (viii) Whether Crime Prevention Through Environmental Design (CPTED) principles have been taken into account in the site configuration, in particular:
  - (a) Whether the building provides passive surveillance of the street.
  - (b) Whether the site layout avoids opportunities for entrapment.
  - (c) Whether there is clear identification of private space and appropriate access control is provided to private internal areas of the site.
  - (d) Whether external lighting is sufficient to ensure good visibility in areas accessible to public at all times.

#### **26.10.4 Acoustic Insulation for Residential and Commercial Residential Harbourside Activities**

- (i) Whether the development will lead to an unacceptable internal noise environment or insufficient ventilation of sleeping areas, compromising the health and amenity of occupants, if the insulation performance standard is not met.
- (ii) The extent to which it is practical to insulate or provide supplementary ventilation to the standard specified in Rule 26.9.8, without compromising the heritage significance and fabric of the building.
- (iii) Whether the location of the Residential or Commercial Residential Harbourside Activity is such that insulation and/or supplementary ventilation are not necessary to ensure an acceptable internal noise environment.
- (iv) The orientation of rooms that are subject to acoustic insulation requirement is such that insulation and/or supplementary ventilation are not necessary to ensure an acceptable internal noise environment.

#### **26.10.5 Noise, Glare, Lighting and Electrical Interference**

Refer to the Environmental Issues Section.

#### **26.10.6 Odour and Dust**

Whether the proposal will generate levels of air discharges, including dust, which would potentially detract from the existing character and amenity values of the Harbourside Zone.

#### **26.10.7 Cumulative Effects**

The actual or potential cumulative effects on the environment as a result of allowing the activity.

#### **26.10.8 Safety**

The need to restrict access by the public to areas adjoining the coast to protect public health and safety.

#### **26.10.9 Archaeological Sites**

The effect that the activity will have on any archaeological site.

#### **26.10.10 Hazards and Hazardous Substances**

- (i) Whether or not the application relates to a site that the Council has good cause to suspect may be prone to a natural or technological hazard.
- (ii) The objectives, policies and assessment matters of the Hazards and Hazardous Substances Section.

**26.10.11 Transportation, including parking**

- (i) The objectives, policies and assessment matters of the Transportation Section.
- (i) Whether the proposal will adversely affect the safety and efficiency of traffic and pedestrian movement within the Harbourside Zone, particularly Tewsley Street and Fryatt Street and the Halsey Street route to the Port of Otago.
- (ii) Extent to which any parking not provided within a building will impact upon the character and amenity of the relevant Character Area and wider harbourside, the relationship to any nearby pedestrian orientated areas and any measures to mitigate the visual impact.

**26.10.12 Retail Activities exceeding 201m<sup>2</sup> in the Fryatt Street North and Steamer Basin North Character Areas**

- (i) Whether the activity is new retail floor space or relocated retail floor space and the extent to which there are adverse effects, including consequential effects on the vitality and vibrancy of the City Centre.
- (ii) The extent to which the design and appearance of buildings and structures maintains or enhances the character and amenity of the Harbourside Zone, including consideration of bulk, height, location, relationship to other buildings, relationship to site boundaries and relationship to residential activities and public walkways and squares.
- (iii) Extent to which the proposal is consistent with the provisions and principles of the Harbourside Design Code in Appendix 26.2.
- (iv) Avoidance, remediation or mitigation of effects on the safety and efficiency of the roading and pedestrian networks.

**26.10.13 Retail Activities Exceeding the Cumulative Threshold**

- (i) Whether 3,000m<sup>2</sup> gross floor space for retail purposes (exclusive of restaurants and cafés) in the 2008-2018 period has been established within the Stage One area.
- (ii) The applicant shall demonstrate:
  - (a) an assessment of the current land use within the Harbourside Zone to evaluate the likelihood of future retail activities within the zone.
  - (b) an economic analysis addressing the extent to which the proposed retail or commercial office floor space activity impacts on the continued viability and vitality of the retailing and commercial office sector within the Central Business District of Dunedin.
  - (c) the need for additional floor space and evidence that this can not be met within the Activity Zones.
- (iii) Extent to which the proposal is consistent with the provisions and principles of the Harbourside Design Code in Appendix 26.2.
- (iv) Whether the activity is new retail floor space or relocated retail floor space and the extent to which there are adverse effects including consequential effects on the vitality and vibrancy of the City Centre.

**26.10.14 Development Contrary to the Staging Rule 26.9.2**

- (i) Whether there are no further opportunities for residential development within the Stage One area of the Harbourside Zone.
- (ii) The extent to which the design and operation of the proposal avoids, remedies or mitigates the potential for complaints by residential occupants regarding the environmental effects of established businesses in the vicinity.
- (iii) The extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2.
- (iv) The extent to which adequate provision is made for parking, access and manoeuvring, including compatibility and needs of existing activities.
- (v) Avoidance, remediation or mitigation of effects on the safety and efficiency of the roading network, particularly on the Fryatt Street and Tewsley Street.
- (vi) The effect on the safety and functioning of the Fairley Street and Eastern walkways.

**26.10.15 Impact on Port Operations**

- (i) The proximity of the activity to the port operational area.
- (ii) The extent to which the proposed activity impacts on the efficient operation of the port.

**26.10.16 Habitable Room, Amenity Open Space, Sight Lines and Access for Residential Activities**

- (i) Whether the design of the residential unit makes adequate alternative provision for amenity open space for residents, including the practicality and usability of the space.
- (ii) Whether the gross floor area per habitable room provides a design that achieves a suitable level of internal amenity for the occupants, including consideration of adequate ventilation and the functioning of the residential unit.
- (iii) Where redevelopment of an existing building is involved, the practicalities of complying with the required performance standards and whether alternative provision achieves a design that maintains a high level of internal and external amenity for occupants.
- (iv) Whether the design and location of the adjoining building or structure, or other measure can mitigate a direct line of sight between habitable rooms.
- (v) Where residential activities are proposed at ground floor along Identified Pedestrian Frontages, the impact upon the vitality of the street, safety and security for residents, design and appearance of frontage, and privacy and outlook for residents.
- (iv) The extent to which the proposal is consistent with the principles and criteria of the Harbourside Design Code in Appendix 26.2.

**26.10.17 Development Undertaken Prior to Wharf Construction in the Steamer Basin**

- (i) The extent to which it is demonstrated that the proposed development needs to be undertaken prior to construction of the wharf.
- (ii) The impact of the proposal upon the elements within the Harbourside Structure Plans in Appendix 26.1, provision of public access and principles of the Harbourside Design Code in Appendix 26.2.
- (iii) The integration of the proposal with construction of the wharf and whether it will impede or compromise construction.
- (iv) The staging and timing of the development in relation to the construction of the wharf.

**26.10.18 Variation from the Structure Plans in Appendix 26.1**

- (i) The degree to which the proposal varies from or is inconsistent with the structure plan.
- (ii) Whether variation with one or more elements of the structure plan(s) compromises the ability to effectively deliver other elements of the structure plan(s).
- (iii) Whether the proposal will continue to promote quality integrated development of buildings with public spaces.
- (iv) Where the provision of public space is affected by the variation, whether there is a suitable alternative to provision of such space, including connections to other spaces.
- (v) Where viewshafts are affected, whether there is a suitable alternative location available to ensure visibility of the water from the areas nominated on the structure plan and provision of alternative public access.

**26.10.19 Demolition of Buildings or Creation of Vacant Sites along the Fryatt Street Identified Pedestrian Frontage**

- (i) The demonstrated need to demolish the building, including the extent to which the building is beyond rehabilitation in terms of structural or physical condition, and that no permitted activity can be practically achieved within the existing building.
- (ii) The intended end use of the site.
- (iii) The values and contribution that the existing building makes towards the character of the Harbourside.
- (iv) The impact of the demolished building and creation of a vacant site upon the amenity and character of the area, including consideration of the principles of the Harbourside Design Code in Appendix 26.2.
- (v) Any mitigation measures proposed for the site.

## ***26.11 Anticipated Environmental Results***

The anticipated environmental results are:

### **26.11.1**

Public access to the Dunedin harbourside is improved for pedestrians and vehicles, with increased recreational use of the area focused along the water edge.

*Objectives:* 26.2.1

### **26.11.2**

The Dunedin harbourside is an attractive quality environment.

*Objectives:* 26.2.1, 26.2.2, 26.2.4

### **26.11.3**

No loss of scheduled buildings within the Harbourside Zone.

*Objectives:* 26.2.4

### **26.11.4**

All scheduled buildings in the Harbourside Zone are actively used.

*Objectives:* 26.2.4

### **26.11.5**

No legitimate complaints about the operations of port, industrial or service activities from residents and operators within the Harbourside Zone.

*Objectives:* 26.2.3