

TO: Hearing Panel

FROM: Robert Buxton, Planning Consultant

DATE: 2 October 2017

SUBJECT: **NOTICE OF REQUIREMENT DIS-2017-1**
Otago Regional Council
Central City Bus Hub, Great King Street

1. INTRODUCTION AND BACKGROUND

This report has been prepared based on information as notified on 22 July 2017. The purpose of the report is to provide a framework for the Hearing Panel's consideration and their subsequent recommendation on Notice of Requirement DIS-2017-1. The Hearing Panel is not bound by any comments made in this report. The Hearing Panel is required to assess the application using the statutory framework of the Resource Management Act 1991 (RMA) before making a recommendation. The Requiring Authority, Otago Regional Council (ORC), will then consider the recommendation and make its decision.

Mitchell Daysh Consultants, on behalf of the ORC, have prepared and lodged a Notice of Requirement ("NOR") for a designation in relation to the Central City Bus Hub development, dated 7 July 2017. The NOR provides the description of the site and proposed work. The NOR is also summarised in the public notice which is attached in Appendix 1 of this report.

The main points of the proposal are that the designation would cover: the road reserve of Great King Street between St Andrew Street and Moray Place; an inter-regional bus stop on Moray Place road reserve; five strips of 2-2.2m width on private land along the frontages of the Just \$2 shop car park; Wilsons Car Park and the Countdown supermarket car park to house bus shelters and two coffee kiosks; and a 5m strip along the frontage of the Community House car park to house bike storage and public toilets. Access to the Community House car park would be changed from Great King Street to Moray Place.

2. RESOURCE MANAGEMENT ACT 1991 PROVISIONS

The notice of requirement was publicly notified in the *Otago Daily Times* on 22 July 2017. The closing date for submissions was 18 August 2017.

Form 18 of the Resource Management (Forms, Fees and Procedure) Regulations 2003, specifies that a notice of requirement for designation must supply information on the following matters:

- The site to which the requirement applies;
- The nature of the proposed public work;
- The nature of the proposed restrictions that would apply, if any;
- The effects that the public work will have on the environment and the ways in which any adverse effects will be mitigated;
- The extent to which alternative sites, routes and methods have been considered;

- The reasons why the public work and designation are reasonably necessary for achieving the objectives of the requiring authority;
- Resource consents that are needed for the proposed activity, if any;
- Details of any consultation that has been undertaken with parties that are likely to be affected; and
- Additional information required by the District Plan, Regional Plan or any regulations of the Act, if any.

The information supplied by Mitchell Daysh Consultants in application DIS-2017-1 fulfils these requirements.

This report is prepared in accordance with Section 171. That section states that:

- (1A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.
- (1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—
 - (a) any relevant provisions of—
 - (i) a national policy statement:
 - (ii) a New Zealand coastal policy statement:
 - (iii) a regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan; and
 - (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and
 - (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
 - (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.
- (2) The territorial authority may recommend to the requiring authority that it—
 - (a) confirm the requirement:
 - (b) modify the requirement:
 - (c) impose conditions:
 - (d) withdraw the requirement.

- (3) The territorial authority must give reasons for its recommendation under subsection (2).

In order to avoid duplication and to provide easier comparison and cross referencing, this report will essentially audit the NOR and generally follow the same structure as the annexures attached to the NOR, except that the conditions proposed in Annexure 3 of the NOR will be addressed at the end of this report and the submissions received will be summarised prior to the assessment of effects on the environment (which is Annexure 4 of the NOR) and matters raised in submissions will be considered as part of the audit of the effects on the environment.

3. PHYSICAL DESCRIPTION OF THE SITE (Annexure 1)

The site has been described in Annexure 1 of the NOR. It is noted that the building on the corner of Great King Street and Moray Place that is isolated by the Countdown supermarket car park (i.e. 1 Great King Street) appears to be currently vacant and on the market. Also, the "Just \$2" store is vacant.

3.1 Consideration of District Plan Provisions that apply to the Site and Activity

Operative District Plan (ODP)

The NOR application identifies that most of the proposed activities would be permitted under the ODP. The bus shelter on road reserve serving bus bay 1 outside the Community House building may require consent for a restricted discretionary activity if the shelter had sides that reduced the width of the footpath to less than 2m, although if the shelter did not have sides, it would be permitted. Any bus shelter or other "street furniture" on road reserve would need to be less than 6.5m long to be permitted.

Most of the activities that are not on road reserve would be permitted as either commercial or community activities. The NOR application considers that bus shelters not within the road reserve may not be explicitly provided for, and may default to a non-complying activity, however I would consider that a bus shelter would be a commercial activity as the definition is deliberately very wide, and therefore would be permitted.

The western end of the NOR (excluding the road) is also within a Townscape Precinct TH09 (George Street Commercial Heritage Precinct), and therefore any structures such as the toilets and bike stand in the Community House car park and the bus shelter for the inter-regional bus bay would require consent as a controlled activity.

There are also two Scheduled Historic Buildings relevant to the NOR, being the street facades of Community House and the street facades above the verandah of the building on the south corner of Great King Street and St Andrew Street (93 St Andrew Street) and any alteration or addition to these facades would require consent as a restricted discretionary activity.

Two matters to note. First, the frontage of both sides of Great King Street are "Verandah Required" frontages as shown on Map 35A of the ODP, as such the toilets and bike stand in the Community House car park and the bus shelter for the inter-regional bus bay would require a 3m wide verandah in order to meet the permitted activity standard. Second, under the Proposed 2nd Generation District Plan there is no Townscape Precinct that would affect the proposed Designation.

Proposed 2nd Generation District Plan (2GP)

The NOR application identifies that under the 2GP consent would be required for the bus hub (a "Passenger Transportation Hub") as a discretionary activity.

All of the NOR site frontage is mapped as a "Secondary Frontage" in terms of pedestrian street frontage. The northern part of the NOR site is within a Hazard 3 Coastal overlay zone, and the whole NOR site is within a Hazard 3 Flood overlay zone.

4. NATURE OF THE WORK (Annexure 2)

Activities and Functions

It is not entirely clear what exactly is being proposed for the designation. In the application form, under “the nature of the work” there is mention of “site works, buildings or structures integral and ancillary to the operation of the Dunedin public transport system, including but not limited to” followed by a list of items. The full list was included in the public notice shown in Appendix 1. The time of operation is given as initially occurring from approximately 05:30 hours to 00:30 hours, 7 days a week, year-round.

Changes to the Roads

For the Designation to be effective, modifications will be required to eight intersections which are not part of the designated area (page 22, Effects on the Wider Road Network, Annexure 4). This includes significant modification to the St Andrew Street/Great King Street and Moray Place/Great King Street intersections. All of the modifications to the intersections would be under the control of the Dunedin City Council (DCC) as the road controlling authority.

Regarding the pedestrian crossing in the middle of the block, it is noted that although discussion with the DCC Transport Department had referred to this crossing being raised, this is no longer proposed.

Buildings, Structures & Landscaping

As noted above, the structures shown on the Preliminary Design Plans may not be the final design. For example:

- the proposed street graphics may be removed as a result of a safety audit.
- the area adjacent to the proposed toilets is being worked through, in terms of the principles of Crime Prevention through Environmental Design (CPTED).
- changes to the design may occur if agreement to lease privately owned land is not reached.
- an alternative design for the bus hub may include the installation of a full length canopy structure along the footpaths where there are no adjacent buildings. The canopy option would result in the bus stop shelters adjacent to bays 1-3 and bays 8, 9, 10 being replaced with canopy structures.

Although the fourth bullet point only refers to a full canopy where there are no adjacent buildings, in Annexure 4 the NOR application appears to be referring to a full canopy in front of Community House as well.

Changes to Vehicular Access to Adjoining Properties

The NOR lists changes to the vehicle accesses that have been agreed with land owners, with some controls over access and/or egress. The only access to be removed from Great King Street will be the access to the parking area for Community House, which will be accessed off Moray Place.

Bus Stops, Loading Bays and On-street parking

All 38 on-street parking spaces on Great King Street will be removed, although 2 loading bays will be provided, one in front of the Farmers building and the other virtually opposite in front of the \$2 Shop. The NOR refers to the possibility of 55 new on-street parking spaces being provided within 350m of the bus hub and 14 spaces further out, due to changes to intersections and removal or shortening of existing bus stops.

Signage

In this section of Annexure 2 the NOR refers to commercial signage not associated with the designated purpose requiring the approval of the Requiring Authority. However this statement appears to conflict with proposed condition 3 which does not appear to provide for any commercial signage. This matter is addressed later in the report.

5. SUBMISSIONS

A total of 22 submissions were received and are summarised in the table below. Three submissions are neutral. Twelve oppose the NOR. Seven submissions are in support of the NOR, with four requesting modifications.

Table 2: Summary of submissions

Submitter	Support or Oppose	Wish to be heard ?	Reasons for submission	Decision Sought
Athol Parks – City Walks	Oppose	✗	<ul style="list-style-type: none"> Gt King St already congested. Difficult access for buses. Loss of vibrancy to Octagon and George St. Two hubs better long term. 	ORC be denied permission to site a bus hub in the proposed location.
Bruce Collier	Oppose	✗	<ul style="list-style-type: none"> Better consideration of climatic conditions and heritage. 	Decline application and require more consideration of unique Dunedin requirements.
David Phillips	Support	✗	<ul style="list-style-type: none"> Short term solution will not encourage patronage. Need better designed more comfortable shelters. 	That a modern user-friendly bus hub is built.
Desmond McIntosh	Oppose	✓	<ul style="list-style-type: none"> Suggests preferred design ideas, including parking access for both Farmers (i.e. the Wilson's car park) and Community House to be from Moray Pl, and verandahs. Delay for 12 months for better design. Refers to alternative bus routes for better access to Octagon and Uni/Hospital. 	Delay for 12 Months for better outcome.
Diane Yeldon	Support	✗	<ul style="list-style-type: none"> Supports as will improve public transport. 	Recommend in support.
Geraldine Tait	Oppose	✓	<ul style="list-style-type: none"> Keep buses in George St, maybe remove cars. George St more convenient and sheltered. The Bus hub not an improvement. Refers to other ways to improve the service. 	Decline until offered a hub with better shelter and services.
Graham Calder	Oppose	✗	<ul style="list-style-type: none"> Keep buses in George St. Refers to specific improvements to route No 19 and fares. 	Not specified.
Ian Williams	Oppose	✓	<ul style="list-style-type: none"> Worst location, as per current chaos outside New World. Needs a dedicated site and building or wider street. 	Abandon and let common sense prevail.
HNZPT - Jane O'Dea	Neutral	✗	<ul style="list-style-type: none"> Supportive in principle. Concern about double bus shelter and/or a full canopy outside Community House. Earthworks may require authority from HNZPT. Proposed condition may not satisfy the requirements of the HNZPT Act. 	If approved include a condition about location of structures adjacent to heritage buildings and amend condition on archaeological sites.
Jennifer Bradshaw	Oppose	✓	<ul style="list-style-type: none"> Lack of access to Octagon, library and service centre disadvantages elderly and disabled. Doesn't make city inclusive. 	Decline.

Generation Zero - Jenny Coatham	Support	✓	<ul style="list-style-type: none"> • Supportive in principle. • Raises a number of concerns regarding better signage, seating, shelter and clear pathways (including lighting and weather protection) to Hub. 	Implement but change design.
Public Health South - Jo Kingi	Neutral	✓	<ul style="list-style-type: none"> • Supportive. • Makes specific comments about improving the hub. 	Construction should commence ASAP.
Ngai Tahu Justice Holdings Ltd – John Schelle	Oppose	✓	<ul style="list-style-type: none"> • Concerns about impact on Police Station which it owns, including: access visibility; security (install CCTV). • Wants to be consulted if there are future changes, including frequency of buses. 	Provide conditions on access visibility and CCTV, and consultation.
The Dunedin Community House – Lesley Paris	Support	✓	<ul style="list-style-type: none"> • Supportive in principle. • Concern about: noise; emission; loss of 5 car parks; privacy (regarding views into building). 	Decision to be conditional on negotiated resolution of their concerns.
Liz Angelo	Oppose	✓	<ul style="list-style-type: none"> • Primarily concerned that the DCC should be more involved, including its urban designers and heritage planners. • Visual concerns – modern design look not in keeping with Dunedin's character, particularly in front of Community House. • Not user friendly due to exposed site (should be a heated building). • Should be designed for all buses including those for cruise ships and airport, and provide for electric bus charging stations. • Better research required on users and design. 	Stop the bus hub project.
Lyndon Weggery	Oppose	✓	<ul style="list-style-type: none"> • Concerned about effect on users of the area. • No consultation/coordination with DCC, including DCC's own plans for the CBD. • Alternatives such as the exchange have not been considered. 	Decline
Michael Smith	Oppose	✓	<ul style="list-style-type: none"> • Designation not warranted, can use the provisions of the 2GP, DCC's Transportation Strategy and Local Government Act. • Contrary to the RPS and PRPS, and parts of the 2011 Draft Transport Strategy, 2012 Public Transport Plan and 2015-21 Regional Transport Plan. • Effectively a road stopping exercise. • Reduces accessibility and connectivity. • No comprehensive surveys, modelling or consultation. • Bus hubs not provided for in district plans, is contrary to the DP objectives and policies, and a designation would over-ride those DP rules. • Incomplete assessment on traffic effects. 	Withdraw NOR

University of Otago – Murray Brass	Support	✗	<ul style="list-style-type: none"> Designation is a key part of the strategy to improve public transport and the University's Sustainability Strategic Framework 2017-21. 	Confirm NOR.
Nicola Petrie	Support	✗	<ul style="list-style-type: none"> Bus hub will enable sustainable transport. Supports incorporation for cycling and mid-block pedestrian crossing. Suggests Xmas shopping discounts to assist retailers in the area. 	Approve.
Bus users Support Group Otepoti Dunedin - Peter Dowden	Support	✓	<ul style="list-style-type: none"> Support is conditional on some details. Lack of weather protection between hub and main retail area. Safer direct route for users coming from main retail area. Would support a reduction to half proposed size, based on existing usage outside Farmers on George St. 	Reduce hub to about half the proposed size.
Phillip Day	Oppose	✓	<ul style="list-style-type: none"> No information on previous/future usage, routes, electric buses or new transport options. Loss of inner city parking one of the biggest threats to Dunedin. 	Call off hearing until all information is supplied.
NZ Police – Sue-Ellen Moore	Neutral	✓	<ul style="list-style-type: none"> Concern about congestion at the NZ Police egress causing danger to pedestrians and delays to Police cars. 	Investigate a traffic control system onto to Cumberland St for NZ Police (similar to NZ Fire Service).

Rather than addressing each submission point I have attempted to incorporate the concerns raised in the following analysis of the NOR.

6. THE EFFECT THAT THE WORK WILL HAVE ON THE ENVIRONMENT AND THE PROPOSED MITIGATION MEASURES (ANNEXURE 4)

6.1 Introduction (Part 2 of the RMA)

The introduction to Annexure 4 addresses Part 2 of the RMA. I consider that the NOR adequately addresses this matter. I note that in regard to heritage value (section 6 (f) the protection of historic heritage from inappropriate subdivision, use, and development) the NOR states that "Should the full canopy design be pursued in the roadway adjacent to this building, the requiring authority will consult with Heritage New Zealand over the design of this structure where it is in proximity to the heritage building". I am not certain how this proposed consultation will be given effect to.

6.2 Relevant Policy Statement and Plans

The assessment of policy statements is relatively thorough and I agree with the assessment undertaken. Although submitter Michael Smith refers to a number of objectives and policies that he considers the NOR is contrary to, I disagree with those statements as they generally refer to reducing amenity, whereas I consider the bus hub has potential to improve the amenity of the area of Great King Street. However, this will be dependent on the final design. A minimalist bus hub that did not include good urban design could be contrary to those objectives and policies.

I do note that consideration of land transport strategies, plans and public transport plans is incorrectly referenced as Annexure 3 whereas that assessment is undertaken in Annexure 6.

I also note that there is no assessment of the National Policy Statement for Urban Development Capacity. Although this NPS is focussed on capacity, it does include the following objectives and policies that are relevant.

- OA1. Effective and efficient urban environments that enable people and communities and future generations to provide for social, economic, cultural and environmental wellbeing.
- PA2. Local authorities shall satisfy themselves that other infrastructure required to support urban development is likely to be available.
- OD1. Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.

I consider that the proposed bus hub will assist in meeting the above objective and policies.

6.3 Effects on the Environment

6.3.1 Effects on the Transportation Network

Effects on the Wider Road Network

Modelling has been undertaken by the Traffic Design Group (Appendix G) to assess the effects of the bus hub and associated changes to the network. The NOR states that eight intersections will require modification for the bus hub to operate efficiently, although it does not list the intersections. My understanding is that the intersections are:

- Great King Street / St Andrew Street
- Great King Street / Moray Place
- Princes Street / Moray Place
- Burlington Street / Moray Place
- Moray Place / Stuart Street (south)
- St Andrew Street / George Street
- Great King Street / Frederick Street
- George Street / Frederick Street / Pitt Street / London Street

Modifications to these intersections will be outside the Designation, therefore they are reliant on the DCC as the road controlling authority agreeing to those changes. The NOR notes that the DCC has agreed in principle to these changes and that a safety audit is currently underway. Council's Transport Strategy Manager Nick Sargent has assessed this report and is confident that the continued investigation will lead to acceptable solutions for all intersections before the bus hub becomes operational. Further information on this matter may be available at the hearing.

The NOR refers to the benefits for pedestrian safety and amenity of removing buses from George Street. A number of submitters have raised concern about the removal of buses from George Street given that the street provides better access to central facilities and is sheltered. While I agree with their concerns, the access to George Street by public transport is a matter of the routes that buses take (i.e. I understand some will still travel through parts of George Street), however I consider a bus hub would not be able to be easily accommodated within George Street or the Octagon.

As the modifications to the intersections are an integral aspect to the proposed bus hub I consider that the Designation should include a condition that the bus hub not become operational until the changes to the intersections necessary for the implementation of the bus hub have been undertaken.

Transportation Effects within the Bus Hub Site

I consider the main transportation effect will be during construction of the bus hub. The ORC in its consultation notes has referred to undertaking construction outside of the busy Christmas shopping period. I consider that a construction management plan should be required as part of an outline plan process that addresses how traffic effects will be addressed during the construction phase.

Traffic and Pedestrian Generation Effects on the Transportation Network

The expected increase in peak hour pedestrian traffic of more than 1000/hour is based on 20-30 people per bus at peak hours. This would add to the vitality of the area although it assumes all would be leaving the bus at the hub. The signalised intersection at the ends of the bus hub and a pedestrian crossing in the middle would add to pedestrian safety. The expectation is that there would be a decrease in car movements due to the removal of on-street parking spaces and presence of buses, but an increase in pedestrians.

Some submitters have raised concerns about possible traffic congestion within the hub. As noted above, the bus hub is part of a wider transport network. Any traffic congestion either in the bus hub or elsewhere (including congestion that may occur because of re-routing buses to access the bus hub) is a matter that can be addressed by through network design. Council's Transport Strategy Manager Nick Sargent considers that through traffic will reduce when the bus hub opens as traffic finds alternative routes to destinations. Traffic remaining in the street is likely to only be accessing remaining parking within businesses in the street.

Effects of On-Street Car Parking Removal

The proposal will remove 38 on-street parking spaces. As noted above the NOR refers to the possibility of 55 new on-street parking spaces being provided within 350m of the bus hub and 14 spaces further out, due to changes to intersections and removal or shortening of existing bus stops. However, as noted in the NOR any new on-street parking will be at the discretion of the DCC and it has not been determined how many "replacement" spaces will be provided.

The NOR notes the concerns of the adjacent property owner about possible reduction in patronage. The NOR refers to pedestrian counts nearby and considers that the potential for increased pedestrian traffic from bus users may offset this to some extent. The extent of this offset will be dependent on ensuring that buses and the bus hub are an attractive option for users.

I do note that the presence of the Wilson's paid car park means that it will be possible to park within the hub to visit any premise within the hub.

Effects on Adjacent Property Accesses

The ORC proposes to restrict the access/egress arrangements from some properties to limit the conflict of cars turning right into or out of some properties. These proposals have been discussed with the owners and occupiers of adjacent properties, and none of these parties have submitted on the NOR.

The NOR states that apart from Wilson's carpark all other adjacent owners have agreed in principle to the designation of private land. This will provide for bus shelters, coffee kiosks, bike stands and public toilets. The ORC will need to provide an update on whether there has been agreement to designate the strip of land in the Wilson's carpark.

There will be some loss of parking spaces due to the designation of the private land.

The NOR refers to the loss of 2 parking spaces at Community House, although due to manoeuvring requirements, there could be as much as 5 parking spaces lost.

It is not clear whether and how many parking spaces would be lost through the proposal to designate land on the Wilson's carpark. In the consultation notes there is reference to loss of 5 parking spaces within the carpark, although there is also comment that other options were being explored that would reduce the loss in parking spaces. I note that the proposed designated area would significantly shorten 10 parking spaces, so it is not clear how many spaces would be lost. Although this is in some ways a private matter, the availability of the Wilson's carpark has been referred to in the NOR as an alternative to the loss on on-street parking.

It appears there will be one parking space lost beside the frontage to the Just \$2 shop. The consultation notes with the landowner Pan Shen Holdings states that ORC agreed to investigate and determine that onsite parking requirements for the Victoria Hotel consent conditions would be met. The ORC will need to advise on this matter at the hearing.

The strips of designation along the Countdown frontage do not appear to affect the car parking spaces as there would be sufficient room to move these spaces back slightly without affecting the manoeuvring requirements.

6.3.2 Environmental Noise Effects

The NOR addresses noise effects and has proposed condition 1b (Annexure 3) that refers to activities within the hub (excluding vehicles) meeting the noise standards of the underlying zone. I am uncertain what activities within the hub that were under the control of the Requiring Authority, apart from the noise from buses (which are excluded from the condition) could create noise above the zone standards. Therefore the ORC may wish to explain the need for condition 1b). I also note that the ORC has some control over the noise of the buses, as this can be specified in any tendering requirements, and that it is in the process of transitioning the bus fleet to modern quieter vehicles.

I consider that noise during the construction phase could have a major effect on adjacent activities. The ORC in its consultation notes has referred to undertaking construction outside of the busy Christmas shopping period. Therefore, as noted in **Transportation Effects within the Bus Hub Site** above, a construction management plan should be required as part of an outline plan process that addresses how noise effects will be addressed during the construction phase.

The main concern regarding noise is on the radio station at Community House which has been raised in consultation and in their submission. The ORC has stated that it will work directly with Community House to mitigate this matter. I consider that a condition should be applied to the designation to require the Requiring Authority to prepare a noise mitigation plan for the sensitive activities within Community House as part of the outline plan process.

6.3.3 Health and Safety Effects

Pedestrian safety aspects have been addressed through the upgrading to the intersections and inclusion of a mid-block pedestrian crossing.

6.3.4 Odour and Other Emissions

I see in some of the consultation notes that there was concern regarding exhaust fumes from buses. The ORC noted in its consultation letters that buses will be through-routed; they will drop-off and pick up passengers in the hub before continuing on their journey, which will minimise vehicle time spent at stands. The ORC would have some control over how long the buses would stand for. I also note that the ORC has some control over the emissions from the buses, as this can be specified in any tendering requirements, and that it is in the process of transitioning the bus fleet to modern vehicles with fewer emissions.

In the consultation notes, Community House raised a particular concern over their air intakes that fronted Great King Street, and will have an assessment of the work required to modify the intakes which would mitigate their concerns. Subject to a peer review confirming the works as required ORC states that it will arrange for the work to be undertaken, prior to the Hub becoming operational. I consider that a condition should be applied to the designation to require the Requiring Authority to prepare a plan for modifying the air intakes for Community House as part of the outline plan process.

6.3.5 Effects on Amenity Values and Visual Effects

The NOR refers to the changes in amenity values and positive visual effects. These changes and positive effects include: improvements through well designed and maintained structures and landscaping; ensuring the development will not detract from the heritage buildings; signage being only for directional, instructional or road signage; regular maintenance and cleaning of the hub; increased pedestrian activity; increased safety through use of CCTV and enhanced street lighting. The NOR states

that increased noise from buses may be considered to reduce amenity, although they note that the fleet is being modernised.

The memorandum attached to this report from the DCC's Team Leader – Urban Design Crystal Filep addresses amenity and visual effects, and I will use her subtitles for the following discussion.

Heritage-related matters

Ms Filep sees the bus hub as an integral part of the Central City context which includes Townscape and Heritage Precincts, and therefore its design needs to be carefully considered. The details of the design can be considered when they are finalised through the Outline Plan process, and Ms Filep notes that this should include design of structures, paving/surface treatment, lighting and signage/wayfinding. I agree and these matters can be identified as being required in any Outline Plan. (Note the general requirements of an outline plan are shown in Appendix 2).

Regarding the heritage protection of Community House, Ms Filep considers that there should be separation between any new structures and the heritage building. She also notes that although Heritage New Zealand Pouhere Taonga and DCC's Policy Planner (Heritage) Dan Windwood have suggested facing the bus shelter inwards towards Community House, she is concerned about the safety and security of bus users. Both Ms Filep and Mr Windwood would support the other option which would be a full canopy along the footpath, provided it is a light, minimalist glazed design. This matter can be addressed through final designs.

Suitability of central city location

In terms of the location, Ms Filep generally agrees with Public Health South as to the suitability of the site for a bus hub. I agree that the site is suitable for a bus hub for the reasons given. As mentioned above, I consider it would be difficult to provide a bus hub within George Street or the Octagon.

Traffic congestion

Ms Filep notes a particular concern about traffic congestion around the Police Station and supports the suggested conditions by Ngai Tahu Justice Holdings Ltd. I agree that access and egress from the Police Station is important, however, I consider the suggested conditions regarding visibility for vehicles entering or leaving the site should apply to all sites within the hub, and that the wording of the condition can be more generalised, as shown in the recommended conditions later in this report.

Regarding the concerns raised by NZ Police about pedestrian congestion around their site access, I consider this can be addressed by clearly demarcating the accesses using surface treatment so that waiting bus patron are fully aware where the site access is. However I note that an emergency vehicle would quickly clear any congestion if it was using its lights and/or siren. Regarding the request by NZ Police to investigate a new traffic system on Cumberland Street this is something that would require discussion with the NZ Transport Agency, rather than the ORC.

Safety and security

The suggested condition by Ngai Tahu Justice Holdings Ltd regarding installation of CCTV is supported by Ms Filep. I agree this would improve passenger safety and the NOR refers to providing this.

Ms Filep refers to the desire lines of pedestrians, in particular the desire line noted by the Bus Users Support Group through the car park of Community House. Ms Filep is also concerned about creating unsafe spaces if closing off the southern end of the Community House carpark.

I can understand why the ORC wish to close off the existing "unofficial access through the Community House carpark" as this would direct pedestrians to the intersection of Great King Street and Moray place where there will be a signalised pedestrian crossing. While I agree that a more direct desire line would be better, in reality a formal access through the site would most probably need to follow the internal edge of Community House (with the possible loss of some trees) which would reduce the trip by only 44m compared with walking around the building and could encourage pedestrians to cross the street mid-way between dedicated pedestrian crossings.

I do note that in consultation with Farmers some consideration was given to accessing Bracket Lane through the Wilson's carpark, which would give direct access to George Street. I consider this could create an interesting feature, particularly as the side of the Farmer's building facing Bracket Lane was retained to show some heritage features. However, Bracket Lane is privately owned. In terms of desire lines, I consider there will be some use of the Farmers building for internal access to George Street mid-block, particularly on rainy days.

Ms Filep has also asked whether the mid-block pedestrian crossing could be better aligned with the entrance to the Police Station. This appears to require an approximate 5m movement to the south, and the ORC may wish to comment on this.

Accessibility and usability

Ms Filep refers to the need for adequate provision of mobility parks near the bus hub and the ORC should comment on this aspect.

She also notes the desirability of providing continuous shelter along both sides of the hub. I agree a continuous shelter would improve the usability of the hub and the ORC has referred to considering this aspect and will need to provide an update at the hearing.

I agree that continuous shelter through to George Street does need to be explored to make the arrival into the hub more attractive, although as noted above, I suspect the Farmer's building will be used by some. Although bus users have to be prepared for wet weather at both ends of their journey, a continuous shelter from the bus hub to the central city would improve the experience. This is a matter for both the ORC and DCC to explore.

Wayfinding and signage

Wayfinding and signage will be important to the usability of the bus hub, and the ORC has referred to interactive signage. This is becoming an expected requirement for any modern bus shelter and the ORC may wish to clarify what it is proposing. Ms Filep is concerned about the possibility of commercial signage, however, the NOR has referred to signage being limited to "directional, instructional or road signage". I consider that commercial signage is not a necessary requirement for a designation. On that basis, I consider that the condition proposed by the ORC regarding signage should be amended to clearly state that commercial advertising signs or hoarding will be excluded and that digital information screens should not be exempt from the condition.

Amenity and provision of facilities

Ms Filep concludes that the ORC has incorporated many elements into the design, however, there are more details that she would like to be involved with. I consider that the Outline Plan process will ensure the ability to provide further input, although I expect the ORC to be consulting with the DCC prior to finalising any design and submitting an outline plan, given that the bus hub will be such an integral part of the roading network and the urban design of the central city.

Regarding the suggestion by Public Health South that there should be scope to provide further facilities such as travel card purchases and top-ups, I agree that there should be sufficient flexibility in the description of the designation and conditions so that these facilities can be provided for.

6.3.6 Evaluation of Cultural Effects

The NOR addresses cultural effects and has recommended a condition regarding unidentified archaeological sites. The ORC also states that it will consult with Kai Tahu Ki Otago (KTKO) on landscaping plants and incorporating a Maori design or narrative into the structures.

6.3.7 Contaminated Land

A designation provides for activities that may contravene a rule in a district plan. However, the designation does not override the Resource Management (National

Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES"), and any earthworks would need to be assessed against the NES.

7. SITE SELECTION/ALTERNATIVE ROUTES AND METHODS (ANNEXURE 5)

7.1 Consideration of Alternative Sites

The NOR outlines the alternative sites considered. I consider that adequate consideration has been given to alternative sites. I note that the alternative sites are all on road reserve. A number of submissions have requested that the hub be a warm building. While I agree that a purpose-built building would be ideal, I am not aware of any building or site that would provide for a bus hub on flat land within close proximity to the Octagon.

7.2 Consideration of Alternative Methods

The NOR considers the options of the status quo or an off-street bus hub.

Another method would be to consider applying for consent for the bus hub. Under the ODP many of the activities are permitted activities. It would be possible to apply for a certificate of compliance for those activities that are permitted, and therefore consents for the toilet and bike stand within the Townscape Precinct could be addressed separately. Regarding the "Verandah Required" frontages, this could be met if a full canopy is determined to be the preferred option.

However, I can understand why the designation is being pursued. It will give the ORC greater certainty regarding the district plan requirements prior to committing to a significant investment.

One matter that has not been addressed is the relationship between the RMA and the Local Government Act 1974 (LGA 1974).

The designation states: "With the exception of no public parking, the designation will not prevent the use of Great King Street, between Moray Place and St Andrew Street, being used as a public road." (Section 2 of NOR, 1st para, pg2) and "It does not own the road reserve or private land subject to this Notice of Requirement. However, it will manage the road reserve proposed to be designated, and will enter into agreements with the land owners of the small parcels of land in private ownership adjoining the road reserve to occupy the land." (Section 5 of NOR, 2 para, pg 3).

It is not clear to what extent the RMA provisions can be used by the ORC to manage a public road, and how the RMA and LGA operate in terms of managing public roads. Of interest is whether the proposed Designation can override LGA requirements. I would assume not. For example, in Part 21 of the LGA 1974, in which reference to "council" means the territorial authority (s315 LGA 1974), s339 sets out a consultation process with adjoining occupiers/owners for the erection of bus shelters on road reserve.

Ultimately I note that this concern may be academic, as the designation will be reliant on the DCC undertaking work outside of the Designation boundary, i.e. the intersections at each end and the other intersections that will need upgrading and so if there were any legal issues over the management of the road reserve within the Designated Bus Hub, the DCC can provide the legal means for controlling the road reserve.

8. REASONS WHY DESIGNATION IS NEEDED (ANNEXURE 6)

8.1 Objectives of the Requiring Authority

The ORC has shown that the bus hub will meet its objectives. There is reference from the Otago Regional Land Transport Strategy 2011-2041 to an expected delivery mechanism "invest in two bus hubs in Dunedin, within the campus area and near the Exchange as long-lasting public transport infrastructure needed for resilience. Maintain a watching brief on alternative public transport vehicle technologies". It is noted that

this delivery mechanism was amended in the Otago Southland Regional Land Transport Plan 2015-2021 to refer to a "Central City bus hub".

9. CONSULTATION (ANNEXURE 7)

The ORC has outlined its consultation process which appears extensive. While I understand that some submitters may not be satisfied with the level of consultation, there will always be questions of whether enough, or the correct type, has been undertaken. I also note that there is no requirement to undertake consultation in terms of the RMA for a designation.

Some submitters have also requested that the DCC be more involved in the process. I understand that there has been ongoing consultation with the DCC and given that the Designation will rely on changes to intersections outside of the bus hub, and that there may be legal requirements under the LGA 1974 that may need to be addressed by the DCC, I consider there will be sufficient opportunity for the DCC to be involved. I also consider that there will need to be an outline plan application in order to finalise plans and the DCC will be involved in processing that.

10. RECOMMENDATION

That, pursuant to section 168A of the Resource Management Act 1991, the Consent Authority **confirm** the notice of requirement DIS-20017-1 with the following conditions (the following uses the conditions proposed by the ORC as a basis, and uses underline for new wording and ~~striketrough~~ for deleted wording):

- 1) Activities associated with the Bus Hub shall be carried out to achieve the following:
 - a) Noise during construction activities shall comply with the requirements of NZS 6803:1999 "Acoustics – Construction Noise". Note that the requirement for a Construction Management Plan in condition 8 below will address how this is to be achieved.
 - b) Noise generated by activities being undertaken in accordance with the designation shall comply with the applicable limits for the underlying zone at the time the Notice of Requirement is lodged, or the applicable Second Generation District Plan for Dunedin rules if these are more lenient, except that vehicles operating within the designated site (including buses) are exempt from these requirements and shall comply with the Land Transport (Road Users) Rule 2004, clause 7.4.
- 2) If an unidentified archaeological site is located during works, then the find shall be managed in accordance with the conditions of the relevant archaeological authority as granted by Heritage New Zealand Pouhere Taonga. Alternatively, if the works did not require archaeological authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 then:
 - a) Work shall cease immediately at that place and within 20m around the site.
 - b) The contractor must shut down all machinery, secure the area, and advise the requiring authority.
 - c) The requiring authority shall secure the site and notify the Heritage New Zealand Pouhere Taonga Regional Archaeologist.
 - d) If the site is of Maori origin, the requiring authority shall notify the Heritage New Zealand Pouhere Taonga Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act, Protected Objects Act).
 - e) If human remains (koiwi tangata) are uncovered the requiring authority shall advise the Heritage New Zealand Pouhere Taonga Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not

to be moved until such time as iwi and Heritage New Zealand have responded.

- f) Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue.
- g) Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
- h) Heritage New Zealand Pouhere Taonga will determine if an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 is required for works to continue.
- i) The requiring authority will carry out any archaeological assessment required by Heritage New Zealand Pouhere Taonga.

Note: It is an offence under S87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or a consent has been issued under the Resource Management Act.

~~Heritage New Zealand Regional archaeologist contact details:-
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Regional Archaeologist Otago/Southland
Heritage New Zealand
PO Box 5467
Dunedin
Ph: +64 3 470 2364, mobile 027 240 8715
Fax: +64 3 4773893
mschmidt@heritage.org.nz~~

- 3) Signage is limited to information associated with the Bus Hub, Dunedin Public Transport Network, and associated facilities, including the coffee kiosks. There shall be no commercial advertising signs or hoardings. Digital information screens do not comprise signage for the purpose of this condition.
- 4) A maximum of two coffee kiosks may be located, operated under contract to the Otago Regional Council and maintained within the designation site.
- 5) Where any new structures are to be located adjacent to any heritage item as scheduled in the District Plan, the structure shall be sited, designed and finished so as to be sympathetic to the heritage values of the Heritage item. Although the preference is for structures to not be located in front of the heritage item, if there are operational requirements, then the structure should be separated from the building to allow maintenance of the heritage item. For structures to be located beside a heritage item, the structure should be separated and recessed from the street frontage of the heritage item.
- 6) As part of any outline plan, the requiring authority shall provide a finalised assessment and plan of the work required on the roading network outside the designated area necessary to address any effects on the transportation network as a result of changes to bus routes to incorporate buses passing through the hub. The finalised assessment and plan shall be approved by the Dunedin City Council (General Manager, Transport) and the work shall be undertaken prior to the bus hub becoming operational.
- 7) As part of any outline plan, the Requiring Authority shall prepare a noise mitigation plan to address the mitigation of noise on the noise sensitive activities within Community House, and shall prepare a plan for modifying the air intakes for Community House.
- 8) As part of any outline plan, a construction management plan shall be submitted to deal with any adverse effects, including noise that may occur during the construction phase. That plan shall include, as a minimum, the following:
 - a) Mitigation measures to reduce adverse effects on traffic management in relation to any nearby intersections or roads;

- b) Mitigation measures to reduce adverse effects on adjoining properties, including, dust, noise and safety of people visiting the site.
- 9) The bus hub shall include CCTV or similar that provides coverage of all of the bus hub area.
- 10) All landscaping and structures shall be designed and maintained so that they do not restrict the visibility of vehicles entering or exiting any of the accessways within the bus hub area.
- 11) In addition to those matter included in s176A of the RMA, the Outline Plan shall include details on the design of all structures, paving/surface treatment, lighting and signage/wayfinding.

11. REASONS FOR RECOMMENDATION

It is my opinion that the designation for *DIS-2017-1* should be confirmed for the following reasons:

- a. The designation is necessary as part of the improvements to the public transport network in Dunedin.
- b. The environmental effects of the proposed designation will generally be positive.
- c. The proposed designation is consistent with relevant provisions in applicable policy statements and plans.
- d. The proposed designation is consistent with all relevant matters set out in Part 2 of the Act and promotes the sustainable management of natural and physical resources.

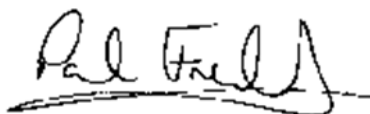
Report prepared by:



Robert Buxton
CONSULTANT PLANNER

2 October 2017
Date

Report checked by:



Paul Freeland
SENIOR PLANNER (POLICY)

2 October 2017
Date

Public notice of requirement for a designation

Sections 168 and 169 of the Resource Management Act 1991

The Dunedin City Council has received notice of a requirement for a new designation from the Otago Regional Council.

Notice of Requirement No: DIS-2017-1

The requirement is for: A Central City Bus Hub for Dunedin's transport network, and includes all buildings, structures and associated facilities and activities for the carrying out of the public transport system by the Otago Regional Council. With the exception of no public parking, the designation will not prevent the use of Great King Street, between Moray Place and St Andrew Street, being used as a public road.

The designation is to provide for the establishment, operation, maintenance and upgrading of the Central City Bus Hub for Dunedin public transport service purposes and will provide public transport services described in the Otago Regional Council's Public Transport Plan, and to provide for any site works, buildings or structures, integral and ancillary to the Dunedin public transport system, including but not limited to: Bus shelters and seating; timetable and information displays; bus stops; public amenities, including toilets; landscaping including structures; pedestrian footpaths and accessways; drainage; technology; lighting; security; vehicle priority; signage; passenger comfort initiatives and facilities; passenger information facilities; and all other structures and facilities associated with, or incidental to, a comprehensive facility for the performances of functions of the Central City Bus Hub and support of the Dunedin Public Transport Network for the Otago Regional Council.

The nature of the functions is that these activities will initially occur from approximately 05:30am to 12:30am, 7 days a week, year-round.

The sites to which the requirement applies are as follows:

- Great King Street Road Reserve, between Moray Place and St Andrew Street, Dunedin;
- Moray Place Road Reserve (part of);
- 12.4m² (approx.) within 157 St Andrew Street, legally described as Lot 1 DP 486801;
- Two areas within the Countdown car park adjoining Great King Street – one comprising 58.8m² and the second comprising 50.4m² (approx.) legally described as Lots 2 and 3, DP 6552 and Section 29, Town of Dunedin.

- 19.5m² (approx.) within the Countdown car park adjoining Moray Place, legally described as part Sections 27 and 28, Block XVI, Town Survey District;
- 63m² (approx.) within the Community House car park at 301 Moray Place, legally described as part Town Section 26, Block XVI, Town of Dunedin; and
- 60.8m² (approx.) within the Wilsons car park at 30-36 Great King Street, legally described as Lot 2 DP 338932.

The Notice of Requirement, plans showing the extent of the requirement, and the assessment of environmental effects may be inspected at the following locations:

- City Planning Enquiries, Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon, Dunedin
- The Dunedin Central Public Library
- The Mosgiel Service Centre
- Online

Please contact Paul Freeland on 477 4000 if you have any questions about the Notice of Requirement.

Any person may make a submission on the notice of requirement, but a person who is a trade competitor of the requiring authority may do so only if that person is directly affected by an effect of the activity to which the requirement relates that -

- a. adversely affects the environment; and
- b. does not relate to trade competition or the effects of trade competition.

Sue Bidrose

Chief Executive Date: 22 July 2017

Appendix 2 Section 176A of the RMA – Outline Plans

176A Outline plan

- (1) Subject to subsection (2), an outline plan of the public work, project, or work to be constructed on designated land must be submitted by the requiring authority to the territorial authority to allow the territorial authority to request changes before construction is commenced.
- (2) An outline plan need not be submitted to the territorial authority if—
 - (a) the proposed public work, project, or work has been otherwise approved under this Act; or
 - (b) the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation; or
 - (c) the territorial authority waives the requirement for an outline plan.
- (3) An outline plan must show—
 - (a) the height, shape, and bulk of the public work, project, or work; and
 - (b) the location on the site of the public work, project, or work; and
 - (c) the likely finished contour of the site; and
 - (d) the vehicular access, circulation, and the provision for parking; and
 - (e) the landscaping proposed; and
 - (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
- (4) Within 20 working days after receiving the outline plan, the territorial authority may request the requiring authority to make changes to the outline plan.
- (5) If the requiring authority decides not to make the changes requested under subsection (4), the territorial authority may, within 15 working days after being notified of the requiring authority's decision, appeal against the decision to the Environment Court.
- (6) In determining any such appeal, the Environment Court must consider whether the changes requested by the territorial authority will give effect to the purpose of this Act.
- (7) This section applies, with all necessary modifications, to public works, projects, or works to be constructed on designated land by a territorial authority.