

BEFORE THE DUNEDIN CITY COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND

IN THE MATTER OF A Notice of Requirement by the Otago Regional Council
for a designation pursuant to section 168 of the Resource
Management Act 1991 in relation to a Central City Bus
Hub (DCC Notice of Requirement: DIS-2017-1)

STATEMENT OF EVIDENCE BY MEGAN JUSTICE

9 OCTOBER 2017

1. INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Megan Justice. I hold a Masters degree in Regional and Resource Planning from Otago University, obtained in 1999 and I am a full member of the New Zealand Planning Institute. I am a senior Environmental Consultant with the firm Mitchell Daysh Limited, which practises as a planning and environmental consultancy throughout New Zealand.
- 1.2 I have been engaged in the field of town and country planning and resource and environmental management for fifteen years. My experience includes a mix of local authority, Government and consultancy resource management work. In recent years, this experience has retained a particular emphasis on providing consultancy advice with respect to Regional and District Plans, designations, resource consents, environmental management and environmental effects assessments. This includes extensive experience with large-scale projects involving inputs from a multidisciplinary team.
- 1.3 An outline of projects in which I have been called upon to provide resource management advice in recent times is included as **Appendix A**.
- 1.4 I confirm my obligations in terms of the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I re-confirm that the issues addressed in this brief of evidence are within my area of expertise. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.5 The Otago Regional Council is a requiring authority with the power to issue notices of requirement for designations.¹ I have been commissioned by the Otago Regional Council to provide resource management planning advice with respect to the proposal to designate

¹ Section 166 Resource Management Act 1991

land to enable that Council to establish, build and operate a central city Bus Hub that is the subject of this hearing.

- 1.6 Mitchell Daysh Ltd was responsible for assisting the Otago Regional Council with the compiling (along with input from the Regional Council, the specialist consultants, and the Regional Council's legal advisors) of the notice of requirement and associated annexures for this designation. The notice itself was signed and issued by the Otago Regional Council.

Scope of Evidence

- 1.7 Within this evidence I address the following matters:

- Scope of evidence;
- Matters to be considered;
- Description of the site;
- Description of the works;
- Environmental Effects;
- Assessment of Alternatives;
- Relevant Policy Statements and Plans;
- Part 2 Resource Management Act; and
- Conclusion.

- 1.8 I note that a number of other witnesses have already presented specific evidence on some of the aforementioned matters. In particular, Mr Collings has provided details about the statutory functions of the Regional Council, the proposed Bus Hub, its purpose and the need for it. Other witnesses have also described the functionality of the Bus Hub, its concept design and operational features, and the transportation-related effects anticipated to result from the Bus Hub. I draw from that evidence where relevant to assist my analysis from a planning perspective.

2. MATTERS TO BE CONSIDERED FOR NOTICE OF REQUIREMENT

- 2.1 When considering a requirement for a designation, the territorial authority shall have regard to the matters set out in the notice of requirement, all submissions and also have particular regard to specific matters in section 171 of the Resource Management Act 1991 ("RMA" or "the Act"). This

consideration is subject to the purpose and principles of the Act set out in Part 2 of the RMA.

2.2 Section 171 of the RMA states that the territorial authority shall have regard the following (summarised):

- All relevant policy statements and plans.
- Whether the work and designation is reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.
- Whether there has been adequate consideration of alternative sites, routes or methods of undertaking the works.

2.3 Under section 168 of the Act the notice of requirement is to include the following (summarised):

- Physical and legal site description.
- Nature of the proposed work.
- Nature of proposed conditions.
- Environmental effects of the proposed work and the mitigation measures.
- Consideration of alternatives.
- The reason why the designation is needed.
- Consultation undertaken.
- Any additional information required by the relevant Regional and District Plans.

2.4 The matters raised above have been addressed in the notice of requirement for the Bus Hub. It is the territorial authority's role to recommend to the Regional Council that the requirement be confirmed, withdrawn or confirmed with modifications and subject to conditions. The Regional Council is empowered to then determine whether or not to accept the territorial authority's recommendation.

3. DESCRIPTION OF THE SITE

- 3.1 A description of the Bus Hub is provided in the Notice of Requirement, and in the evidence of the technical experts on behalf of the Regional Council, and in Mr Collings' evidence. I will not repeat that description here. However, I will discuss the site for the Bus Hub and its surrounding environment to enable the assessment of the Bus Hub activity in terms of environmental effects and against the objectives and policies of the relevant planning documents.
- 3.2 The site for the proposed Bus Hub comprises the Great King Street road reserve, within the block bound by Moray Place and St Andrew Street, and a small part of Moray Place road reserve. The site is predominantly land that is vested as 'road reserve' and is owned and managed by the Dunedin City Council as road. Small parcels of privately owned land are also part of the notice of requirement.
- 3.3 The site and surrounding area is typical of the central Dunedin business area, set a block back from Dunedin's primary retail and pedestrian Street, George Street. Landuses include retail, hospitality, a supermarket, education activity, community uses within Community House, and the central Dunedin Police Station.
- 3.4 Land adjacent to the site is also partly contained within the Townscape Precinct TH09 (George Street Commercial Heritage Precinct) in the Dunedin City Operative District Plan. Two protected heritage buildings are located at opposite ends of the Great King Street site:
- B545: 93 St Andrew Street, Building Façade above verandah, which is the building occupied by Refined Rig at ground level; and
 - B411: Stephen Inks Building Facade, 301 Moray Place – which is Community House.

4. DESCRIPTION OF WORKS

- 4.1 The proposed Bus Hub will require changes to the road at the proposed designation site, and modifications to the intersections at either end of

the designation, to ensure that the buses can safely enter and exit the Bus Hub and to enhance pedestrian safety and vehicle management. Mr Lightowler describes these changes in his evidence.

- 4.2 The on-street parking within the designation site will be replaced with 11 bus bays and two loading bays. Thirty-eight on-street parks will be removed within the designation site. Beyond the designation site, changes to intersections in order to improve the intersections for the new bus routes, and the removal of unnecessary bus bays will result in possible gains and losses of on-street car parks. As Mr Carr calculates, for the Bus Hub and the wider area there will be a net gain of kerb space available.²
- 4.3 Mr Lightowler's evidence describes facilities proposed to provide for pedestrian safety within the Bus Hub site, which include a new centrally located pedestrian crossing, improved pedestrian crossing areas at the Moray Place intersection with Great King Street, and surface treatments to indicate pedestrian crossing locations. Mr Lightowler also describes the proposed changes to the intersections and road within the designation site.
- 4.4 The Preliminary Design Plans that were included with the Notice of Requirement depict the street graphics and structures proposed, including the indicative design for the shelters, seating, display panels and the colour and materials palette for the structures. Landscaping is also proposed at the Bus Hub, as depicted in the preliminary design concept and the evidence of Ms Cambridge. Ms Cambridge describes refinements to the street graphics proposed as a result of product availability and concerns about the use of the area by those visually impaired.
- 4.5 A full description of the Bus Hub activity is provided in the Notice of Requirement and in the evidence of Mr Collings, and I do not intend to repeat this here. However, I do consider it necessary to set out the

² The Dunedin City Council will decide how the kerb-side space made available by the removal and shortening of bus stops is to be used.

revised design for the Bus Hub which Ms Cambridge has presented in her evidence. I am aware that the requiring authority is currently investigating this design for the Bus Hub. I take this revised design into account later in my evidence where I discuss the submission points which raise concerns about environmental effects.

- 4.6 The Notice of Requirement included a preliminary design plan for the Bus Hub (Appendix C of the Notice of Requirement), and also discussed a design that would provide greater canopy coverage. The design providing greater canopy coverage involves the bus shelters adjacent to bays 1-3 and bays 8, 9 and 10 being replaced with single canopy structures – referred herein as the ‘full canopy design’. As set out in the evidence of Mr Collings and Ms Cambridge, the requiring authority has been investigating this full canopy design for the Bus Hub, as a result of comments received from the community. The requiring authority is investigating this option as it should better protect bus patrons from the weather by providing additional shelter than individual bus shelters of the preliminary design plan.
- 4.7 The full canopy design option would also address the concerns of many submitters who sought better weather protection, akin to that currently provided under the verandas along George and Princes Streets.

Need for Designation – S171 RMA

- 4.8 The Otago Regional Council as requiring authority has identified that this designation is reasonably necessary in order to achieve its objectives. In his submission, Mr Smith has questioned the designation as the planning method for providing for the Bus Hub. I consider it helpful to set out why, in my opinion, the designation is reasonably necessary.
- 4.9 As described in the Notice of Requirement, and as you will hear from Mr Collings, the proposed Bus Hub will assist the requiring authority in achieving its objectives as the authority responsible for managing Public Transport for the Otago region. To manage Public Transport in the Otago region, the Otago Regional Council prepares and implements the following documents:

- Otago Regional Land Transport Strategy 2011;
- Otago Southland Regional Land Transport Plans 2015-2021; and
- Regional Public Transport Plan 2014.

4.10 Of note, the Regional Public Transport Plan 2014 sets out the framework for a new public transport service in Dunedin. This new service is to provide a structure whereby new bus routes are centralised at the central city Bus Hub.³ A fulsome description of the requiring authority's objectives to deliver a centrally located, modern, efficiently managed, user-friendly Bus Hub in central Dunedin is provided in the Notice of Requirement. In the Notice of Requirement, the proposed Bus Hub is identified as a being key component to the success of the changes being made to the public transport service to achieve the objectives of the Regional Public Transport Plan.

4.11 In my view, a designation is an appropriate mechanism to provide for the Bus Hub, which is required to achieve the Otago Regional Council's objectives for public transport in Dunedin. A designation will ensure that the Bus Hub can be managed efficiently and effectively by the requiring authority. A designation is an effective and legitimate planning method to ensure that the Otago Regional Council can provide the works and services at the proposed site in a timely manner, whilst appropriately managing effects on the environment. A resource consent could also be sought for the proposal. However, a resource consent does not alert the community to the use of the site in the way a designation shown in the District Plan map does. It would also not provide the most efficient method of managing any future works at the site, as future works may require separate resource consents. For instance, the designation provides planning authority for the Bus Hub and allows it to be developed to meet current and future needs.

³ Refer Section 5 of the Regional Public Transport Plan 2014.

5. ENVIRONMENTAL EFFECTS

- 5.1 In this section of my evidence I consider the submission points which have raised concerns about the potential environmental effects of the Bus Hub. I am aware that the Notice of Requirement included an assessment of environmental effects, and I concur with this assessment. I do not intend to repeat this in my evidence, except where submitters and the Council's recommending officer have raised concerns in relation to the environmental effects of the Bus Hub.
- 5.2 I also note that some submitters' concerns have been addressed by other experts for the Otago Regional Council where these submissions raise concerns within their fields of expertise.
- 5.3 Following public notification of the Notice of Requirement, 22 submissions supporting, neutral or opposing the proposal were received by the Dunedin City Council. The Dunedin City Council's public notification process involved sending the Notice of Requirement to 32 parties, including all immediately adjacent landowners and occupiers. Of the immediately adjacent landowners and occupiers whom the requiring authority has been consulting with, three made submissions on the Notice of Requirement.
- 5.4 The submissions on the proposal can be summarised into the following broad categories:
- Submissions in support of the proposal, but which seek design changes – the most predominant request was for improved weather protection;
 - Submissions supporting the Bus Hub as it is considered an improvement to Dunedin's public transport service;
 - Submissions opposing the design elements of the proposal, including submissions that claim the design is not in keeping with Dunedin's heritage character, and has potential adverse impacts on protected heritage buildings;
 - Submissions raising concerns about potential transportation effects;

- Submitters raising concerns about the location, and suggesting alternative locations for the Bus Hub;
- Submitters who are concerned that the closest bus stop to the library will be further away than the current bus stops;
- Submissions from (three) neighbours to the site seeking additional certainty from the requiring authority in relation to specific undertakings made by the requiring authority in pre-lodgment consultation.

5.5 I note that several submitters expressed support for the establishment of the Bus Hub, including submissions from Public Health South, the University of Otago and Generation Zero. The main reason submitters support the Bus Hub is due to the improvement it is expected to make to the public transport service in Dunedin.

5.6 Following the close of the submission period, the requiring authority has sought to resolve the concerns of many of the submitters. Where this has occurred, I have set out the agreed outcomes below. Further, some submissions raised concerns about bus fares and bus frequency. These matters are not effects of the proposed designation and are, in my opinion, not relevant considerations for this hearing.

EFFECTS ON HERITAGE VALUES

5.7 The submission from Heritage New Zealand Pouhere Taonga (Heritage New Zealand) sought changes to the location of bus bay 1, which is located immediately adjacent to Community House, the façade of which is a protected heritage feature. Further, Heritage New Zealand suggested a condition be included on the designation to ensure that the two protected heritage features immediately adjacent to the designation site are appropriately managed.

5.8 The full canopy shelter design for the Bus Hub does not have a bus shelter in front of Community House. I understand Heritage New Zealand are satisfied with this design option, should it proceed.

- 5.9 In terms of future changes to the Bus Hub that may impact upon the two heritage features, any structures within the Bus Hub will be subject to the Outline Plan process, which requires the requiring authority to demonstrate how the effects of proposed works on the environment are avoided, remedied or mitigated. Potential effects on protected heritage features can be managed via this process. However, the requiring authority supports a condition being imposed on the designation that ensures Heritage New Zealand is consulted where works are proposed immediately adjacent to protected heritage features. This condition is set out below:

Heritage New Zealand Pouhere Taonga shall be consulted prior to any Outline Plan being submitted under section 176A of the RMA for proposed works immediately adjacent to any protected heritage façade identified in the District Plan.

- 5.10 Heritage New Zealand also sought additional wording to condition 2, which relates to the process to be followed in the event of an accidental archaeological discovery. I set out below the suggested wording for this condition:

If an unidentified archaeological site is located during works, if an archaeological authority is required for the works, the find shall be managed in accordance with the conditions of the relevant archaeological authority granted by Heritage New Zealand Pouhere Taonga. Alternatively, if the works did not require an archaeological authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014, then: ...

- 5.11 I note that the wording of the condition above differs slightly from that contained in Heritage New Zealand's submission and subsequently included in Mr Buxton's report at page 14. The wording suggested above makes it clear that not all works will require an archaeological authority. H
- 5.12 Mr Buxton has suggested a condition (condition 5 in his report) that requires structures to be sited, designed and finished so as to be sympathetic to the heritage values of the Heritage item, and for structures to be separate and recessed from the street frontage of the

heritage item. I agree that the potential for adverse effects on heritage items needs to be carefully managed. I consider this condition to be appropriate for managing potential effects on historic heritage, with some minor changes to the wording:

Where any new structures are to be located adjacent to any heritage item 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, taking into account the operational requirements of the bus hub. Although the preference is for structures to not be located in the road reserve in front of the heritage items, if there are operational requirements, then the structures should be ~~separated from~~ designed to allow maintenance of the heritage item. For structures to be located beside a heritage item, the structures should ~~be separated and recessed from the street frontage~~ be designed and/or sited to enable maintenance of the heritage item.

- 5.13 I have provided Heritage New Zealand with these three conditions for their comment. I understand that Mr Collings will provide an update on Heritage New Zealand's views on these conditions in his evidence.

EFFECTS ON THE TRANSPORTATION NETWORK

Vehicle Accesses

- 5.14 The submission by Ngai Tahu Justice Holdings Limited raised concerns about effects on the functioning of the police station vehicle crossing place onto Great King Street, and security. It also wished to ensure that future works as part of the designated activity will not impact upon the police station. This submission suggested conditions that would address these concerns. I have assisted in preparing the conditions which have been agreed in principal by both parties, and are set out below:

Only landscaping, buildings and structures up to a height of 700mm within the designation area shall be located within the red shaded area shown in figure XX to ensure sight distances for drivers of vehicles entering or exiting the Police Station are provided. This condition shall not

apply to a pole required to demarcate the pedestrian crossing or a pole for a light within with red shaded area.

New Zealand Police shall be provided access to the CCTV data of CCTV installed to monitor the designated area.

Ngai Tahu Justice Holdings Limited (or any subsequent legal entity), as the land owner of Sec 41 and Sec 42 Town of Dunedin, shall be consulted prior to any Outline Plan being submitted under section 176A of the RMA for proposed works immediately adjacent to the Police Station site.

- 5.15 A full set of conditions, updated in response to submissions and Mr Buxton's report, is included in **Appendix B** of my evidence. The figure referred to above is also attached to my evidence in **Appendix B**.
- 5.16 In my view, these conditions will address the concerns raised by Ngai Tahu Justice Holdings Ltd by ensuring potential effects on the crossing place are appropriately managed, and ensure that Ngai Tahu Justice Holdings Ltd is consulted about any future changes to the Bus Hub that may affect the police station.
- 5.17 I note that Mr Buxton has set out recommended conditions in his report. Mr Buxton's condition 9 requires the Bus Hub to include CCTV (or similar) that provides coverage of all of the bus hub area. In my view, this condition is overly onerous and is difficult if not impossible to achieve. Providing CCTV coverage of the entire bus hub would be problematic and would likely require several cameras recording at different angles all of the time. I also note that Ngai Tahu Justice Ltd sought for the Police to have access to the CCTV footage. The condition I have set out above specifically addresses the request of New Zealand Police and in my view providing the New Zealand Police with access to the security footage is appropriate.
- 5.18 I understand that Mr Buxton's proposed condition 10 is suggested to address the concerns of Ngai Tahu Justice Holdings Ltd's concerns about the functionality of the Police Station's vehicle crossing place onto Great King Street. Again, the condition I have set out above specifically addresses the potential effects of the Bus Hub on this crossing place.

This being the case, I do not consider Mr Buxton's condition 10 to be necessary.

- 5.19 Mr Buxton has queried whether the proposed changes to the access arrangements for the property owned by Pan Shen Holdings will result in the resource consent conditions for this site not being achieved. I reviewed the resource consent for the Victoria Hotel⁴. Consent condition 1⁵ states "*the proposal shall be constructed generally in accordance with the plans and relevant details submitted with the resource consent application received by Council on 4 May 2015.*" A bus shelter is proposed as part of the Bus Hub that will encroach car park number 22 on the site layout plan approved plan for this hotel. The requiring authority has advised that it will not build anything that would result in a breach of this condition and will continue to work with the landowner to manage this situation.

Congestion in the Bus Hub

- 5.20 The submission by New Zealand Police identified concerns about possible congestion arising from buses, pedestrians and emergency vehicles in the vicinity of the police station vehicle crossing onto Great King Street. As I have previously discussed, the submission by Ngai Tahu Justice Holdings Ltd also sought to ensure that this crossing remains functional. Further, Mr Lightowler⁶ has discussed the kerb build-up design mechanisms proposed to ensure appropriate visibility at this access.
- 5.21 The New Zealand Police also sought that signals be installed at the police station's Cumberland Street crossing place, in order to ensure clear access from the police station. I understand that this would be similar to what the Dunedin City Fire Station has for the intersection of Castle Street and St Andrew Street. As Cumberland Street is managed by the New Zealand Transport Agency, the requiring authority has advised the

⁴ LUC-2015-196.

⁵ Condition 1 states: *The proposal shall be constructed generally in accordance with the plans and relevant details submitted with the resource consent application received by Council on 4 May 2015, except where modified by the following conditions.*

⁶ Refer paragraph 5.23 of Mr Lightowler's evidence.

submitter that it is happy to support this relief if pursued with the New Zealand Transport Agency.

- 5.22 Mr Buxton has suggested a condition (condition 6 in his report) that would require the requiring authority to provide a final assessment and plan of works on the roading network to be provided prior to the Bus Hub becoming operational. I understand the purpose of this condition is to demonstrate that the change in bus routes resulting from the Bus Hub can be accommodated in the wider network. I consider this condition to be acceptable, however I suggest some minor refinements to the wording, as below:

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 of the designated area necessary to address ~~any~~ effects on the transportation network ~~as a result of~~ resulting from changes to the bus routes required 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. Note that adherence to this condition will not be required for Outline Plans submitted once the bus hub is operational.

Conclusion

- 5.23 Messer's Carr, Metherell and Lightowler's evidence is that the potential effects of the Bus Hub on the transportation network have been carefully considered and, with modifications to some intersections and the layout of the Bus Hub, effects on the transportation are found to be acceptable. I accept these conclusions.

NOISE AND ODOUR

- 5.24 The requiring authority is continuing to work with Community House to resolve potential noise and odour effects on this site. It is my view that that the requiring authority should mitigate noise effects arising from the Bus Hub that affect the established activities in this building, namely the community radio station, and possible odour effects. To ensure this

occurs, I agree that the condition suggested by Mr Buxton (condition 7 in Mr Buxton's report) would address this matter. However, I suggest that this condition is clarified so that it does not become a requirement for all subsequent outline plans, by including the words 'for the establishment of the bus hub' at the start of this condition (refer to the full set of suggested conditions in **Appendix B** of my evidence).

- 5.25 I also note that Mr Buxton has sought clarification on the suggested condition to manage noise arising from bus hub activities. This is condition 1b in the Notice of Requirement, and states:

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.

- 5.26 If the condition is not included then there would be no noise limits applied to bus hub activities. It is therefore my view that this condition is appropriate.

- 5.27 Finally, Mr Buxton has suggested including a condition to require a construction management plan⁷, and I support this suggestion for works relating to the establishment of the Bus Hub. I suggest that the condition is amended to ensure that a construction management plan is not required for every subsequent outline plan submitted for works at the bus hub, as I expect future works would not require a construction management plan. My suggested wording for this condition is:⁸

As part of any outline plan for the establishment of the bus hub, a ...

- 5.28 Mr Buxton has also suggested including a reference to the construction management plan in suggested condition 1(a), by including the following note:

⁷ Condition 8 of Mr Buxton's report.

⁸ A full set of suggested conditions is included in **Appendix B** of my evidence.

Note that the requirement for a Construction Management Plan in condition 8 below will address how this is to be achieved.

- 5.29 While this inclusion does not change the effect of this condition, I do not consider the note to be necessary as it duplicates the requirement of the construction management plan condition.

AMENITY EFFECTS

- 5.30 Submitter Mr Smith has commented that the Notice of Requirement states that removing the bus stops on George and Princes Streets will improve the amenity of this area, and also states that the Bus Hub will improve the amenity of the part of Great King Street where the designation is proposed. This is not entirely accurate. The Notice of Requirement also stated that the presence of buses could result in the reduction of the amenity values at the Bus Hub site.
- 5.31 The bus stops on George and Princes Streets are simply bus stops, with no associated structures or amenities. It is my opinion that the removal of the bus stop and buses from this area is more in keeping with the character of this pedestrian focused street, which is Dunedin's primary retail street. The Bus Hub proposal includes carefully designed canopies, kiosks, seating, landscaping and graphics to improve the amenity of the environment. Taken as a whole, the Bus Hub infrastructure and landscaping designed is intended to improve the amenity of this streetscape. The evidence of Ms Cambridge and the comments from Dunedin City Council urban design officer Dr Filep have not raised any concerns in relation to the effects of the Bus Hub on the character of this area, although Dr Filep seeks to have further input in the design of structures at the site as the design elements are finalised. In Ms Cambridge's view, the Bus Hub will have a positive effect on the overall streetscape and amenity for users of this part of Great King Street.
- 5.32 Philip Day has submitted that additional information is required to justify the Bus Hub and number of bus stops proposed. Mr Weir has described why the 11 bus bays are required in his evidence.

- 5.33 Mr Buxton has recommended some changes to the suggested signage condition. I understand that these recommendations are to ensure that no commercial signage is provided for as part of the designation. The signage condition in the Notice of Requirement is intended to enable the requiring authority to display information about its services. The condition was carefully worded to not exclude 'commercial signage' as the bus service is in itself a commercial operation, and signage advertising the services could therefore be excluded. For that reason, I do not support the recommended changes to the signage condition.
- 5.34 Digital screens may be erected in the bus shelters, and the likely use of this will be to provide real-time displays of bus movements, and possibly community notices and advertising related to the services. I do not consider it necessary to delete the clause which clarifies that digital screens do not comprise signage for the purpose of the signage condition as in my view to possibility that screens could be considered signage could unnecessarily affect the use of the screens.
- 5.35 I also note that should the requiring authority, or anyone else wish to erect signage not associated with the Bus Hub in the designation area, this may need a resource consent, depending of the size of the signage and the District Plan rules. This activity would also likely require the approval of the requiring authority under s176 of the RMA.
- 5.36 Finally, Mr Buxton has recommended a condition that would expand the information that the Otago Regional Council must include in an outline plan made under the proposed designation (condition 11 of Mr Buxton's report). I understand that this condition has been included to ensure sufficient detail of the Bus Hub design is presented and can be considered by the Dunedin City Council. However, I do not consider this condition to be necessary. In my experience, the matters set out in s176A of the Act are sufficient to ensure that all details of proposed works are described in an outline plan and all environmental effects are managed. Section 176A (3) of the Act states that an outline plan must show:
- the landscaping proposed - this would include paving and surface treatments which is specified in Mr Buxton's recommended condition;

- the height, shape and bulk of the public work - this would include the design of all structures, lighting and signage/wayfinding, which is specified in Mr Buxton's recommended condition;
- and any other matters to avoid, remedy or mitigate adverse effects on the environment.

5.37 I am also concerned that this condition would apply to all works undertaken within the designation, for the life of the designation. This level of information would be unnecessary for minor works such as erecting additional seating/shelter.

5.38 Finally, the Notice of Requirement included a condition to limit the number of coffee kiosks within the designation area to two. This condition also limited the operation of the coffee kiosks to those under contract to the Otago Regional Council. I consider that limiting the operation of the kiosks to the Otago Regional Council to be unnecessarily restrictive and not related to the management of environmental effects. I therefore suggest that this requirement is deleted from this condition:

A maximum of two coffee kiosks may be located, ~~operated under contract to the Otago Regional Council~~ and maintained within the designation site.

BUS HUB FUNCTIONALITY

5.39 Other submitters supported the Bus Hub but sought modifications to improve its functionality, the main request being for continuous weather protection. The option that is currently being investigated by the requiring authority is to provide canopies on either side of the road, rather than the bus shelters. The location of the proposed canopies is depicted in the plans presented by Ms Cambridge in her evidence. Providing the canopies will increase the amount of weather protection at the Bus Hub and in my view, this will address, to some extent, the submitters' concerns about the lack of weather protection. While this would enhance the bus patrons' experience, I do not consider this matter to be an environmental effect resulting from the proposed Bus Hub designation.

6. ASSESSMENT OF ALTERNATIVES

- 6.1 Section 171(1)(b) requires adequate consideration to be given to alternative sites, routes or methods if the requiring authority does not have an interest in the land or it is likely that the works will have a significant adverse effect on the environment. The requiring authority does not have an interest in the land.
- 6.2 Three submitters raised concerns about the location of the site and suggested that alternative locations be considered by the Regional Council. Mr Weir has described why the proposed designation site is suitable for the Bus Hub. The submission by Mr McIntosh presented an alternative Bus Hub design, the merits of which will be addressed by Mr Collings. The proposed site remains the preferred site for the Bus Hub for the reasons given by them.
- 6.3 The Notice of Requirement included consideration of alternative sites for the Bus Hub and alternative methods for providing the services facilitated by the Bus Hub and how the Great King Street site was arrived at. In my view this process was adequate.

7. RELEVANT POLICY STATEMENTS AND PLANS

- 7.1 An assessment of the proposed Bus Hub against the relevant provisions of the relevant policy statements and plans was provided in the Notice of Requirement. I have reviewed this assessment and I agree with it. I do not intend to repeat this assessment in my evidence. However, where the conclusions drawn in the Notice of Requirement differ from those of a submitter or the Dunedin City Council's recommending planner, I discuss these provisions below.
- 7.2 The submission of Mr Smith sets out several objectives and policies of the Regional Policy Statement and proposed Regional Policy Statement that he concluded the proposal is contrary to. These included the following policies of the Regional Policy Statement (summarised):

*Encourage development that maximises the use of existing infrastructure.*⁹

Aim to maintain, and where practicable, enhance the quality of life for people and communities within Otago's built environment, with reference to:

*- Amenity;*¹⁰

- 7.3 In my view, the proposal is not inconsistent with these policies. The use of the existing road carriageway for the Bus Hub is an efficient use of this resource, which will also retain its function as a public road. As discussed earlier in my evidence, I do not consider that the Bus Hub will reduce the amenity values at the designation site, due to the carefully designed structures, buildings, landscaping and amenities such as public toilets and coffee kiosks proposed as part of the Bus Hub. While the buses may impact on amenity values, re-routing the buses to this location is essentially shifting these effects from one part of Otago's built environment to another. Furthermore, the buses are continuing to be upgraded to a lower emission and quieter fleet, and this upgrading process will be completed in the next 12 months.
- 7.4 In his submission, Mr Smith has stated that the proposal is contrary to Policies 4.3.1(c), 4.3.1(f) and 4.3.1(g) of the Proposed Regional Policy Statement, which seeks to improve efficient use of natural resources, protect lifeline utilities and emergency services and increase the communities' ability to respond to emergencies and natural hazard events. In Mr Smith's view, the proposal is contrary to these provisions as it will restrict traffic movements in the vicinity of the Bus Hub. Mr Lightowler, Mr Carr and Mr Metherell conclude that the proposal is not expected to result in more than minor adverse effects on the wider transportation network, including the effects of preventing right hand turns from Great King Street onto Moray Place.
- 7.5 In his submission, Mr Smith identifies a list of objectives and policies from the operative Dunedin City District Plan that he considers the proposal to

⁹ Policy 9.5.2(a).

¹⁰ Policy 9.5.5.

be contrary to. No reasoning is provided for these conclusions. Again, most of these provisions have been assessed in the Notice of Requirement¹¹, and I concur with the assessment in the Notice of Requirement that the proposal is not contrary to these provisions.

- 7.6 Mr Smith has identified Objectives 13.2.1, 13.2.2, 13.2.4, 13.2.6 and Policies 13.3.2 and 13.3.12 as being relevant to the proposal. These provisions relate to the Townscape Precinct areas of the City. The Townscape Precinct TH09 adjoins the designation site in the location of Community House, and bus bay 11 (on Moray Place) is located within this Townscape Precinct.
- 7.7 As you have heard from Ms Cambridge, care has been taken through the design process to ensure the Bus Hub design, including the design of structures, landscaping and graphics is appropriate to the central city location. The comments on the proposal from the Dunedin City Council urban design team leader Dr Filep notes that strict townscape and heritage precinct considerations are not required, but it is important that the Bus Hub design is considered carefully in regard to likely effects on streetscape and urban amenity values within the wider context of the heritage precincts.
- 7.8 Finally, I have considered Objective 13.2.3, that seeks to ensure that buildings and parts of buildings which are of heritage value are recognised and protected. Associated Policy 13.3.13 seeks to identify for protection, buildings, sites and other features which have heritage value.
- 7.9 As stated earlier in my evidence, there are two buildings which are identified in the operative District Plan as having heritage value located immediately adjacent to the site. No changes to the protected building facades are proposed as part of the proposal.
- 7.10 As I have discussed in paragraph 5.8 of my evidence, if the full canopy design is pursued, it would resolve the concerns expressed by Heritage New Zealand Pouhere Taonga relating to the bus shelter that is located

¹¹ Namely Objectives 9.2.1, 9.2.9 and 20.2.4 and Policy 9.3.3.

adjacent to Community House (in the Preliminary Design Plan). With the full canopy option, no bus shelters are proposed immediately adjacent to Community House. If the full canopy design is not pursued, and a bus shelter to be built adjacent to Community House, I consider that further consultation with Heritage New Zealand is required to ensure the location or design of the shelter enables the maintenance of Community House. I have suggested a condition which will ensure that this consultation occurs.¹²

- 7.11 As I have discussed earlier in my evidence, I also consider condition 5 recommended by Mr Buxton (with some amendments) will assist in managing potential effects on this heritage item.
- 7.12 Should additional structures be proposed at the Bus Hub in the future, the works will be subject to the outline plan process (where the scale of the structure justifies an Outline Plan), through which the requiring authority must describe matters to avoid, remedy or mitigate effects on the environment arising from proposed works. This process is appropriate for managing potential effects on heritage items. Furthermore, as I have discussed earlier in my evidence, the requiring authority supports a condition on any designation approved for the Bus Hub to require consultation with Heritage New Zealand Pouhere Taonga to occur as part of any outline plan process.
- 7.13 Finally, I agree with Mr Buxton that provisions of the National Policy Statement for Urban Development outlined in his report are relevant to this Notice of Requirement. I agree with Mr Buxton's conclusion that the proposed Bus Hub will assist in achieving these provisions.¹³
- 7.14 In summary, as I have set out earlier in my evidence, subject to the inclusion of the conditions I have suggested, and adopting the assessment provided in Annexure 4 of the Notice of Requirement, it is my view that the proposal is not contrary to the relevant objectives and

¹² Suggested condition for ongoing consultation with Heritage New Zealand: *Heritage New Zealand Pouhere Taonga shall be consulted prior to any Outline Plan being submitted under section 176A of the RMA for proposed works immediately adjacent to a protected heritage façade identified in the District Plan.*

¹³ Refer pages 7-8 of Mr Buxton's Report, dated 2 October 2017.

policies of the relevant policy statements and plans prepared under the RMA.

8. PART 2 RESOURCE MANAGEMENT ACT

- 8.1 Part 2 identifies the purposes and principles of the Act. I have considered these matters in my consideration of effects on the environment and the relevant objectives and policies of the relevant planning documents.
- 8.2 In my view, the most relevant section 6 matter of national importance to the proposed designation is the requirement to protect historic heritage from inappropriate subdivision, use and development.¹⁴ No changes to the two protected building facades are proposed as part of the proposal, and the effects of structures adjacent to Community House, if proposed, can be carefully managed as the Bus Hub design progresses to ensure this heritage item is protected. I consider that the suggested conditions of consent will ensure this outcome.
- 8.3 Section 7(b) requires the efficient use and development of natural and physical resources. The use of the site for the Bus Hub is considered to be an efficient use of this central city site, particularly given the roads within the site will continue to effectively function as public roads. Locating the Bus Hub predominantly within road reserve will minimise the displacement of established commercial activities.
- 8.4 As Ms Cambridge has concluded, the proposal will enhance the amenity values of the Great King Street streetscape, aligning with section 7(c) which requires regard to be had of the maintenance and enhancement of amenity values.
- 8.5 Overall, I have not identified anything in Part 2 that the proposed designation is contrary to that cannot be managed with appropriate conditions.

¹⁴ RMA section 6(f).

9. CONCLUSION

- 9.1 In my view, improving Dunedin's public transport service, which is the requiring authority's objective for developing the Bus Hub and the associated changes to the public transport services, will promote the sustainable management of natural and physical resources and will assist in enabling people and communities to provide of their social, economic and cultural wellbeing.
- 9.2 Designating the site for the Bus Hub is a necessary part of the requiring authority's planned upgrades to the public transport system in Dunedin, and will provide a central and easily accessible location for a Bus Hub. The requiring authority has identified the Bus Hub as a key component of the city's new public transport system.
- 9.3 I have considered the environmental effects of the proposed designation. Positive effects identified include providing an improved public transport service and enhancing the streetscape of Great King Street. No significant adverse environmental effects have been identified. I consider that the requirements for information for outline plans, set out in s176A of the Act, in combination with the conditions I have suggested, which are specific to the proposed activity and the site, will ensure that the environmental effects of the designation are appropriately managed.
- 9.4 I have concluded that the proposed designation is consistent with the applicable objectives and policies of the relevant policy statements and plans.
- 9.5 I consider that the requiring authority has undertaken an adequate consideration of alternative sites and methods for providing the central city Bus Hub.
- 9.6 I consider that the proposed designation is consistent with the relevant matters of Part 2 of the RMA and will assist in promoting the sustainable management of natural and physical resources.

APPENDIX 1 - RELEVANT EXPERIENCE

- Otago Regional Council – submissions and notices of requirement for the Dunedin City Council Proposed Plan
- PowerNet Limited – preparing Notices of Requirement for numerous Designations in Dunedin City District, Invercargill City District and Clutha District
- New Plymouth District Council – preparation of Plan Change 47 to the New Plymouth District Plan
- Port Marlborough New Zealand Limited – submissions and further submissions on the Proposed Marlborough Environment Plan
- Queenstown Lakes District Council – preparation of Plan Change 50 to the Queenstown Lakes District Plan
- Ryman Healthcare Limited – submissions and evidence on the Proposed Christchurch Replacement District Plan
- Ryman Healthcare Limited - evidence on the Proposed Auckland Unitary Plan
- Ryman Healthcare Limited – obtain land use and regional level resource consents for the Shirley Retirement Village, Christchurch
- Ryman Healthcare Limited – obtain land use and regional level resource consents for the Howick Retirement Village, Auckland City
- Ryman Healthcare Limited – obtain subdivision, land use and regional level resource consents for the Rangiora Retirement Village, Rangiora
- HW Richardson Group – evidence on the Proposed Invercargill City Plan
- Queenstown Lakes District Council – contracted to process resource consent applications
- Chorus – South Island Planning Manager, Fibre to the Node Rollout, ultrafast Broadband Rollout and Rural Broadband Initiative Rollout
- Port Marlborough New Zealand Limited – Plan Change 21 Marina and Mooring Management Areas, Waikawa Bay
- Telecom Mobile Limited – Mobile Phone and Landline Infrastructure Developments, South Island

APPENDIX 2 – SUGGESTED CONDITIONS

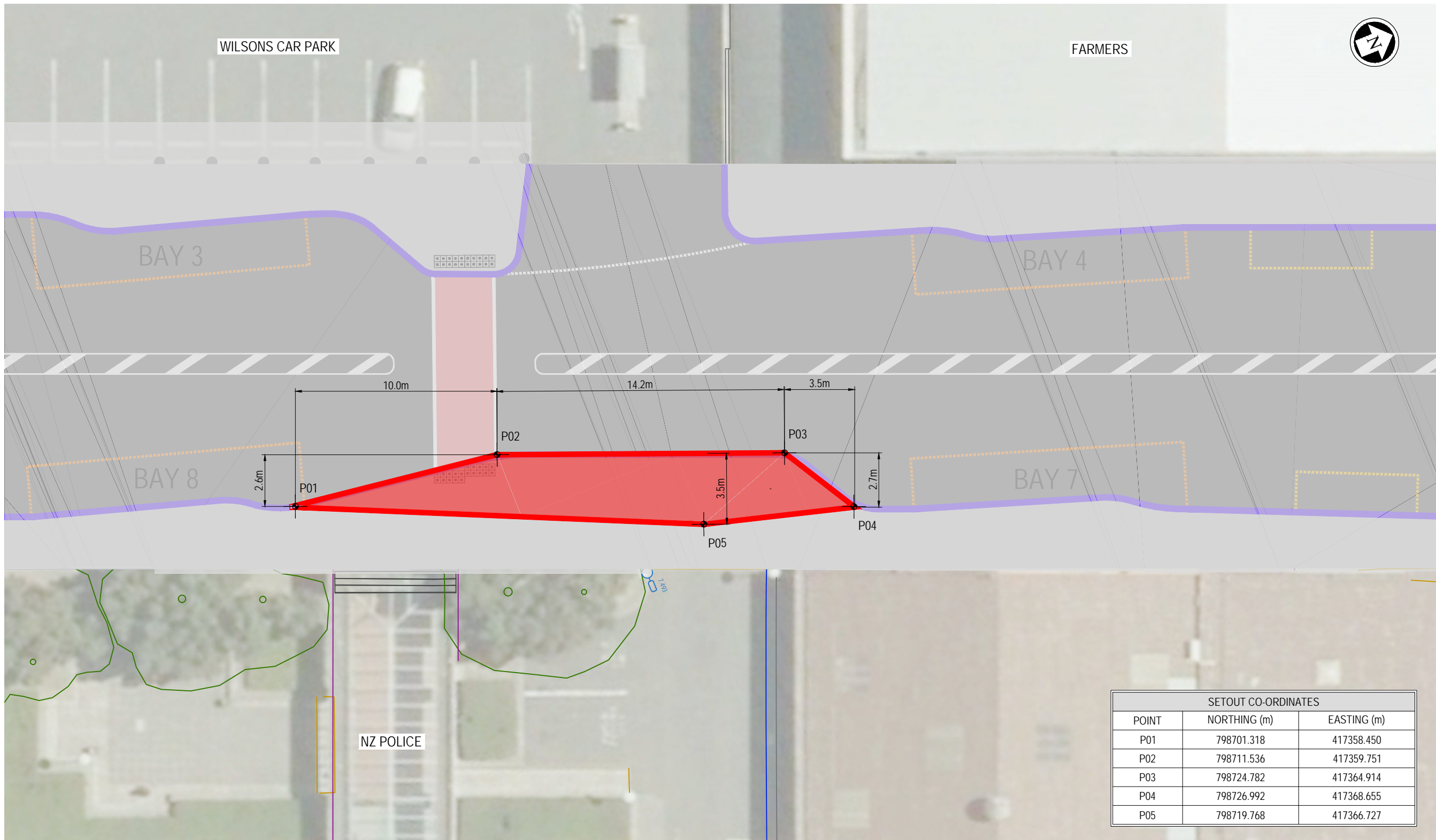
- 1) Activities associated with the Bus Hub shall be carried out to achieve the following:
 - a) Noise during construction activities shall comply with the requirements of NZS 6803:1999 “Acoustics – Construction Noise”.
 - b) Noise generated by activities being undertaken in accordance with the designation 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 district plan requirements and must comply with the Land Transport (Road Users) Rule 2004, clause 7.4.
- 2) If an unidentified archaeological site is located during works, if an archaeological authority is required for the works, 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 an 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 Pouhere Taonga 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 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.

- 3) Heritage New Zealand Pouhere Taonga shall be consulted prior to any Outline Plan being submitted under section 176A of the RMA for proposed works immediately adjacent to any protected heritage façade identified in the District Plan.
- 4) Where any new structures are to be located adjacent to any heritage item 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, taking into account the operational requirements of the bus hub. Although the preference is for structures to not be located in the road reserve in front of the heritage items, if there are operational requirements, then the structures should be designed to allow maintenance of the heritage item. For structures to be located beside a heritage item, the structures should be designed and/or sited to enable maintenance of the heritage item.
- 5) Signage is limited to information associated with the Bus Hub, Dunedin Public Transport Network, associated facilities, including the coffee kiosks. Digital information screens do not comprise signage for the purpose of this condition.
- 6) A maximum of two coffee kiosks may be located and maintained within the designation site.
- 7) 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 of the designated area necessary to address effects on the transportation network resulting from changes to the bus routes required 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. Note that adherence to this condition will not be required for Outline Plans submitted once the bus hub is operational.

- 8) As part of any outline plan for the establishment of the bus hub, the Requiring Authority shall prepare a noise mitigation plan to address the mitigation of noise on the noise sensitivity activities within Community House, and shall prepare a plan for modifying the air intakes for Community House.
- 9) As part of any outline plan for the establishment of the bus hub, 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 effects on adjoining properties including, dust, noise and safety of people visiting the site.
- 10) Only landscaping, buildings and structures up to a height of 700mm within the designation area shall be located within the red shaded area shown in figure XX to ensure sight distances for drivers of vehicles entering or exiting the Police Station are provided. This condition shall not apply to a pole required to demarcate the pedestrian crossing or a pole for a light within with red shaded area.
- 11) New Zealand Police shall be provided access to the CCTV data of CCTV installed to monitor the designated area.
- 12) Ngai Tahu Justice Holdings Limited (or any subsequent legal entity), as the land owner of Sec 41 and Sec 42 Town of Dunedin, shall be consulted prior to any Outline Plan being submitted under section 176A of the RMA for proposed works immediately adjacent to the Police Station site.



SETOUT CO-ORDINATES		
POINT	NORTHING (m)	EASTING (m)
P01	798701.318	417358.450
P02	798711.536	417359.751
P03	798724.782	417364.914
P04	798726.992	417368.655
P05	798719.768	417366.727

A		FOR INFORMATION	JK	MR	28.09.17
No.	Revision	By	Chk	Appd	Date

Drawing Originator:

Beca DESIGN BRAND

Original Scale (A1)	1:100	Design	MTR	28.09.17	Approved For Construction*
Reduced Scale (A3)	1:200	Drawn	JK	28.09.17	Date
		Design Check			
* Refer to Revision 1 for Original Signature					

Client:

Otago Regional Council

Project:

DUNEDIN BUS HUB
GREAT KING STREET

Title:

POLICE STATION
SIGHT DISTANCE
EXCLUSION ZONE

FOR INFORMATION
NOT FOR CONSTRUCTION

PRELIMINARY
NOT FOR CONSTRUCTION

Discipline	CIVIL ENGINEERING
Drawing No.	3810322-CE-K015
Rev.	A