ANDERSONLLOYD
LAWYERS

SPECTATOR EVENTS AND EDUCATION ZONE PLAN CHANGE

PLANNING UPDATE REPORT TO DUNEDIN CITY COUNCIL

5 December 2007

Introduction

1. The establishment of a multipurpose stadium with associated education buildings would be a non complying activity under the current industrial zoning of the Awatea Street site.

2. Given the objectives and policies of the industrial zone, the legal and planning advice provided to the Trust is that consent for a non complying activity would be difficult to obtain. For this reason the decision was taken to pursue a change in zoning to accommodate the activities intended on the site.

3. These activities include the establishment of a multipurpose stadium (with a design capacity of approximately 30,000 people and a maximum capacity of 35,000 people) for sporting and other events, associated conference and exhibition space, corporate boxes and lounges, limited retail and commercial space (that has a direct relationship with other activities on the site) and a relatively large outdoor plaza area.

The Plan Change

4. The necessary documents to seek a change to the District Plan to create the new "Spectator Events and Education Zone" have been prepared and will be ready to be lodged with the Council prior to Christmas.

5. The documents include:

   a. A set of zone provisions for incorporation into the District Plan. This effectively creates the objectives, policies and rules for the new Zone and includes provisions to ensure that matters such as noise, minimum car parking requirements, urban design, traffic management and the like are appropriately dealt with. The content of the Zone provisions has been the subject of discussion with the Council Executive Management Team and DCC Planning during development.

   b. Assessment of Environmental Effects – the Zone provisions have been informed by the comprehensive assessment of environmental effects that has been carried out in a variety of disciplines. The Trust has engaged independent expertise in the fields of:

      - Traffic
      - Acoustics
      - Geotechnical Engineering
      - Hazardous Substances
      - Contamination
      - Urban Design
      - Architecture
      - Planning
      - Infrastructural Services
      - Flooding and Stormwater
      - Economics
      - Turf Growth
      - Air Quality

Each of the expert consultants has reviewed the proposed activities within the zone in light of the existing environment and identified what effects the proposal might have. Where adverse effects have been identified, recommendations for avoiding, remedying or mitigating those effects have been provided and it is these recommendations which have informed the provisions for the Zone. For example the acoustic assessment suggests that there be a constraint on the number of "high noise" rock or pop concerts able to be held at the Stadium to ensure the wellbeing of neighbouring residents.

A short review of the findings of each expert is outlined in the next section of the report.

c. A report as required under Section 32 of the Resource Management Act has also been prepared by Beca Planning. This report analyses the effectiveness and efficiency of the proposed new zone provisions and looks at alternatives to that which has been proposed to ensure that it is the most appropriate process.

Environmental Effects

6. As previously outlined a comprehensive assessment of the effects of the proposal has been undertaken. Each consultant has identified the existing environment with respect to their area of expertise and then considered what changes might occur to that environment should the Spectator Events and Education Zone be established.

7. In order to undertake this assessment the Trust has provided the consultant team with information on the likely usage of the Zone together with a "worst case" effects scenario. The worst case scenario attempts to consider the usage of the zone from the worst possible effects scenario for that discipline eg the worst possible traffic generation scenario or the noisiest activities occurring within the Zone. It is emphasized however that these scenarios are not expected to actually occur. They simply provide an assessment tool to ensure that in every circumstance the activities in the Zone are appropriately managed.

8. A summary of the findings of each of the technical reports is outlined in the attached Appendix A. As can be seen from these summaries the assessment of effects is very comprehensive and demonstrates that the activities proposed for the new Zone can be appropriately managed. Where particular recommendations have been provided by the independent experts to ensure that activities in the Zone do not result in adverse effects, these recommendations have been used to inform the Zone provisions.

9. The issue which has required the most significant level of assessment is the effect of the rezoning on traffic matters including parking. Accordingly a more detailed summary of that report is included below.

Traffic

10. A comprehensive traffic impact assessment has been undertaken by Beca Infrastructure. The key findings of the Report are outlined in the attached Appendix B.

11. The Assessment considers the impacts of additional traffic on the surrounding road network including intersections, the impacts of car parking on the surrounding area and the requirements for large scale event traffic management. Pedestrian and cyclist activity are also assessed.

Traffic Generation

12. Under maximum day to day use of the Zone (taking into account staff working in the zone and high numbers of people visiting the zone for Stadium and University related events) the surrounding traffic network is predicted to cope admirably with only a few intersections requiring some changes to light phasing to ensure that the level of service at the intersection does not drop below an acceptable standard.

13. For large scale events with maximum crowds a full traffic management plan will be required to ensure that the public can move safely to and from the venue. This is no different to that which occurs at the existing Carisbrook Stadium (as well as other such venues in New Zealand) where roads are closed and parking restrictions are imposed to facilitate large scale events.

Car-parking

14. The Report finds that the day to day usage of the Zone will require onsite car parking for some 335 vehicles.

15. An assessment of a series of "worst case" parking demand scenarios has also been undertaken to ensure that the Zone provisions operate satisfactorily under all reasonably foreseeable circumstances. For example an assessment of car-parking demand has been undertaken using a scenario where the Zone is occupied at maximum capacity for day to day use, is hosting the maximum number of meetings (in the Stadium corporate lounges and other meeting areas), and has the University buildings utilised in the most "parking dense" manner. Similarly a scenario has been modeled where the Zone is at the maximum day to day capacity and a trade show or exhibition is also being accommodated.

16. In these "worst case" scenarios there is a requirement for additional car-parking in and around the Zone. A variety of options exist to accommodate this demand and the Zone provisions will require that this be provided before activities in the Zone can be permitted.

17. In summary the potential adverse traffic effects identified in the Assessment (even under the "worst case" scenarios) are able to be appropriately avoided, remedied or mitigated in accordance with the provisions of the Resource Management Act 1991.

Process

18. Once lodged the Council has 3 options as to how the Plan Change request is progressed, namely reject, accept or adopt the plan change.

19. The grounds for rejecting the plan change are limited to certain situations including where it is considered that the request is frivolous or vexatious or not in accordance with sound resource management practice. It is not considered that such grounds would apply in this instance.

20. Council may decide to adopt the plan change and process it as though it were a Council initiated change to the District Plan. It is our advice that this would be appropriate if the Council is to be one of the main funding bodies. This would ensure a greater level of control over the Plan Change. It is our understanding that the Trust considers this to be the most appropriate course of action also. If the Council does decide to adopt the plan change the Trust are entitled to submit in respect of the plan change as is any other member of the public.

21. Council may decide not to adopt the plan change but to simply accept and process it. This means that the Trust will remain as the promoter of the plan change and the Council will act simply as the regulatory authority.

22. It should be noted that in either circumstance the Plan Change will be notified for public submissions and that given the financial arrangements between the Trust and the Council an independent commissioner will almost certainly be appointed to hear the matter.

23. There are two rounds of public submissions on a plan change, each having a minimum submission period of 20 working days.

Timeframes

24. A flow chart outlining the statutory processes and timeframes for processing a plan change is attached as Appendix C.

25. If the tertiary buildings planned for the Zone are to be available to meet the University's predicted growth requirements and/or if the Stadium is to be completed for anticipated Rugby World Cup games, construction must be completed by the first quarter of 2011.

26. Achievement of this based on the current programme is extremely tight. Although the project team is committed to reducing the risk of delay through the provision of a comprehensive, robust and technically correct plan change application it is not of course within the control of the Trust to entirely eliminate the risk of delay. Accordingly pursuing appropriate strategies to ensure that the plan change progresses as quickly as is possible remains a critical consideration for the project team.

Conclusions

27. A comprehensive set of Zone provisions and accompanying documentation has been prepared which shows that the Plan Change to enable a Spectator Events and Education Zone on the Awatea St site is a feasible and appropriate option.

28. Whilst the ultimate decision will fall to a Commissioner or the Environment Court a robust case can be mounted that this is an appropriate amendment to make to the current Plan. Potential adverse effects of the intended activities for the Zone have been identified and strategies employed to manage these effects such that they are not significant.

Appendix A

- **Acoustics**

1. This assessment was undertaken by Acoustic Engineering Services ("AES") and finds that there are some scenarios in which adverse noise effects might occur, primarily music concerts held at the Stadium. For this reason a series of noise rules are proposed which have been included in the proposed Zone provisions. It is the conclusion of AES that:

   "Provided that:

   - *The noise rules proposed in section 8.0 of this report are adopted as rules for the Stadium zone.*
   - *The stadium in operated in accordance with these rules.*
   - *The final design of the Stadium is reviewed by an appropriately qualified and experienced acoustic engineer to ensure the expected break-out of crowd noise does not exceed the levels anticipated in this report.*

2. It is our conclusion that the activity will not produce unreasonable noise emissions over any calendar year, and that any adverse effects due to noise associated with the activity will be minor." (section 9).

- **Geotechnical Engineering**

3. A report from Tonkin and Taylor (T&T) assesses the geotechnical aspects of the proposed development including the existing site conditions and the risk of liquefaction and lateral spread resulting from a seismic event.

4. The report concludes that these matters need to be the subject of design constraints but that there is nothing inherent in the site that would make it unsuitable for rezoning for the activities sought.

- **Hazardous Substances**

5. This report has been prepared by Envirocom. The assessment considers the land uses adjacent to the Zone and considers whether there are any risk factors that would make the site unsuitable for rezoning as sought.

6. Envirocom conclude that there is nothing in the activities proposed for the Zone that would impact adversely on the adjacent hazardous substance facilities (including Liquigas). Although it is important that access to these neighbouring sites is not impeded this can be appropriately managed as part of the overall traffic management of the site.

7. Envirocom has also considered whether the presence of the new Zone would create an additional hazard should an emergency occur at one of the neighbouring hazardous substances facilities. The report outlines a comprehensive analysis of the likely emergency events that may occur at a

facility such as Liquigas and concludes that "*the integrity of design, commitment to maintenance and improvement programs together with the competence of staff at all of these facilities leads me to believe that the risk is an acceptable one*".

- **Contamination**

8. T&T have undertaken an investigation into possible contamination of the site due to historical land uses. They conclude that although there is a risk of contamination this can be appropriately managed in a variety of ways during development of the site. The report concludes that there is nothing inherent in the site which suggests that it would be inappropriate to rezone it for the activities now sought.

- **Urban Design**

9. Context Urban Design ("CUD") has undertaken a thorough review of the activities proposed in the Zone from an urban design perspective. CUD has worked with the design team (Jasmax/HOK) and the report outlines a series of recommendations that are considered important to ensure that the activities undertaken on the site result in appropriate urban form. These recommendations have been used to inform the Zone provisions.

- **Architecture**

10. Jasmax/HOK have prepared an architectural statement that outlines the vision for the Zone and the thinking behind that vision. Again, this information has informed the Zone provisions and the Zone provisions have been carefully reviewed and tested to ensure that they enable the vision for the Zone to be realised.

- **Infrastructure**

11. Information has been obtained from the Dunedin City Council regarding servicing of the proposed zone. There are no issues with capacity of services for this site and a letter confirming this has been provided by DCC.

- **Flooding and Stormwater**

12. An investigation into the potential for activities in the new Zone to exacerbate flooding in the area has been undertaken by David Hamilton and Associates. Recommendations as to the appropriate floor levels for buildings taking into account the existing environment and matters such as storm level situations as well as sea level rise have been included and have informed the Zone provisions. The report concludes that issues relating to stormwater management and flooding can be appropriately managed.

- **Economic**

13. Howarth have undertaken an economic analysis which looks at the economic effects of the new Zone. This is an important component of the Assessment of Environmental Effects as the RMA is required to consider the economic and social wellbeing of communities. It is clear from the assessment that the activities proposed in the new Zone would contribute to the enhanced economic and social wellbeing of the community.

- **Turf Growth**

14. Although not strictly an environmental effect for consideration within the context of the Plan Change a report into turf growth under the enclosed roofed stadium has been undertaken and will be included with the publicly available information which accompanies the Plan Change.

- **Air Quality**

15. Due to the proximity of the Quarry a report into air quality issues for the Zone has been undertaken by T&T. The report concludes that the activities proposed for the Zone do not increase the sensitivity of the receiving environment nor do activities within the Zone contribute to any increased air quality issues.

9 Conclusions

9.1 Day to Day Use

The assessment of transportation effects as a result of the proposed zone development is complex. The proposed zone will have a range of day to day uses that must be considered, whilst sporting and other events that could potentially take place at the stadium must be considered alongside potential concurrent activities in neighbouring Logan Park. The effects assessment was split into three sections:

- Section 4 – Day to Day Use Effects Assessment
- Section 5 – Conferences and Exhibitions / Trade Shows
- Section 6 0 - Sporting and Non Sporting Events (within the stadium itself).

Section 7.0 also assessed the cumulative effects of Logan Park being redeveloped along with the proposed zone development.

The methodology for assessing the day to day uses on the site took the approach of assessing both the likely level of effects from the proposed zone, based on the Carisbrook Stadium Trust's best estimate of the likely land use of the site on a day to day basis, and also assessed the maximum potential level of effects, based on the potential maximum day to day land use on the site.

In Sections 3.1 to 3.4 the expected land use, traffic generation / distribution, and parking demand for the day to day use of the site were determined for both the likely and maximum scenarios. These inputs were used to determine the effects of the proposed zone development.

The following conclusions are reached in relation to the effects of the day to day use of the proposed zone are:

1. Twenty three measures / issues have been recommended in Section 8.1 of this report to mitigate the effects on the surrounding road network and adjacent land uses for the proposed zone only likely land use scenario;
2. The key measures to be implemented include construction of a roundabout at the new SH 88 / Ravensbourne Road intersection, new access installed to the boat harbour, relocation of the existing zebra crossing on Anzac Ave to in-front of the proposed zone, a pedestrian underpass at the realigned SH 88, and construction of a pedestrian bridge on the western side of the realigned SH 88;
3. An additional two measures will be required to be undertaken if the proposed zone maximum land use scenario is pursued;
4. An additional three measures will be required to be considered if the Logan Park redevelopment proceeds, although these three measures relate specifically to Logan Park;
5. Resource consent will be required for the proposed zone if the parking on the site is not designed to either the Dunedin City District Plan Parking Standards – Appendix 20B or Australian / New Zealand Standard AS / NZS 1:2004 – Parking Facilities Part 1: Off street car parking. Consent will also be required if the accesses do not meet the Dunedin City District Plan, Section 20 – Transportation Rule 20.5.6 Vehicle Access Performance Standards;

6. The largest potential effect for the proposed zone for the day to day use will be with parking for the maximum scenario if parking is not found off site or changes made to the proposed maximum scenario land use.

Overall, if the key mitigation measures detailed in Section 8 are completed the effects on the surrounding road network, adjacent land uses and all road users, from the proposed day-to-day use of the proposed zone for the likely and maximum scenario and if the redevelopment of Logan Park occurs, have been shown to be less than minor and road user safety will not be compromised.

9.2 Conferences and Exhibitions / Trade Shows

The methodology for assessing the conference / trade shows / exhibitions on the site has taken the approach of assessing both the likely level of effects from the proposed zone, based on the Carisbrook Stadium Trust's best estimate of the likely size and frequency of conferences and trade shows / exhibitions, and also assesses the maximum potential level of effects, based on the potential maximum size and frequency of conferences and trade shows / exhibitions.

Conference and trade shows / exhibitions were assessed separately to non sporting events as they are generally smaller than a 'typical event' – similar size to a 'low' to 'very low' demand scenario event, which was detailed in Section 6.2, and most of these events occur both during the week and in the weekend.

In Section 3.6 the expected size and frequency of conference and trade shows / exhibition was detailed for the likely and maximum scenario along with the expected traffic generation, and parking demand for these events. These inputs were used to determine the effects of the proposed zone development for these types of events.

The following conclusions are reached in relation to the effects of conferences and exhibitions / trade shows within the proposed zone:

1. Four additional measures / issues have been recommended in Section 8.2 of this report to mitigate the effects on the surrounding road network and adjacent land uses if conferences and exhibitions / trade shows are held within the proposed zone over and above the measures / issues detailed in the day to day use of the site;
2. The key issue with exhibitions / trade shows is in relation to parking for events. The two key mitigation measures available to reduce the impact of exhibition / trade show parking during the weekday, which is where the biggest impact is expected to occur on the surrounding road network, are:
    a. Exhibitions / trade shows are restricted to weekend events, held separately on site to any other events; or
    b. Another off site parking area is provided for these events in the vicinity of the site.

Overall, if the key mitigation measures detailed in Section 8 are completed the effects on the surrounding road network, adjacent land uses and all road users, from the proposed conferences and exhibition / trade show events, have been shown to be less than minor and road user safety will not be compromised. However if the key issue is not resolved as detailed in 2, above then the impacts on the surrounding road network will be more than minor if exhibitions / trade shows are held on site.

9.3 Events

The following conclusions and recommendations are reached in relation to the foregoing discussion on event management.

1. The key combined Logan Park and stadium event scenarios are:
    a. summer weekday evening events, when a concert may be held at the stadium
    b. winter Saturday afternoon events, when a rugby event may be held at the stadium
    c. summer Saturday evening events, when a concert may be held at the stadium
2. It is not considered feasible or desirable to allow a one-day international cricket match, or match of similar likely attendance, to take place on Logan Park at the same time as a 35,000 sized event at the stadium. This is because the cumulative effect of vehicles and pedestrians to and from these events would jeopardise public safety and have significant adverse effects on the transport network and adjacent land uses for a longer period of time than for one of the events alone.
3. The most frequent 'likely' demand scenarios at the stadium are the 'low' and 'moderate' scenarios at 11 times per annum each. These would include all Air New Zealand Cup games and Super 14 round robin games. Attendances of up to 35,000 people are expected up to 3 times in a year. This would include a Super 14 semi-final and final and an All Blacks test match. In world cup year 3 such events may be exceeded if pool games are played in Dunedin, and if the All Blacks play there at least once during the competition. A future Lions tour match such as a midweek game against Otago may also lead to the annual figure of capacity attendances to be exceeded. These scenarios for greater than 3 capacity rugby matches should be allowed for in any conditions relating to the future use of the stadium.
4. A full capacity concert event attracting 35,000 people is anticipated to occur only once per year. It is envisaged that this would take place on a Saturday evening, given that it would have to allow for the travel of people arriving in Dunedin from across the lower south island. Accordingly it would not be feasible to schedule this event for a Friday night.
5. For each event scenario, high levels of walking between the city centre and the stadium are envisaged, given the close proximity of the stadium. This is to be encouraged as it supports reduced adverse effects on the transport network and on adjacent land uses. Walking is considered to be at its lowest mode share for a capacity concert of 35,000 people. This is because by its nature many people will prefer to drive direct to the stadium environs. The highest mode split for walking is anticipated to be for a capacity rugby event, where many people from outside the region will be coming to Dunedin without a car. For these people their entire trip is part of the 'event' and accordingly they are likely to head into town to enjoy the pre-match atmosphere in the central city, and may also be staying in accommodation in the central city, from where they will walk the short distance to the stadium.
6. The highest mode share for buses is anticipated to be for a capacity rugby event at the stadium, attracting an estimated 153 buses. Public transport use is to be promoted through the provision of drop off, pick up and parking areas close to the stadium. It will be up to private operators to promote their services effectively in order to increase bus mode share, so the provision of bus parking facilities should be reviewed as part of the review process for event management plans.

7. The availability of on-street and off-street publicly available free and paid parking in the central city is anticipated to be sufficient to meet the likely demands of the various event scenarios. In general the effects of this parking demand are therefore considered to be minor, as whilst the scale of this demand is large for large events, it is spread over a wide area, occurs over a short duration and is relatively infrequent. Parking in residential streets is more of a concern as this can impact upon safety and create adverse effects of noise, vibration and pollution for residents. Again however, the spread of parking effects into residential areas will be infrequent and of short duration.
8. The impacts upon traffic as a result of the additional traffic generation to and from the stadium were evaluated using the Dunedin City Tracks model. In general the network performed well under each scenario, reflecting the high standard of infrastructure already in place and the availability of capacity to cope with extreme events. Adverse effects on traffic could be improved by identifying separate routes for stadium traffic and other traffic and signing these to drivers as such.
9. Impacts on safety will generally relate to conflicts between vehicles and pedestrians. Such risks will be highest for the capacity rugby and concert events, when many thousands of people will be making their way to the stadium from the central city as well as from their cars in the surrounding parking zones. These extreme volumes of pedestrians will crowd footways and potentially lead to overspill onto roads, particularly at crossing points where hold ups to the flow of pedestrians may lead to excessive concentrations of pedestrians. Congested local roads with incompatible traffic volumes searching for parking spaces may also give rise to safety issues.
10. It is proposed that two event management plans (EMP's) be adopted to maintain the safety, efficiency and effectiveness of the road network and users and reduce the adverse effects on adjacent land uses. These plans should include objectives and principles to guide the development of the plans. They should incorporate road closures to protect convergent and high pedestrian flows, parking restrictions to protect sensitive land uses and maintain emergency vehicle access to them, provide dedicated bus and taxi pick up, drop off and parking zones to promote alternative mode, as well as the integration of permanent design features such as new footbridges and walkways.
11. The responsibility for the completion, agreement and implementation of event management plans will not fall to one organisation alone. Transit NZ and Dunedin City Council will be responsible for completing the statutory processes to close roads for each event, whilst the stadium itself may have some role in EMP implementation, such as consultation with its neighbours and other affected land owners. The Police will also have a responsibility for maintaining public safety and so should be closely involved in the development of final event management plans.

Overall, the effects of the range of events anticipated in the zone can be safely and relatively efficiently accommodated. The range of event frequencies relative to sizes of events means that for the most part, with respect to their character, nature, scale intensity, frequency and duration, the effects on the transportation network and adjacent land uses can be maintained to a level less than minor. To maintain the transportation network in a safe, effective and efficient status before and after events, it is proposed that Event Management Plan's (EMP's) are agreed between the

DCC, the Police, the ORC, the stadium landlord and neighbours that are appropriate to the size of the event. These EMP's should identify controlled zones where pedestrians, buses and taxis dominate, parking zones where stadium patrons can park their cars, and for larger events defined routes for pedestrians that allow for the safe movement of large numbers of people moving on foot.

Appendix C

Preparation, Change and Review of policy statements and plans: