PROPOSED DISTRICT PLAN CHANGE: STADIUM ZONE

PLAN CHANGE DOCUMENTATION

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April 2007

PLAN CHANGE DOCUMENTATION

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SECTION 32 REPORT

Proposed District Plan Change Spectator Events and Education Zone

INTRODUCTION

1 PURPOSE OF REPORT

Before a proposed plan change can be publicly notified the Council is required under section 32 of the Resource Management Act 1991 (the Act) to carry out an evaluation of alternatives, costs and benefits of the proposed change. Carisbrook Stadium Trust lodged Plan Change documentation in December 2007, which included an Assessment of Environmental Effects, Amended Plan Provisions, and a Section 32 assessment. Subsequent to the lodgement of that documentation, the Trust has now had the opportunity to work alongside Council officers in refining those provisions, and this addendum to the original section 32 assessment is provided to more fully assess those amendments. As such, it does not revisit the whole of the assessment made in the December Report, but adds comment where necessary. This report should not be read as a standalone report, as it is complementary to the original section 32 report and should be read in conjunction with that report.

2 ISSUES

The proposed multipurpose stadium in Dunedin is an important asset for both the City and Otago Region and will provide for the social and economic wellbeing of the local and regional community.

The ongoing expansion of the University of Otago is placing increased pressure on nearby residential areas. The construction of a multipurpose facility provides for the sustainable management of the currently underutilised area in the Logan Point locality.

The following issues have been identified that affect the ability of the City to provide for a new multipurpose facility and the sustainable management of the Logan Point area:

- (a) A stadium capable of hosting national and international events that may attract a large number of people would be beneficial to Dunedin.
- (b) Stadiums are usually large, visually prominent buildings, which have the capacity to have a significant impact on the Cityscape.
- (c) Existing activities with known environmental effects in adjoining zones may restrict activities associated with the stadium.
- (d) Land uses occurring in the Logan Point area can generate environmental effects such as noise, glare, dust, rubbish and traffic movements.
- (e) The introduction of retail land uses associated with a stadium to the Logan Point area may create impacts on the vibrancy and vitality of the city centre.
- (f) Some site contamination may have occurred within the Logan Point area through prior industrial use of the area.

3.1 Are these resource management issues?

Before undertaking further assessment, the following questions are relevant:

Are these issues resource management issues?	Yes. The proposed multipurpose stadium facility is an important resource for the City and region that provides for social and economic wellbeing.		
Are the issues of significance to the District?	Yes. The new facility will be the only one of its kind in the region, providing the ability to host conferences and large scale spectator events which will provide benefits for residents of the District and the wider Otago region.		
Is addressing these issues likely to make a difference?	Yes. Addressing the issues will enable integrated management of the Logan Point area, and will also enable development of a multipurpose stadium. The facility will be able to host large scale spectator events, and will provide for the economic and social wellbeing of the City, while also demonstrating that it can avoid, remedy or mitigate any adverse effects that may be generated. Addressing the issues will ensure integrated management of internal and external effects, operational efficiency and continued growth and development.		
Do these issues need to be addressed by the Plan?	Yes. Altering the Plan provisions applying to the proposed location of the new multipurpose stadium will effectively enable integrated management of the Logan Point area, including the effects of activities occurring within the area.		

3 BEST PRACTICE

Section 5 of the December Section 32 assessment dealt with best practice, and undertook a brief review of the approach taken by other Councils in respect of providing for these activities under the Resource Management Act 1991. That review found that for both Eden Park in Auckland and Arena Manawatu in Palmerston North a master plan sits alongside plans required by RMA processes. Upon review, and in accordance with the amended approach splitting the zoning of the site, it is appropriate that a similar approach is adopted and that a master plan be prepared for inclusion in the Plan provisions.

4 BROAD OPTIONS TO ADDRESS ISSUES

In addition to the options assessed in the December documentation, the following considerations are appropriate:

Option 3: Provide for educational and stadium activities in the Campus zone

Option three would involve providing for education and stadium activities within the Campus Zone. In the absence of a specifically crafted sub-zone, the rules would apply to all Campus zoned land within Dunedin City, and therefore results in significant additional potential for development throughout North Dunedin.

Option 4: Establish a new zone

Option four would establish a new zone to provide for the combined educational and recreational activities proposed. This would involve new objectives, policies and rules to manage the effects of the activities proposed, to manage any impact or adverse environmental effects on legitimately established activities in the surrounding Industrial zone, and any environmental effects arising from such land uses.

This option was identified as the Trust's preferred option, however comment received from Council officers has now indicated a clear preference for a split zone proposal, due to concerns that:

- The activities proposed for the zone as a whole would not achieve the desired outcome of an integrated zone.
- The zone did not truly reflect the activities proposed to take place in different portions of the site (and Council officers indicated that this could be most readily addressed by adopting an alternative approach, assessed below).
- The stadium building proper could effectively provide a buffer zone between the existing campus and industrial zones, an outcome not promoted by this option.

Option 6: Extend Campus zone to cover western end of stadium site, establish a new zone to provide for the stadium

This option is a combination of options 3 and 4. In earlier iterations, option 3 was discounted because:

- The approach would provide for stadium activities throughout the Campus zone
- The approach did not fully recognise the integrated nature of the activities proposed to occur on the site.

Option 4 was identified as the Trust's preferred option, however comment received from Council officers has now indicated a clear preference for a split zone proposal, due to concerns that the activities proposed for the zone as a whole would not achieve the desired outcome of an integrated zone.

Option 6 therefore enables the establishment of a stand-alone, multipurpose stadium facility, while providing the opportunity for integrated links back into the adjoining campus zoning.

Table 1, as set out in the December version of this report, discusses the benefits, costs, efficiency and effectiveness of each broad option. The categories of this table are set out below and assess this approach.

TABLE 1 - BROAD OPTIONS FOR ADDRESSING ISSUES

	OPTION 3	OPTION 4	OPTION 6
	Provide for educational	Establish a new zone	Extend Campus zone to
	and stadium activities in		cover western end of
	an expanded Campus		stadium site, establish a
	Zone		new zone to provide for
			the stadium
Benefits	Environmental Benefits	Environmental Benefits	Environmental Benefits
	 No benefits beyond those 	 No benefits beyond those 	 Enables integrated
	identified in the	identified in the December	management of the new
	December documentation	documentation	multipurpose stadium and
	ļ ,		its effects
	Social Benefits –	Social Benefits –	 Clear policy intent
	 No benefits beyond those 	 No benefits beyond those 	designed to meet issues
	identified in the	identified in the December	Will limit proposed
	December	documentation	stadium and retail
	documentation		activities within zone area
		Economic Benefits –	 Provides the flexibility
	Economic Benefits –	 No benefits beyond those 	required to enable the
	 No benefits beyond those 	identified in the December	use of some additional
	identified in the	documentation	land for the expansion of
	December		the University.

	documentation		Social Benefits — Certainty of activities for adjoining landowners Assuming the plan change approved the community is able to enjoy the benefits of a new multipurpose stadium Economic Benefits — Potential revenue gained
			from new multipurpose stadium Easier consenting if the development put forward complies with the provisions of the Plan Change Greater certainty
Costs	No costs beyond those identified in the December documentation Social Costs No costs beyond those identified in the December documentation Economic Costs No costs beyond those identified in the December documentation Economic Costs No costs beyond those identified in the December documentation	 Environmental Costs No costs beyond those identified in the December documentation Social Costs No costs beyond those identified in the December documentation Economic Costs No costs beyond those identified in the December documentation 	 Environmental Costs Reduction in the area of Industrial 1 Zoned land Social Costs Reverse sensitivity or other effects from multipurpose stadium Economic Costs Costs of Plan Change Compliance costs
Effectiveness and Efficiency	No changes to earlier considerations in December documentation	No changes to earlier considerations in December documentation	Effectively deals with issues, and manages environmental effects while enabling the multipurpose stadium to be developed.

Assessment

The documentation that was lodged with the Council in December indicated that Options 2 and 3 (providing for the development within the existing Industrial and Campus Zones) were ineffective in addressing all the issues, as the provisions would not provide adequate flexibility to enable the full range of activities to establish. Since that time, in consultation with the Council, this issue has been reconsidered. Via a number of meetings and discussions, it has been concluded that greater certainty of the likely effects of the activities would be achieved if there was more control over the areas on the site that particular activities might establish. As such, the proposal to zone the western part of the site Campus, and the remainder of the site Stadium has been identified. It is considered appropriate that the new Campus Zone be developed at the western end of the site because it is adjacent to the existing boundary of the Campus Zone. The part of the site zoned Stadium is closer to and more closely aligned with the adjacent industrial uses to the east of the site.

This method is the most effective and efficient method by which the development can be provided for, through which its environmental effects can be managed, and the sustainability objectives of the district plan can best be promoted and implemented in respect of this

proposed development. None of the other methods considered achieves the level of integration with the district plan that can be achieved by a specific new Stadium zone.

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PART B

5 EVALUATION

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

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

5.1 Examining the appropriateness of objectives

New Objective				eleme se of t			!	Why is the objective the most appropriate way to achieve the
	Social	Economic	Cultural	Health and safety	Sustaining	Safeguarding	Effects	purpose of the Act
Objective 27.2.1 The stadium and associated buildings create a safe, attractive and accessible environment for events.	*	✓	1	4		√	√	This objective recognises the potential effects of the stadium, and recognises that provision of a suitable environment for the development is key to its success. The Logan Point area provides a unique opportunity for the establishment of a stadium that is in close proximity to, and integrated with, the activities of the Campus Zone and Logan Park recreational area. Addresses issues 27.1.2, 27.1.6.
Objective 27.2.2 The stadium and compatible land uses make a positive contribution to local and regional social and economic well-being.	>	→			>	✓	F	This objective reflects the need for careful management of the Logan Point area. By encouraging the development of a multipurpose stadium within the area, under utilised land created by changing land use patterns may be developed in a way that will contribute to the well-being of the local and regional economy. Further, the actual use of the facility, once completed will also add to the social and economic well-being of the wider community. Addresses issues 27.1.1, 27.1.3, 27.1.4, 27.1.5.
Objective 27.2.3 The effects of activities within the Logan Point area are managed to avoid conflict.	*	✓		✓	✓	✓	√	This objective recognises seeks to deal with the effects of the stadium, alongside the potential for reverse sensitivity impacts. Addresses issues 27.1.3, 27.1.4.

5.2 Examining the appropriateness of the Policies, Rules and Methods

The following table summarises an evaluation of the proposed policies and methods. In particular, it considers whether these policies and methods are the most appropriate for achieving the objectives, having regard to their efficiency and effectiveness.

Policies	Most appropriate for achieving objectives?				
Policy 27.3.1 Provide for activities in the Logan	This policy is effective because it provides for the establishment of a multi-purpose stadium facility within the Stadium Zone. It is effective because it clearly states a purpose of providing for such activities.				
Point area that are directly related to the stadium and its operations.	The policy is the most appropriate for achieving Objective 27.2.1 and Objective 27.2.2.				
Policy 27.3.2 Manage the nature, scale, design and location of land uses within the Logan Point area by limiting activities based on the identified areas, as follows: (i) Stadium Building (ii) Stadium Parking (iii) Leith Access	This policy is effective in enabling a diverse range of activities to occur within the proposed Stadium Zone and for ensuring that any adverse environmental effects are suitably managed by encouraging like activities to establish in proximity to each other: The Stadium Building Area will be the area within which the built form occurs, and a variety of activities could establish within that location. The Stadium Parking Area will ensure that all parking associated with the development occurs within a defined location The Leith Access Area provides the opportunity for the public to gain access along the Water of Leith is not impeded by any aspect of the development. The policy is the most appropriate for achieving Objectives 27.2.1 and 27.2.2.				
Policy 27.3.3 Retail activities associated with stadium operations are limited in scale.	Enabling retail activities but limiting the type and scale of such activity in the Stadium Zone will be effective in providing for a sustainable multi use stadium and event centre whilst maintaining the principle function of the zone for recreation, and sporting activities. This policy also seeks to ensure that the operation of these activities in the Zone will not have an adverse impact upon other Activity areas in the City. The policy is the most appropriate for achieving Objective 27.2.2.				
Require separation between activities involving the use, storage or disposal of hazardous substances and commercial residential activities in the Logan Point area.	This policy seeks to ensure that activities occurring both within and immediately adjacent to the proposed zone recognise and provide for specific requirements in terms of separation and buffer distances. The effectiveness of the policy depends upon the administration of associated zone provisions and rules. The policy is the most appropriate for achieving Objectives 27.2.1, 27.2.3.				
Policy 27.3.5 Control the visual, traffic, noise and nuisance effects of structures and activities that establish at Logan Point.	This policy establishes controls for the potential effects on the surrounding environment. The policy's efficiency will rely upon the administration of rules used in the District Plan. The policy is the most appropriate for achieving Objectives 27.2.1, 27.2.2, 27.2.3.				
Policy 27.3.6 Require testing for site contamination and appropriate remediation, where redevelopment in the Logan Point area disturbs or alters the ground.	This policy seeks to ensure that any potential contaminated site issues within the zone arsing from previous land uses are remedied. The effectiveness of this policy depends upon the administration of rules and adherence to guidelines provided by the Otago Regional Council. The policy is the most appropriate for achieving Objective 27.2.1, 27.2.3.				
Policy 27.3.7 Maintain and manage pedestrian access to the Water of Leith by restricting activities that can take place adjacent to the waterway.	The visual integration of buildings and appropriate landscaping is important for visual amenity both within the Stadium Zone and also in surrounding areas. The Water of Leith flows past the site and contributes to the amenity enjoyed within the vicinity of the site. These policies are effective in ensuring access to and along the waterway, providing guidance on what is expected on site and recognising the visual amenity of the area.				

Policy 27.3.8	visual amenity of the area.
Require landscaping and screening of outdoor storage areas to ensure a high standard of amenity and visual appearance.	The policies are the most appropriate for achieving Objective 27.2.1 and 27.2.2.

Summary of evaluation

Table 5.2 indicates that the policies and methods proposed under the plan change will be the most appropriate in achieving the objectives outlined in Table 5.1.

5.3 Costs, Benefits, Risk of acting and Risk of not acting

The following tables examines the costs and benefits of the proposed policies and methods, and analyse the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies or methods. The first table assesses rules as a package while the second table provides more detailed examination of specific rules.



Table 5.3A

Policies	Costs	Benefits	Risk of acting	Risk of not acting
Policy 27.3.1 Provide for activities in the Logan Point area that are directly related to the stadium and its operations.	 Provides for the relocation of an existing facility, permitted in it's current location Cost of construction 	 Provides certainty of types of activities expected within proposed zone Social, economic and cultural benefits of new multipurpose events facility 	Limited – meets expectations of community in terms of flexibility of activities and events at new multi purpose facility	 Facility not built, thereby reducing likelihood of Dunedin continuing to host premiere spectator events. University growth not provided for within the proposed zone, and potential for unnecessary constraint on that activity.
Policy 27.3.2 Manage the nature, scale, design and location of land uses within the Logan Point area by limiting activities based on the identified areas, as follows: (i) Stadium Building (ii) Stadium Parking (iii) Leith Access	Activities attracted to site from other areas in the City Increased cost of land Cost of construction and running of new multi purpose event facility	 Provides certainty of types of activities expected within identified areas of the proposed zone Social, economic and cultural benefits of new multi purpose events facility 	Limited – meets expectations of community in terms of flexibility of activities and events at new multi purpose facility	 Facility not used to full potential Ad hoc development continues
Retail activities associated with stadium operations are limited in scale.	Increased cost of land Activities attracted to site from other areas in the City	Will reduce impact on other Activity areas in the City	Limited – supports and consistent with District Plan policies for activity areas and sustainability	Undermine the policies that support the activity centres
Require separation between activities involving the use, storage or disposal of hazardous substances and commercial residential activities in the Logan Point area.	Cost of mitigating effects and providing for safety and operational requirements	 Risk of avoidable incidents is minimised Certainty provided as to safe practices 	Limited – confirms existing practice in other areas of District Plan	 Potential accidents Inefficient operational activities

Policies	Costs	Benefits	Risk of acting	Risk of not acting
Policy 27.3.5 Control the visual, traffic, noise and nuisance effects of structures and activities that establish at Logan Point.	Cost of mitigating effects	Management of effects are internalised	Limited – confirms existing practice in the District Plan	 Potential for significant impact of activities occurring within the zone Inconsistency between this and other sections of the District Plan
Policy 27.3.6 Require testing for site contamination and appropriate remediation, where redevelopment in the Logan Point area disturbs or alters the ground.	Cost of remediating contaminated land	Improved quality of the environment	Limited – consistent with existing approach taken in the District Plan	 Potential contamination of groundwater and on-going contamination Other risks associated with contaminated land eg health
Policy 27.3.7 Maintain and manage pedestrian access to the Water of Leith by restricting activities that can take place adjacent to the waterway.	 Cost of protection measures for the Water of Leith Costs of landscaping the Water of Leith 	 Greater access along the waterway Enjoyed amenity values	Limited – Builds on existing environment	Potential reduction in appearance of Water of Leith and surrounds
Policy 27.3.8 Require landscaping and screening of outdoor storage areas to ensure a high standard of amenity and visual appearance.	Additional cost of design and landscaping	 The amenity throughout the Plan Change area Benefits extend beyond the Plan Change area 	Limited – builds on existing environment and expectations of community	Potential reduction in appearance of new multipurpose stadium

Table 5.3B

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Rules	Costs	Benefits	Risk of acting	Risk of not acting
Zoning	Costs of Plan Change	Multi-purpose stadium facility specifically recognised within the zone	Community may oppose re- zoning	Ad hoc development within existing Industrial 1 Area Lack of facilities within the City
Rules (as a package)	Cost of developing an	d • Provides certainty for CST, •	 Rules may not adequately 	New zone compromised

Rules	Costs	Benefits	Risk of acting	Risk of not acting
	administering rules Cost of complying with rules	Otago Rugby Football Union, and DCC	manage effects Community oppose rules	through inappropriate development
Activity Status – Permitted, Controlled, Restricted Discretionary, Unrestricted Discretionary, Non complying	Cost of consent applications for activities that may be acceptable	 Clearly links policies to identify those activities related to and appropriate within the Stadium Zone Permitted activities directly associated with the proposed educational and events facility 	Some activities may be in the wrong category and impose costs of applications or effects upon other areas of the City	Effects may not be managed in an integrated manner
		Effects of permitted activities which do not comply with the performance standards can be considered on a case by case basis		
		 Manages the reverse sensitivity effects upon the multipurpose stadium operations through use of activity status 		
Minimum carparking, loading and access requirements	Cost of administering rules Cost of meeting carparking, loading and access	Management of effects consistent the existing controls within the District Plan	Limited – existing controls carried through into new zone	Effects upon road network, stadium activities and surrounding areas
f	requirements	 Provides certainty for CST, Otago Rugby Football Union, and DCC 		Operating inefficiencies Reduced safety
		 Greater operating efficiencies Increased safety		
Landscaping & screening, open space	Landscaping not provided or maintained to a sufficient standard Cost of providing landscaping, screening and open space to meet associated rules	 Applied to public areas and adjoining properties, the important interfaces with the public and surrounds Creates a quality environment for the Logan Point area 	Limited – certain level of expectation that the Stadium would have landscaping and such requirements are established for similar activities in other parts of the Plan	No or inconsistent provision of landscaping
Environmental Issues (glare, lighting, noise, and electrical interference)	Cost of meeting requirements of rules	Management of effects consistent with existing controls within the District Plan	Limited – existing controls carried through as appropriate into the new zone	Effects within the zone and surrounding areas not managed in an appropriate manner.

Rules	s	Costs	Benefits	Risk of acting	Risk of not acting
New Zealand U Protocol	Jrban Design	Cost of responding to principles identified in the protocol	1	 Difficulties in compliance Community may oppose the imposition of broad principles May not provide specific guidance 	Poor design within the new zone

Rules in other District Plan sections	Costs	Benefits	Risk of acting	Risk of not acting
Campus	Cost of compliance and administration, however costs minimal as refers to the existing Plan provisions	 Management of effects consistent with existing controls within the District Plan Certainty as to the level of effect that can be experienced 	Limited – existing controls carried through as appropriate, amendments made as necessary	Effects within the zone and surrounding areas not managed in an appropriate manner.
Subdivision	 Cost of compliance and administration Loss of esplanade reserve 	Management of effects consistent with existing controls within the District Plan	Limited – existing controls carried through as appropriate into the new zone	 Effects within the zone and surrounding areas not managed in an appropriate manner. Ad hoc subdivisional activity continues occurring within the zone.
Signs	Cost of compliance and administration of rules, costs minimal as refers to the existing signs section of the District Plan	Management of effects consistent with existing controls within the District Plan	Limited – existing controls carried through as appropriate into the new zone	Signs constructed that are inconsistent thresholds identified in the Plan
Environmental Issues	Cost of meeting requirements of rules	 Management of effects consistent with existing controls within the District Plan Certainty as to the level of effect that can be experienced 	Limited – existing controls carried through as appropriate into the new zone	Effects within the zone and surrounding areas not managed in an appropriate manner.



In summary, Table 5.3A indicates that overall the benefits of the selected policies and methods are greater than the costs, and the risk of acting is limited. Table 5.3B examines the rules in more detail and indicates that overall there is limited risk of acting and the rules will achieve the best outcomes.

6. CONCLUSION

It is recommended that a new Stadium Zone be established as the most appropriate method to provide for a quality multipurpose stadium facility in Dunedin.

Zoning is the preferred method for achieving the purposes of the Act, and is also the most efficient and effective method of achieving the outcome sought. A specific Stadium Zone will provide for appropriate multi purpose stadium activities and will provide the flexibility necessary to enable the establishment of complementary education activities, alongside ancillary stadium activities. The Zone will also ensure the maintenance of appropriate amenity and environmental standards and the overall integrity of the District Plan, and will provide a high degree of certainty and ensure that the adverse effects of incompatible activities are avoided, remedied or mitigated.

The various provisions detailed within this summary report are considered to be the most appropriate way to address the issue identified and to achieve the objectives and policies of the Dunedin City District Plan and achieve the purpose of the Resource Management Act 1991.

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