

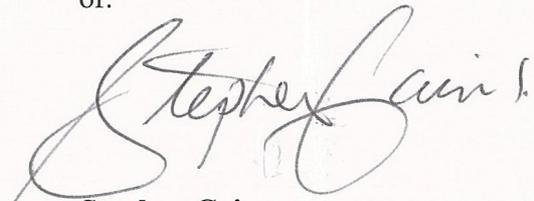
**OPERATIVE PLAN CHANGE 1 (HARBOURSIDE)  
TO THE REGIONAL PLAN: COAST FOR OTAGO**



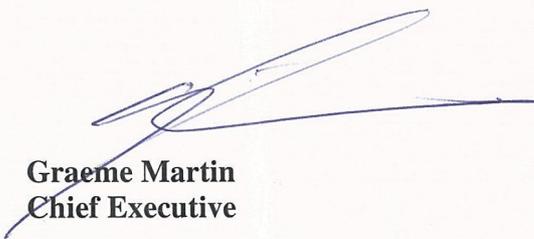
**1 DECEMBER 2009**

This is a true and correct copy of Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago that was adopted by the resolution of Otago Regional Council on Wednesday 24 June 2009.

The Common Seal of Otago Regional Council was hereto affixed pursuant to the resolution of Council passed on Wednesday 24 June 2009 in the presence of:



**Stephen Cairns**  
Chairperson



**Graeme Martin**  
Chief Executive



This copy of Plan Change 1 (Harbourside) has been approved by the Minister of Conservation on:

16 SEP 2009

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**Hon Tim Groser**  
Minister of Conservation

Plan Change 1 (Harbourside) to the Regional Plan: Coast is deemed to be operative on:

1 December 2009

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## INTRODUCTION

Dunedin City Council requested, pursuant to Clause 21 of the First Schedule to the Resource Management Act 1991, a change to the Regional Plan: Coast for Otago. The Otago Regional Council (ORC) accepted the request.

The purpose of the plan change was to give effect to the vision that has been developed for Dunedin Harbourside, which is to reconnect the heart of the city to the harbour and rejuvenate the harbourside with a mix of land uses, public spaces and amenity areas. The document *'Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago'* details all the significant and consequential changes proposed. In summary, the significant changes proposed were:

- New policies for a new coastal management area called a coastal harbourside area;
- Amendment of existing rules for occupation of the coastal marine area to include the ability for temporary closure of public access for Navy defence operations in Otago Harbour;
- Amendment of existing policies for structures to include reference to the Dunedin coastal harbourside area;
- A new issue, objective and policy for signs in coastal harbourside areas generally (not just the Dunedin coastal harbourside area);
- New rules for signs in the Dunedin coastal harbourside area;
- New rules for structures in the Dunedin coastal harbourside area;
- A new rule relating to disturbance of the foreshore or seabed within the Dunedin coastal harbourside area;
- A new Schedule 2.4, tabling the uses and values of the Dunedin coastal harbourside area, including changes to the maps to show the extent of the area;
- A new Schedule 9, which is the Dunedin coastal harbourside area Structure Plan.

Proposed Plan Change 1 (Harbourside) was publicly notified on 26 January 2008 and submissions closed on 29 February 2008. A public notice was placed in the following newspapers: the Otago Daily Times; the Southland Times; The Press; the Central Otago News; the Taieri Herald; and the Clutha Leader. A public information brochure was distributed to those likely to be directly affected by the proposal. There were 21 submissions received.

The availability of a summary of decisions requested by submitters was publicly notified on 29 March 2008. Further submissions were invited and closed on 30 April 2008. Seven further submissions were received.

A joint hearing with the Dunedin City Council was held from 21 July 2008 to 31 July 2008. On 24 April 2008 the Policy and Resource Planning Committee appointed Independent Commissioners Roger Tasker (Chair) and John Lumsden to hear submissions and recommend decisions on Proposed Plan Change 1 (Harbourside). In total, 13 submitters and further submitters made presentations to the Independent Commissioners:

- Dunedin City Council
- Port Otago Ltd
- Bradken Pty Ltd
- Progressive Plastics Ltd
- NZ Salmon Anglers Association Otago Branch Inc.
- New Zealand Historic Places Trust
- Otago Chamber of Commerce Inc.
- Otago Yacht Club Inc.
- Otago Harbour Recreational Trust
- Dunedin Ratepayers and Household Association Inc.
- Department of Conservation

- Fonterra Co-Operative Group Ltd
- Chalmers Properties Ltd.

The Commissioners' recommendations are based on evidence presented at the hearing, as well as the following documents:

- Regional Plan: Coast for Otago;
- Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago – Blue Information Pack;
- Submissions Received on Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago (March 2008);
- Summary of Decisions Requested on Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago – Sorted by Submitter (March 2008);
- Summary of Decisions Requested on Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago – Sorted by Provision (March 2008);
- Further Submissions Received on Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago (May 2008);
- Summary of Decisions Requested by Further Submitters on Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago – Sorted by Further Submitter (May 2008); and
- Summary of Decisions Requested on Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago – Sorted by Provision (June 2008).
- Officers' Report on Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago (July 2008)
- Supplementary Officer's Report on Proposed Plan Change 1 (Harbourside) to the Regional Plan: Coast for Otago (30 July 2008).

On 11 February 2009, the Otago Regional Council resolved to approve Proposed Plan Change 1 (Harbourside) with the modifications, and reasons for those modifications, recommended by the Hearings Commissioners. This decision was publicly notified on Saturday, 14 February 2009.

No appeals were received on Proposed Plan Change 1 (Harbourside) so it was adopted by Otago Regional Council on 24 June 2009 and approved by the Minister of Conservation on 16 September 2009. Plan Change 1 (Harbourside) became operative on 1 December 2009.

The following sections detail the operative provisions of Plan Change 1 (Harbourside) in order of chapters in the Regional Plan: Coast for Otago. An updated version of the Regional Plan: Coast, incorporating Plan Change 1, is also available.

## OPERATIVE PROVISIONS

### A.1 CHAPTER 2: LEGISLATIVE AND POLICY FRAMEWORK

#### 2.5.3 Restricted discretionary activity

A restricted discretionary activity is an activity for which the Otago Regional Council has restricted the exercise of its discretion. This means that the Council limits the range of matters it considers and only sets conditions (if the resource consent is granted) that are relevant to the matters to which it has restricted its discretion. The relevant rules of this Plan list these matters.

#### 2.6 Notification of resource consents

Any resource consent application received by the Otago Regional Council must be **publicly notified** under Section 93 of the Act, unless provided for by Section 93(1), 94(1) or 94D. Public notification allows the community to be involved in assessing whether the proposed activity may cause adverse effects.

Some rules in this Plan expressly permit consideration of a resource consent application **without public notification** in accordance with Section 94D. An application may be notified even when rules in this Plan state that it may be non-notified, if the Council considers special circumstances exist, or if the applicant requests.

If the Council is satisfied that:

- The adverse effects of the proposed activity on the environment will be minor; and
- Every person who may be adversely affected by the activity has given written approval to the activity,

the application **may not be notified**. An application will be notified if the applicant requests, or the Council considers there are special circumstances.

If the Council is satisfied that:

- The adverse effects of the proposed activity on the environment will be minor; but
- All persons who may, in the opinion of the Council, be adversely affected by the activity have not given their written approval,

then notice of the application **may be served** on all persons who may be adversely affected, whether they have given their written approval or not. The application may not be publicly notified. However, the rules in this Plan may provide that notice for an application for resource consent for a controlled or restricted discretionary activity may not need to be served on affected persons.

## A.2 CHAPTER 5: COASTAL MANAGEMENT

*The last line of the fourth paragraph of Section 5.1:*

For the purposes of the Plan, four areas have been established:

*Provision 4 of Section 5.1:*

### **4. Coastal Harbourside Areas**

These areas have been developed to varying degrees. While traditionally developed for port activities and some recreational activity, their function is shifting towards increased recreational and public access opportunities that utilise and enhance the existing structures in the coastal marine area, which span the line of mean high water springs. Improved public access and recreational opportunities in the coastal marine area will create quality waterfronts that integrate with, and support development and activities on the adjacent land. Achieving this requires integrated management with the relevant territorial authority. There is currently only one such area; Steamer Basin.

### **5.4.7 To recognise the following areas, as identified in Schedule 2.4, as a coastal harbourside area within Otago's coastal marine area:**

#### **CHSA 1 Steamer Basin.**

#### **Explanation**

Coastal harbourside areas are characterised as being traditionally developed for port activities, with future development shifting its focus towards becoming more recreational and people-orientated places. Development within these areas is strongly connected to development undertaken on adjacent land, where activities are managed under a district plan. It is important for development across the land/water interface to meet quality and design-orientated outcomes so that the values people associate with a recreational and people-orientated place are realised in coastal harbourside areas.

There is currently only one coastal harbourside area within Otago's coastal marine area; Steamer Basin. A full description of the area along with maps showing boundaries is shown in Schedule 2.4 of this Plan.

#### **Principal reasons for adopting**

This policy recognises that there are parts of the coastal marine area where there is a shift in focus from port-related areas to recreational and people places that require joint management across the land/water interface to ensure the values people associate with such areas are provided for.

**5.4.8 Regard will be given to the need to provide for the values associated with any coastal harbourside area when considering the use, development and protection of Otago's coastal marine area.**

**Explanation**

There are a wide range of activities that can occur in a coastal harbourside area that must be recognised and provided for in the Plan. The consideration of new activities must be set within the context of the uses of the area, the developed nature of the area, and the purpose to which the developed areas are put.

Recreation and public access are important values associated with coastal harbourside areas with their change in focus from traditional port activities to recreation and people places. Development in and around these areas can adversely or beneficially affect public use of these areas. It is important that any adverse or beneficial effect on recreational and public access values is taken account of when considering a proposed use of the coastal marine area in coastal harbourside areas. Examples of activities to be facilitated in the Steamer Basin area include use of small recreational craft, marine type berthage, public events space, departure point for related maritime activities, access for kayaks and public access to the water level. It is anticipated that additional wharves, pontoons and other structures will need to be established to enhance public access and recreation.

**Principal reasons for adopting**

Providing for increased public use of areas already developed within Otago's coastal marine area is important for the social, economic, and cultural well being of the people of Otago.

**5.7.5 The values associated with coastal harbourside areas are provided for, appropriate development is able to continue and public use of these areas increases.**

**7.4.3 Public access to and along the margins of the coastal marine area will only be restricted where necessary:**

- (a) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or
- (b) To protect Maori cultural values; or
- (c) To protect public health or safety; or
- (d) To ensure a level of security consistent with the purposes of a resource consent; or
- (e) To facilitate temporary Navy defence operations in Otago Harbour; or
- (f) In other exceptional circumstances sufficient to justify the restriction.

**Explanation**

This policy recognises that it may be necessary to restrict public access in certain circumstances. When intending to gain access to the coast across private land the provisions of the Trespass Act 1980 will still apply. Before crossing private land the permission of the landowner should be obtained. Policy 4.1.5 of the New Zealand Coastal Policy Statement requires that the Plan provide for defence purposes. Use of the coast by the New Zealand Defence Force can pose some safety risks to the public, particularly when live munitions are used and it may be necessary to temporarily limit public access at such times. Public access should not be restricted unless there is a need to protect the coastal environment, cultural values, public health or safety. Within the Otago Harbour, such a restriction may be required for safety and navigation reasons in the areas surrounding the commercial port areas, given the movement of large ships in confined spaces. Such restrictions would be under the provisions of the Harbours Act 1950, which controls the movement of ships, and any consequential temporary restriction of public access for safety and navigation reasons. Other exceptional circumstances may include protecting heritage and archaeological sites.

**7.5.1.1 Any activity or event which restricts or excludes public access from land of the Crown within the coastal marine area is a *permitted* activity provided:**

- (a) The restriction or exclusion is for a period not exceeding:
  - (i) 31 days in any one calendar year if the activity is Navy defence operations in Otago Harbour; or
  - (ii) Three days in any 12 month period for any other activity; and
- (b) In the case of restricted access, the restriction is limited to an area of one hectare or less; and
- (c) In the case of exclusion of access, the exclusion is limited to an area of 0.5 hectares or less; and
- (d) The disturbance of the foreshore or seabed is confined within the perimeter of the area of occupation and, when completed, the foreshore or seabed is smoothed flat with no visible depressions greater than 0.5 metres in depth; and
- (e) The activity or event does not occur in a coastal protection area; and
- (f) The activity or event does not include the use of vehicles other than for:
  - (i) The purposes of search and rescue operations; or
  - (ii) The launching of ships; or
  - (iii) Other emergency situations; or

- (iv) Navy defence operations in Otago Harbour; and
- (g) Public notice of the activity or event is first given in a local newspaper at least seven days beforehand.

7.5.1.4 The occupation of the coastal marine area by any structure which is identified as a permitted activity by rules 8.5.1.1, 8.5.1.2, 8.5.1.3, 8.5.1.6, 8.5.1.7, 8.5.2.1, 8.5.2.2, 8.5.2.3, or 8.5.4.1 is a *permitted* activity.

*Paragraph about signs under Section 8.1:*

Signs may be required in the coastal marine area to assist with safety, provide information and advice, or identify a structure or location.

**8.2.7 Inappropriately located or designed signs within coastal harbourside areas can have an adverse effect on public access, visual amenity, safety and navigation.**

**Explanation**

Signs are required in coastal harbourside areas in order to assist with safety, provide information and advice, or identify a structure or location. Signs can detract from public access along wharves or accessways and pose a risk to public safety. Coastal harbourside areas are visually sensitive areas and are viewed by large numbers of people. Inappropriately located or designed signs can obstruct or conflict with navigation and create a hazard.

*Objectives 8.3.5*

*Policies 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.8, 8.4.9, 8.4.10*

**8.3.5 To provide for appropriate signs in coastal harbourside areas while avoiding, remedying, or mitigating adverse effects.**

**Principal reasons for adopting**

Any sign in a coastal harbourside area can create adverse effects on the environment. Adverse effects on public access, visual amenity, safety and navigation need to be avoided, remedied, or mitigated.

*Policies 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.8, 8.4.9, 8.4.10*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 7.3.3*

**8.4.3 To recognise and have regard for the values and uses associated with coastal development areas and coastal harbourside areas when considering activities involving structures in and adjacent to coastal development areas and coastal harbourside areas.**

**Explanation**

There are a wide range of existing activities occurring within the coastal development areas and coastal harbourside areas that must be recognised and provided for in the Plan. The consideration of new activities in these areas must be set within the context of the existing uses, the developed nature of the areas, and the purpose to which the areas are put to.

**Principal reasons for adopting**

The continued use and development where appropriate of areas already developed within Otago's coastal marine area is important for the social, economic, and cultural well being of the people of Otago.

*Rules 8.5.1 to 8.5.4*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.4, 5.4.7, 5.4.8, 5.4.10, 9.4.3, 9.4.10, 9.4.11, 10.4.9, 10.4.10, 10.4.11, 12.4.1*

**8.4.10 Signs within coastal harbourside areas are to be located and designed in a manner that is consistent with development in the area, while having regard to public access, visual amenity, safety and navigation.**

**Explanation**

There is a need for a variety of signs in coastal harbourside areas to assist with safety, provide information and advice, or identify a structure or location. Signs can have an adverse effect on the uses and values associated with a coastal harbourside area if not appropriately located and designed.

**Principal reasons for adopting**

Coastal harbourside areas are characterised as being developed areas that are changing in focus from traditional port activities to recreation and people places with enhanced access to the coastal marine area. Signs are required to assist people to move efficiently and safely, and need to be consistent with development in the area.

*Rules* 8.5.1.7, 8.5.1.10, 8.5.2.3, 8.5.2.4, 8.5.3.1, 8.5.3.2

*Other Methods* 8.6.1 to 8.6.4

*Other Policies* 5.4.3, 5.4.4, 5.4.7 to 5.4.11, 6.4.1, 6.4.2, 7.4.1 to 7.4.4

8.5.1.7 The erection or placement of a sign within CHSA 1 Steamer Basin is a *permitted* activity provided:

- (a) It is directional or instructional, and:
  - (i) Has a maximum size of 0.25 square metres; or
  - (ii) Has a maximum size of one square metre if it is for safety, environmental education and navigational purposes; or
- (b) It is a temporary public notice necessary to meet statutory public notification requirements or to protect public health and safety; or
- (c) It is temporary and advertising a cultural, religious or recreational event related to activities being undertaken in CHSA 1 Steamer Basin, and:
  - (i) Has a maximum size of two square metres; and
  - (ii) The cumulative total area of all temporary signs advertising the same community event within CHSA 1 Steamer Basin is a maximum of three square metres; and
  - (iii) Is not displayed for more than 21 days before, and 3 days after, the event; or
- (d) It is located on a ship or structure, and:
  - (i) It relates to the activity being undertaken on the ship or structure; and
  - (ii) There is no more than one sign, mounted flat against:
    - (1) Each façade of the structure; or
    - (2) The starboard or port side of the ship; and
  - (iii) Has a maximum size of two square metres; and
  - (iv) Is not illuminated; and
  - (v) There is no more than one sign mounted at an angle against each façade of the structure, provided the structure is used for public access, and:
    - (1) Its lowest point is a minimum of 2.6 metres above any wharf or pontoon structure; and
    - (2) It is not mounted on the roof of the structure; and
  - (vi) It is not located in a manner that may interfere with visibility or access necessary for safe navigation of ships; or
- (e) It is a sandwich board sign, and:
  - (i) There is only one sandwich board sign per activity; and

- (ii) It is no higher than 800 millimetres; and
- (iii) It is no wider than 600 millimetres.

8.5.1.8 The erection or placement of any structure, excluding any sign or rock rubble breakwater, that will attach to the Fryatt Street or Birch Street Wharves within CHSA 1 Steamer Basin, is a **restricted discretionary** activity provided:

- (a) The erection or placement is in accordance with the Harbourside Structure Plan in Schedule 9; and
- (b) Any fixed structure is designed with a freeboard of not less than 0.33 metres above the highest recorded tide (which is 101.86 metres above the Otago Metric Datum) to take account of predicted sea level rise to the year 2050, resulting in the top finished level of the structure being not less than 102.19 metres above the Otago Metric Datum; and
- (c) There is no more than one recreational kiosk on the Tewsley Street breakwater structure, as shown on the Harbourside Structure Plan in Schedule 9, and:
  - (i) The recreational kiosk does not restrict public access; and
  - (ii) The dimensions of the recreational kiosk are no larger than 50% of the width of the Tewsley Street breakwater structure; and
  - (iii) The recreational kiosk is no longer than five metres.

In considering any resource consent for the erection or placement of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (i) Consistency with the Harbourside Structure Plan in Schedule 9; and
- (ii) Consistency with the Harbourside Design Code in Appendix 26.2 of the Dunedin City District Plan, including any written evidence provided by the applicant as to the outcome of consultation with the Dunedin City Council; and
- (iii) The extent to which the wharf, floating pontoon, breakwater, associated pile, mooring or fendering is fit for its intended purpose including mitigation for wake and wave action systems (which may include supporting minor buildings such as kiosks and sheltered viewing gazebos or accommodating the berthage of Port Otago Limited tugs, barges and dredges or the like) and comply with:
  - (a) New Zealand Building Code Requirements, with a minimal structural (operational) life of 50 years; and
  - (b) AS 4997-2005 being Guidelines for the design of maritime structures; or
  - (c) AS 3962-2001 being Guidelines for design of marinas; and
- (iv) Construction materials; and
- (v) The extent to which the design of the structure provides strong clear connectivity between the land and the waters of the Dunedin Harbourside; and
- (vi) The extent to which the structure is designed to be contiguous with adjoining structures, or with land, visually and materially in terms of finished surface materials, edge treatment and design detail, lighting and seating; and
- (vii) For any structure adjoining the Fryatt Street or Birch Street Wharves at or below wharf level, the extent to which:
  - (a) Wharf edge railing, bollards, lighting, seating and surface materials complement and enhance the port and maritime ambience of the wharf

- side buildings; and
- (b) Provision is made for water and sewage pump-out facilities; and
- (viii) For any building located on a structure, the extent to which:
- (a) Any building above wharf level will facilitate the engagement of the public in nautical activities within CHSA 1 Steamer Basin; and
  - (b) Water edge railing, lighting and other fittings, and surface materials complement and enhance the wharves; and
- (ix) Provision for public access and the necessity to establish an appropriate legal mechanism to ensure public access is maintained; and
- (x) The extent to which the structure provides a continuous water-edge promenade along the entire length of the harbour edge at all times that can accommodate a range of non-motorised uses including strolling, cycling, roller-blading, scooters, pushchairs and wheelchairs; and
- (xi) Provision for navigational safety and the safe berthage of vessels within CHSA 1 Steamer Basin; and
- (xii) Any adverse effect on natural physical coastal processes operating in the area; and
- (xiii) Any adverse effect on any biological community; and
- (xiv) Any adverse effect on water quality; and
- (xv) Any adverse effect on Kai Tahu cultural and spiritual values; and
- (xvi) Any adverse effect on historic heritage values; and
- (xvii) The duration of the resource consent; and
- (xviii) The information and monitoring requirements; and
- (xix) Any existing lawful activity associated with the area; and
- (xx) Any insurance or other appropriate means of remedying the effects of failure; and
- (xxi) Any bond; and
- (xxii) A financial contribution; and
- (xxiii) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

8.5.1.9 Except as provided for by Rules 8.5.1.1 to 8.5.1.6, 8.5.1.8 and 8.5.1.10, any activity involving the erection or placement of a structure or structures in, on, under, or over any foreshore or seabed is a **discretionary** activity.

8.5.1.10 Except as provided for by Rule 8.5.1.7, the erection or placement of a sign in CHSA 1 Steamer Basin is a **discretionary** activity.

*Principal reason for adopting rules in Section 8.5.1:*

With a focus upon public access and recreational activities, signage within CHSA 1 Steamer Basin is permitted where it meets specified standards. This recognises the function of signage in informing the public of activities while minimising potential effects upon visual amenity for activities on the adjacent land. The current (2008) Birch Street and Fryatt Street Wharves within Dunedin Harbourside straddle mean high water springs, falling under the jurisdiction of both the Otago Regional Council and the Dunedin City Council. The rules require coordination with the Dunedin City Council in the management of the area. Steamer Basin is a highly modified marine environment where public access and recreational activities will be enhanced. The Harbourside Structure Plan in Schedule 9 specifies the areas within which redevelopment is practical and the environmental effects upon the coastal marine area will be minor.

8.5.2.4 Except as provided for by Rule 8.5.2.3, the maintenance, extension, alteration, replacement or reconstruction of the Fryatt Street or Birch Street Wharves, or of any structure or part of any structure, excluding any rock rubble breakwater, attached to the Fryatt Street or Birch Street Wharves, is a **restricted discretionary** activity provided:

- (a) The extension, alteration, replacement or reconstruction is in accordance with the Harbourside Structure Plan in Schedule 9; and
- (b) The Fryatt Street and Birch Street Wharves, or any other fixed structure, are designed with a freeboard of not less than 0.33 metres above the highest recorded tide (which is 101.86 metres above the Otago Metric Datum) to take account of predicted sea level rise to the year 2050, resulting in the top finished level of the wharf or structure being not less than 102.19 metres above the Otago Metric Datum.

In considering any resource consent for the maintenance, extension, alteration, replacement or reconstruction of any structure or part of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (i) Consistency with the Harbourside Structure Plan in Schedule 9; and
- (ii) The extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2 of the Dunedin City District Plan, including any written evidence provided by the applicant as to the outcome of consultation with the Dunedin City Council; and
- (iii) The extent to which the wharf, floating pontoon, breakwater, associated pile, mooring or fendering is fit for its intended purpose including mitigation for wake and wave action systems (which may include supporting minor buildings such as kiosks and sheltered viewing gazebos or accommodating the berthage of Port Otago Limited tugs, barges and dredges or the like) and comply with;
  - (a) New Zealand Building Code Requirements, with a minimal structural (operational) life of 50 years; and
  - (b) AS 4997-2005 being Guidelines for the design of maritime structures; or
  - (c) AS 3962-2001 being Guidelines for design of marinas; and
- (iv) Construction materials; and
- (v) The extent to which the design of the structure provides strong clear connectivity between the land and the waters of the Dunedin Harbourside;

- and
- (vi) The extent to which the structure is designed to be contiguous with adjoining structures, or with land, visually and materially in terms of finished surface materials, edge treatment and design detail, lighting and seating; and
  - (vii) For any structure adjoining the Fryatt Street or Birch Street Wharves at or below wharf level, the extent to which:
    - (a) Wharf edge railing, bollards, lighting, seating and surface materials complement and enhance the port and maritime ambience of the wharf side buildings; and
    - (b) Provision is made for water and sewage pump-out facilities; and
  - (viii) Provision for public access and the necessity to establish an appropriate legal mechanism to ensure public access is maintained; and
  - (ix) The extent to which the structure provides a continuous water-edge promenade along the entire length of the harbour edge at all times that can accommodate a range of non-motorised uses including strolling, cycling, roller-blading, scooters, pushchairs and wheelchairs; and
  - (x) Provision for navigational safety and the safe berthage of vessels within CHSA 1 Steamer Basin; and
  - (xi) Any adverse effect on the natural physical coastal processes operating in the area; and
  - (xii) Any adverse effect on any biological community; and
  - (xiii) Any adverse effect on water quality; and
  - (xiv) Any adverse effect on Kai Tahu cultural and spiritual values; and
  - (xv) Any adverse effect on historic heritage values; and
  - (xvi) The duration of the resource consent; and
  - (xvii) The information and monitoring requirements; and
  - (xviii) Any existing lawful activity associated with the area; and
  - (xix) Any insurance or other appropriate means of remedying the effects of failure; and
  - (xx) Any bond; and
  - (xxi) A financial contribution; and
  - (xxii) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

8.5.2.5 Except as provided for by Rules 8.5.2.1 to 8.5.2.4, any extension, alteration, replacement or reconstruction of an existing line or structure that is fixed in, on, under, or over any foreshore is a *discretionary* activity.

*Principal reason for adopting new rules in Section 8.5.2:*

The current (2008) Birch Street and Fryatt Street Wharves within Dunedin Harbourside straddle mean high water springs, falling under the jurisdiction of both the Otago Regional Council and the Dunedin City Council. The rules require coordination with the Dunedin City Council in the management of the area. Steamer Basin is a highly modified marine environment where public access and recreational activities will be enhanced. The Harbourside Structure Plan in Schedule 9 specifies the geographical locations within which redevelopment is practical and the environmental effects upon the coastal marine area will be minor.

## A.5 CHAPTER 9: ALTERATION OF THE FORESHORE AND SEABED

9.5.3.5 Except as provided for by Rule 9.5.3.4, the disturbance of the foreshore or seabed when erecting, placing, altering, extending, replacing or reconstructing any structure, or part of any structure, in CHSA 1 Steamer Basin is a *permitted* activity provided:

- (a) No dredging occurs; and
- (b) Any natural material that is moved is not removed from the coastal marine area; and
- (c) Any disturbance of the foreshore or seabed is confined to within the perimeter of the structure; and
- (d) After completing the activity the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and
- (e) The structure has a current coastal permit or is provided for by a rule.

9.5.3.6 Except as provided for by Rules 9.5.3.1 to 9.5.3.5, any disturbance of foreshore or seabed is a *discretionary* activity.

*Principal reason for adopting new rules in Section 9.5.3:*

Steamer Basin is a highly modified marine environment where recreational activities and public access to the coastal marine area are encouraged. Redevelopment of the Steamer Basin is anticipated to occur in relation to the Harbourside Structure Plan in Schedule 9, which specifies the geographical locations within which berthing is practical and the environmental effects of limited extensions to the current berthing facilities will have minor effects. The disturbance of the foreshore and seabed associated with development of structures in Steamer Basin will have no more than minor effects on the environment.

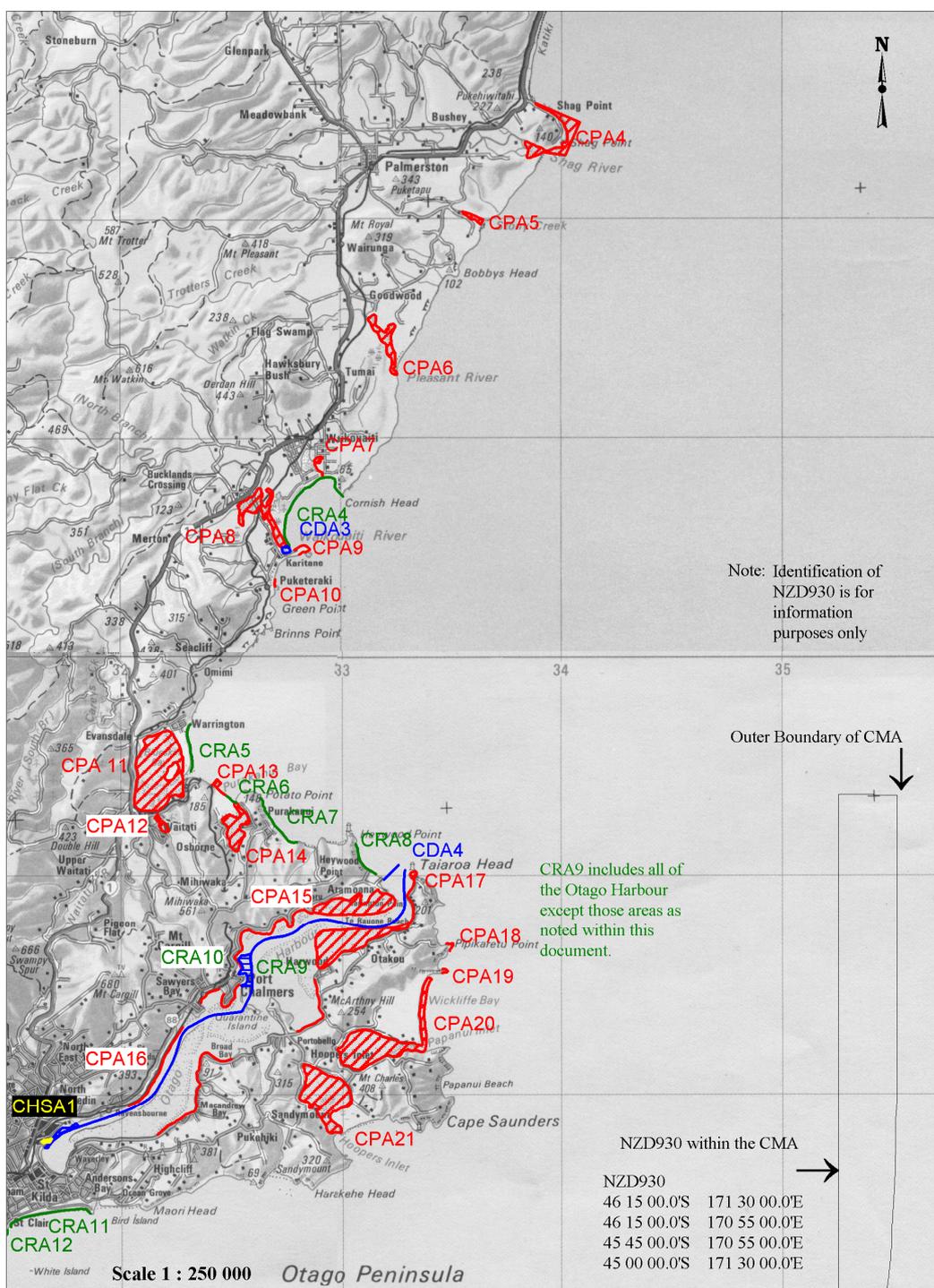
## A.6 SCHEDULE 2: MANAGEMENT AREAS

### Schedule 2.4 Coastal Harbourside Areas

In considering applications for activities within or adjacent to any coastal harbourside area, the values identified within those areas will be recognised and regard will be given to the need to provide for those values, as appropriate.

Area	Values and uses
CHSA 1 Steamer Basin	<ul style="list-style-type: none"> <li>• High public amenity.</li> <li>• Historic heritage: includes the Fryatt Street Wharf and wharf sheds, Cross Wharf and where the former Otago Harbour Board building is located.</li> <li>• Continuous public access along the waterfront.</li> <li>• Boating, fishing and walking.</li> <li>• Interactions with indigenous wildlife.</li> <li>• Pontoons, breakwaters, wharves and jetties.</li> <li>• Sheltered water space.</li> <li>• Moorings.</li> <li>• Recreational facilities.</li> <li>• Tourism facilities.</li> <li>• Fishing facilities.</li> <li>• Commercial port facilities.</li> <li>• Water facilities well integrated with land facilities.</li> </ul>

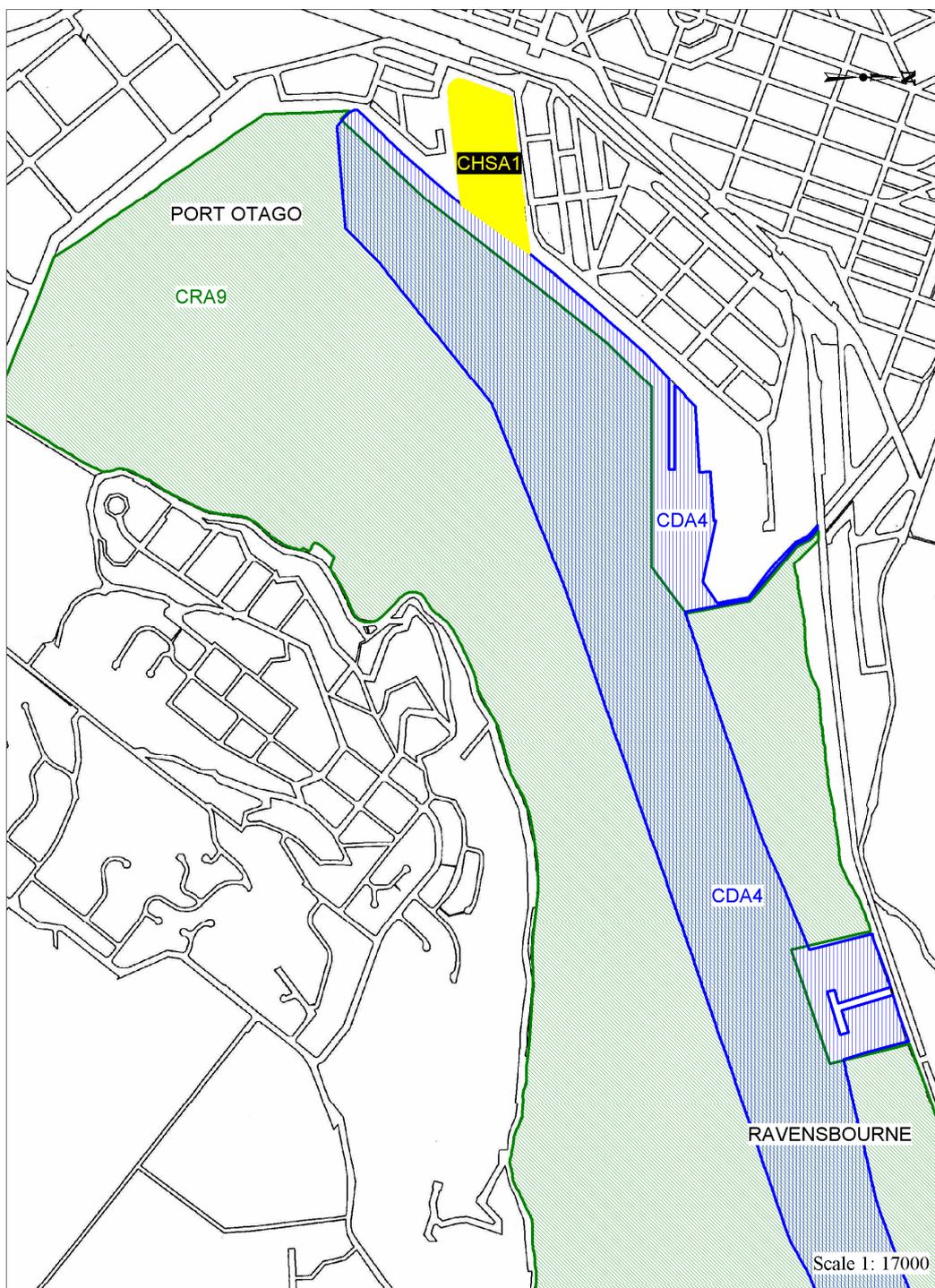
SCHEDULE 2



Coastal Management Areas



SCHEDULE 2



Coastal Management Areas

**A.7 SCHEDULE 9: HARBOURSIDE STRUCTURE PLAN**



## A.8 APPENDIX 1: GLOSSARY

Building painted as a sign	Means a building, the architectural detailing of which has become subservient to a painted design on its surface which expresses or advertises a corporate or product identity.
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Coastal harbourside area	An area as set out by Policy 5.4.7 of this Plan.
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Restricted discretionary activity*	<p>If an activity is described in the Resource Management Act 1991, regulations, or a plan or proposed plan as a restricted discretionary activity,-</p> <ul style="list-style-type: none"> <li>(a) A resource consent is required for the activity; and</li> <li>(b) The consent authority must specify in the plan or proposed plan matters to which it has restricted its discretion; and</li> <li>(c) The consent authority's powers to decline a resource consent and to impose conditions are restricted to matters that have been specified under paragraph (b); and</li> <li>(d) The activity must comply with standards, terms or, conditions, if any, specified in the plan or proposed plan.</li> </ul>
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Sign	<p>Means any name, figure, image, character, outline, spectacle, display, delineation, announcement, poster, handbill, advertising device or appliance, or any other things of a similar advertising nature, intended principally to attract attention, whether it is placed on or affixed to any land, building or ship, or incorporated within the design of any building whether by painting or otherwise which is visible from a public space, and includes a building painted as a sign (see separate definition of 'Building painted as a sign').</p> <p>Note: A sign may also be a structure.</p>
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## A.9 CONSEQUENTIAL AND MINOR CHANGES

<i>Provision</i>	<i>Page number</i>	<i>Detail of consequential and minor change</i>			
Page numbers	All pages	<i>Change page numbers.</i>			
Footer	All pages	<i>Change each footer to read:</i> Regional Plan: Coast for Otago (Updated to 1 December 2009)			
Cross-referencing	Every page with cross-referencing	<i>Update cross-referencing.</i>			
Title page	Page i	<i>Change the date to read:</i> Updated to 1 December 2007			
New ISBN number	Page i	<i>Change the ISBN number to read:</i> ISBN 1-877265-89-6			
New Table	Page ii	<i>Insert the following:</i>			
		<b>Key Event</b>	<b>Date Notified</b>	<b>Date Decisions Released</b>	<b>Date Operative</b>
		Regional Plan: Coast	1 July 1994	16 May 1997	1 September 2001
		Plan Change 1 (Harbourside) to the Regional Plan: Coast	26 January 2008	14 February 2009	1 December 2009

<i>Provision</i>	<i>Page number</i>	<i>Detail of consequential and minor change</i>
How to use the Regional Plan: Coast for Otago	Page v	<p><i>Change the list in the second paragraph to read:</i></p> <p>(a) A discretionary activity; or            (b) A restricted discretionary activity; or            (c) A controlled activity; or            (d) A restricted coastal activity.</p>
How to use the Regional Plan: Coast for Otago	Page v	<p><i>Insert the following into the first column of the second row:</i></p> <p>Activities involving signs.</p>
How to use the Regional Plan: Coast for Otago	Page v	<p><i>Change the second column of the third row to read:</i></p> <p>Chapter 8 Structures and Signs</p>
Table of Contents	Pages vii to xii	<i>Change page numbers.</i>
Table of Contents	Page vii	<p><i>Insert the following:</i></p> <p>2.5.3 Restricted discretionary activity ..... 14</p>
Table of Contents	Page vii	<p><i>Change the following to read:</i></p> <p>2.5.4 Discretionary activity ..... 14            2.5.5 Restricted coastal activity ..... 15            2.5.6 Non-complying activity ..... 15            2.5.7 Prohibited activity ..... 15</p>
Table of Contents	Page vii	<p><i>Insert the following:</i></p> <p>2.6 Notification of resource consents ..... 15</p>

<i>Provision</i>	<i>Page number</i>	<i>Detail of consequential and minor change</i>
Table of Contents	Page vii	<p><i>Change the following to read:</i></p> <p>2.7 Information requirements ..... 16</p> <p>2.8 Financial contributions ..... 16</p>
Table of Contents	Page viii	<p><i>Change the following to read:</i></p> <p><b>8. Structures and Signs</b></p>
Table of Contents	Page viii	<p><i>Change the following to read:</i></p> <p>8.5.1 Erection or placement of a structure or sign</p> <p>8.5.2 Maintenance, extension, alteration, replacement or reconstruction of a structure or sign</p>
Table of Contents	Page xi	<p><i>Insert the following:</i></p> <p>2.4 Coastal Harbourside Areas ..... 197</p>
Table of Contents	Page xi	<p><i>Insert the following:</i></p> <p><b>Schedule 9: Harbourside Structure Plan.....244</b></p>
Section 1.2: The Process and the effect of the Plan	Page 2	<p><i>Insert the following paragraph after the first paragraph in section 1.2:</i></p> <p>This Plan was amended by Plan Change 1 (Harbourside), proposed on 26 January 2008 and made operative on 1 December 2009, following the receipt of 21 submissions and seven further submissions. The amendments related to the introduction of coastal harbourside areas, and introduced new rules regarding development of the Steamer Basin.</p>
Section 1.5: Structure of the Plan	Page 4	<p><i>Under the subsection called 'Schedules' insert the following:</i></p> <p>8. Historic sites and values that must be given particular regard to.</p> <p>9. Harbourside Structure Plan.</p>

<i>Provision</i>	<i>Page number</i>	<i>Detail of consequential and minor change</i>
Section 2.5: Status of activities	Page 14	<p><i>Change the second sentence in section 2.5 to read:</i></p> <p>A resource consent is required for any activity which this Regional Plan: Coast for Otago specifies as being a controlled activity, a restricted discretionary activity, a discretionary activity, a restricted coastal activity, or an activity that does not comply with the provisions of this Plan (a non-complying activity).</p>
Section 2.7: Notification of consents	Page 15	<p><i>Delete Section 2.7 and renumber Section 2.6 to 2.7.</i></p>
Section 2.9: Section 32	Page 16	<p><i>Insert the following sentence to the end of the last paragraph:</i></p> <p>There is also a Section 32 report for Proposed Plan Change 1 (Harbourside) to this Plan.</p>
Note	Page 65	<p><i>Change the first bullet point to read:</i></p> <ul style="list-style-type: none"> <li>• An activity involving a structure or sign (see Chapter 8);</li> </ul>
Principal reasons for adopting rules in section 8.5.1	Page 84	<p><i>Change the last sentence to read:</i></p> <p>Any other activity involving the erection or placement of a structure is a restricted discretionary or discretionary activity in order that any adverse effects can be assessed.</p>
Principal reasons for adopting rules in section 8.5.2	Page 86	<p><i>Change the last sentence to read:</i></p> <p>Any other activity involving the extension, alteration, replacement or reconstruction of a structure is a restricted discretionary or discretionary activity in order that any adverse effects can be assessed.</p>
Section 15.1: Introduction	Page 166	<p><i>Change (a) of the third paragraph to read:</i></p> <p>(a) Any activity which this Regional Coastal Plan specifies as being a discretionary activity, a restricted discretionary activity, a controlled activity, or a restricted coastal activity; and</p>

<i>Provision</i>	<i>Page number</i>	<i>Detail of consequential and minor change</i>
Section 15.2: General Information Required	Page 167	<p><i>Change 5.(a) to read:</i></p> <p>(a) Within a coastal protection area, coastal recreation area, coastal development area or coastal harbourside area as specified in Schedule 2 of this Plan; or</p>
Schedule 2: Management Areas	Page 207	<p><i>Change the first paragraph of the text in the last box to read:</i></p> <p><b>Schedules 2.1, 2.2, 2.3, 2.4</b>            Schedule 2.1 Coastal Protection Areas (CPA) are shown in <i>red</i>.            Schedule 2.2 Coastal Development Areas (CDA) are shown in <i>blue</i>.            Schedule 2.3 Coastal Recreation Areas (CRA) are shown in <i>green</i>.            Schedule 2.4 Coastal Harbourside Areas (CHSA) are shown in <i>yellow</i>.</p>
Schedule 8: Historic Sites and values	Page 255	<p><i>Change the first sentence to read:</i></p> <p>Schedule 8 identifies sites and values to which Policy 5.4.11 applies.</p>
Appendix 2: Ngai Tahu Claims Settlement Act Statutory Acknowledgements	Page 271	<p><i>Change the fourth paragraph of the Introduction to read:</i></p> <p>Part 12 of the NTCS Act provides details of statutory acknowledgements, and the responsibilities relating to them. Section 208 of that act requires that local authorities have regard to these statutory acknowledgements in resource consent processing under sections 93 to 94(C) of the Resource Management Act 1991 (Notification of resource consents).</p>

