IN THE MATTER OF the Local Government Act 1974 and 2002

AND

IN THE MATTER OF a declaration pursuant to clause 336 of the Local Government Act 1974 and 2002 to create a pedestrian mall at the frontage of the Dunedin Railway Station

DECISION BY INDEPENDENT HEARING COMMISSIONER APPOINTED BY DUNEDIN CITY COUNCIL

1. EXECUTIVE SUMMARY

I was appointed to hear and decide on a Dunedin City Council proposal to create a pedestrian mall along part of the unnamed section of legal road that forms the frontage of the Dunedin Railway Station. Forty-five submissions were received during the formal consultation period of 10 June to 5 July 2019. One submission (from Good Company Tours) was received on 5 July 2019, but after the 5.00pm deadline. A hearing was held on 24 July 2019 to hear from submitters who wished to be heard on the matter.

This is my decision following consideration of the proposal, submissions filed, staff reporting and comments at the hearing, along with relevant statutory and non-statutory material.

The late submission from Good Company Tours is accepted.

The pedestrianisation of the area shown in red on the plan (refer Figure One) is granted. I have made several recommendations to Council to ensure that potential modal conflicts and safety issues are well managed.

2. INSTRUCTIONS

The Commissioner was appointed to:

a. Decide whether to accept the one late submission received from Good Company Tours;

b. Consider the summary of submissions in the deliberation of the Railway Station pedestrian mall proposal;

c. Decide whether or not to grant a declaration pursuant to clause 336 of the Local Government Act 1974 in relation to the proposed pedestrian mall.

3. THE PROPOSAL

The Council proposes to restrict motor vehicle traffic and create a “pedestrian mall” along part of the unnamed section of legal road that forms the frontage of the Dunedin Railway Station as depicted in Figure One.
The staff report states that the Dunedin Railway Station is one of Dunedin’s most celebrated heritage buildings and attracts hundreds of visitors a year. For many years, the Council has received feedback on the impact of moving and parked buses and vehicles on pedestrian safety and amenity in front of the Dunedin Railway Station. This feedback has resulted in the current proposal to create a pedestrian mall in this area.

The hearing of the proposal was held in Dunedin on 24 July 2019. I was assisted by Lynne Adamson, Governance Support Officer.

4. BACKGROUND

The Dunedin Railway Station and the thoroughfare that forms its frontage and Anzac Square are part of the City’s Cultural and Entertainment Quarter in terms of Dunedin Central City Plan. This ‘quarter’ includes the Octagon, lower Stuart

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1 Summary of Submissions for Railway Station Pedestrian Mall Proposal; 24 July 2019; paragraph 4
Street, the Dunedin Railway Station and connections to Toitū Otago Settlers Museum. The area is intended as the City’s civic, entertainment and tourism centre, providing a hub for visitors and locals.

Key objectives for the Cultural and Entertainment Quarter include to:

- Establish the area as a convenient and more attractive place for all people to visit.
- Improve pedestrian connections between the Octagon, the Railway Station and Toitū Otago Settlers Museum.
- Improve safety and accessibility for pedestrians and other vulnerable road users and reduce crash rates.

The land in front of the Railway Station is unnamed legal road. It currently provides two-way vehicle access between Anzac Avenue and Castle Street/High Street (SH1/southbound).

The thoroughfare in front of the Dunedin Railway Station is a busy commuter route for pedestrians and cyclists travelling to and from the city centre, and a tourist route linking key visitor destinations such as Toitū Otago Settlers Museum and the Octagon.

The proposal states that use of the thoroughfare for tour bus and coach parking has a significant impact on the amenity of the Dunedin Railway Station. Passenger vehicles, including large tour coaches, use the thoroughfare to drop-off and pick-up visitors. The thoroughfare between Anzac Avenue and Castle Street/High Street (SH1/southbound) encourages ‘rat-running’ by local traffic in front of the Dunedin Railway Station, which negatively impacts pedestrian safety.

The proposal to restrict motor vehicle traffic along the Proposed Pedestrian Mall is intended to improve the safety, accessibility and ‘look and feel’ of the Railway Station frontage. An aerial photograph showing the proposed changes is at Figure One above.

The proposal is also intended to contribute to the vision of the Central City Plan’s Cultural and Entertainment Quarter, as a safe and attractive hub for visitors and locals.

Two trial closures of motor vehicle access to the Dunedin Railway Station have been carried out. The first was for four days between Thursday 25 January 2018 and Sunday January 2018. The second was for two weeks between 17 February and 3 March 2019.

Feedback during both trials showed a majority of submitters were supportive of the trial. 150 submissions were received from the public during the first trial, with 127 in support, 15 in support with reservations and eight opposed. 54 submissions were received during the second trial, with 44 in support, 4 in support with reservations and six opposed.

5. SUBMISSIONS

Consultation using the special consultative procedure ran from 10 June to 5 July 2019. Forty-six submissions were received. Most submissions were from
individuals and from businesses that operate from or immediately around the Railway Station. Three submissions were from the health sector.

The majority of submitters, 87 percent, supported the proposal, and 13 percent were opposed. The main themes raised in submissions were:

- Positive comments about increased safety for pedestrians as a result of restricted access for vehicles.
- Positive comments about improvements to the look and feel of the area as a result of restricted access for vehicles.
- Need to ensure access for people with poor mobility, emergency vehicles and for deliveries.
- Support for pedestrianised spaces as a general direction for Dunedin.
- Concern about reduction in public carpark numbers, both as a result of this proposal and in central Dunedin more generally, and the potential flow-on negative affect on businesses in the locality.

Several submitters suggested changes to the proposal and/or that controls be imposed.

6. APPEARANCES

Dunedin City Council Staff

Susan Lilley, Dunedin City Council Transport Planning Team Leader summarised the proposal at the hearing. She explained the objectives of the proposal, details of the proposal, the nature and results of two trials staff had undertaken and general results of consultation.

Submitters

The submitters who appeared at the hearing were:

- Mary O’Brien (CCS Disability Action)
- Craig and Christine Strathern (Cobb and Co)
- Steve Wilson (Ironic Bar and Cafe)
- Doug Hart (Otago Arts Society)
- Alastair Logan

No procedural issues were raised.

7. SUBMISSIONS PRESENTED

7.1 Mary O’Brien (CCS Disability Action)

CCS Disability Action are supportive of the proposal; the location of the two proposed mobility parks adjacent to the access ramp, in particular. The group seeks an additional mobility park in this location and would prefer to have the p5 proposed converted to a mobility park if there is not space for additional mobility parks. This is due to the need for people with disabilities to be able to park close to the Station to enable access. This demand is likely to increase into the future due to the aging population and increased expectations of people with disabilities.
7.2 Craig and Christine Strathern (Cobb and Co)

Craig and Christine Strathern represented Cobb and Co which operates from the north end of the Railway Station. They expressed concern about the loss of the existing p30 carparks adjacent to the Cobb and Co frontage, and the inability for patrons to drop family members off at the entrance of the restaurant and then park. They advised that often patrons park longer than 30 minutes in these parks in the evenings (i.e. for the length of their meal). They stated that their investment to revive hospitality at the Railway Station could be at risk if the proposal goes ahead.

They suggested an alternative proposal whereby the road reserve linking the portico and the garden be vehicle free, which would eliminate the “rat run” issue but still provide for parking as existing at both the north and south sides of the portico.

7.3 Steve Wilson (Ironic Bar and Café)

Steve Wilson represented Ironic Bar and Café which is located on Anzac Avenue to the north of the proposal area. He is opposed to the proposal. Mr Wilson raised concerns about a general reduction in on-street carparks being provided in the City in recent times due to the introduction of cycle lanes and other projects. He considers additional pressure has been put on remaining spaces and noted that campervans often park on Anzac Avenue near Ironic Bar and Café and take up two parks, thus contributing to this pressure.

7.4 Doug Hart (Otago Arts Society)

Doug Hart represented the Otago Arts Society which is located in the Railway Station. Upon discussions with Council staff, it has been agreed that two carparks will be provided for Arts Society use in the tenants’ carpark at the southern end of the proposal, near the Castle Street intersection. Mr Hart also noted that his members would make use of the p5 drop-off/pick-up park adjacent to the access ramp in order to load and unload art and equipment. The Arts Society consider that the proposal fully meets their needs.

7.5 Alastair Logan (Personal Submission)

Alistair Logan explained he is a regular cyclist in the area and visitor of the Saturday Morning Market in the Railway Station carpark and platform. He is supportive of the proposal but feels it could be improved by:

- Taking cycles and scooters out of the space and provide a cycle lane around the edge of the garden along Anzac Avenue and provide a connection to the existing cycle lane in Castle Street. He feels that this would reduce the conflict between these transport modes and pedestrians who are not expecting bikes and scooters to be in the area; and

- Remove the p5 pick-up/drop-off and mobility parking space from adjacent to the access ramp and relocate it to the northern public carpark, thus limiting almost all vehicles from the whole frontage of the Railway Station.

Upon questioning, Mr Logan explained that any speed limit imposed on cyclists in the area could be only a guide as they are not usually aware of their speed, but he accepted that signage about the shared nature of the space could assist with modal conflicts.
8 EVALUATION OF THE PROPOSAL

The project is being promoted as one part of the implementation of the Dunedin Centre City Plan. Section 5.2.2 of this Plan addresses the cultural and entrainment quarter which includes the Octagon and Railway Station. One weakness identified is the poor pedestrian connectivity between the Octagon, the Railway Station and Toitu Otago Settlers Museum. Three of the key objectives for this area are relevant to this proposal:

- Establish the area as a convenient and more attractive place for all people to visit.
- Improve pedestrian connections between the Octagon, Railway Station and Toitu Otago Settlers Museum.
- Improve safety and accessibility for pedestrians and other vulnerable road users and reduce crash rates.

I consider the following topics to be of primary importance in this matter, and I discuss each in turn:

a) The importance of the Railway Station as an iconic Dunedin building and the area surrounding it as a high amenity space for locals and visitors;

b) The objective to enhance pedestrian connections to the Railway Station;

c) The objective to improve safety and accessibility for pedestrians and other vulnerable road users.

The Railway Station as an iconic building / amenity of the locale

Many submitters commented that the Railway Station is an iconic Dunedin building and the current use of the frontage for buses and other vehicles detracts from this. I consider the removal of buses and the majority of other vehicles from the full frontage of the Station will result in a significant benefit to views of the Railway Station and will contribute to its iconic status. By enabling pedestrians to feel more relaxed in the space, the general locale will be enhanced from an amenity perspective.

Pedestrian Connections

Many submitters identified that there is a current conflict between pedestrians, vehicles (including buses) and other transport modes in the proposal area. Upon visiting the site, I noted the paving and markings give cues that the area is a shared space, however I agree that allowing large and small vehicles along with pedestrians creates a conflict, and potential risk to pedestrians in particular.

I consider the removal of buses from the full frontage and all but emergency and maintenance vehicles from the northern frontage (as is proposed) will reduce this conflict and certainly enhance pedestrian flows in the area. As was shown in the trials, I consider it will result in a more relaxed and pedestrian friendly experience.

I understand the reasoning to continue to allow public vehicles to access the southern portion of the frontage and to provide drop-off/pick-up and mobility parks, along with access off Castle Street to the Railway Station tenants’ carpark. However, without changes to the paths in the gardens to encourage pedestrians to enter the gardens at the portico, as opposed to walking through the southern
frontage roadway, it appears likely that the conflict between pedestrians and vehicles will continue in this location.

**Safety and Accessibility Improvements**

Many submitters considered the proposal will improve both safety and accessibility to the Railway Station. Others suggested changes to further enhance safety and accessibility, such as removing cycles and/or electric scooters entirely from the area, replacing the proposed p5 with an additional mobility carpark, and continuing to provide for small vehicle access in the north frontage to allow direct access to Cobb and Co.

Taking into account the suggested changes and concerns raised by those submitters, and the advice from Council staff, I consider retaining the carparking in the northern frontage would not achieve the objective of improving pedestrian access and enhancing safety. Overall, the loss of carparks is small, and there are carparks in close proximity for patrons to use.

While it would be ideal for as many mobility parks be provided as close to the accessible entrance to the Railway Station as possible, I consider that the p5 will provide an important function to not only those with mobility issues, but families visiting the station and tenants for drop-off and pick-up of items.

In terms of use of the area by cyclists and scooters, there may be merit in monitoring whether a conflict occurs once vehicles are removed from the area. Council could consider imposing a speed limit (or guide), installing warning signage about the nature of the shared space and/or removing scooters and cycles and providing a separate cycle path should a conflict arise.

9 **DECISION**

For the reasons set out above, and taking into account the proposal, consultation feedback and submissions made, pursuant to section 336 of the Local Government Act 1974, a declaration is made that:

The section of unnamed formed road lying immediately in front of the Dunedin Railway Station building between Anzac Avenue and the Portico of the Dunedin Railway Station is declared to be a pedestrian mall with the following conditions-

a) That the driving, riding or parking of any motor vehicle, or the riding of any animal be prohibited for all hours, with the following exceptions:

i) Trade and other service motor vehicles such as drainage, rubbish collection or repair vehicles (including those operated by utility authorities) may enter the Pedestrian Mall at specified times for the purpose of delivering or collecting goods or providing services to occupants of the Railway Station Building or for the maintenance of the Railway Station Garden,

ii) Emergency vehicles may enter the pedestrian mall at any time.

Further to this declaration, the following recommendations are made to Council relating to the management of this space:

a) If safe and practical to do so, create either three mobility parks and one pick-up/drop-off park; OR two mobility parks and two pick-up/drop-off parks in the parking area adjacent to the access ramp to the Railway Station.
b) Consider the layout of the garden fronting the Railway Station to encourage pedestrians to enter the gardens where the pedestrian mall will cease (at the portico) so that pedestrians are not encouraged to walk in the southern part of the frontage where vehicles are still allowed to enter (albeit less so with no buses and limited parking).

c) Monitor the operation of the area and address the potential need for a cycle/scooter lane and/or speed restriction should safety/mode conflict issues arise.

d) Consider whether there would be benefit in extending the pedestrian mall to the south up to the entrance of the existing tenants’ carpark, thus achieving the full frontage of the Railway Station clear of vehicles. The existing tenants’ carpark could be retained and possibly changed to provide for mobility parks and/or pick-up/drop-off parks.

Dated: 12 August 2019

Louise Taylor
Independent Commissioner