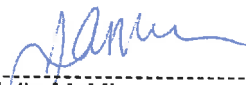


*Notice of Requirement for Designation*  
*Section 168A RMA*

# **Harbourside Arterial Link Frederick Street – Ravensbourne Road**

**Application by Dunedin City Council**


Prepared By

  
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Opus International Consultants Limited

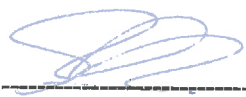
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Date: July 2013

Reference: 6CD026.00

Status: Final

# NOTICE OF REQUIREMENT FOR TWO DESIGNATIONS UNDER SECTION 168A OF THE RESOURCE MANAGEMENT ACT 1991

TO: DUNEDIN CITY COUNCIL

FROM: DUNEDIN CITY COUNCIL  
PO BOX 5045  
DUNEDIN

*(Please note different address for service)*

1. The Dunedin City Council ("DCC") gives notice of a requirement for two designations:

## Designation 1

Notice to designate land for Dunedin Harbourside Arterial ('the Arterial') purposes (Refer Appendix B).

Designation 1 comprises the Land marked A – L on the proposed designation plans found in Appendix B and is a section of the existing arterial approximately 120-130 m long including a small section of land associated with the construction of the roundabout at the Ravensbourne Road (NE) end of the arterial.

The above land was formerly included in D846 but in October 2011 this section of the Arterial had its designation quashed by the High Court so at the date of this application it is no longer is part of D846 (although it is still presently being used as the Arterial).

Designation 1 also includes the area of land on which the storm water infrastructure for the Arterial is located.

## Designation 2

Notice is also given for a separate designation for the land marked A1 - E1 on the proposed designation plan found in Appendix B. This land is for a proposed new access from the Arterial to adjacent property. Suggested Notation: "**Dunedin Arterial – Access Road**"

**The site to which these requirements apply and area of land affected is as follows:**

### i) Designation 1

Shown	Area m <sup>2</sup>	Legal Description	CIR Ref	Owner
A	320	Section 1 SO 431840	535754	DCC
B	378	Section 2 SO 431840	535754	DCC
C	482	Section 3 SO 431840	535754	DCC
D	537	Section 4 SO 431840	535754	DCC
E	640	Section 5 SO 431840	535754	DCC
F	778	Section 1 SO 446754	535754	DCC
G	18	Section 7 SO 431840	535754	DCC
H	295	Section 2 SO 446754	535754	DCC
I	184	Section 3 SO 446754	535754	DCC
J	83	Section 4 SO 446754	535754	DCC
K	11	Section 5 SO 446754	535754	DCC
L	1310	Section 13 SO 446754	535754	DCC
BH	1025	Lot 2 DP 418365	470472	DCC

**ii) Designation 2**

<b>Shown</b>	<b>Area m<sup>2</sup></b>	<b>Legal Description</b>	<b>CIR Ref</b>	<b>Owner</b>
A1	201	Section 20 SO431849	535754	DCC
B1	450	Section 21 SO431849	535754	DCC
C1	274	Section 22 SO431849	535754	DCC
D1	218	Section 23 SO431849	535754	DCC
E1	22	Section 24 SO431849	535754	DCC

Refer to Designation Plans in Appendix B

**2. The nature of the proposed work is:**

**Designation 1**

a) To designate an existing section of Arterial that had its previous designation D846 status quashed by the High Court in October 2011 including an area of land associated with the construction of the roundabout at the Ravensbourne Road (NE) end of the arterial;

b) To designate the existing Arterial storm water retention pond area.

**Designation 2**

A new designation is also sought for the construction of an access road. This access road will facilitate an access to Anzide Property Ltd (APL) land at 80 Anzac Ave and DCC owned land adjacent to the Arterial.

**3. The nature of the proposed conditions that would apply is:**

Refer to attached AEE.

**4. The effects that the public work will have on the environment and the ways in which adverse effects will be mitigated** are assessed in the attached AEE.

**5. Alternative sites, routes, and methods have been considered to the following extent:**

A number of alternative sites were considered for the location of Designation 1 (the existing section of Arterial) and several different options were also considered for Designation 2 i.e. access options to APL. Refer to the "Alternative Sites, Routes and Methods" section in the attached AEE for a consideration of alternative options and methods.

**6. The public work and designation are reasonably necessary for achieving the objectives of the territorial authority because:**

Refer to attached AEE.

**7. The following resource consents are needed for the proposed activity and have been applied for:**

No additional resource consents are required.

**6. The following consultation has been undertaken with parties likely to be affected.**

Those parties consulted with as key stake holders include:

- APL
- AJ Allen Ltd
- NZTA

Other stakeholders consulted with include:

- Hocken Library – University Of Otago
- Mobil Anzac Ave Ltd
- Automotive solutions
- Laserforce

Refer to attached AEE for details of consultation.

**8. The Dunedin City Council attached the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.**

Refer to attached AEE for a full description and assessment.

Paul Orders  
Chief Executive

Dunedin City Council

Date  .....

**Address for Service:**

Opus International Consultants  
PO Box 1913  
DUNEDIN

Attention: Julie McMinn

Phone: (03) 471 5991

Fax: (03) 474 8995

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## Contents

<b>1.0</b>	<b>Introduction.....</b>	<b>1</b>
1.1	Background .....	2
<b>2.0</b>	<b>The Site.....</b>	<b>3</b>
2.1	Location and Description .....	3
2.2	APL Site Access Descriptions.....	4
2.3	Description of Designation Area:.....	6
2.4	Legal Description .....	7
<b>3.0</b>	<b>Nature of Proposed Work.....</b>	<b>9</b>
3.1	The Proposed Works .....	9
3.2	Construction Process.....	10
3.3	Outline Plan .....	10
3.4	Nature of Proposed Conditions .....	10
<b>4.0</b>	<b>Consideration of Alternatives .....</b>	<b>12</b>
4.1	Alternatives for Section of Arterial between APL and the Hocken Library.....	12
<b>5.0</b>	<b>The Public Work and Designation Objectives .....</b>	<b>19</b>
<b>6.0</b>	<b>Consultation.....</b>	<b>21</b>
<b>7.0</b>	<b>Assessment of Effects on the Environment .....</b>	<b>22</b>
7.1	Effects on Anzide Property and AJ Allen Ltd Access.....	22
7.2	Effects on Other Frederick Street Intersection Landowners .....	25
7.3	Effect on NZTA/State Highway Network.....	28
7.4	Effects on the Frederick Street Intersection / Traffic Effects .....	29
7.5	Effects during Construction of the new Access Road .....	30
7.6	Positive Effects .....	31
<b>8.0</b>	<b>Summary of Mitigation Measures and Proposed Conditions .....</b>	<b>32</b>
8.1	Mitigation Measures.....	32
8.2	Proposed Conditions.....	32
<b>9.0</b>	<b>Statutory Assessment .....</b>	<b>34</b>
9.1	Resource Management Act 1991 .....	34
9.2	Planning Documents.....	35
9.3	Other Matters.....	39
<b>10.0</b>	<b>Other Resource Consents Required.....</b>	<b>40</b>
<b>11.0</b>	<b>Conclusion .....</b>	<b>40</b>
<b>12.0</b>	<b>Additional Information.....</b>	<b>40</b>

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## **APPENDICES**

<b>Appendix A</b>	<b>Location Plan</b>
<b>Appendix B</b>	<b>Designation Plan and Computer Freehold Register</b>
<b>Appendix C</b>	<b>Proposed Access Mitigation Options and Plan showing new Pedestrian Crossing</b>
<b>Appendix D</b>	<b>Transport Assessment Report</b>
<b>Appendix E</b>	<b>Alternative Site/Route Plans</b>
<b>Appendix F</b>	<b>Consultation</b>
<b>Appendix G</b>	<b>KTKO Letter and NZHPT Email</b>
<b>Appendix H</b>	<b>70, 76, 80 Anzac Ave CFR and Easement information</b>
<b>Appendix I</b>	<b>LUC 2008.473 Resource Consent Decision</b>
<b>Appendix J</b>	<b>2007 Aerial photograph</b>
<b>Appendix K</b>	<b>Local Govt Act Letter</b>
<b>Appendix L</b>	<b>High Court Orders and 2010 Alteration to Designation Decision and Designation Plans</b>

## 1.0 Introduction

The existing Harbourside Arterial Link (the Arterial) is designated in Schedule 25.5 ‘Designations’ of the Dunedin City District Plan as D845 and was incorporated in the District Plan in 2009.

As part of this Notice of Requirement (NOR) designation is sought for a section of the Arterial whose original designation was quashed by the High Court in October 2011. Also the area of land on which storm water infrastructure servicing the Arterial is located is also sought as part of this designation after the original designation was uplifted inadvertently by the DCC. These areas are described as Designation 1.

The DCC consider this designation is necessary to assist in the continued management and operation of the Arterial and in particular to move towards resolving the outstanding issues around the Frederick Street Intersection, Anzide Property Limited (APL) access issues and to also meet the NZ Transport Agency (NZTA) requirements prior to the road being handed over to become part of SH88.

It is considered that the works the DCC have carried out to date fit within the scope and purpose of the designation D845, as described in the District Plan. Therefore the same notation of **“Harbourside Arterial Link”** is proposed for Designation 1.

Included in this NOR a new and separate designation, Designation 2, is also proposed for the new access road to be constructed from the Arterial to the eastern boundary of APL (80 Anzac Avenue) across DCC owned land. The notation sought for Designation 2 is **“Dunedin Arterial - Access Road”**.

The proposed works associated with this proposal are fully described in this NOR and therefore, DCC does not anticipate preparing an outline plan under Section 176A (2)(b) of the RMA for either Designation 1 or Designation 2.

In developing this NOR the DCC has consulted with APL on the adverse effects arising from construction of the Arterial on APL. This understanding has helped identify the potential mitigation options described below.

This assessment has been prepared in accordance with Section 168A of the RMA and provides a description of the proposed works with an assessment of actual and potential effects on the environment.

The following appendices are attached to this assessment:

- Appendix A      Location Plan
- Appendix B      Designation Plans and computer Freehold References
- Appendix C      Proposed access Mitigation option and Plan Showing new Pedestrian Crossing
- Appendix D      Transport Assessment Report

- Appendix E      Alternative Site/Route Plans
- Appendix F      Consultation
- Appendix G      KTKO Letter and NZHPT Email
- Appendix H      70,76 and 80 Anzac Ave CFR and easement information
- Appendix I      LUC 2008.473 Resource Consent Decision
- Appendix J      2007 Aerial Photograph
- Appendix K      Local Government Act Letter
- Appendix L      High Court Orders High Court Orders and 2010 Alteration to Designation Decision and Designation Plans

## **1.1 Background**

The original alteration to designation (DIS 2010-2) for areas of land described in this notice was approved by an independent commissioner to the DCC on the 30 June 2010 and the road was subsequently constructed.

However as a consequence of concern over the construction of the Arterial requiring APL's 80 Anzac Avenue property NE gate being closed, APL lodged in the High Court an application for judicial review and an injunction for a temporary access arrangement to the site, including the closure of Ward Street over bridge.

The relevant history of the NE gate on 80 Anzac Ave is understood by Council to be as follows:

- The NE gate was used by a former timber yard (Jaco's Timber) for vehicle traffic to access Parry Street. That consent was exercised from 2003 until Christmas 2007.
- A resource consent was obtained in 2008 for the University of Otago to operate a car park from the site. One of the conditions of this consent required the NE gate to be shut and not used. This consent was exercised between December 2008 and November 2010. Throughout this period the NE gate remained closed.
- When the University of Otago ceased using the site for a car park the businesses of Hall Brothers Transport Limited and Dunedin Crane Hire Limited occupied the site.
- The alteration to the designation that was approved and the construction of the arterial resulted in the NE gate being closed and the curb crossing removed. This was processed on a non-notified basis without giving the property owner APL the opportunity to submit on this amendment to the designation. As a result of this processing error the alteration was appealed to the High Court.



The DCC as part of the High Court process consented to the temporary closure of Ward Street and the parties sought to find a solution to the access issues to APL's site, so the new traffic signals installed at the SH88/Frederick Street intersection could be used. In October 2011 the DCC consented to an order from the High Court to quash the decision of the independent commissioner dated 30 June 2010 altering the designation (DIS 2010-2). This decision also affected a small area of land over which the roundabout at the Ravensbourne Rd (NE) end of the Arterial is constructed.

A further hearing at the High Court was set for the 26 April 2012 to identify if the new traffic signals installed at the SH88/Frederick Street intersection can be turned on, on a temporary basis. At the fixture the Court directed, following the parties' agreement, that the re-designation process must be completed prior to the traffic signals being turned on.

Temporary access arrangements to APL have been left in place until resolution of this notice of requirement to alter the designation.

A copy of the relevant High Court orders, 2010 alteration to designation plans, and commissioner decision are attached in Appendix L.

Also as part of a Council process (August 2010) reviewing the need for the remainder of the Arterial Designation D845 which had not yet been given effect to, the Council made a decision to uplift parts of the designation over an area where a raised roundabout was intended. Unfortunately this process inadvertently included the land within which the storm water infrastructure (retention pond) is located. This NOR seeks to re-establish the designation over the storm water infrastructure as that work is essential to the operation of the existing Arterial.

## **2.0 The Site**

### **2.1 Location and Description**

A Location Map, designation plan and Certificate of Titles are contained in Appendix A.

The Arterial is approximately 1.3 km long and is located between the Frederick Street/Anzac Avenue intersection and Ravensbourne Road where it connects with SH 88. The Arterial begins at the Frederick Street intersection and runs between the Anzide Property Limited site and the Hocken Library before running parallel to the rail corridor (The Main South Line), crossing the Water of Leith before swinging north east behind the Forsyth Barr Stadium to join SH 88 at Ravensbourne Road. Approximately 8,100 vehicles per day used the Arterial (SH88 Realignment (east of Anzac Avenue)) in 2012 (refer section 7, Transport Assessment Appendix D).

The land on which the Arterial has been constructed is flat and surrounding land use generally includes a variety of industrial uses and towards the NE end of the Arterial the Stadium. Land use around the Frederick Street intersection and immediately adjacent to the arterial includes on the northern corner a Mobil Service Station, automobile repair business (Automotive Solutions) and on the western corner Laserforce (a family entertainment venue). To the NE of the intersection is the Hocken Library and on the south east corner is a contractors yard and coal merchant (APL and AJ Allen).

## 2.2 APL Site Access Descriptions

APL's site includes 70, 76 and 80 Anzac Avenue. Certificates of Title and relevant easement certificates are included within Appendix H and are summarised in the table below.

Address	Legal Description	Right of Way Easements for Access
70 Anzac Ave	Lot 1 and Lot 2 DP 15153	Transfer 5009780.1 is a Right of Way over Lot 2 in favour of Lot 1 DP 24328 to provide legal access.
76 Anzac Ave	Lot 1 DP 24328	Transfer 5009780.1 as described above.
80 Anzac Ave	Section 33 and 34 BLK LXXVI Town of Dunedin	

Existing access to these properties is currently from Ward Street and if this NOR is confirmed will eventually be controlled by the Frederick Street Intersection traffic signals.

The Ward Street access to the three sites can be described as one wide area that encompasses parts of 70,76 and 80 Anzac Ave with a shared single large kerb crossing 17m in width exiting onto Ward Street. While the kerb line and associated kerb crossing has been moved to the east by approximately 2m by the construction of the Arterial, the access arrangement to the sites has not fundamentally changed.

The temporary access arrangements that include the closure of Ward Street has meant that 70, 76 and 80 Anzac Avenue have continued to have vehicle access from Ward Street as it was prior to the Arterial being constructed. These accesses are described separately as follows:

- 70 Anzac Avenue consists of Lot 1 DP 15153 and Lot 2 DP 15153. Lot 1 DP 15153 is leased from APL by AJ Allen (coal merchant). Lot 2 DP 15153 although part of 70 Anzac Avenue appears to have been created for access to 76 Anzac Avenue. Lot 1 DP 15153 has a separate access onto Ward Street immediately adjacent to Lot 2 DP 15153 (access to 76 Ward Street). This access consists of part of the shared area and shared single large curb crossing as described above.
- 76 Anzac Avenue consists of Lot 1 DP 24328. Legal access to Ward Street is via Lot 2 DP 15153 (70 Anzac Ave) over which Lot 1 DP 24328 has a right of way easement. Physical access to and from 76 Anzac Avenue has been across 70 Anzac Avenue. The legal right of way on Lot 2 DP 15153 does not appear to be fully utilised by APL as a right of way easement. Aerial photos show this area before and after the construction of the Arterial being used for long term storage of

materials and parking of vehicles. The current on-site arrangement does not allow the use of this right of way as an access to 76 Anzac Avenue. Re-organisation of the site layout would be needed for the existing legal access boundaries to be complied with.

- 80 Anzac Avenue consists of Section 33 and 34 Blk LXXVI of Dunedin. The existing and currently only vehicle access is the entrance to the site from Ward Street. Access is currently partly across 70 Anzac Avenue. 80 Anzac Avenue has no right of way easement across 70 Anzac Avenue which is currently being used for access. This informal access to 80 Anzac Ave appears to have been used by APL for some time and has been formalised on site by gates to this address. A 2007 aerial photo of the area shows this access in use prior to the construction of the Arterial (Refer Appendix J).

Over time 80 Anzac Avenue has had a number of different access configurations:

- (i) The 2007 aerial photograph (Appendix J) shows the site occupied by a timber yard. The site had two accesses including the access that is currently open and shown on the photo in Appendix J and an access in the north eastern corner;
- (ii) In 2008 the site became a Temporary Commercial Car Park by way of resource consent LUC 2008.473 (Refer Appendix I). This consent had a condition that required the north eastern access to be closed and as a result this access was gated, and locked.

The consent allowed an alternative access to the car park to be constructed at the head of the Parry Street cul-de-sac and was the only access to the car park. The access across 70 Anzac Avenue was also closed by way of a cyclone netting gate and not used as an access to the car park at this time.

The car park consent expired on 28 October 2011. APL leased the car park to the University of Otago who stopped using the car park when their lease expired in December 2010. Once the car park was no longer in use the access at the head of the Parry Street cul-de-sac was fenced. The curb crossing was physically removed when the Arterial was constructed.

The north-eastern access remained fenced and closed over this time and the dropped curb was removed by the Council as part of construction of the Arterial. The decision by Council in April 2011 to remove this redundant north eastern access to 80 Anzac Avenue under the Local Government Act is attached in Appendix K.

## **2.3 Description of Designation Area:**

The reason these designations are needed is because the Dunedin City District Plan does not allow new road construction and the previous designation over these areas has been removed by the High Court.

It is therefore only the new road and storm water construction that is included in these NOR's. All other traffic management and road realignment at the Frederick Street intersection that is within existing road reserve is permitted by the District Plan, and carried out as part of the Council's road controlling function.

### **2.3.1 Designation 1**

The areas within designation 1 are all on land owned by the DCC and include:

- Frederick Street/Anzac Avenue: a section of road constructed between APL and the Hocken Library which extends in length for approximately 120-130 m. The road has been constructed as part of the now existing Arterial Link and consists of two lanes, one in each direction. Opposite the Hocken Library there is a dropped crossing access that allows access to and from the adjacent DCC land onto the Arterial.
- Storm Water Retention Pond: the storm water pond is located adjacent to and slightly southeast of the arterial alignment described above. This area consists of a pond which collects storm water from the road and hard standing surfaces. The pond is securely fenced. The purpose of the pond is to improve water quality before discharging it to the Water of Leith via the existing DCC storm water system. The area around the pond has been landscaped to improve the visual amenity of the area. This area is included in Designation 1.
- Parry Street – Ravensbourne Road Roundabout: There is a small area of land included in Designation 1 at the eastern end of the proposed alignment (Refer Appendix B). This area is required to allow for the constructed roundabout that intersects with Parry St / Ravensbourne Road. A design improvement shifted the original location of the roundabout slightly outside the original designation. This small area was also part of the decision that was quashed by the High Court in 2011.

### **2.3.2 Designation 2**

Designation 2 includes the following land:

- The proposed new access road will be constructed on DCC owned land that was purchased as part of the construction of the arterial. The new access road will be 7m wide and approximately 94 m long. The area is flat land that has had buildings removed as part of the Arterial construction process. The land is currently not being utilised.

The underlying zoning of most of these areas is Industrial 1 with the underlying zone for the Ravensbourne Road Roundabout being the Stadium Zone. The APL land immediately adjacent to Designation 1 and Designation 2 is used for a contracting business with large trucks, cranes and other contracting equipment regularly parked or located on site. The west side of the APL land adjacent to the Frederick Street intersection and the Ward Street Overbridge is leased by AJ Allen Ltd and is operated as a coal merchant business.

## 2.4 Legal Description

The land subject to this designation is legally described and owned as follows:

### ***Designation 1:***

Shown	Area m <sup>2</sup>	Legal Description	CIR Ref	Owner
<b>Existing Section of Arterial Area:</b>				
A	320	Section 1 SO 431840	535754	DCC
B	378	Section 2 SO 431840	535754	DCC
C	482	Section 3 SO 431840	535754	DCC
D	537	Section 4 SO 431840	535754	DCC
E	640	Section 5 SO 431840	535754	DCC
F	778	Section 1 SO 446754	535754	DCC
G	18	Section 7 SO 431840	535754	DCC
H	295	Section 2 SO 446754	535754	DCC
I	184	Section 3 SO 446754	535754	DCC
J	83	Section 4 SO 446754	535754	DCC
K	11	Section 5 SO 446754	535754	DCC
<b>Storm water Pond Area:</b>				
L	1310	Section 13 SO 446754	535754	DCC
<b>Ravensbourne Road Roundabout Area:</b>				
BH	1025	Lot 2 DP 418365	470472	DCC

**Designation 2:**

Shown	Area m <sup>2</sup>	Legal Description	CIR Ref	Owner
A1	201	Section 20 SO431849	535754	DCC
B1	450	Section 21 SO431849	535754	DCC
C1	274	Section 22 SO431849	535754	DCC
D1	218	Section 23 SO431849	535754	DCC
E1	22	Section 24 SO431849	535754	DCC

A designation plan showing the extent of land to be designated is included in Appendix B together with the relevant Certificates of Titles.

### **3.0 Nature of Proposed Work**

#### **3.1 The Proposed Works**

Designation 1 seeks to re-designate those areas of the arterial that have already been constructed but whose original designation was quashed by the High Court in 2011. The storm-water retention pond area has also been included within Designation 1 as its original designation was inadvertently uplifted by Council in 2010.

Designation 2, which is the proposed new access road, (From the Arterial to APL, 80 Anzac Avenue) will require the formation of a two lane approximately 7m wide, 94 m long road across DCC owned land. It will be formed to the APL eastern boundary at 80 Anzac Ave. A dropped crossing point of 47.5 m in width will be constructed as the access to the new access road from the Arterial. Where the new road meets APL's boundary a new access gate in the existing fence will be constructed – refer Appendix A. The new access road will give APL a second access to their site at 80 Anzac Avenue with the potential for vehicles to use the existing Ward Street access to come in one access and out the other.

The existing Ward Street access to APL land at 80 Anzac Ave will also be modified by a sign which will advise the restriction of large trucks, in particular, semi-trailer and B train trucks turning left into the Ward Street entrance from the Arterial when heading to the South. This restriction is required as their turning radius when swinging into the access will impose on the adjacent AJ Allen access. Small and medium sized vehicles up to 8 m will be able to use the existing dedicated left turn into this access in addition to the new access provided to the eastern boundary. The DCC will erect an appropriate sign warning semi-trailer and B train trucks and other vehicles of similar size they cannot turn from this direction. Smaller trucks and other vehicles will continue to be able to turn left into the Ward Street access. There is no such restriction into the AJ Allen access. It should be noted that all vehicles including the large trucks will be able to turn from the Arterial into the proposed new access road. The Ward Street access will also become part of and controlled by the SH88/Frederick/Ward Street traffic signal system. Phasing of the traffic signals will be designed so vehicles leaving will have enough time to cross the intersection safely.

A new pedestrian crossing across Ward Street is also proposed and the northern pedestrian crossing from APL to the Mobil Service Station across Anzac Avenue has been removed from the original Frederick Street Intersection design. Please refer to the plans in Appendix C.

Note: the physical changes to the Frederick Street intersection including lane markings, signs, traffic signal poles and associated detection equipment at the APL Ward Street access will be within the existing road corridor. These works are considered to fall within the day to day Council local road operational requirements and do not require resource consent or to be designated as part of this NOR. However the effect of these changes are explained as part of this NOR and are part of the overall mitigation measures proposed to resolve the existing APL access issues.

### **3.2 Construction Process**

As Designation 1 is retrospective in nature there is no additional construction process proposed for these areas of land.

Designation 2 will however involve the following construction:

- Stripping topsoil;
- Forming the 7m wide and approximately 94 m long road including placement of base and sub base material and earthworks of approximately 700 m<sup>3</sup>;
- Sealing the road with asphaltic concrete and chip seal;
- Forming kerb and channel and installing associated drainage;
- Constructing a gate into APL with APL's permission to allow access into 80 Anzac Avenue from the new local road;
- Construction of a 2.1 m high fence along the property boundary;
- Forming the vehicle crossings;
- Installing road signs and markings.

### **3.3 Outline Plan**

Section 176A of the RMA requires an Outline Plan of works be submitted to consent authorities for works to be carried out on designated land, to allow the consent authority to request changes before construction commences.

The works within Designation 1 have already been constructed. Construction will be required for the proposed works within Designation 2. These works are fully described in this notice, therefore the DCC does not anticipate preparing an Outline Plan under Section 176A (2)(b) of the RMA.

### **3.4 Nature of Proposed Conditions**

#### **3.4.1 Designation 1**

The works included within Designation 1 were constructed in accordance with the decision of the Dunedin City Council for application DIS-2010-2 that was later quashed by the High Court. The conditions to the amended designation (DIS-2010-2) were the same conditions as imposed on the original designation D845.

When assessing the relevance of these conditions to Designation 1 it is apparent they mostly relate to the mitigation of effects during construction and are considered not relevant to Designation 1 within which the works have already been constructed. Therefore no conditions are proposed for this designation.



### **3.4.2 Designation 2**

Conditions controlling potential construction effects are appropriate for Designation 2. These are proposed to include:

- (a) That prior to commencement of any work on site, a construction management plan shall be submitted to the Dunedin City Council. That plan shall include, as a minimum, the following:
  - (i) Mitigation measures to reduce adverse effects on traffic management in relation to any nearby intersections or arterial roads;
  - (ii) Mitigation measures to reduce adverse effects on adjoining properties, including, dust, noise and safety of people visiting the site; and
  - (iii) Outline the process to occur should condition (b) below be invoked.
- (b) That if Koiwi tangata (human skeletal remains), taonga or archaeological artefacts are discovered during site construction, the Requiring Authority shall without delay:
  - (i) Cease all work within a 50m radius of the discovery and secure the area.
  - (ii) Notify their nominated archaeologist, the consent authority, Kai Tahu ki Otago, the New Zealand Historic Places Trust, and in the case of koiwi tangata (human skeletal remains), the New Zealand Police.
  - (iii) Enable a site inspection by the New Zealand Historic Places Trust and the appropriate runanga, and their advisers, who shall determine the nature of the discovery and the further action required, including whether an Archaeological authority is required under the Historic Places Act 1993.
  - (iv) Any koiwi tangata or taonga shall be handled and removed by tribal elders responsible for tikanga (custom) appropriate to its removal and preservation.
  - (v) Ensure that the further action identified in accordance in part (iii) of this condition is undertaken.
  - (iv) Upon completing tasks (i) to (v) above, and provided all statutory permissions have been obtained, the Requiring Authority may recommence site construction following consultation with the consent authority, Kai Tahu ki Otago, the New Zealand Historic Places Trust, and in the case of koiwi tangata (human skeletal remains), the New Zealand Police.
- (c) Construction shall occur generally in accordance with plans marked Layout Plan 7/583/154/3704, Sheet 1, R2.

## 4.0 Consideration of Alternatives

The following alternative sites and routes have been considered for:

- Designation 1, in particular the approximately 120-130 m long section of Arterial between Frederick Street and the start of D846; and,
- Designation 2, i.e. new access arrangements to APL (80 Anzac Avenue).

No alternative were considered for the areas of land that contain the storm-water retention pond or the Ravensbourne roundabout. These works are constructed in areas that are fixed by the existing Arterial route.

### 4.1 Alternatives for Section of Arterial between APL and the Hocken Library

#### 4.1.1 Designation 1 Alternatives

For Designation 1 three alternatives to the preferred options were considered:

- Reinstatement Route along Anzac Avenue (also referred to as No Link);
- Original Designated Route (i.e. Arterial to be constructed through APL Land);
- Status Quo (i.e. Temporary Access Arrangements to APL become Permanent).

These alternative options are discussed in more detail below:

#### ***Reinstatement Route along Anzac Avenue ( No Link):***

If the re-designation of the section of arterial is not gained one option would be to reinstate the road along Anzac Avenue.

This alternative is considered in the Transport Assessment Report and Mr Clark states on page 24 of his report (Refer Appendix D):

*“This alternative is considered as not viable, as the benefits and strategic importance of the SH88 Realignment would be lost. These benefits include:*

- *The Arterial was designed to improve the safety, efficiency and sustainability of the city’s arterial network by giving heavy traffic a direct route to the Port without the need to pass through Anzac Avenue, past the stadium and the tertiary education facilities. Section 7.2 above demonstrated the beneficial effects that the Arterial has had on Anzac Avenue/Union Street/Ravensbourne Road, along the former alignment of SH88*
- *The implementation of the Arterial was consistent with Council’s 2006 Transportation Strategy and obligation to re-locate SH88 away from the Stadium/University*

- *The Arterial was also consistent with NZTA's 2007 State Highway Strategy proposal to develop a Harbour Arterial Route to provide a safer more direct route for heavy vehicles through the city centre, between the south and Port Chalmers."*

The Arterial has been identified as being a safer more efficient route for vehicles including Heavy Vehicles travelling between the city and Port. Anzac Avenue has had a number of potential safety conflicts identified with increasing numbers of pedestrians including local university and polytechnic students crossing the road to access the stadium facilities.

Also the section of the Arterial constructed as a result of these improvements is now an existing physical resource. To deconstruct and return the alignment to the original route would result in the loss of the Arterial and entail additional cost and resource to reconstruct the route back along Anzac Avenue.

***The Original Designated Route (i.e Arterial to be constructed through APL land).***

Mr Clark states on page 24 of his report (Refer Appendix D):

*"The original Dunedin Harbour Arterial designation showed the route of the Arterial going through the Anzide Properties site. This alternative is now not considered viable for the following reasons:*

- *The new designation allows SH88 to approach the Frederick Street intersection on a gentler curvature than the originally designated route. In particular, this ensures suitable forward visibility of the signal heads for traffic approaching the traffic signals from the SH88 Realignment. This now improves a deficiency with the originally designated route*
- *Design changes to the Frederick Street intersection allowed the Arterial route to avoid the Anzide Properties land. To return the Arterial to this alignment would mean needlessly acquiring some of Anzide Properties' land*
- *Also the section of the Arterial constructed as a result of these improvements is now an existing physical resource. To deconstruct and return the alignment to the original route would result in a loss of this road and entail additional cost and resource to reconstruct the road."*

Due to these reasons this option has not been pursued any further.

***Status Quo i.e. the Temporary Access Arrangements Become Permanent***

This option involves taking the temporary measures in place for access to the Anzide Properties and making them permanent. Mr Clark states on page 24 of his report (Refer Appendix D):

*“The current temporary measures include:*

- The closure of Ward Street Over Bridge on ramp adjacent to Anzide Properties*
- The lights at the SH 88/Frederick/Ward Street not being utilised*
- A dedicated slip lane into Anzide Properties Ward Street access from the SH88 Realignment.*

*This temporary layout was designed to provide satisfactory access to the Anzide Properties, with Ward Street being closed to allow trucks to use this area for reverse manoeuvres. This is not considered appropriate as a permanent solution for the following reasons:*

- The status quo is not a safe or efficient option for the Frederick Street intersection, as vehicles turning from Frederick Street and Anzac Avenue are currently negotiating significant opposing traffic flows. As noted in Section 3 above, this has been resulting in a number of crashes. These flows and turning movements would be made safer by the utilisation of the intended traffic signals for this intersection.*
- There are currently no pedestrian crossing facilities at the intersection and therefore the current arrangement does not provide a safe arrangement for pedestrians.*
- The continued closure of the Ward Street over bridge on ramp inconveniences the industrial area across the railway line and has meant that vehicles wanting to travel from Frederick Street/Anzac Avenue/Arterial to this area have been forced to find alternative routes. In particular, we note that the intersections of both Ward Street ramps with Anzac Avenue include very acute turns (see Photographs 5 to 7 at Appendix C). If both of these connections are available, then drivers will generally be able to avoid the acute turns, but with the current situation, the alternative is not possible.”*

For these reasons this option is not considered a suitable long term solution and is not being pursued.

#### **4.1.2 Alternatives for Designation 2 (Alternatives for Access Arrangements to APL)**

The following alternative options have been considered for Designation 2:

- Reinstatement Route to Anzac Avenue;
- Slip Lane;
- One way or Two Way Lane Access to APL Land (Also referred to as 2G);
- APL and AJ Allen Ward Street Access Options;
- 2012 Consultation Option.

These options considered the various effects on access to APL's land and whether a suitable safe access can be provided to replace the NE gate from 80 Anzac Avenue onto Parry Street which was closed by the construction of the Arterial. These alternatives are discussed in more detail below.

### ***Reinstate the Arterial Route to Anzac Avenue***

This option would require the APL access, closed by the construction of the Arterial, to be reinstated back onto a local road. However this option would entail abandoning the existing Arterial route resulting in the loss of an existing physical resource at significant cost to the city as well as losing the benefits and strategic importance of the Arterial as described in 4.1 1) above.

For these reasons this option is not considered a suitable long term solution and is not being pursued

### ***Slip lane***

Mr Clark outlines the slip lane option on page 25 of his report (Refer Appendix D) as follows:

*"A temporary slip lane that could have become a permanent option was considered by the Council, NZTA and Anzide Properties traffic experts, in a joint affidavit to the High Court. The slip lane location would have been from the Arterial to 80 Anzac Avenue, at a point west of the Council property boundary common with the boundary of 80 Anzac Avenue. This alternative was rejected by the experts as there were on-going concerns about the speed of trucks coming into the site from the Arterial along the slip lane."*

Refer to Appendix E for a plan of the slip lane option.

### ***One way or Two Way Lane Access to APL Land (Also referred to as 2G)***

Mr Clark assessed option 2G on page 25 of his report (Refer Appendix D) as follows:

*"Option 2 G included a number of sub options including:*

- A one way lane/road on Council land, from the Arterial to the boundary of Anzide Properties, or*
- A two way lane/road with one lane on Council land and the other on Anzide Properties land from the Arterial to the Anzide Properties property boundary.*

*This option and the associated alternatives were rejected by Anzide Properties because of various safety concerns, and the potential loss of some Anzide land. "*

The safety concerns raised by APL included:

- That if a semi-trailer enters the site through the Ward Street access it cannot turn on site and must either drive the wrong way down the SH 88 access or reverse onto

Frederick St which is unsafe (This concern was raised to the one way option that was discounted by both parties and lead to the DCC developing the two lane option further);

- The Ward St intersection will become blocked when vehicles are unable to enter the site due to other vehicles waiting to exit the site;
- The six seconds signal phasing time is insufficient for larger or heavier vehicles to proceed through the intersection and exit the Site;
- There is not enough room on SH88 to pull into the median strip while waiting to make a right turn into the SH88 access way.
- The proposed signal phasing does not include any signals for pedestrians using the footpath which passes in front of the Ward St access. Vehicles exiting the site may be held up by pedestrians crossing and miss the opportunity to cross the intersection. Also vehicles entering the site from Ward St, Frederick St and SH 88 may also encounter pedestrians.

Refer to Appendix E for a plan of option 2 G.

As this option would have required the use of APL land, which was not agreed to, this option was discounted in favour of the preferred option.

Avoiding the use of APL's land to provide the new access road is considered to be more consistent with Council's objectives, less costly as land purchase is not required and more consistent with APL's preferred outcome to avoid use of APL land.

### ***APL and AJ Allen Ward Street Access Options***

This option included designating a small area of APL's land behind the proposed traffic signals. This option entailed APL shifting their gates at Ward Street back into the site and DCC sealing the designated area so in effect this area became the fifth leg to the Frederick Street intersection providing phased traffic signals and a DCC maintained area for APL and AJ Allen.

During consultation APL raised a number of safety concerns about trucks leaving the site as well as concerns about the DCC acquiring land for a designation.

APL's concerns have been noted by the DCC and as a result this option has been discounted in favour of the preferred option presented in this NOR.

Please see Appendix E for a plan of this option.

### ***2012 Consultation Option***

In 2012 an option was prepared and consulted on with APL and others. This option contained a number of elements similar to what is now considered the preferred option. However concerns raised as a result of consultation led to a number of changes being made. These changes are detailed below. As a result of these changes this 2012

consultation option been revised and developed into the preferred option as described in this NOR.

The Transport Assessment page 25 and 26 describes the reasons for the changes made to the 2012 option as follows:

*“The scheme now proposed differs from that subject to consultation in the following respects:*

- The pedestrian crossing of SH88, previously proposed immediately to the east of the intersection with Frederick Street/Ward Street, has now been removed*
- The existing cycle refuge of the SH88 Realignment, east of Anzac Avenue, is to be retained*
- The Ward Street pedestrian crossing is now to be called during a different signal phase.*

*The reasons for these changes were as follows:*

- Concerns were expressed by Anzide Properties at the lack of a pedestrian crossing across the Anzide Properties access off Ward Street. Given that a pedestrian crossing of Ward Street is now proposed, the crossing of the SH88 Realignment, previously proposed, has now been removed.*

*As a result, it is now unlikely that pedestrians will be crossing in front of the Anzide Properties access, as pedestrians will instead use the pedestrian crossings of Anzac Avenue and Ward Street. From observation, this is the current pedestrian desire line, so the removal of the crossing of the SH88 Realignment is not considered to be a deficiency*

- The 2012 Consultation scheme proposed the removal of the existing cycle refuge of the SH88 Realignment, east of Anzac Avenue, in order to increase the right turn bay for vehicles turning into the proposed access to 80 Anzac Avenue, off the SH88 Realignment. A route would still be provided for cyclists from Parry Street to Anzac Avenue, but Anzide Properties raised concerns about this issue, and NZTA also asked that the cycle refuge should be retained. Section 7.5 above addresses the question of the adequacy of the right turn bay, as now proposed*

*It was suggested that the pedestrian crossing of Ward Street should be called at the same time as traffic exiting the Anzide Properties sites, instead of during phase E, which would have required left turns from the SH88 Realignment to be held. This change has been made and the assessment at Section 7.4 reflects the revised signal phasing.”referred Option*

The preferred option i.e. the proposed works within Designation 2 and the changes to the APL’s Ward Street access as described in this NOR will mitigate the effect of the construction of the Arterial permanently closing the APL 80 Anzac Avenue NE access. The

preferred option also avoids the need to use any APL land and will provide APL with a safe second access for their site to and from the Arterial.

Also Mr Clark in his Transport Assessment Report (Refer Appendix D) concludes on page 28 of his report:

*“ .... The proposed designations are reasonably necessary to achieve the objectives, from a traffic management point of view, since*

- The proposed designations will connect the existing designations, so the road can function as an arterial*
- The proposed designations will provide an improved solution at the intersection of Frederick Street and the SH88 Realignment, which will significantly improve the safety of the intersection, both relative to the current (temporary) situation and to the previous situation*
- This assessment has demonstrated that the proposed intersection of the SH88 Realignment with Frederick Street will operate efficiently, and the secondary access to 80 Anzac Avenue will accommodate those left turning movements by large trucks which cannot satisfactorily be accommodated via the Ward Street access.”*

For these reasons this has led the council to put forward this option in this NOR.



## **5.0 The Public Work and Designation Objectives**

This NOR seeks as part of Designation 1 to legalise the section of Arterial over which the designation was quashed (including the roundabout land at the NE end of the Arterial) and to connect the existing arterial that is legally operating on either side of Designation 1. This will enable the Arterial to operate as intended. The DCC also seeks to include the existing storm water retention pond back within the Arterial designation.

Designation 2 seeks a new designation for the proposed new access road which along with works within the road corridor at the Ward Street access, will provide APL a second safe access to their 80 Anzac Ave site.

Section 168A(3)(c) of the RMA states that an assessment is required as to “whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.”

Part 8 of the RMA allows requiring authorities to request land to be designated in District Plans for public works for which the authority requiring the designation has financial responsibility.

The DCC as a local authority is a requiring authority as defined under section 166 of the Resource Management Act, and has financial responsibility for the proposed works.

The use of the designation process was chosen by the DCC in the early planning for the construction of the Arterial as it is a long term planning tool to allow for the management of the Arterial as a strategic and important section of the City's and Otago Region's roading infrastructure.

The high level objectives for the designations which also applied to the original 2008 Notice of Requirement for the whole arterial are:

1. To reduce current congestion on the existing arterial network through Dunedin City allowing an improvement in the safety and efficiency of the existing network;
2. Remove heavy traffic from the inner city and give it a separate route;
3. To improve access between the city centre and the east, southeast, and southern suburbs, including the Peninsula, Waverley and South Dunedin;
4. Improve access from the Southern Motorway to the upper and lower port areas;
5. To assist with construction of part of the “around the harbour walkways and cycle ways” connections with the central city;
6. To allow land required for the Dunedin Harbourside arterial to be identified in the Dunedin City District Plan which will give a clear indication to the public of the requirement for this land to be used to construct this road network.

These designations are a small part of the wider road network. Therefore specific objectives have now been developed for these designations. The more specific objectives for the designations are:

7. To realign SH88 away from Anzac Ave to avoid conflict and congestion with Stadium and University pedestrian traffic;
8. To provide an improved design including the intersection at Frederick Street and Ravensbourne Road with the proposed Arterial;
9. To connect the existing designations so the road can function as an arterial;
10. To provide land for a retention pond to improve storm water quality;
11. To avoid having to purchase private land.

The specific objectives listed above ultimately help facilitate (in the area affected by the 2010 alteration of designation) the objectives for the Arterial as listed in the original 2008 NOR.

In this NOR Designation 1 and 2 reflect the 2010 Alteration to Designation works plus additional mitigation measures. These designations are required to ensure that the existing arterial that is legally operating on either side of Designation 1 can be joined and properly operate as the Arterial over its entire constructed length.

If the two designations are provided for they will provide an appropriate and safe access to APL and allow the Frederick Street intersection traffic signals to be turned on. Also if the Arterial becomes fully designated it will enable the DCC to move closer to handing the Arterial to the NZTA to become an integral part of the State Highway network as part of SH88.

It is considered the two designations will allow for consistent and sustainable management of the entire Dunedin Harbourside Arterial Link as a physical resource and will help protect its current strategic importance to the city and the region. The proposed designations are considered to be a much better way than the alternatives considered to achieve the Council's objectives set out above.

## **6.0 Consultation**

Consultation undertaken as part of this NOR process has included meeting with the following:

Directly affected parties including:

- Anzide Property Ltd; and,
- AJ Allen Ltd.
- NZTA

Neighbours and parties around the Frederick Street intersection including:

- Hocken Library – University of Otago;
- Mobil Service Station;
- Automotive Solutions; and,
- Laserforce

A copy of this NOR has also been sent to New Zealand Historic Place Trust and Kai Tahu ki Otago for their information.

A summary of the meetings undertaken and concerns raised and DCC responses are included within Appendix F.

## **7.0 Assessment of Effects on the Environment**

The actual and potential effects on the environment arising from this proposal have been assessed. below along with discussion on techniques by which any adverse effects can be mitigated.

The actual and potential environmental effects associated with any potential options are identified as being:

- Effects on Anzide Property Ltd and AJ Allen Ltd Access;
- Effects on Other SH88/Frederick St/Anzac Ave Intersection landowners;
- Effects on NZTA;
- Effects on Frederick Street Intersection / Traffic Effects;
- Construction Effects;
- Positive Effects

The potential environmental effects and possible mitigation measures for both Designation 1 and Designation 2 are discussed below.

### **7.1 Effects on Anzide Property and AJ Allen Ltd Access**

The construction of the Arterial resulted in the closure of the existing Parry Street access to APL 80 Anzac Ave site limiting the potential access options to this site. APL has also expressed concerns on the effect of the Arterial on their and AJ Allen's Ward Street access.

Temporary measures currently in place include:

- The closure of Ward Street Over bridge on ramp adjacent to Anzide Properties
- The traffic signals at Frederick Street not being utilised
- A dedicated slip lane into Anzide Properties Ward Street access from the SH88 Realignment.

As part of this NOR process the DCC has continued to work on a permanent solution for APL access issues and have identified the following mitigation measures:

#### **7.1.1 New Access Road**

Designation 2 will allow for a new access road to be constructed to the east of the Ward Street access along the Arterial alignment across DCC owned land to the property boundary of APL (80 Anzac Avenue) as shown in Appendix C.

This new access will allow for the potential for vehicles accessing APL 80 Anzac Avenue to enter the site by one access and leave via another without the need for turning on site. It will also provide access to 80 Anzac Ave for the larger trucks restricted from turning into the Ward Street access.

This new access will address one of the key concerns raised by APL. The Transport Assessment on page 28 first bullet point concludes:

**“Reversing into the site:** *it is accepted that the left turn into the site from the SH88 Realignment into the Ward Street access is acute. However, it will no longer be necessary for trucks to reverse into the site, as a result of the provision of a secondary access to the site, off the SH88 Realignment.* “

The Transport Assessment on page 28, 5<sup>th</sup> bullet point assesses the queuing concern raised by APL and concludes:

**“Queuing at the secondary access:** *the analysis indicates that the right turn into the proposed secondary access off the SH88 Realignment will operate with a very low degree of saturation, of around 2%, with modest delays of around 15-16 seconds in the peak hours in 2021. A truck will be able to sit within the median, to wait for safe gaps in oncoming traffic, and the frequency of the event of two trucks arriving at the same time (ie the second truck arriving within 16 seconds of the first) is considered to be extremely rare.”*

The DCC did consider removing the cycle refuge to provide for more stacking space in the median for trucks in the original 2012 consultation scheme. However concerns raised by NZTA and APL during consultation have led to the refuge being retained. The DCC will monitor this intersection once in place.

## **Conclusion**

Based on the Transport Assessment (Refer Appendix D), I consider the new access road will provide APL with a safe second alternative access to their 80 Anzac Avenue site. The new access road also replaces the access lost when the 80 Anzac Ave NE gate was permanently closed as a result of the construction of the Arterial. I also consider the new access road and gate arrangement as not dissimilar to the arrangement APL had when access to the NE gate was gained from Parry Street. The proposed new gate will also be accessed from a local road (the new access road) and the new road will be accessed from the Arterial. Originally the old gate was accessed from Parry Street which was in turn accessed from Anzac Avenue (SH88), Minerva Street (via Anzac Ave) or Ward Street.

The new access road will also allow for safe circulation of large trucks and other vehicles through the APL site thus accommodating any traffic movements that will be restricted at the Ward Street access.

I therefore consider that the proposed new access road is appropriate mitigation for the existing adverse effects that have resulted from the closure of APL's 80 Anzac Avenue NE gate.

### **7.1.2 Ward Street Restricted Truck Access**

The biggest proposed change for the Ward Street access to the APL, 80 Anzac Ave site will be the restriction of large trucks turning left from the Arterial into the gateway when travelling south (smaller trucks up to 8m in length will continue to be able to turn left). The acute angle for large trucks turning left from the Arterial into the Ward Street entrance when

travelling south means their turning circle encroaches on the adjacent entrance to AJ Allen. This manoeuvre is therefore proposed to be restricted. Instead large trucks wanting to turn left into APL's site when travelling South on the Arterial will be accommodated by the new access road to the site located to the east (Designation 2).

The DCC will install a sign within the road corridor stating that large trucks are restricted from turning left into the site at Ward Street.

It should be noted that there are no restrictions for left turning large vehicles wishing to enter 70 Anzac Avenue (AJ Allen depot) or 76 Anzac Avenue.

The other proposed traffic movements into the Ward Street access from the Frederick St/Arterial intersection can be described as follows:

- A specific traffic signal phase is to be provided for traffic exiting these premises. Traffic will be able to exit in all directions as the size of vehicle allows
- The right turn from Anzac Avenue (from the southwest) is to continue to be banned (ie as it is currently)
- The through movement from Frederick Street, and the right turn from Ward Street are to be provided.

APL's key concerns raised during consultation about the exit of vehicles from their site across the Frederick Street intersection were assessed by Mr Clark in his Transport Assessment Report (refer Appendix D) and summarises this on page 27, are as follows:

***“Inadequate phase time for traffic exiting the site via the new traffic signals:*** this report has provided details of the likely operation of the signals, based on SIDRA modelling. This modelling provides average phase times on the basis of the overall balance of flows, which indicates that, on average, the Anzide Properties access will normally only require short green times. However, the pedestrian crossing of Ward Street is assumed to run at the same time as the signal phase for traffic exiting the Anzide Properties, and this pedestrian crossing will require 12 seconds. This is therefore the green time allocated to traffic exiting the Anzide Properties in the SIDRA modelling. In reality, the phase times will be constantly fluctuating as demands on each approach dictate, and as the various pedestrian crossings are or are not called during any particular signal cycle. Therefore this 12 second green time will be able to be allocated to the Anzide Properties access, in the peak hour, even when the pedestrian crossing is not called, to accommodate the possibility of two trucks wishing to leave at the same time. Dunedin City Council should monitor the intersection and, after a settling in period, consider reoptimising the signal phasing (including the maximum phase times) as much as practical”

***“Blocking of the intersection, when a truck waiting to exit the site blocks another truck seeking to enter the site (via the Ward Street entrance):*** this report has set out the results of probability analysis, which indicates that such an event will happen extremely infrequently – especially as some vehicle movements heading to/from Anzac Avenue can be expected to divert to the proposed secondary access”

**“Pedestrian conflicts at the Ward Street entrance:** no pedestrian crossing is proposed, across the site access. This is not uncommon for signalised entrances to private premises and we do not consider this to be a problem. The pedestrian crossing of the SH88 Realignment (on the eastern side of the intersection) previously proposed has now been removed, as a crossing is to be provided across Ward Street, which from observation is the current pedestrian desire line. As a result, it is considered unlikely that pedestrians will wish to cross in front of the Anzide properties access”.

The road layout and operation of the traffic signals at the Frederick Street intersection are all permitted activities under the District Plan. These aspects of the road are described here so understanding of how the road is to function can be gained. There is no designation of the Frederick street intersection being applied for.

## **Conclusion**

The Transport Report (Refer Appendix D) also concludes on page 27:

*...“The need for the temporary layout at the SH88/Frederick Street intersection is due, to a significant extent, to the issues incurred with access to the Anzide Properties. The provision of a secondary access to 80 Anzac Avenue will remove the need for trucks to reverse within the public road, allowing Ward Street to be reopened, and in turn allowing the traffic signals to become operational. This will enable the full benefits of the SH88 Realignment project to be realised, including safety benefits at the SH88/Frederick Street/Ward Street intersection, and it will reduce the current pressure on the western Ward Street ramp”.*

Based on the Transportation Assessment I consider the proposed Frederick Street intersection works along with the proposed new access road will mitigate the manoeuvring and safety effects at APL and AJ Allen’s Ward Street access. These works will also mitigate the existing adverse effects on traffic having to navigate the temporary arrangements in place around the Frederick Street Intersection and the closure of the Ward Street Over Bridge. In particular once the traffic signals are turned on they will provide a controlled intersection replacing the original arrangement of give way signs and resulting in an increase in safety benefits to all road users and pedestrians using the intersection including APL and AJ Allen.

## **7.2 Effects on Other Frederick Street Intersection Landowners**

The proposed changes to the Frederick Street intersection and associated effects and conclusions are also discussed in section 7.1.2. under the effects of the proposal to APL and AJ Allen Access

### **7.2.1 Hocken Library (University of Otago)**

Vehicle access to the Hocken Library is from Parry Street and vehicles visiting the library can also park along Parry Street which is a cul-de-sac. Therefore the proposed new access road onto the Arterial although close to the Library will not affect the Library's existing vehicle access and parking arrangements. During the DCC consultation meetings concern was expressed by the University of Otago about pedestrians trying to cross Frederick Street and the Arterial. The perception is staff and other people trying to walk to the library and crossing to the Stadium Precinct will be safer once the traffic signals can be turned on.

The section of the Arterial that forms Designation 1 is existing and the effects of the construction on the Hocken Library was consulted on with the University under the earlier designation processes prior to construction. There appears to be no outstanding issues around the construction of this section of the road.

During consultation over the proposed construction of the new access road (Designation 2) the University did not raise concerns on this issue. Also the proposed mitigation measures for construction including dust suppression are considered to mitigate any effects on the Library arising from construction. Therefore I consider the effects from the construction of the new access road on the Hocken Library to be less than minor.

The effect of allowing Designation 1 and 2 will however have the positive effect on the Hocken Library of allowing for the traffic signals at the Frederick Street Intersection to be turned on with the resultant increase in safety benefits for intersection users including University staff who use the intersection regularly.

### **7.2.2 Mobil Service Station and Automotive Solutions**

The proposed new access road is some distance from the Mobil Service Station and Automotive Solutions Site and therefore unlikely to affect the traffic and access arrangements to their site.

However the proposal to turn on the traffic signals at the Frederick Street intersection will affect their site access including providing controlled breaks in the traffic allowing vehicles more opportunity to turn safely into the site's Frederick Street access as well at times potentially blocking this entrance with traffic queuing waiting for the traffic signals turning green.

During consultation meetings with Mobil Service Station concerns were raised over access arrangements including:

- The tight turn to and from the service station on Anzac Avenue. In particular truck and trailers turning in sometimes cross the centre line and, when exiting, the site can potentially block the intersection in this location. The DCC has agreed to monitor this once the traffic signals are turned on as part of their usual function as the road controlling authority.



- Potential for vehicles queuing at the traffic signals blocking their Frederick Street exit. The DCC has agreed to monitor this potential issue once the traffic signal are turned on as part of their normal function as the road controlling authority.
- The owner of the service station would like the DCC to consider allowing vehicles to exit and turn right using the current entrance access off SH88. This request is something the DCC will consider under their normal role as the road controlling authority.

Consultation meetings with Automotive Solutions identified they would like the traffic signals turned on as soon as possible to help with the safety issues around the Frederick Street intersection.

It is clear from the consultation there are concerns over safety issues of the existing Frederick Street intersection and access to the Mobil site at this corner and from Anzac Avenue. A number concerns raised during the consultation will require monitoring once the Frederick Street traffic signals are turned on so the intersection can be monitored. This is part of the DCC's normal role as road controlling authority and falls outside this NOR process.

If the traffic signals are turned on there may be occasions when the Frederick Street access to the site maybe blocked with traffic queuing at the traffic signals. This effect however will be balanced in part by the traffic signals also providing controlled breaks in the traffic allowing vehicles an opportunity to safely exit the site.

However when these effects are weighed against the increase in safety benefits to intersection users if the traffic signals are turned on, I consider confirming for Designation 1 and 2 will have a no more than minor effect on the Mobil Service Station site.

### **7.2.3 Laserforce**

The new access road will not affect the Laserforce site or business.

New owners bought the Laserforce business in 2012. The current owners have identified their only concern is the requirement for a safe and reliable access to their business.

The owner of the Laserforce building also commented that anything around the intersection that would affect his tenants business would be a concern. He also raised concerns about dirt and dust being blown onto the building from the intersection/road in front of APL's Ward Street access.

The previous Laserforce owners expressed concern over losing lunch time custom as customers are finding it more difficult to turn off Anzac Avenue into their business with the steady flow of traffic resulting from no traffic signals at the Frederick Street intersection.

The previous owners would have also liked the traffic signals to be turned on to improve the safety of the intersection and to control the flow of traffic and provide more opportunity for customers including vehicles and pedestrians to gain access to their business.

Confirmation of Designation 1 and Designation 2 will provide a more controlled intersection allowing for vehicles and pedestrians a more safe opportunity to enter and exit the Laserforce access safely. The effects on Laserforce are therefore considered to be less than minor.

### **7.3 Effect on NZTA/State Highway Network**

It is intended by the DCC that the Arterial is handed over to the NZTA to become an extension to SH 88. The road has been constructed to NZTA standards to facilitate this process.

Details of the consultation carried out with the NZTA for this NOR is included in Appendix F. As part of this consultation the NZTA reviewed and commented on the traffic assessment attached to this NOR.

In their correspondence of the 17 October 2012 to the DCC the NZTA advised they were generally supportive of the proposal and findings of the traffic assessment however they did raise the following comments:

- Traffic signals may in future need to be part of coordinated network;
- Pedestrians crossing APL entrance at Ward Street;
- Leaving the cycle refuge on the arterial as this is on a desire line;
- Review the Ward Street pedestrian phasing;
- Vehicles turning left out of Ward street;
- Request for best practice detector loops for cyclists on traffic signals;
- Request for post construction safety audit.

The Transport Assessment assessed the pedestrian crossing at the Frederick Street intersection. A new pedestrian crossing is now proposed to cross Ward Street and the crossing on the northern side of the intersection was removed. (refer page 14 of the Transport Assessment (Appendix D)). This new arrangement will help discourage pedestrians crossing APL's entrance.

The DCC has also changed the proposal to leave the central cycle refuge on the Arterial. Originally this was proposed to be removed to allow space for right turning vehicles to wait to turn into the new access road to 80 Anzac Avenue. The DCC will monitor this arrangement once constructed.

The phasing of the intersection has been reviewed and amended. However the suggestion of detector loops for cyclists has been considered by the DCC but decided not necessary. The DCC has also agreed to a post construction safety audit.

In their correspondence dated 14 November (refer Appendix F) the NZTA made comment about adjustments and rework undertaken by the DCC. The NZTA are supportive of the proposal but note some on-going monitoring may need to be undertaken prior to handover of the road. DCC are comfortable with these comments.

The Arterial is considered to be of strategic importance to Dunedin as it provides a safer and more direct route between the City and Port for heavy vehicles and other traffic wanting to access north Dunedin. At the time of construction, the Arterial was/is and remains consistent with the Transit New Zealand National State Highway Strategy 2007 and is now currently performing the role of a State highway. However the designation for SH88 is still along Anzac Avenue which has been identified by NZTA as having a number of safety issues including a large number of property accesses and pedestrian conflicts.

Before the Arterial can be formally handed to NZTA the efficiency issues around the Frederick Street Intersection were required to be resolved to the satisfaction of NZTA and this has now been achieved as identified in their letter to the DCC (Appendix F). Therefore confirmation of Designation 1 and 2 including the mitigation of turning on the traffic signals will have a positive effect of allowing the Arterial to formally be handed to NZTA so it can be managed as part of the National State Highway Network. This will also allow NZTA to remove in part the SH88 designation from Anzac Avenue and in the future designate the preferred SH88 route.

#### **7.4 Effects on the Frederick Street Intersection / Traffic Effects**

The Transport Assessment (Appendix D) concludes on page 27:

*“The need for the temporary layout at the SH88/Frederick Street intersection is due, to a significant extent, to the issues incurred with access to the Anzide Properties. The provision of a secondary access to 80 Anzac Avenue will remove the need for trucks to reverse within the public road, allowing Ward Street to be reopened, and in turn allowing the traffic signals to become operational. This will enable the full benefits of the SH88 Realignment project to be realised, including safety benefits at the SH88/Frederick Street/Ward Street intersection, and it will reduce the current pressure on the western Ward Street ramp”.*

Based on the Transport Assessment (Appendix D) I consider the confirmation of Designation 1 and Designation 2 will result in positive effects on the Frederick Street intersection. The intersection traffic signals will be able to be turned on, on a permanent basis allowing the intersection to be operated as it was designed, immediately improving the safety of people travelling through the intersection. Also the temporary arrangements for APL will be able to be removed; the Ward St Over Bridge would be re-opened allowing disrupted local traffic routes to be re-established to and from the industrial area between the harbour and the Arterial. Bridge will have a positive impact on a number of people who currently have interrupted access over the railway into the industrial area.

## **7.5 Effects during Construction of the new Access Road**

No construction is required for Designation 1. Therefore the following section discusses the potential construction effects that may result from the confirmation of Designation 2 and the construction of the proposed new access road.

### **7.5.1 Access Effects**

The proposed construction for the access road will take approximately 8-10 weeks and will therefore be of limited duration. To help mitigate any potential construction effects the DCC proposes to prepare a construction management plan in consultation with APL and in accordance with the NZTA's Code of practice for Temporary Traffic Management.

### **7.5.2 Earthworks / Dust**

Earthworks of approximately 700m<sup>3</sup> will be required to construct the new access road. The earth works will be undertaken on DCC land which is flat and is not in close proximity to any waterways.

The contractor completing the earthworks will be required to take all necessary measures to prevent dust nuisance, such as watering exposed soil, and any other methods available. These measures alongside the limited duration of the construction are considered to mitigate any dust effects.

### **7.5.3 Traffic Effects**

Construction traffic will need to access the arterial during construction. The proposed mitigation as described above i.e. preparation of a construction plan in accordance with NZTA's Code of practice for Temporary Traffic Management will ensure the effect of construction traffic on the Arterial will be less than minor.

### **7.5.4 Noise**

Construction of the new access road will generate noise from heavy machinery working on site. The increase in noise will only be for the duration of the construction process and therefore of limited duration. Given these areas are within an industrial area with no nearby dwellings and the works will be adjacent to a busy arterial the effects arising from noise are considered to be less than minor.

### **7.5.5 Cultural**

The previous alteration of designation and designation included consultation with KTKO. The DCC forwarded the draft notice for their assessment with the information that the accidental discovery conditions used for the original designation were to be used for Designation 2. Also the DCC confirmed their commitment to the Te Runanga o Otakou/Dunedin City Council accidental Archaeological Protocol. The letter received from KTKO is included within Appendix G. As a result of this consultation the effect of Designation 1 & 2 on local iwi is considered to be less than minor.

### **7.5.6 Heritage**

The previous alteration to designation and original designation undertook an archaeological assessment that includes the area of land on which the new access road is to be constructed. A precautionary Archaeological Authority from the Historic Place Trust was gained for construction of the Arterial.

The area affected by the new access road falls within that land identified in HPT Authority No 2010/396 for the “SH88 Deviation”.

The Historic Places Trust Regional Archaeologist was contacted to identify whether the proposed new access works could be constructed under this Authority. The email exchange is included Appendix G, and conclude with the HPT being satisfied that the works can constructed under HPT Authority No 2010/396.

The archaeologist for the original 2010 alteration of designation work has also assessed the proposed works for Designation 2 and identified that there is a low likelihood of any archaeological sites being found along the new access road route. Therefore the effect of the proposed work on archaeological or heritage sites is considered to be less than minor.

## **7.6 Positive Effects**

Confirmation of Designation 1 and 2 and the associated mitigation measures will result in a number of positive effects including:

- Providing APL a sealed second two way access to their boundary at 80 Anzac Avenue that will allow for safe access to and from the site in both directions. This new access is designed to accommodate large trucks entering or leaving the APL site. Large trucks can enter the APL site when southbound which means restricted left turn in for large trucks via Frederick Street intersection can be avoided. The new access road will also allow for site vehicles to move through the APL site without the need to reverse or carry out a U turn on site mitigating any on-going adverse effect that resulted from the closure 80 Anzac Avenues NE gate during the construction of the Arterial;
- Providing for the APL and AJ Allen Ward Street access in the Frederick Street Intersection traffic signal phasing so site vehicles and trucks can safely move into the intersection;
- The Ward Street Over bridge ramp can be reopened and used by local traffic wanting to access the harbourside industrial area by this route;
- Turning on the traffic signals on a permanent basis at the Frederick Street intersection with consequential improvement of having a controlled intersection and consequential increase in safety at this location for all intersection users;
- Legalising the existing section of constructed road (including the roundabout at the NE end of the Arterial) of the Arterial so the existing sections of designation can be joined and the road can function as an arterial;

- Including the storm water retention pond back into the Arterial designation as part of the infrastructure supporting the operation of the Arterial;
- Formally confirming the movement of arterial and Port traffic away from Anzac Avenue reducing pedestrian conflict near the University, Polytechnic and Stadium.

Also if the route becomes fully designated it will allow the DCC to move closer to handing the Arterial to the NZTA to become an integral part of the State Highway network as part of SH 88 and allow NZTA to consider removing in part the SH88 designation from Anzac Avenue.

## **8.0 Summary of Mitigation Measures and Proposed Conditions**

### **8.1 Mitigation Measures**

The following is a summary of mitigation measures DCC will adopt for this project:

- Improvement of the APL Ward Street access including the access being controlled by phased traffic signals, use of a left hand turn lane and restriction of large trucks turning left into this access.
- Construction of an alternative eastern access road to APL 80 Anzac Avenue and the DCC owned land adjacent to the arterial.
- A construction management plan including a traffic management plan prepared in accordance with the NZTA's Code of practice for Temporary Traffic Management to manage any construction effects associated with the proposed works for Designation 2.

### **8.2 Proposed Conditions**

#### **8.2.2 Designation 1**

The works included within Designation 1 were constructed in accordance with the decision of the Dunedin City Council for application DIS-2010-2 that was later quashed by the High Court. The conditions to the amended designation were the same conditions as imposed on the original designation D845.

When assessing the relevance of these conditions to Designation 1 it is apparent they mostly relate to the mitigation of effects during construction and are considered not relevant to Designation 1 within which the works have already been constructed. Therefore no conditions are proposed for this designation.

#### **8.2.3 Designation 2**

Conditions controlling potential construction effects are appropriate for Designation 2. These are proposed to include:

- (a) That prior to commencement of any work on site, a construction management plan shall be submitted to the Dunedin City Council. That plan shall include, as a minimum, the following:
  - (i) Mitigation measures to reduce adverse effects on traffic management in relation to any nearby intersections or arterial roads;
  - (ii) Mitigation measures to reduce adverse effects on adjoining properties, including, dust, noise and safety of people visiting the site; and
  - (iii) Outline the process to occur should condition (b) below be invoked.
- (b) That if Kōiwi tangata (human skeletal remains), taonga or archaeological artefacts are discovered during site construction, the Requiring Authority shall without delay:
  - (i) Cease all work within a 50m radius of the discovery and secure the area.
  - (ii) Notify their nominated archaeologist, the consent authority, Kai Tahu ki Otago, the New Zealand Historic Places Trust, and in the case of kōiwi tangata (human skeletal remains), the New Zealand Police.
  - (iii) Enable a site inspection by the New Zealand Historic Places Trust and the appropriate runanga, and their advisers, who shall determine the nature of the discovery and the further action required, including whether an Archaeological authority is required under the Historic Places Act 1993.
  - (iv) Any kōiwi tangata or taonga shall be handled and removed by tribal elders responsible for tikanga (custom) appropriate to its removal and preservation.
  - (v) Ensure that the further action identified in accordance in part (iii) of this condition is undertaken.
  - (vi) Upon completing tasks (i) to (v) above, and provided all statutory permissions have been obtained, the Requiring Authority may recommence site construction following consultation with the consent authority, Kai Tahu ki Otago, the New Zealand Historic Places Trust, and in the case of kōiwi tangata (human skeletal remains), the New Zealand Police.
- (c) Construction shall occur generally in accordance with plans marked Layout Plan 7/583/154/3704, Sheet 1, R2.

## 9.0 Statutory Assessment

### 9.1 Resource Management Act 1991

Consideration of a Notice of Requirement for a designation under section 168A is subject to assessment under Part 2 of the RMA.

The purpose of the Act is to promote the sustainable management of natural and physical resources. For the reasons outlined previously, it is considered that granting Designation 1 and Designation 2 and the resultant physical works will achieve the purpose of the Act. In particular the Dunedin Harbourside Arterial Link is part of the city's arterial roading network which is a physical resource in terms of Section 5 of the Act and thus must be sustainably managed. The proposed works will improve the sustainability of the city arterial network by providing a safer and more efficient arterial environment as well as adding to the economic wellbeing of the Region by allowing heavy vehicles improved access from the Southern Motorway to the Port. The works will also address the potential adverse effects on access to APL 80 Anzac Avenue site that resulted in the High Court quashing the earlier alteration to designation.

Section 6 of the Act sets out those matters of national importance that are to be recognised and provided for in achieving the purpose of the Act.

Relevant matters include:

Section 6 (e)

*"The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga."*

KTKO was consulted as part of the original 2008 NOR and also when the 2010 Alteration of Designation was prepared. KTKO during the 2010 consultation identified that no additional issues from that already identified in the 2008 consultation. As a consequence the DCC has suggested that the same accidental protocol condition imposed on the original designation and the Alteration to Designation shall be imposed on Designation 2 as part of this NOR. The DCC will also adhere to the existing protocol between Te Runanga o Otakou and the DCC.

Section 6 (f):

*"The protection of historic heritage from inappropriate subdivision, use, and development"*

An Archaeological Assessment was undertaken as part of the original Arterial construction planning process and includes the area of land on which the new access road is to be constructed. The HPT has been consulted with and they have indicated they are satisfied that the proposed work can be carried out under the existing authority.

Section 7 of the Act sets out those "other matters" that Council is to have particular regard to in achieving the purpose of the Act.



Relevant Matters:

(a) *Kaitiakitanga*

See section 6 (e) above.

(b) *The efficient use and development of natural and physical resources.*

The section of the Arterial within Designation 1 is an existing physical resource. To deconstruct and return the Arterial alignment to the original route would not be an efficient use of an existing physical resource and would entail additional cost and resource to reconstruct the road. The original road was constructed to achieve the objectives of this NOR which includes amongst others improving the safety and efficiency of the arterial roading network in Dunedin. The potential adverse effects that arose because of the closure of APL's 80 Anzac Ave NE gate and issues around their Ward Street access led to the quashing of the 2010 alteration to designation. These potential effects are considered to be mitigated by the proposed works which are provided for as part of Designation 2. Therefore to provide for the road alignment and other already constructed works within Designation 1 would be an efficient use of an existing physical resource.

(f) *Maintenance and enhancement of the quality of the environment*

The storm water retention pond is part of Designation 1 and its purpose is to improve the quality of the storm water that flows from the Arterial before it is discharged to the Water of Leith via the DCC storm water hence helping to maintain the quality of the environment.

## 9.2 Planning Documents

When considering a requirement and any submissions received particular regard must be given (where relevant) to a number of planning documents, section 168A(3) of the RMA. In this instance there are no relevant national policy statements. However relevant provisions from the Otago Regional Policy Statement and the Dunedin City District Plan are assessed below.

### 9.2.2 Otago Regional Policy Statement

The relevant objectives and policies of the Otago Regional Policy Statement identified, and assessed as follows:

<i>Objective/Policy</i>	<i>Assessment of Objectives and Policies?</i>
<b><i>Section 9: Built Environment</i></b>	
<i>Objective 9.4.1</i> <i>To promote the sustainable management of Otago's built environment in order to:</i> <i>(a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and</i> <i>(b) Provide for amenity values, and</i> <i>(c) Conserve and enhance environmental and landscape quality; and</i> <i>(d) Recognise and protect heritage values.</i>	<p>The purpose of Designation 1 &amp; 2 is to allow the Arterial to become fully designated once more so the benefits and strategic importance of the existing Arterial route can continue to be protected for the future. These benefits include reducing congestion and improving the safety and efficiency of the existing Arterial network/infrastructure through Dunedin City and facilitating the safe and efficient movement of goods and heavy traffic between the</p>

Objective 9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities	SH1 and the Port which is of regional significance.
Policy 9.5.2 To promote and encourage efficiency in the development and use of Otago's infrastructure through: (a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and (b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and (c) Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.	In particular Designation 1 seeks to promote the sustainable management of and existing physical resource i.e. the section of the Arterial already constructed that requires to be designated however it also seeks to realise the original purpose of the Arterial by improving safety and efficiency of the existing arterial network through the city  Designation 2 i.e. the construction of the new access road to provide an alternative access to APL furthers objectives 9.5.2 (d) by supporting Designation 1 by providing for a safe second access to 80 Anzac Avenue site mitigating of the effect of the closure of APL's northern gate.
9.5.3 To promote and encourage the sustainable management of Otago's transport network through: (a) Promoting the use of fuel efficient modes of transport; and (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and (c) Promoting a safer transport system; and (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards	I therefore consider that the NOR is <u>consistent</u> with these objectives and policies.

### 9.2.3 District Plan

The underlying zoning of the subject site in the District Plan is Industrial 1 for the Frederick Street end of the proposed alteration and Industrial 1 and Stadium for the Ravensbourne Road end of the project. The relevant objectives and policies of the District Plan are:

Objective/ Policy	Assessment of Objectives and Policies?
<b>Section 4: Sustainability</b>	
Objective 4.2.3 Sustainably manage infrastructure	The Arterial and storm water retention pond infrastructure are existing physical resources that requires sustainable management. To provide for Designation 1 & 2 subject to any adverse effect being avoided remedied or mitigated would achieve this.  I consider that Designations 1&2 are <u>consistent</u> with this objective.

<b>Section 10: Industry</b>	
<p><b>Objective 10.2.3</b>  <i>Ensure non-industrial activities in the industrial area do not limit the operation of industrial activities</i></p>	<p>The works within Designation 1 have already been constructed and resulted in the permanent closure of 80 Anzac Ave's NE gate potentially resulting in on going adverse effects for the property. As a result the 2010 alteration to designation was quashed by the High Court.. I consider confirmation of Designation 1&amp; 2 will provide APL with a safe second alternative access replacing the loss of the NE gate mitigating any potential adverse environmental effects.</p> <p>The new access road will also allow for safe circulation of large trucks and other vehicles through the APL site thus accommodating any traffic movements that will be restricted at the Ward Street access.</p> <p>I therefore consider Designations 1 and 2 are <u>consistent</u> with this objective</p>
<p><b>Policy 10.3.2</b>  <i>Exclude activities not part of or associated with industrial activities from the Industrial 1 zone.</i></p>	<p>The Arterial is considered to be a road of strategic importance to the city and region. It facilitates the safe and efficient movement of goods and heavy traffic between the southern highway and the Port. Also as access to transportation is an inherent need for industrial activity the location of the Arterial is not an unexpected land use in the Industrial 1 zone.</p> <p>I therefore consider that Designations 1&amp; 2 are <u>consistent</u> with this policy.</p>
<b>Section 20 Transportation</b>	
<p><b>Objective 20.2.1</b>  <i>Avoid, remedy, or mitigate adverse effects on the environment arising from the establishment, maintenance, improvement and use of the transportation network.</i></p> <p><b>Objective 20.2.4</b>  <i>Maintain a safe, efficient and effective transportation network.</i></p> <p><b>Policy 20.3.1</b>  <i>Avoid, remedy or mitigate the adverse effects on the environment of establishing, maintaining, improving or using transport infrastructure.</i></p> <p><b>Policy 20.3.9</b>  <i>To sustainably manage transport</i></p>	<p>The purpose of Designation 1 &amp; 2 is to allow the Arterial to become fully designated once more so the benefits and strategic importance of the existing Arterial route can continue to be protected for the future. These benefits include reducing congestion and improving the safety and efficiency of the existing Arterial network through Dunedin City as well as locally around the Frederick Street Intersection.</p> <p>The proposed mitigation measures i.e. improvements to Ward Street access and the construction of the new access road to provide an alternative access to APL will provide safe second access to their 80 Anzac Avenue site. Refer to Transportation Assessment Appendix D. I consider that the NOR is <u>consistent</u> with these objectives and policies.</p>

infrastructure, particularly that of national or regional importance, in a way which will provide for its effective operation and preserve its capacity to meet the reasonably foreseeable needs of future generations, while avoiding, remedying or mitigating any adverse effects resulting from the operation of this infrastructure.	
Policy 20.3.6 Encourage heavy traffic to use appropriate routes.	<p>The existing Arterial route between Frederick and Ravensbourne Road is intended to be used by heavy traffic travelling between Port Chalmers and SH1. It attracts such traffic away from routes through the city centre and campus areas. The work outlined in this NOR will continue to support the arterial in this role.</p> <p>I consider therefore that Designation 1 and 2 are <u>consistent</u> with this policy.</p>
<b>Section 27: Stadium</b>	
Objective 27.2.3 The effects of activities within the Logan Point area are managed to avoid conflict.	<p>The Arterial location although not at Logan Point is close by. The Arterial was located in a position behind the stadium so that it did not affect the proposed stadium site. The Arterial design also provided in part for the stadium car parking and vehicle access. The Arterial and in particular the location of Designations 1 &amp; 2 will remove an area of vehicle and pedestrian conflict and also do not conflict with the stadium or other activities within the Logan Park area. I consider therefore the proposed designations are <u>consistent</u> with this objective.</p>
Policy 27.3.5 Control the visual, traffic noise and nuisance effects of structures and activities that establish at Logan Point.	<p>The Arterial has provided a positive effect of taking heavy traffic travelling between the SH 1 and the Port away from Anzac Avenue and Logan Point. The Roundabout at Ravensbourne Road also allows people travelling from the Port to the city a choice of using the Arterial or Anzac Avenue.</p> <p>Therefore Designations 1 &amp; 2 are <u>consistent</u> with this policy.</p>

This NOR will achieve the relevant Objectives and Policies of the District Plan. As discussed above, methods have been developed to adequately mitigate any adverse effects of the proposed realignment. Designation 1 and 2 will achieve the sustainable management of an existing physical resource and resolve the APL 80 Anzac Avenue property access problems; consequently the proposed realignment sits comfortably in terms of the District Plan Objectives and Policies.

### 9.3 Other Matters

#### 9.3.2 Regional Land Transport Strategy

As another matter to be considered under section 168A (3) (d) of the RMA the 2011 Regional Land Transport Strategy (RLTS) has provisions that are considered relevant to this NOR. The 2011 RLTS was prepared by the Otago Regional Council and sets the direction for Otago's land transport system for the next thirty years. It replaced the 2005 strategy, which was superseded by changes in both political context and legislation. The RLTS has as its goal:

*“A safe transport system that provides connections between communities, leading to regional prosperity, the creation of wealth and employment, social inclusion and the minimisation of adverse environmental effects”*

The following outputs listed in the RLTS have been assessed::

Output	Is the proposal consistent with the Output?
<b>Output Category 2.1: A transport system that is fit for purpose</b>	
Output Sought: 2.1.1. <i>Prudence, fiscal, responsibility, value for money and sensible planning in central and local government transport management.</i>	<p>The requirement for the Arterial including designation 1 as a component part was identified in a number of strategic documents including the 2006 DCC Transportation Strategy and the Long Term Council Community Plan 2006/2007-2015/16 (LTCCP). Prior to finalisation of these documents consultation with the community was undertaken. In the case of the LTCCP funding for the construction was identified and the community would have had the expectation that money budgeted in the LTCCP for the Arterial would be spent on its construction.</p> <p>I therefore consider that Designation 1 and 2 are <u>consistent</u> with the output sought.</p>
Key assumptions made, on which success depends: <i>vi. Planning must ensure movement of freight remains efficient. The volume of freight carried within and through and through Otago is expected to increase significantly during the outlook of the strategy. (Nationwide, the amount of freight being moved is predicted to double by 2040).</i>	<p>The Arterial including designation 1 has been constructed with a number of benefits in mind including the facilitation of safe and efficient movement of goods and heavy traffic between SH1 and the Port.</p> <p>The existing route was not considered to be adequate for the increasing and projected numbers of heavy vehicles travelling between SH1 and the Port. Particularly for the Anzac Avenue section of the route increasing conflict between traffic and student pedestrians using the area has highlighted safety issues which would compound with increasing numbers of heavy vehicles.</p> <p>I therefore consider that allowing the arterial to become fully designated once more is <u>consistent</u></p>

	with this key assumption.
<i>Output Category 3.3: ensuring efficient use of infrastructure and good connection's, especially for freight.</i>	
<i>Output Sought: 3.3.1. Efficient flow of traffic on the entire transport network including state highways and trains on the main trunk rail line.</i>	Designation 1 was constructed as part of the Arterial to upgrade the harbour arterial and increase the efficiency (amongst other benefits) and flow of traffic including freight from SH1 to the Port. The traffic signals at the Frederick Street Intersection were introduced to better manage traffic on the network needing to cross and join the arterial.
<i>Output Sought: 3.3.3 Unimpeded and efficient flow of goods to/from Port Otago by road and rail.</i>	I therefore consider that Designations 1 and 2 are <u>consistent</u> with these outputs sought for Output Category 3.3.

## 10.0 Other Resource Consents Required

No further resource consents are required from Otago Regional Council.

A potential resource consent may be required prior to the construction of the new access road under the National Environmental Standard: for Assessing and Managing Contaminants in Soil to protect Human Health. Requirement for consent under these regulations will be investigated and consent gained, if required, prior to construction of the road.

## 11.0 Conclusion

Designation 1 and Designation 2 will achieve the Council's objectives for this NOR. In particular the proposed designations will improve the safety and efficiency of the Frederick Street/Anzac Avenue intersection. When the traffic signals are turned on this will allow the arterial to function as it was designed and add to the sustainability of the City's arterial roading network.

Re-opening the Ward Street Over-bridge will reinstate easy public road access from the arterial to the industrial area to the east of the railway lines, benefitting those walking to and accessing this industrial area.

The new designation for the proposed access road and the changes to the APL access will provide a safe access arrangement allowing vehicles to move safely onto and from the Arterial thus mitigating the effect of the construction of the Arterial on their sites.

## 12.0 Additional Information

The District Plan does not require any additional information to be included.

## **APPENDIX A – LOCATION PLAN**

## **APPENDIX B –DESIGNATION PLANS & COMPUTER FREEHOLD REGISTER**



## **APPENDIX C – PROPOSED ACCESS MITIGATION OPTIONS AND PLAN SHOWING NEW PEDESTRIAN CROSSING**

## **APPENDIX D – TRANSPORTATION ASSESSMENT REPORT**

## **APPENDIX E – ALTERNATIVE SITE/ROUTE PLANS**

## **APPENDIX F - CONSULTATION**

## **APPENDIX G – KTKO Letter and NZHPT EMAIL**

**APPENDIX H – 70,76, 80 Anzac Ave CFR  
and EASEMENT INFORMATION**

**APPENDIX I – LUC 2008.473  
RESOURCE CONSENT DECISION**

## **APPENDIX J – 2007 AERIAL PHOTO**



## **APPENDIX K – LOCAL GOVT ACT LETTER**

## **APPENDIX L - HIGH COURT ORDERS AND 2010 ALTERATION TO DESIGNATION DECISION AND DESIGNATION PLANS**