

# **BEFORE DUNEDIN CITY COUNCIL**

**IN THE MATTER**

of the Resource  
Management Act 1991  
(**the RMA**)

**AND**

**IN THE MATTER**

an application for  
Notice of Requirement  
from Otago Regional  
Council for a  
designation in relation  
to a Central City Bus  
Hub development on  
Great King Street,  
Dunedin, DIS-2017-1

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## **RECOMMENDATION OF COMMISSIONERS APPOINTED BY DUNEDIN CITY COUNCIL**

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**22 NOVEMBER 2017**

**Commissioners:**

Gary Rae (Chair), Nelson  
Gavin Lister, Auckland

## RECOMMENDATION

1. Having carefully considered all the relevant reports and documentation supplied with the application, submissions received, along with legal submissions, expert evidence, lay submitter evidence and the s. 42A report presented to us during the course of the hearing, we have resolved to recommend that the Notice of Requirement for a Bus Hub at Great King Street be **confirmed with conditions** set out in Section 8 of this Recommendation report. Our report, including reasons for the Recommendation, follows.

Dated this 22<sup>nd</sup> day of November 2017



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Gary Rae, Chair, Independent Commissioner



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Gavin Lister, Independent Commissioner

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# 1 INTRODUCTION

## 1.1 Background

- [1] Otago Regional Council (**the Requiring Authority**) is seeking a designation for a Central City Bus Hub. The site for the proposal comprises the Great King Street road reserve, between St Andrew Street and Moray Place, a small part of Moray Place road reserve, as well as small parcels of privately owned land.
- [2] A Notice of Requirement<sup>1</sup> (**the NOR**) was lodged with Dunedin City Council (**DCC**) on 7 July 2017. The NOR is described in Section 2 of this Recommendation.
- [3] The submission period closed on 18 August 2017, with a total of 22 submissions received, 12 submissions in opposition, 7 submissions in support (with four requesting modifications), and 3 submissions were neutral on the proposal.
- [4] A table highlighting submitters support, opposition or neutral position is attached to this Recommendation as **Appendix 1**. All submissions together with the NOR and other documentation were made available on the Council website <https://tinyurl.com/DCC-Bus-Hub>.

## 1.2 Hearing Procedures

- [5] The hearing was held in the Edinburgh Room at the Dunedin City Council on 24 October and 25 October 2017.
- [6] The following Independent Commissioners were appointed by the Council to hear and determine the Resource Consent application:
  - **Gary Rae**, Nelson (Chair)
  - **Gavin Lister**, Auckland
- [7] The following staff and consultants were in attendance at various times during the hearing (24 October and 25 October 2017):
  - **Campbell Thomson**, Senior Planner and advisor to the Panel
  - **Wendy Collard**, Governance Support Officer

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<sup>1</sup> No: DIS-2017-1

- **Rebecca Murray**, Governance Support Officer
- **Robert Buxton**, Processing Planner (Consultant)
- **Crystal Filep** Urban Designer Team Leader
- **Ian Clark**, Transportation Planner/ Transportation Engineer (Consultant)

- [8] DCC considered it was appropriate to appoint Mr Buxton, an independent planning consultant, to assess and prepare a report in accordance with s.42A of the RMA on the application, in recognition that DCC owns and manages the areas of road reserve subject to the NOR.
- [9] **Dan Windwood**, Policy Planner, Heritage with DCC, provided written evidence to assist the s.42A report, but did not appear at the hearing.
- [10] Site visits were undertaken by the Panel on 23 October 2017 prior to the hearing and on 25 October following the hearing.
- [11] The hearing was adjourned on 25 October 2017. A written right of reply was received from the Requiring Authority on 31 October 2017, in the form of closing legal submissions from Mr Logan, and 'evidence in reply' from Messrs Collings and Lightowler, and Mses Justice and Cambridge. The legal submissions and further evidence were posted on the Council web site.
- [12] The Panel issued a *Memorandum to the Parties No. 1*, on 2 November 2017, in which it formally closed the hearing. The Memorandum also noted that whilst the Panel had not requested further statements of evidence, it was considered that these for the most part responded to questions asked by the Panel and were therefore appropriate. The exception was Mr Lightowler's final statement of evidence which contained some new material concerning footpath widths, which was disregarded by the Panel.

### 1.3 Appearances

- [13] Legal submissions on behalf of the Requiring Authority were presented by **Alastair Logan** (Ross Dowling Marquet Griffin). He called the following witnesses:
- **Gerard Collings**, Manager Support Services, Otago Regional Council
  - **Andy Lightowler**, Transportation Consultant Planner
  - **Andrew Metherell**, Transportation Engineer
  - **Andy Carr**, Traffic Engineer

- **Douglas Weir**, Public Transport Consultant Planner
- **Emily Cambridge**, Urban Designer
- **Megan Justice**, Consultant Planner

[14] The following submitters appeared and presented statements at the hearing:

- **Peter Dowden**, on behalf of the Bus Users Support Group Otepoti Dunedin
- **Lesley Paris**, Manager Access Radio; **Dianne Lowry**, Dunedin Manager, Citizens Advice Bureau; and **Debbie Webster**, Manager, Disability Information Service Inc, (all on behalf of Dunedin Community House)
- **Jenny Coatham** and **Veronica Eastell**, on behalf of Generation Zero
- **Lyndon Weggery**
- **Des McIntosh**
- **Phillip Day**

[15] **Michael Smith** appeared at the hearing and tabled a written statement. **Jennifer Bradshaw** and **Ngāi Tahu Justices Holdings** also provided additional written statements.

#### 1.4 Procedural Matters

[16] There were no procedural matters raised at the hearing.

#### 1.5 Acknowledgements

[17] We gratefully acknowledge the contributions and help received from Counsel, witnesses, submitters, consultants and Council staff. In particular, we thank all parties for the manner in which they conducted themselves during the hearing.

## 2 THE NOTICE OF REQUIREMENT

### 2.1 Description of the proposal

[18] The NOR contains a full description of the proposal. In summary, it is to provide public transport services described in the ORC's Public Transport Plan, and 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; and
- Pedestrian footpaths.

[19] The NOR includes a Designation Plan (attached to this Recommendation as **(Appendix 2)**), showing the location, and areas, of the land proposed to be designated. The Designation Plan shows additional detail including 10 bus bays on Great King Street, and a further bus bay on Moray Place; pedestrian crossing facilities across Great King Street just south of the farmers building and at the intersection of Moray Place; toilets and bike stands on a small parcel of land along the frontage of the Community House car park; and areas denoted as landscaping on several narrow strips on private land along the frontages of the Just \$2 shop and car park; Wilsons Car Park and the Countdown supermarket car park.

[20] Preliminary design plans are also included in the NOR, and these provide more detail of various aspects of the proposal, but at a conceptual level. Importantly, the NOR does not include an Outline Plan of Works (**OPW**) nor any request to exempt or waiver the need for an OPW. Following the confirmation of a designation, it would therefore be necessary for a separate application to be lodged under section 176A of the RMA, so that specific detailed design matters could be assessed by DCC.

[21] The NOR includes additional reports on landscaping; bus shelters and seating; transportation and network assessments; relevant provisions of the Regional Public Transport Plan 2014; community engagement; and consultation. A list of suggested conditions are attached to the NOR, and these included conditions relating to noise; accidental discovery of archaeological sites; signage; and provision of up to two coffee kiosks on the land proposed to be designated.

[22] On other matters, the NOR also states that:

- The designation will not prevent Great King Street being used as a public road, with the exception of no public parking being available on the street between St Andrew Street and Moray Place;

- The Requiring Authority will be responsible for the maintenance of the carriageway within the proposed designation;
- Changes will be required to the intersections with Great King Street and Moray Place and St Andrew Street to ensure buses can safely enter and exit the Bus Hub; and
- The activities will initially occur from approximately 5.30am to 12.30am, 7 days a week, year round.

## **2.2 Description of the site and location**

[23] The land proposed to be designated for the Bus Hub is located one street block to the east of Dunedin's primary retail and pedestrian street, George Street. Land uses in proximity to the site include retail, hospitality, a supermarket, education activity, and community uses within Community House, and the central Dunedin Police Station.

[24] It comprises the Great King Street road reserve, within the block bounded by St Andrew Street and Moray Place, 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 DCC as road.

[25] Small parcels of privately owned land are also included, as follows:

- 12.4m<sup>2</sup> within 137 St Andrew Street, legally described as Lot 1 DP 486801;
- Two areas within the Countdown car park adjoining Great King Street - one comprising 58.8m<sup>2</sup> and the second comprising 50.4m<sup>2</sup>, legally described as Lots 2 and 3, DP 6552 and Sec 29 Town of Dunedin;
- An area of approximately 19.5m<sup>2</sup> within the Countdown car park adjoining Moray Place, legally described as Town Section 26, Town of Dunedin;
- 63m<sup>2</sup> within the Community House car park at 301 Moray Place, legally described as Town Section 26, Town of Dunedin; and
- 60.8m<sup>2</sup> within the Wilsons car park at 30-36 Great King Street, legally described as Lot 2 DP 338932.<sup>2</sup>

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<sup>2</sup> The NOR states that should the Requiring Authority not reach agreement with the owners of the private land then this part of the designation will not be given effect to.



### **2.3 Statutory Requirements**

- [26] Otago Regional Council is a 'requiring authority' pursuant to section 166 of the RMA. It gave notice to DCC, under section 168(1), (2) and section 181 and clause 4 the first schedule of the RMA, of a requirement for a designation for a public work, this being a Central City Bus Hub of the Otago Regional Council on the land concerned.
- [27] The matters the territorial authority (i.e. DCC) shall have regard to when considering a requirement for a designation are set out in section 171 of the RMA. These are listed and specifically addressed in Section 5 of this Recommendation.
- [28] Under section 171(2) of the RMA the DCC may recommend to the Requiring Authority that it confirm or modify the requirement, impose conditions, or withdraw the requirement. It must give its reasons for the recommendation.
- [29] The Requiring Authority shall, under section 172 of the RMA, advise the DCC whether it accepts or rejects the recommendation in whole or in part, and the Requiring Authority may modify the requirement if it is recommended by the DCC or is not inconsistent with the requirement as notified. Where the Requiring Authority rejects the recommendation in whole or in part, or modifies the requirement, it shall give reasons in its decision.

## **3 SUMMARY OF EVIDENCE AND SUBMISSIONS**

### **3.1 Legal submissions on behalf of Otago Regional Council**

- [30] **Mr Alistair Logan** made legal submissions on behalf of the Requiring Authority.
- [31] Mr Logan highlighted that the focus of s171 is on a consideration of effects and that the matters listed in s171(1)(a)-(d) [which relate to relevant provisions of policy statements and plans, adequate consideration of alternatives, the reasonable necessity for the works, and any other matters

considered reasonably necessary in order to make a recommendation] are to inform the consideration of effects.<sup>3</sup>

[32] With respect to whether the proposal is reasonably necessary to meet the objectives of the requiring authority, Mr Logan submitted that these matters were already established through other documents developed under the Land Transport Management Act 2003.

[33] With respect to alternatives, Mr Logan submitted that our role is restricted to considering whether the ORC's consideration of alternative sites and methods is adequate – not whether it is the best site and method.

[34] With respect to environmental effects, Mr Logan submitted the potential adverse effects are limited to transport, visual and amenity, heritage, noise, and odour and fumes. He submitted that such effects would be minor or could be addressed by conditions as follows:<sup>4</sup>

- **Transport:** Accessways in Great King Street will be unaffected, impacts on Great King Street and Moray Place as roads will be minor, and impacts on the wider road network will be insignificant. The main transport effect will be loss of parking in Great King Street, and such car parking could be replaced elsewhere in the city centre where bus stops are to be made redundant by the Bus Hub;
- **Visual and Amenity:** Concept plans are sympathetic to the inner city environment, maintain and enhance amenity, and respect heritage items;
- **Heritage:** Effects on the heritage aspects of the Community House can be addressed by the proposed conditions;
- **Noise, odour and fumes:** The applicant recognises the susceptibility of the Community House to noise, odour and fumes and has reached agreement on how to manage those impacts. Construction noise can be managed through conventional standards, and operational noise and fumes from buses are covered by the Land Transport Rules.

[35] Mr Logan pointed out that some matters raised in submissions go beyond the consideration of effects on the environment (and are therefore not relevant).<sup>5</sup>

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<sup>3</sup> Logan, Opening Submissions, paragraph 12

<sup>4</sup> Logan, Opening Submissions, paragraphs 21-32

<sup>5</sup> Logan, Opening Submissions, paragraph 16

- [36] With respect to the planning provisions, Mr Logan submitted that the two expert planners (Ms Justice and Mr Buxton) had identified and reviewed the relevant planning documents, and "found nothing in them which conflicts with the proposed designation or creates an inconsistency."<sup>6</sup>
- [37] Mr Logan submitted that detail design matters are to be controlled through the Outline Plan of Works processes (as set out in s176A of the RMA) and that there is no legal basis for requiring, by conditions, additional items to be addressed in the Outline Plan.<sup>7</sup>

### 3.2 Evidence on behalf of Otago Regional Council

- [38] **Mr Gerald Collings** is the manager responsible for planning and delivering public transport in the Otago Region. He provided background on the Regional Public Transport Plan which was subject to a public consultation process. The Plan outlines the new Dunedin Public Transport Network currently being implemented under the NZ Transport Agency's 'Public Transport Operating Model'. The new network is characterised by simplified routes, consistent frequencies, a central hub to promote transfers between routes, and ancillary changes to fare structure, ticketing, information, etc.<sup>8</sup>
- [39] Mr Collings explained that the Great King Street location was selected in consultation with Dunedin City Council by analysing potential sites against criteria which are set out in the NOR. Competing firms were then asked to provide conceptual designs which were considered by a panel including the Transport Agency, and staff and Councillors from both the Regional and City Councils.<sup>9</sup>
- [40] Mr Collings went on to outline negotiations with property owners and tenants in Great King Street so as to reach separate commercial agreements to occupy small areas of adjacent properties. He also outlined the seeking of community feedback and the iterative design process.<sup>10</sup>
- [41] **Ms Megan Justice** is a planner with 17 years' experience. Ms Justice's evidence is that the requiring authority (Otago Regional Council) has

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<sup>6</sup> Logan, Opening Submissions, paragraph 39

<sup>7</sup> Logan, Opening Submissions, paragraph 59

<sup>8</sup> Collings, EIC, paragraphs 4-7

<sup>9</sup> Collings, EIC, paragraphs 14-17

<sup>10</sup> Collings, EIC, paragraphs 23-26

identified the need for the Bus Hub as a key component of the Dunedin's new public transport system.<sup>11</sup> She said that, in her view, the Regional Council had also undertaken an adequate consideration of alternative sites and methods.<sup>12</sup>

[42] Ms Justice addressed potential environmental effects under four headings – heritage, transportation, noise and odour, and amenity. She said – relying on the applicant's transport and urban design experts – that no significant adverse effects had been identified. She considered the actual and potential adverse effects could be satisfactorily addressed through conditions and the Outline Plan process.<sup>13</sup>

[43] Ms Justice adopted the assessment of the proposal against the provisions of the policy statements and plans that was included in the NOR. She concluded that the proposal is not contrary to the objectives and policies of those instruments. She also did not identify anything in Part 2 of the RMA that the Bus Hub is contrary to or that cannot be managed with appropriate conditions.

[44] **Mr Andy Lightowler** is an experienced traffic expert with 30 years' experience in traffic operations, planning and engineering. He led the concept design for the Bus Hub. He stated that the Bus Hub would have some impact on the adjacent intersections of Great King Street with Moray Place and St Andrew Street, but that the effects would not be significant,<sup>14</sup> And that the proposed changes would have less than minor effects on the safe operation of the road network overall.<sup>15</sup> He also stated that the layout would allow buses and other traffic to operate satisfactorily and manoeuvre safely within the hub.<sup>16</sup> He said that the provision of dedicated pedestrian phases ('Barne's Dance' crossings) at each end of the Bus Hub is appropriate.<sup>17</sup>

[45] **Mr Andy Carr** is an experienced traffic expert with 28 years' experience in traffic engineering and assessing traffic and transportation effects. He

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<sup>11</sup> Justice, Evidence summary, paragraph 2.28

<sup>12</sup> Justice, Evidence summary, paragraph 2.20

<sup>13</sup> Justice, Evidence summary, paragraph 2.29

<sup>14</sup> Lightowler, EIC, paragraph 6.10-6.15

<sup>15</sup> Lightowler, EIC, paragraph 8.1

<sup>16</sup> Lightowler, EIC, paragraphs 6.16-6.17

provided evidence on pedestrian flows, car parking, and access ways (vehicle crossings) within the Bus Hub.

- [46] Mr Carr calculated that there "...could be a total of well over 1,000 pedestrian movements generated on Great King Street in the weekday peak hours..."<sup>18</sup> – although we understood this was based on optimistic or aspirational assumptions. He considered the proposed mid-block pedestrian crossing and dedicated signalised crossings at each end of the Bus Hub will "...ensure that suitable road crossing opportunities are provided."<sup>19</sup>
- [47] Mr Carr said that public car parks will be removed from a total of 324m of kerb space (within Great King Street and for intersection reconfiguration) but that 391m of kerb space will be freed up by the removal of bus stops elsewhere in the city centre that would be made redundant by the Bus Hub (for instance in George Street, the Octagon and Princess Street).
- [48] He described changes to access ways between Great King Street and the Countdown, Farmers and Community House properties. He said that agreements had been reached with the respective landowners.<sup>20</sup>
- [49] **Mr Andrew Metherell** is a traffic expert with 19 years' experience in traffic engineering and transport planning. His evidence focused on the intersections and routes in central Dunedin to and from the Bus Hub. He said there would be an increase in the order of 20 to 35 buses per hour in each direction on the proposed new route via St Andrew Street, Great King Street and Moray Place. He considered these changes would be small in terms of the operational capacity of the intersections, and that "all intersections would continue to operate with good levels of service."<sup>21</sup>
- [50] Mr Metherell explained that modifications to intersections beyond the Bus Hub would be required to allow buses to turn 'efficiently' to ensure network performance and reliability. This relates to the seven intersections listed in the conditions in addition to the two intersections within the proposed designation at either end of the Bus Hub. He said that the changes would require approval from DCC as the controlling authority, the changes are

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<sup>18</sup> Carr, EIC, paragraph 5.2

<sup>19</sup> Carr, EIC, paragraph 8.3

<sup>20</sup> Carr, EIC, paragraph 7.1-7.7

<sup>21</sup> Mettherell, EIC, paragraph 3.2-3.3

only minor, and concept designs for such modifications had already been developed with input from DCC.<sup>22</sup>

- [51] **Mr Douglas Weir** is a public transport policy and planning specialist with 14 years' experience in that area. His evidence focused on the Bus Hub location and form, and on the bus stop requirements within the hub.
- [52] Mr Weir considers the Bus Hub is integral to a 'best practice' public transport network consisting of simplified routes on key corridors, consistent timetabling, and facilitating interchange between routes at the central Bus Hub and other key nodes.<sup>23</sup> He considers Great King Street is an "ideal location" for the central hub of the network, taking into account its convenient location (within the central city), its orientation and legibility with respect to the north-south network pattern, its accessibility via the road network, and that it has sufficient space.<sup>24</sup> He said that a central Bus Hub should be north of the Octagon to provide best access to the central city,<sup>25</sup> and that an alternative location at the Exchange suggested by submitters "...is too far south of the main activity centre to be effective..."<sup>26</sup>
- [53] Mr Weir explained desirable characteristics of such a Bus Hub such as services using consistent stops to increase legibility, sufficient capacity to accommodate timing points, consistent headways and timetabling. He said options comprising a total of twelve, ten or eight bus stops were considered. He said the eight-stop option could not provide these characteristics, and the twelve-stop option would provide the most flexibility but would require some access ways to be closed. The ten-stop option was therefore preferred. He also noted that the ten-stop option could accommodate a potential future higher-frequency network timetable.<sup>27</sup>
- [54] **Ms Emily Cambridge** is a registered landscape architect with 7 years' experience in landscape and streetscape design. She described the evolution of the streetscape design for the Bus Hub, and responded to design matters raised in submissions. She said that Dunedin City Council had been consulted during the design process. She attached a new plan

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<sup>22</sup> Metherell, EIC, paragraph 3.5

<sup>23</sup> Weir, EIC, paragraphs 3.2-3.3

<sup>24</sup> Weir, EIC, paragraph 3.3

<sup>25</sup> Weir, EIC, paragraph 6.2-6.3

<sup>26</sup> Weir, EIC, paragraph 8.5

<sup>27</sup> Weir, EIC, paragraph 8.10

('Full Canopy Option – Rev F') that differed from that submitted with the NOR and which she said incorporated changes discussed with Dunedin City Council including paving, more extensive shelter, and revised location for bike storage and public toilet. She explained that "...the pavement treatment, seating, shelter canopies and consistency of the design with the DCC CCPP (Central City Plan Palette) have been amended during the evolution of the design process and will be carried forward into detailed design of the project."<sup>28</sup> Ms Cambridge's opinion was that the design would have a positive effect on the streetscape for Great King Street.

### 3.3 Submissions

[55] The application attracted 22 written submissions, 12 in opposition, 7 in support, and 3 neutral but requesting modifications. The matters raised and relief sought are summarised in Table 2 on page 5 of the Agenda. Main matters raised in opposition include the following:

- Retention of the status quo because it provides better shelter and is more central;
- Alternatives including locations for the Bus Hub – or a two hub concept, or locating the Bus Hub in a building, or alternative bus network routes;
- Congestion and conflict with vehicle crossings in Great King Street;
- Provision of better shelter within the Bus Hub, and between George Street and the Bus Hub – and better signage, seating etc;
- Loss of car parking;
- Matters relating to specific properties such as the Community House and Police Station.

[56] The main matters raised in support included:

- Improvement to public transport network in general;
- Improved access to Dunedin Hospital and University of Otago specifically.

[57] The following submitters attended and presented to the hearing.

[58] **Mr Peter Dowden** submitted on behalf of the **Bus Users Support Group Otepoti Dunedin**. Mr Dowden is a public transport advocate and we understand is also a bus driver, so brought specific experience to the

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<sup>28</sup> Cambridge, EIC, paragraph 9.1

hearing. He supports the concept of the Bus Hub and new network but raised several design matters including:

- The need for better shelter within the Bus Hub and between the Bus Hub and George Street;
- A recommended reconfiguration of the intersection of Great King Street and Moray Place for safety reasons;
- A suggested contraction of the length of the Bus Hub to improve its efficiency. He explained that this was based on the principle that the hub should not occupy more kerb space than is necessary.

[59] **Mr Desmond McIntosh** supports improved facilities for bus users but considers the Notice should be delayed to enable a better design. He considered the Bus Hub should have better shelter (including shelter around the perimeter of the Community House), and that suggested the 'Southern Break building' (at the intersection of Moray Place and Great King Street opposite the Community House) be purchased to accommodate amenities such as toilets, waiting areas, and rest space for drivers. He also suggested some changes to bus routes such as at Filleul Street.

[60] **Mses Lesley Paris, Dianne Lowry and Debbie Webster** spoke to the submission by **Dunedin Community House**. They explained the range of services provided by the Community House and specific requirements of some of the activities such as the community radio station (lack of noise, ventilation) and counselling (privacy), as well as the need for car parking for field workers. The main matters raised by them included:

- Noise mitigation – they seek sound dampening such as double-glazing;
- Maintenance of air quality – they seek ventilation so that the facilities are not affected by bus fumes and to enable continuing heat venting for radio equipment if windows need to be closed because of noise;
- Maintenance of privacy – they seek tinting of ground floor windows, and support the blocking-off of the current short-cut across the north side of the property (if the latter were not possible, a confined and dedicated walkway might be a compromise solution); and
- Maintenance of as many on-site car parks as possible for field staff.

[61] They told us the Regional Council has been consulting with the Community House and that the discussions are 'heading towards an agreement' – although such an agreement had not yet been finalised. They sought a



condition covering their concerns as a back-up in case such an agreement is not finalised.

[62] **Mses Jenny Coatham and Veronica Eastell** spoke to the submission on behalf of **Generation Zero**. They support the Bus Hub in principle but recommend design improvements. Their main point was that the Bus Hub should be a high amenity public place – they considered the hub had been designed for buses rather than people. Their suggestions included:

- Increased width of footpaths and shelter (their priority);
- More intuitive layout and signage;
- Treating Great King Street as a ‘shared space’ – acknowledging that people are likely to jay walk as ‘human nature’ which should be accommodated;
- Providing a central platform configuration (so that passengers could transfer without crossing a carriageway).

[63] **Mr Philip Day** tabled additional submissions which he spoke to. He said that, while he supported public transport, insufficient data had been provided to justify the need for the Bus Hub. He said that public transport use was very low in Dunedin and that “the current network is working fine” (with respect to current users). He considered the central city is the wrong location for the Bus Hub because there are no schools or inner city living, jobs are declining in that area, and university students generally live within walking distance and that, in any event, the Exchange would be a better location. Mr Day also considered the Bus Hub could be overtaken by technology changes such as self-driving cars.

[64] **Mr Lyndon Weggery** spoke to his written submission. He is concerned about adverse effects on motorists using Great King Street and the loss of car parks. Mr Weggery said that Mr Carr’s evidence that replacement car parking could be provided on the bus stops to be replaced in the central city is contradicted by Dunedin City Council’s policy to reduce car usage in the central city. While his written submission had raised concerns about the lack of coordination between Otago Regional Council and Dunedin City Council, Mr Weggery said that he was now aware that coordination had in fact occurred.

### Tabled submissions

- [65] **Mr Michael Smith** attended the hearing and tabled a submission, but did not speak to it. His submission is that there is no evidence that the proposal would improve public transport. He contended that application downplays the current role of buses servicing George Street through Princess Street.
- [66] Mr Smith also submitted that the concentration of 10 bus stops in Great King Street would have adverse amenity and streetscape effects. He contended it was not credible to argue that removing buses would improve the amenity of George Street-Octagon-Princess Street, and at the same time argue that concentrating them in one place would improve the amenity of Great King Street. He outlined other adverse environmental effects including reduced intersection performance, and de-facto exclusion of private vehicles from that section of Great King Street.
- [67] Mr Smith submitted that the proposal is contrary to the provisions of the Policy Statements and Plans, particularly those relating to transportation and amenity. He also said that a designation would give 'too much unfettered land use control on transport development and infrastructure' and might set a precedent for the use of Notices of Requirement rather than what he considered the more appropriate resource consent process.
- [68] **Ms Jennifer Bradshaw** was unable to attend the hearing but tabled additional material to support her submission. Her main concern is the removal of buses from the George Street – Princess Street axis. She submitted that the Bus Hub would restrict accessibility (particularly for those in wheelchairs) because of the uphill gradient to reach George Street from the Bus Hub. She also said the Bus Hub might attract night-time drinkers which would further discourage use of the bus network.
- [69] **Ngāi Tahu Justice Holdings Limited** (NTJH), who own the Police Station site in Great King Street, provided a written statement listing their concerns:
- Vehicle access between their site and Great King Street;
  - Enabling Police access to CCTV footage for security reasons; and
  - The ability for NTJH to have input to future design changes.
- [70] The statement says that the first two matters are addressed by conditions attached to Ms Justice's evidence. However, they seek a revised condition

that NTJH are consulted prior to any Outline Plan and that the outcome of such consultation form part of such Outline Plans.

### 3.4 Evidence on behalf of Dunedin City Council

[71] **Mr Robert Buxton** is a consultant planner with 32 years' experience in Council regulatory and strategic planning, and in private consultancy. He prepared the Planners Report (s42A Report), and a further summary after having heard from the applicant, experts and submitters.

[72] Mr Buxton recommended that the Notice of Requirement be confirmed subject to conditions. He considered that the need for the Bus Hub was established by the Regional Transport Plan 2015-2021 which describes the Requiring Authority's objective of a 'central Bus Hub'.<sup>29</sup> He said that, in his opinion, adequate consideration had been given to alternative sites and methods. His assessment of effects – relying on Council's traffic, urban design and heritage experts – did not identify any significant adverse effects and he considered the potential adverse effects would be addressed by the applicant's proposed conditions with some suggested changes and additions.

[73] Mr Buxton highlighted that the design is not finalised and that a subsequent Outline Plan of Works would therefore be required. He recommended a condition to clarify what would be expected in the Outline Plan.

[74] **Mr Ian Clark**, an experienced consultant traffic expert, adopted the relevant section of the Agenda (which had been prepared by Mr Nick Sargent, Dunedin City Council's Transport Strategy Manager, who was unable to attend the hearing) and responded to questions and matters raised during the hearing. The relevant section of the Agenda states that:

- There is confidence that the minor changes required to the intersections outside the designation can be readily implemented but that such changes should be made prior to the Bus Hub becoming operational to avoid adverse effects on the road network;
- Traffic congestion that may arise at the Bus Hub or elsewhere can be addressed through network design – the Bus Hub being part of a wider transport network;

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<sup>29</sup> S42A report, section 8.1, Agenda page 13

- The loss of kerb side car parking within the Bus Hub could be offset by new spaces in the central city – although he pointed out such replacement will be at the discretion of Dunedin City Council;
- While there are potential effects on vehicle access and parking to adjacent properties, such properties have not submitted on the Notice of Requirement; and
- The expected increase in peak hour pedestrian flows would add to the vitality of the area.

[75] **Dr Crystal Filep** is Council's Team Leader Urban Design. Dr Filep supports the Bus Hub in principle.<sup>30</sup> However, she stated that the Bus Hub will "have an impact on urban amenity values within the central city area" because of its size and functional importance – and that such matters should be addressed in the Outline Plan.<sup>31</sup> She goes on to say that "in order for the Bus Hub to be successful in its proposal location, considerations in regard to traffic congestion safety and security, accessibility and usability, wayfinding and signage, as well as amenity and the provisions of facilities are essential..."<sup>32</sup>

[76] With regards amenity, Dr Filep says the Bus Hub should integrate with Dunedin's central city character. She said there had been "positive dialogue" with the applicant but noted that "some elements of discussion are not yet evident (in the design)."<sup>33</sup> In response to questions she stated that the new plan attached to Ms Cambridge's evidence (Rev. F) did address this matter. Specifically, Dr Filep agreed with the revised paving design, such elements as the toilets, lighting, cycle stands and seats, and stated that in her view there should be "continuous shelter along both sides of the street as far as practicable."<sup>34</sup>

[77] **Mr Dan Windwood** is Council's Heritage Policy Planner. His memo attached to the s42A Report identified the two scheduled heritage buildings adjacent to the proposed designation. He stated that care would be required with the design and location of the bus shelter on Great King Street in front of the Community House, and also the (public toilet) adjacent to the north side of

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<sup>30</sup> Filep, Urban Design Memo, Agenda page 320

<sup>31</sup> Filep, Urban Design Memo, Agenda page 316

<sup>32</sup> Filep, Urban Design Memo, Agenda page 317

<sup>33</sup> Filep, Urban Design Memo, Agenda page 316

<sup>34</sup> Filep, Urban Design Memo, Agenda page 319

the Community House. He concurred with the Heritage New Zealand recommendation to locate the bus shelters backwards adjacent to the kerb, but suggested larger verandas running the length of Great King Street. In his view “providing that they were of a light, minimalist glazed design their impact on the adjacent heritage building would not be significant.”<sup>35</sup>

### **Applicant’s right of reply**

[78] **Mr Alistair Logan** provided a written response to matters raised during the hearing, and also provided ‘evidence in reply’ from Messrs Collings and Lightowler, and Mses Justice and Cambridge. In summary, Mr Logan addressed the following matters:

- **Reasonable necessity:** The reasonable necessity for the Bus Hub was established through other processes under other legislation;
- **Alternatives:** Alternative locations proposed by submitters are ‘beside the point’. The relevant matter is whether the Regional Council’s consideration of alternatives was adequate, and this process had not been challenged;
- **Environmental Effects:** Expert evidence should be preferred over assertions by submitters;
- **‘Internal’ Effects:** It is beyond the scope of s171 of the RMA to recommend conditions on design and facilities within the Bus Hub where such facilities are for bus users;
- **Scope:** A condition requiring shelter be provided outside the designation (to connect the Bus Hub to George Street) would be unlawful; and
- **Outline Plan:** No link should be made between the plans submitted to the hearing and the Outline Plan of Works – they are ‘indicative’ plans for the purpose of facilitating an assessment of effects on the environment.

[79] **Mr Gerard Collings** evidence in reply included the following matters:

- A central platform, as suggested by Generation Zero, would not be viable;
- It is expected that the toilets will be open only during operational hours of the Bus Hub;

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<sup>35</sup> Windwood, Heritage Memo, Agenda page 321

- The ORC requires a private commercial agreement to occupy land currently occupied by the Community House and that the measures to address their privacy, ventilation, noise and parking concerns form part of that agreement;
- The extent of shelter (for instance the full canopy option) is subject to the level of funding able to be supported by the business case; and
- It is preferable to allow flexibility for the Bus Hub to develop over time rather than to limit it to a specific design.

[80] **Ms Megan Justice's** evidence in reply addressed the following planning matters raised in the tabled submission by Mr Smith:

- **Reasonable necessity:** Ms Justice points to Mr Collings evidence that improved public transport network, including the central Bus Hub, will achieve the objectives of the requiring authority. She points to her own primary evidence that a designation is an appropriate planning mechanism;
- **Amenity values:** Ms Justice points to her primary evidence and that of Ms Cambridge that the streetscape amenity values of Great King Street will be enhanced by the indicative designs for the Bus Hub;
- **Improved public transport:** Ms Justice explains that her contention that the Bus Hub will improve public transport is based on the objective of the Bus Hub as part of an improved public transport network, and on Mr Weir's evidence that the new network represents 'best practice'.

[81] Ms Justice also made the following points in support of updated recommended conditions attached to her evidence:

- Agreement with Mr Buxton on digital screens as 'signage';
- Specific inclusion of 'community events and public announcements' signage as a legitimate function for public transport;
- Limiting the required intersection modification to the establishment of the Bus Hub. She considers an open ended condition is unnecessary because future changes to bus routes would require Dunedin City Council approval in any event;
- Providing Dunedin City Council with discretion as to which of the seven listed intersections need to be upgraded prior to the Bus Hub becoming operational;
- Adding 'privacy' to the matters covered by Community House condition;

- Limiting the required consultation with Ngāi Tahu to matters that might affect the operations of the Police Station;
- Disputing Mr Buxton's recommended condition on matters to be addressed in the Outline Plan which Ms Justice considers is unnecessary.
- Urging restraint in applying conditions. She considers it preferable to maintain flexibility to enable the requiring authority to deliver the public works over the life of the Plan and that environmental effects are addressed by the outline plan process.

[82] **Ms Emily Cambridge's** evidence in reply included the following matters:

- The footpath width (not less than 2.5m) is sufficient for the likely level of pedestrian activity;
- Footpaths are widened at crossing points to increase safety; and
- The streetscape design is still to be finalised, and the detail design will further investigate ways to bring colour and interest to the street.

[83] **Mr Andrew Lightowler's** evidence in reply included the following matters:

- The flush median is necessary for the efficient and safe operation of the Bus Hub;
- The footpath width will be sufficient;
- It would not be possible to provide 10 bus stops in Great King Street without the 5° angled stops, given that 1m clearance is required from access ways and 6m from intersections;
- There is insufficient space to provide a pedestrian crossing on the desire line north of the Community House given the locations of bus stops and other constraints – it would also result in an estimated 4-6 car further park spaces being lost;
- Modifying the layout of the intersection of Great King Street and Moray Place as suggested by Mr Dowden can be explored during detail design; and
- Raising the mid-block pedestrian crossing would increase passenger discomfort and is unnecessary (with regards slowing buses) because the Bus Hub will likely be a low speed environment.

## 4 Principal issues and effects

### 4.1 Introduction

[84] This section considers the principal issues and effects relevant to this Notice of Requirement in accordance with s.171(1) of the RMA. In carrying out our assessment, we have reviewed the submissions and evidence concerning each of the principal effects on the environment that were brought to our attention. While we have not repeated everything we heard, we have endeavoured to record here the more important aspects of the evidence and submissions presented to us. At the conclusion of our discussion of each issue we provide our findings and reasons with respect to that issue.

## **4.2 Transportation/Traffic effects**

### Evidence

- [85] We had expert evidence from four transportation/traffic experts on behalf of Otago Regional Council. In combination they make the following key points:
- The Bus Hub is integral to Dunedin's new 'best practice' public transport network consisting of simplified routes, consistent timetabling, and the ability to interchange between routes at the hub (Weir);
  - Great King Street is an 'ideal location' for the Bus Hub because of its centrality to Dunedin's central city, its north-south orientation, accessibility within the road network, and sufficient space (Weir);
  - The proposed ten bus-stop configuration is the preferred option for efficient operation of the Bus Hub given the constraints of existing vehicle crossings (Weir);
  - The proposed dedicated pedestrian phases ('Barnes' Dance') within light-controlled intersections at either end of the Bus Hub – supplemented with a mid-block pedestrian crossing'– will provide for appropriate pedestrian circulation in the vicinity of the Bus Hub (Lightowler);
  - The city's street network can accommodate the changes to bus and traffic movements arising from the Bus Hub – any adverse effects on traffic circulation will be minor (Metherell);
  - Minor modifications are required to six intersections in the city centre outside the designation. Concept designs have been prepared and agreed with Dunedin City Council – and such works can be readily carried out subject to the City Council's agreement (Metherell).



- [86] Mr Ian Clark, on behalf of Dunedin City Council, did not challenge the points summarised above. He supported the s42A report that the changes to intersections beyond the Bus Hub should be carried out prior to the Bus Hub becoming operative.
- [87] Submitters raised concerns around congestion on the new bus routes, impacts on motorists using Great King Street, and loss of car parking, but did not bring any expert traffic evidence.
- [88] Mr Dowden submitted that the obtuse angle of the intersection of Moray Place and Great King Street will lead pedestrians out of their way to reach south-bound buses in the hub. He painted a picture of people therefore choosing to jay-walk, particularly if hurrying to catch a bus, with consequent adverse safety effects. He suggested the street markings and lights could be configured to provide a perpendicular crossing of Great King Street which he considered would be safer. In reply, Mr Lightowler agreed the crossing might potentially be realigned, although consideration would need to proximity of the crossing to Bus Bay 10.<sup>36</sup>
- [89] On a related matter, Dr Filep recommended that, from an urban design perspective, the existing 'desire line' on the north side of the Community House be formalised to provide a direct route and sight-line between George Street and the Bus Hub, avoiding the need to dog-leg around the front of Community House at the intersection of Moray Place and Great King Street. Mr Lightowler argued, on the other hand, that the route along Moray Place leads pedestrians to the light controlled intersection, whereas the desire line might lead to jay walking across the Bus Hub. Mr Clark agreed that closing the desire line would be safest from a traffic perspective.

#### Our evaluation and findings

- [90] We accept the following traffic evidence, having heard no expert evidence to the contrary:
- The Bus Hub is integral to the improved public transport network and the Great King Street site is an 'ideal' location for such a hub;
  - Dunedin's street network can accommodate changes in bus and vehicle circulation as a result of the Bus Hub, and any effects on the wider road network will be minor subject to the modifications required to several intersections in the city centre (**Condition 1**);

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<sup>36</sup> Lightowler, Evidence in reply, paragraph 6.2

- Increased pedestrian flows will add to the vitality in the vicinity of the Bus Hub;
- Dedicated pedestrian phases for the light-controlled intersections at either end of the Bus Hub – complemented by a mid-block pedestrian crossing – would provide for safe pedestrian circulation (**Condition 5(a)**)

[91] We consider Requiring Authority has established a reasonable necessity for the Bus Hub – as part of a new public transport network – in order to achieve its objectives. Such a bus network on public roads implies a degree of anticipated and legitimate effects.

[92] We acknowledge Mr Clark's evidence that modifications to the seven intersections outside the designation should be carried out prior to the Bus Hub becoming operational so as to avoid potential adverse effects. However, we accept Ms Justice's contention that a condition giving Dunedin City Council discretion over timing would achieve the same outcome, and also retain some useful flexibility (**Condition 1**).

[93] We consider the loss of car parks in Great King Street would be adequately mitigated by removal of bus stops nearby in the central city which would free up kerb space for potential parking. We consider Dunedin City Council's discretion as to how it uses its kerb space is unrelated to the Bus Hub. We therefore find that the proposal is 'neutral' with regards this effect.

[94] We agree with Mr Dowden's suggestion that a crossing perpendicular to Great King Street at the intersection of Moray Place would be more direct and therefore potentially safer, and warrants further investigation. Mr Lightowler confirmed his suggestion could have some benefit and could be investigated. We therefore recommend further consideration be given to this in the Outline Plan (**Condition 5(b)**).

[95] While we agree with Dr Filep that a formalised connection on the 'desire line' across the Community Hub car park would have circulation and legibility benefits from an urban design perspective, we also agree with Mr Lightowler that the desire line leads people to a location where it is not possible to provide a pedestrian crossing of Great King Street. In any event, the desire line across the Community House site is outside the proposed designation and may have adverse effects on the operations of the Community House.

- [96] Overall, therefore, we find that the Bus Hub would have positive effects on accessibility and vitality of the central city, and that adverse traffic effects would be minor subject to conditions relating to intersection changes and Outline Plan outcomes.

### 4.3 Amenity effects

#### Evidence

- [97] The main expert evidence on amenity effects was from Ms Cambridge and Dr Filep. Ms Cambridge explained that DCC's urban designer – Dr Filep – was consulted during the evolution of the design. She said that the paving now proposed as depicted on the plan 'Revision F' had been agreed with Dr Filep and would be in keeping with a palette of materials (Central City Plan Palette) currently being developed by Dunedin City Council.
- [98] Ms Cambridge presented two alternatives for shelter – one consisting of individual bus shelters mostly behind the footpath, and the other consisting of more extensive shelter over the footpath (the 'full canopy option' depicted on Rev F). She considered that the design presented in the 'full canopy option' was the superior option and that it addressed concerns of DCC and submitters with respect to shelter as well as paving design. Dr Filep's evidence was that there should be "continuous shelter along both sides of the street as far as practicable."<sup>37</sup>
- [99] Overall Ms Cambridge considered the Bus Hub (with either shelter options) would improve amenity for users and have a positive effect on the streetscape and experience of Great King Street.<sup>38</sup> Dr Filep took a slightly broader view. She said that, because of its size and functional importance, the hub will be visually dominant on Great King Street and have an impact on urban amenity values within the central city, and that such potential impact should be addressed in the design and the subsequent Outline Plan.<sup>39</sup> She considered the Bus Hub should integrate with Dunedin's central city character and listed matters to be addressed.

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<sup>37</sup> Filep, Urban Design Memo, Agenda page 319

<sup>38</sup> Cambridge, EIC, paragraph 9.2

<sup>39</sup> Filep, Urban Design Comments, Agenda page 316

[100] Generation Zero's submission raised concern (amongst other matters) about the narrow width of the footpaths.<sup>40</sup> We understood the existing footpaths are 3m wide and that this would be reduced to a minimum 2.5m in some places<sup>41</sup> to accommodate the 5° angled bus parks. We asked the traffic experts whether the footpath width could be increased by optimising such elements as the painted median and reverting to conventional parallel bus parks.

- With the former we were told that the road is configured so that all bus manoeuvres could be made without crossing the centre of the painted median. We did not receive any expert evidence that the carriageway and painted median could be narrower. Mr Clark stated that 'health and safety is the priority in all layouts and this would determine if a median is required'. He also noted that it would be easier to widen footpaths later if it was found the carriageway could be reduced, rather than vice versa.
- With regards the latter, Mr Lightowler said that "without the use of some angled bus bays, it would not be possible to provide the required number of bus stops on Great King Street (ten), whilst satisfying the minimum required clearance of 1m from access ways and 6m from intersections."<sup>42</sup> However, at face value the plans depict clearances significantly greater than those described by Mr Lightowler and generous spaces between bus stops. Mr Clark said he did not understand the need for angled parks.

[101] In his evidence in reply, Mr Lightowler introduced new evidence on Austroads standards for footpaths. We did not rely on this because there were a number of aspects of the application of the standards on which we would have wanted to question him. Mr Lightowler also relied on Ms Cambridge to confirm that the space would be sufficient for pedestrian movement and waiting,<sup>43</sup> whereas Ms Cambridge relied on Mr Lightowler.<sup>44</sup>

[102] Submitters raised concerns about the amenity of the Bus Hub, particularly the lack of shelter. Such submitters included Messrs Collier, McIntosh,

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<sup>40</sup> Written submission by Ms Jenny Coatham on behalf of Generation Zero, and presentation to hearing by Mses Coatham and Veronica Eastell

<sup>41</sup> Cambridge, Evidence in Reply, paragraph x

<sup>42</sup> Lightowler, evidence in reply, paragraph 4.2

<sup>43</sup> Lightowler, Evidence in reply, paragraph 3.7

<sup>44</sup> Cambridge, Evidence in reply, paragraph 2.1

Phillips, and Dowden, and Mses Tait and Angelo. Mr Collier, for example, submitted that the Bus Hub is “basically a series of open shelters, (and) does a great disservice to the city...” In his view, more consideration was required to protection from the weather.<sup>45</sup> Ms Tait stated that bus users currently have the benefit of verandas in George Street, compared with, in her view, inadequate shelter in the Bus Hub.<sup>46</sup>

#### Our evaluation and findings

- [103] First we need to decide if amenity for bus users is an effect we should consider under the RMA. Mr Logan submitted that such amenities as shelter for people waiting or transferring between services is an ‘internality’ (which he compared to the internal arrangements of a hotel room or supermarket) and we should therefore not consider it as an effect on the amenity values of the environment.<sup>47</sup> However, in our opinion the amenity of the environment for people using the Bus Hub is a relevant matter because the occupation of the street for the Bus Hub is premised on its being part of the overall public transport network. It will remain a public place regardless of whether people are passing by, walking to a bus stop, transferring between buses, or waiting.
- [104] Second we need to decide the relevant benchmark for our consideration of amenity effects. Mr Logan argued that the relevant benchmark is the existing amenity values of Great King Street. We consider potential amenity effects arise as a result of the proposed activity in conjunction with the existing environment. For instance, adverse effects may arise if the current narrow footpaths (particularly if further narrowed in places) and the current lack of shelter are to be combined with a significant increase in pedestrians. We also note that the District Plan requires 3m wide verandas over the footpath in Great King Street. While a designation exempts an activity from District Plan rules, the rules nevertheless indicate the level of amenity that would normally be anticipated for new development in the street. We also agree with Dr Filep that the function and importance of the Bus Hub will have an effect (potentially positive or adverse depending on design) on the broader amenity of the central city.

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<sup>45</sup> Collier, Agenda, page 241

<sup>46</sup> Tait, Agenda page 254-255

<sup>47</sup> Logan, Right of reply, paragraphs 29-39

[105] Thirdly, we need to decide if we should leave amenity effects to be addressed by the Outline Plan. We agree with Mr Logan's submission that the Outline Plan is a proper process to deal with the effects of design details. However, we are required to address effects of the designation and that requires a link to measures to be taken to avoid, remedy or mitigate such effects. The Requiring Authority wishes to avoid a condition that refers to its 'indicative plans' – wishing to retain design flexibility. We understood the reasons for this, particularly because, as Mr Collings explained, funding (from NZTA) will depend on the business case which is sensitive to cost. However, Ms Cambridge and Dr Filep relied on the 'indicative plans' in reaching their conclusions on effects, as did submitters, and Mr Logan said their purpose was to facilitate our consideration of effects. In the absence of a plan that can be used as a benchmark we therefore consider it necessary that we include a condition stating outcomes to be achieved by the Outline Plan with respect to potential amenity effects raised during the hearing (**Condition 5**). This is consistent with the approach the applicant has taken in proposing conditions relating to matters to be addressed in the Outline Plan. We did not accept that the list of aspects that must be included in an Outline Plan (s176C) limits our ability to include specific outcomes relating to effects. Rather, we consider such a link to outcomes is necessary to enable us to come to a finding on effects of the designation. We note that Section 176(3)(f) refers to "any other matters to avoid, remedy, or mitigate any adverse effects on the environment."

[106] Potential amenity effects of the designation for a Bus Hub included shelter, footpath width and consistency with the streetscape 'palette' being developed for Dunedin's city centre:

- We agree with Ms Cambridge, Dr Filep and Mr Buxton that continuous shelter (where practicable) over footpaths is preferable with regards to amenity effects (**Condition 5(d)**). We consider this an appropriate degree of amenity, bearing in mind that Great King Street has a veranda control that indicates the level of amenity one would normally anticipate at this location in the city. We accept the evidence that such shelter could be staged if funding was not available immediately;
- We consider the narrowing of the footpaths in places (which we observed on our site visits are already reasonably narrow) combined with an increase in numbers of pedestrians and waiting passengers, raises legitimate concern over potential adverse amenity effects that

were unresolved. We did not take into account the evidence in reply of Mr Lightowler regarding the application of standards to footpath width (and similarly Ms Cambridge's evidence in reply on that topic where she relied on Mr Lightowler) because it introduced new material that that we would have wanted to test through questions. We also note that Messrs Lightowler and Clark were not agreed that the angled bus parks served a purpose. We therefore consider further investigation is warranted at detail design to optimise footpath width (**Condition 5(e)**);

- We agree with Dr Filep that the Bus Hub design will have an influence on the amenity of the central city and that streetscape elements design should be integrated with Dunedin's existing character and the palette proposed for the upgrade of the city centre. Ms Cambridge agreed with this approach. It was also consistent with Generation Zero's submission that the Bus Hub should be designed as a public place (**Condition 5(f)**);
- We accept the position agreed between the applicant and Dunedin City Council that signage be restricted to matters relating to the Bus Hub – including the coffee kiosks and signs pertaining to special events/public announcements – and consider this will appropriately manage potential adverse effects of signage on amenity values (**Condition 8**); and
- We agree that coffee kiosks are an appropriate amenity for the Bus Hub. We did not receive any evidence on adverse effects, but we accept the condition proposed by the applicant to limit the number to two to keep within the scope of the notified conditions (**Condition 9**).

[107] We accept Mr Logan's submission that some of the matters raised by submitters are outside the scope of the hearing. These included shelter over footpaths outside the designation, and such matters as bus routes.

[108] Overall, we find that Bus Hub will have potential positive amenity effects, and that potential adverse amenity effects can be appropriately avoided, remedied and mitigated, subject to design outcomes specified in the conditions.

#### 4.4 Heritage effects

##### Evidence on effects

[109] There are two scheduled buildings adjacent to the proposed designation:

- The 'Scott & Wilson' building at the intersection of Great King Street and St Andrew Street which is a protected heritage item in the Operative and 2GP Plans (B545). The schedule applies only to the façade above the veranda. The building will not be affected by the proposal as depicted on the indicative plans.
- The Community House ('Stephens Inks Building') at the intersection of Great King Street and Moray Place. The building is a category 2 historic place (ref. 2219), and is scheduled as a protected heritage item in the Operative Plan and also the proposed 2GP Plan (B411). The Regional Council is negotiating with the Community House to occupy part of their site alongside the building to accommodate structures such as public toilets and bicycle storage, and wishes to provide shelter for a bus stop on the footpath in front of the Community House.

[110] Heritage New Zealand Pouhere Taonga (HNZPT) submitted that the bus shelters depicted adjacent to the Community House on the indicative plans would have adverse effects on the building's external appearance, would make maintenance of this part of the building more difficult, and could potentially affect the viability of the building because of loss of outlook and noise. They sought a condition that bus shelters might be placed facing 'backwards' adjacent to the kerb.<sup>48</sup> HNZPT also sought that any structures located in the car park adjacent to the Community House should be set back from the street frontage (so as to be visually recessive).

[111] Mr Windwood's memo on behalf of Council agreed that bus shelters could adversely affect the Community House, and agreed with HNZPT's recommendation. Alternatively he suggested that "...another option would be to move away from smaller shelters pepper-potted throughout the Bus Hub and consider larger verandas running the length of this block of Great King Street." He considered that "providing that they were of a light,

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<sup>48</sup> Heritage New Zealand Pouhere Taonga Submission, Agenda page 259



minimalist glazed design, their impact on the building would not be significant.”<sup>49</sup>

- [112] Dr Filep also recommended that alternative options be considered, including alternative shelter locations or a full canopy option comprising a minimalist structure with no ‘back’.

Our evaluation and findings

- [113] We agree with HNZPT’s submission and Mr Windwood’s evidence that shelters and other structures potentially have adverse effects on the heritage values of the Community House. We had no evidence to the contrary. We also agree with Dr Filep’s uncontested evidence that locating bus shelters with their backs to the kerb is not an ideal solution from an urban design perspective. We therefore consider further design is necessary through the Outline Plan, including Mr Windwood’s suggested design approach, to resolve the competing requirements of providing shelter and maintaining the heritage values of the Community House. We are conscious that protection of historic heritage is a matter of national importance, and consider the conditions provide for this appropriately as follows:

- **Condition 2** requires the Requiring Authority to consult with HNZPT prior to submitting any Outline Plan for works adjacent to a scheduled heritage item;
- **Condition 3** requires any structure adjacent to a heritage item to be sympathetic to the building’s heritage values; and
- **Condition 5(g)** requires that particular design attention is paid in any Outline Plan to structures adjacent to the Community House so as to protect the heritage values of the building while providing for people’s amenity in the Bus Hub.

- [114] We edited Condition 2 requiring consultation with HNZPT – which was proffered by the applicant – to clarify that it is a record of the consultation that is to be provided with the Outline Plan to be submitted to Council under s176A of the RMA.

- [115] We accept the condition agreed between the applicant and HNZPT with respect to accidental discovery (**Condition 10**).

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<sup>49</sup> Windwood, Heritage Memo, Agenda page 321

- [116] Overall, we find that potential adverse effects of structures associated with the Bus Hub on the heritage values of the Community House can be avoided or remedied, subject to design outcomes specified in the conditions.

#### 4.5 Effects on adjoining properties

- [117] The **Community House** support the Bus Hub in principle but raised concerns regarding loss of car parks, noise and air quality/ventilation within the building, and loss of privacy for ground floor rooms adjacent to the Bus Hub. We were told the community radio station is a noise-sensitive activity, and the air intake for the building faces the Bus Hub, and that there is a nexus between the need to manage noise and provide heat ventilation for radio equipment. We were also told that privacy is important for counselling that takes place in the building. The Community House supports closing the informal access on the desire line on the north side of the building to provide privacy. We were told that the car parks on the north side of the building (which might be affected by formalising the access) are important to field workers.
- [118] The **New Zealand Police** raised concerns about conflicts between their vehicle crossing to Great King Street and the Bus Hub – including potential congestion and blocking of sightlines. The applicant proposed a design solution attached to Ms Justice's evidence incorporating a kerb build-out, separation from bus stops, and restrictions on structures and planting that could potentially affect views. We were told that the Police agreed to this solution. The Police also requested access to the Regional Council's CCTV data in the Bus Hub to manage the security of the Police Station.
- [119] **Ngāi Tahu Justice Holdings**, who own the Police Station site, seek a condition that they be consulted over any Outline Plans, so as to protect their interests.

#### Our evaluation and findings

- [120] We consider the matters raised by the Community House are best addressed by a separate agreement as part of the negotiations to enable the Otago Regional Council to obtain rights to part of the site on which the Community House is located. Mr Collings said that the Regional Council had agreed to provide the mitigation requested by the Community House, and the representatives of the Community House told us an agreement was

near. Nevertheless we accept the applicant's proffered condition to cover such effects in the event an agreement is not reached (**Condition 10**). We added a note to clarify that such an agreement would discharge the condition.

[121] We accept Ms Justice's statement that Figure 1 to her evidence and the agreement to provide access to CCTV footage addresses the concerns of NZ Police. We did not receive a submission to the contrary. These matters are given effect to by **Conditions 11 and 12**. We accepted the applicant's proffered condition to consult NTJH with respect to any Outline Plan. (**Condition 4**), agree that such consultation should be limited to matters that might potentially affect their site (i.e. the Police Station), and clarified that it is a record of such consultation that is to be provided with the Outline Plan (i.e. the Conditions do not provide the ability for Ngāi Tahu to require changes to the Outline Plan).

[122] We had no submissions with respect to adverse effects on other adjacent properties. Such effects are likely to be addressed by way of separate agreement in conjunction with negotiations for the Otago Regional Council to gain occupation to parts of those properties.

[123] Overall, we find that adverse effects on adjacent properties in Great King Street will be appropriately avoided, remedied or mitigated subject to conditions.

#### **4.6 Effects during construction**

##### Evidence

[124] The potential adverse effects that were identified arising during construction of the Bus Hub included noise, dust, localised traffic disruption, and disruption of access to adjacent properties.

##### Our evaluation and findings

[125] We consider the effects during construction are typical of those one might reasonably anticipate within a public road from time-to-time, will be temporary, and able to be appropriately managed by measures commonly utilised in construction management plans (**Condition 6**) and construction noise standards (**Condition 7(a)**).

[126] We therefore find that that any adverse construction effects will be acceptable subject to a condition requiring a construction management plan as part of the Outline Plan that addresses the potential temporary effects identified above.

## 5 SECTION 171 CONSIDERATIONS

### 5.1 Overview

[127] The Panel was mindful of the assessment required by section 171(1) of the Act, which is set out below for convenience:

- (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.*

[128] We accept the legal submissions of Mr Logan that the focus of s171 is on a consideration of effects and that the matters listed in s171(1)(a)-(d) are to inform the consideration of effects.

[129] In Section 4, the 'Principal Issues and Effects' of this Recommendation we have evaluated and stated our findings in relation to the effects on the environment of the NOR. In this part of our Recommendation, i.e. Section 5, we place that evaluation in the context of s171(1), having particular regard to matters (a) - (d).

## 5.2 Relevant Documents

[130] The NOR provides an assessment of the relevant District Plan provisions that apply to the site and activity<sup>50</sup>, and Ms Justice, in her evidence in chief, stated that she concurred with that assessment. Of particular note:

- The land is zoned Central Activity Area Zone, and is partially within the Townscape Precinct TH09 under the Operative District Plan (**the ODP**);
- Bus bays, and structures within the road reserve are provided for as permitted activities in terms of the ODP, and it is only the bus shelter adjacent to Bay 1 that would require resource consent as a restricted discretionary activity (i.e. if the land was not designated for Bus Hub);
- Structures outside of the road reserve comply with the bulk and location rules, however bus bays on private land are not specifically provided for; and
- Under the Proposed Second Generation Plan (**the 2GP**) the proposed Bus Hub would be classified as a Passenger Transportation Hub, a discretionary activity in all zones, however many of the amenities proposed as part of the Bus Hub would be permitted activities, except where they encroach into the 3m width of the footpath.

[131] Mr Buxton, in his s42A report, noted:

- The two Scheduled Historic Buildings relevant to the NOR;
- The frontage of both sides of Great King Street are “Verandah Required” frontages, and as such the toilets and bicycle stand in the Community House car park and the bus shelter for the inter-regional bus bay (Bay 11) would require a 3m wide verandah in order to meet the permitted activity standard; and
- Under the 2GP there is no Townscape Precinct that would affect the proposed designation.

[132] Ms Justice’s evidence also stated she concurred with the NOR’s assessment of the relevant policy statement and plans.<sup>51</sup> This included an assessment of the Regional Policy Statement for Otago (**RPS**), proposed Regional Policy Statement for Otago (**proposed RPS**), the ODP, and the 2GP. Her assessment was that the proposed Bus Hub is consistent with the relevant parts of all of those documents.

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<sup>50</sup> NOR, pages 2 - 4

<sup>51</sup> NOR, pages 13-21

- [133] Mr Buxton's s42A report commented that: *"The assessment of policy statements is relatively thorough and I agree with the assessment undertaken"*.<sup>52</sup> Mr Buxton also gave his opinion that the proposal is consistent with the relevant provisions of the National Policy Statement for Urban Development Capacity, i.e. OA1, PA2, and OD1.
- [134] Mr Smith's submission, and his tabled statement, gave his view that the proposal is contrary to several policies and objectives of the RPS and proposed RPS. These provisions related to the reduction of amenity and efficient use of resources. Both Ms Justice and Mr Buxton did not agree with Mr Smith's contentions on those points.
- [135] The main considerations for us are the central city location, zoning and commercial nature of the environment in this locality, which appears well suited for an activity of this kind. Whilst some aspects of the Bus Hub would normally require resource consent without a designation, overall we consider this activity can reasonably be expected in this location in terms of the relevant planning documents, subject to appropriate design considerations.
- [136] We also accept the evidence that the designation will maintain or enhance the amenity of the locality (again subject to appropriate design outcomes) and will lead to efficient outcomes in the provision of public transport services in Dunedin. In Section 7 of this Recommendation we have provided some outcome focused conditions to have focus in particular on the appropriate amenity considerations, for example shelter within the Bus Hub with a preference for continuous shelter above footpaths as far as practical in recognition of the 'Verandah Required' frontages shown in the ODP along Great King Street.
- [137] Our evaluation is that the proposed Bus Hub, and the effects it is likely to generate (subject to conditions), is generally consistent with the relevant planning documents. We accept the expert evidence presented to us on this respect.

### **5.3 Consideration of Alternative Sites**

- [138] The NOR includes consideration of alternative sites for the Bus Hub and alternative methods for providing the services proposed to be provided. Mr

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<sup>52</sup> S42A report, page 7

Collings' statement of evidence provided a summary of the consultation process and Mr Weir's statement also outlined the consideration of alternatives that ultimately lead to the Great King Street site being chosen as suitable for the Bus Hub.

- [139] Three submitters raised concerns about the location of the site and suggested alternative locations should be considered.
- [140] Mr Logan's legal submission was that the DCC must consider whether the Requiring Authority has given adequate consideration to alternative sites, routes, or methods. Therefore the enquiry is into the process followed, not whether the best site, route, or method has been chosen. Mr Logan said the need to evaluate alternatives only arises if either the Requiring Authority does not have an interest in the land sufficient for undertaking the work (which is the case here) or it is likely that the work will have significant adverse effects on the environment (which he said is not the case here).
- [141] Ms Justice's evidence was that the process for considering alternatives was adequate. Mr Buxton, in his s42A report, said that he could understand why the designation process is being pursued, in that it will give the Requiring Authority greater certainty regarding the district plan requirements prior to committing to a significant investment.
- [142] Mr Buxton also noted that the designation will be reliant on the DCC undertaking work outside of the designation boundary (i.e. intersections outside the designation will require upgrading). He raised a potential issue regarding management of the road (i.e. between the Requiring Authority which would hold the designation, and DCC which has the responsibility under the Local Government Act 1974) but if there were any issues he said *"the DCC can provide the legal means for controlling the road reserve"*.<sup>53</sup>
- [143] In our evaluation we accept the evidence of both planning witnesses, as well as the evidence of Mr Collings and Mr Weir, that the process for consideration of alternatives conducted by the Requiring Authority was adequate. In reaching this conclusion we took into account that there will not be significant adverse effects (subject to conditions) and that, while the Requiring Authority does not have an interest in the land sufficient to undertake the activity, the majority of the Bus Hub will be in public road

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<sup>53</sup> S42A report, page 13

where buses and bus stops are an anticipated activity, and we are told the Requiring Authority has otherwise come to private commercial agreements for the adjoining land needed for the Bus Hub.

#### **5.4 Need for the Designation**

[144] Mr Collings, in his statement, gave evidence on how the proposed Bus Hub will assist the Requiring Authority in achieving its objectives as the agency responsible for managing Public Transport for the Otago region.

[145] Ms Justice, in her planning evidence, supported Mr Collings' statement and drew attention to relevant documents prepared and implemented by Otago Regional Council, these being the Otago Regional Land Transport Strategy 2011; Otago Southland Regional Land Transport Plans 2015-2021; and Regional Public Transport Plan 2014. She noted that the latter document makes specific reference to a new public transport network in Dunedin, whereby new bus routes interchange at a central city Bus Hub.

[146] Mr Buxton also commented, in his s42A report, that: *"The ORC has shown that the Bus Hub will meet its objectives"*<sup>54</sup>, with reference to the same documents as Ms Justice had.

[147] We accept the evidence of Mr Collings, and the expert evidence of Ms Justice and Mr Buxton, on this aspect. The NOR is a step towards giving effect to the Requiring Authority's public transport objectives in Dunedin City.

[148] In terms of the effects on the environment of the proposed Bus Hub, it is relevant that the above planning strategy documents have signalled a central city Bus Hub. It can be a reasonable expectation therefore that a Bus Hub, with its resultant effects, will be established in a central city location such as this.

#### **5.5 Any Other Matters**

[149] There are no 'Other Matters' required to enable us to give full consideration to the NOR.

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<sup>54</sup> S42A report, page 13



## 5.6 Part 2 of the RMA

[150] We accept and adopt the evidence of Ms Justice with respect to Part 2 of the RMA, which is summarised as follows:

- The most relevant section 6 matter of national importance is the requirement to protect historic heritage from inappropriate subdivision, use and development. Ms Justice's evidence is that no changes are proposed to the façades of the two scheduled buildings adjoining the designation and that the effects of structures adjacent to the Community House can be managed by way of conditions to ensure the heritage item is protected;<sup>55</sup> Conditions address this matter.
- In terms of section 7(b) the use of the site for the Bus Hub is considered an efficient use of this central city land, noting also that the roads within the site will continue to function effectively as public roads, and locating the Bus Hub predominantly within road reserve will minimise the displacement of established commercial activities; and
- In terms of section 7(c), the proposal – subject to conditions and Outline Plan process – will enhance amenity values of the area.

## 6 CONCLUSION

[151] For all the reasons set out in this Recommendation we consider the NOR satisfies all of the matters we are required to have regard to in terms of Section 171(1) of the RMA.

[152] We set out below the recommended conditions to attach to the designation, and a commentary to provide some explanation in addition to that provided on conditions within Section 4, the Principal Issues and Effects.

## 7 COMMENTARY ON CONDITIONS

[153] We refer to conditions in Section 5 in conjunction with our consideration of effects. We generally accepted the intent and content of the conditions agreed between the applicant and Council's reporting officer with the following changes:

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<sup>55</sup> Justice, summary evidence, paragraph 2.24

- The conditions were reordered to firstly cover matters required prior to an Outline Plan being submitted, followed by matters relating to the Outline Plan, and finally matters specific to individual properties;
- We added a condition stating outcomes to be achieved by the Outline Plan with respect to certain amenity matters as noted in our discussion above on effects of the designation;
- While we considered that the noise standards for the underlying zone are appropriate for the Bus Hub (setting aside the noise of vehicles which is not covered by such standards), we consider the appropriate standard to be that current at the time, rather than the more lenient of either the Operative Plan at the time the NOR was lodged or the Plan current at the time;
- We accepted the Requiring Authority's condition requiring consultation with Heritage New Zealand and Ngāi Tahu, but made some editorial changes to remove potential ambiguity;
- We set out specific reasons for conditions (including changes) in Section 5; and
- We made some editorial changes for clarity.

## **8 CONDITIONS**

1. Prior to submitting an Outline Plan for the establishment of the Bus Hub the Requiring Authority shall obtain the agreement of Dunedin City Council (Group Manager, Transport) for works required on the following seven intersections outside the designation that are necessary to address any adverse effects on the transportation network resulting from changes to the bus routes associated with operation of the Bus Hub.

- a) George St / St Andrew St
- b) Moray Place / Lower Stuart St
- c) Moray Place / Burlington St
- d) Moray Place / Princes St
- e) Great King St / Frederick St
- f) Moray Place / Upper Stuart St
- g) Castle St / Lower Stuart Street

Such agreement will include the timing of the works including those works the Group Manager, Transport considers necessary prior to the Bus Hub becoming operational. For the avoidance of doubt, this condition relates

to the establishment of the Bus Hub and not subsequent Outline Plans of Works that may be required for future changes to the Bus Hub.

2. The Requiring Authority shall consult with Heritage New Zealand Pouhere Taonga prior to any Outline Plan being submitted for proposed works adjacent to any protected heritage façade identified in the District Plan. A record of the consultation is to be included as part of the submitted Outline Plan.
3. Any new structures to be located adjacent to the scheduled heritage item (ref. 2219) referred to as the Community House shall be designed and located so as to be sympathetic to the heritage values and external appearance of the building and not to hamper its on-going maintenance. This condition applies to any structures in the road reserve in front of the Community House or alongside the building in the existing car park area.
4. The Requiring Authority shall consult with Ngai Tahu Justice Holdings Limited (or any subsequent legal entity as the owners of Sec 41 and Sec 42 Town of Dunedin) prior to any Outline Plan being submitted for proposed works that have a potential effect on the Police Station. A record of the consultation is to be included as part of the submitted Outline Plan.
5. An Outline Plan of Works for the establishment of the Bus Hub shall be submitted to Dunedin City Council under section 176A of the RMA. The Outline Plan is to address potential adverse amenity and safety effects within the designated Bus Hub having regard to the following matters:
  - a) Safe pedestrian crossings including light-controlled crossings at each end of the Bus Hub, and a mid-block pedestrian crossing;
  - b) Investigation and, if feasible, configuring the light controlled intersection at Great King Street and Moray Place to provide a perpendicular crossing of Great King Street;
  - c) Unbroken footpaths surfaces across vehicle access ways to adjacent properties so as to indicate pedestrian priority;
  - d) Shelter within the Bus Hub (including staging if necessary) with a
  - e) preference for continuous shelter above footpaths as far as practical;
  - f) Further investigation to optimise the footpaths and carriageway within the Bus Hub to provide as wide footpaths as possible consistent with the safe operation of the Bus Hub for both pedestrians and vehicles;

- g) Streetscape design (for instance such elements as paving, shelters, street furniture, lighting, signage, landscaping, public toilet) of equivalent quality to that of Dunedin's principal city centre streets, and in keeping with the themes and materials palette being developed for the City Centre Plan; and
  - h) Particular attention to the design of structures adjacent to the Community House so as to protect the heritage values of the building while also providing for people's amenity within the Bus Hub.
6. A Construction Management Plan (CMP) shall be submitted as part of the Outline Plan for the establishment of the Bus Hub to deal with any adverse effects that may occur during the construction phase. The CMP 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; and
  - b) Mitigation measures to reduce adverse effects on adjoining properties, including dust, noise, access to properties, and safety of people visiting the site.
7. Activities associated with the Bus Hub shall be carried out to achieve the following noise outcomes:
- 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, 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.

8. Signage is limited to information associated with the Bus Hub, Dunedin Public Transport Network and associated facilities including signage associated with coffee kiosks, community events and public announcements.
9. A maximum of two coffee kiosks may be located within the designation site.
10. If an unidentified archaeological site is located during works, and 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 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 or Outline Plan has been issued under the Resource Management Act.

11. As part of the Outline Plan for the establishment of the Bus Hub, the Requiring Authority shall include measures to mitigate the following adverse effects arising from the Bus Hub on the Community House:
  - a) Noise associated with the Bus Hub on the noise sensitive activities within the Community House,
  - b) Modification to air intakes to maintain air quality and ventilation within the Community House; and
  - c) Window tinting (or alternative measures) to mitigate loss of privacy for ground floor rooms adjacent to the Bus Hub.

This condition will be met if a separate commercial agreement is reached between the Requiring Authority and the Community House Trust.

12. No landscaping, buildings and structures higher than 700mm shall be located within the red shaded area shown in Figure 1 to ensure sight distances for drivers of vehicles entering or existing 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 the red shaded area.
13. The Requiring Authority shall provide New Zealand Police access to the data from CCTV installed to monitor the Bus Hub.

### Appendix 1 - Summary of submissions

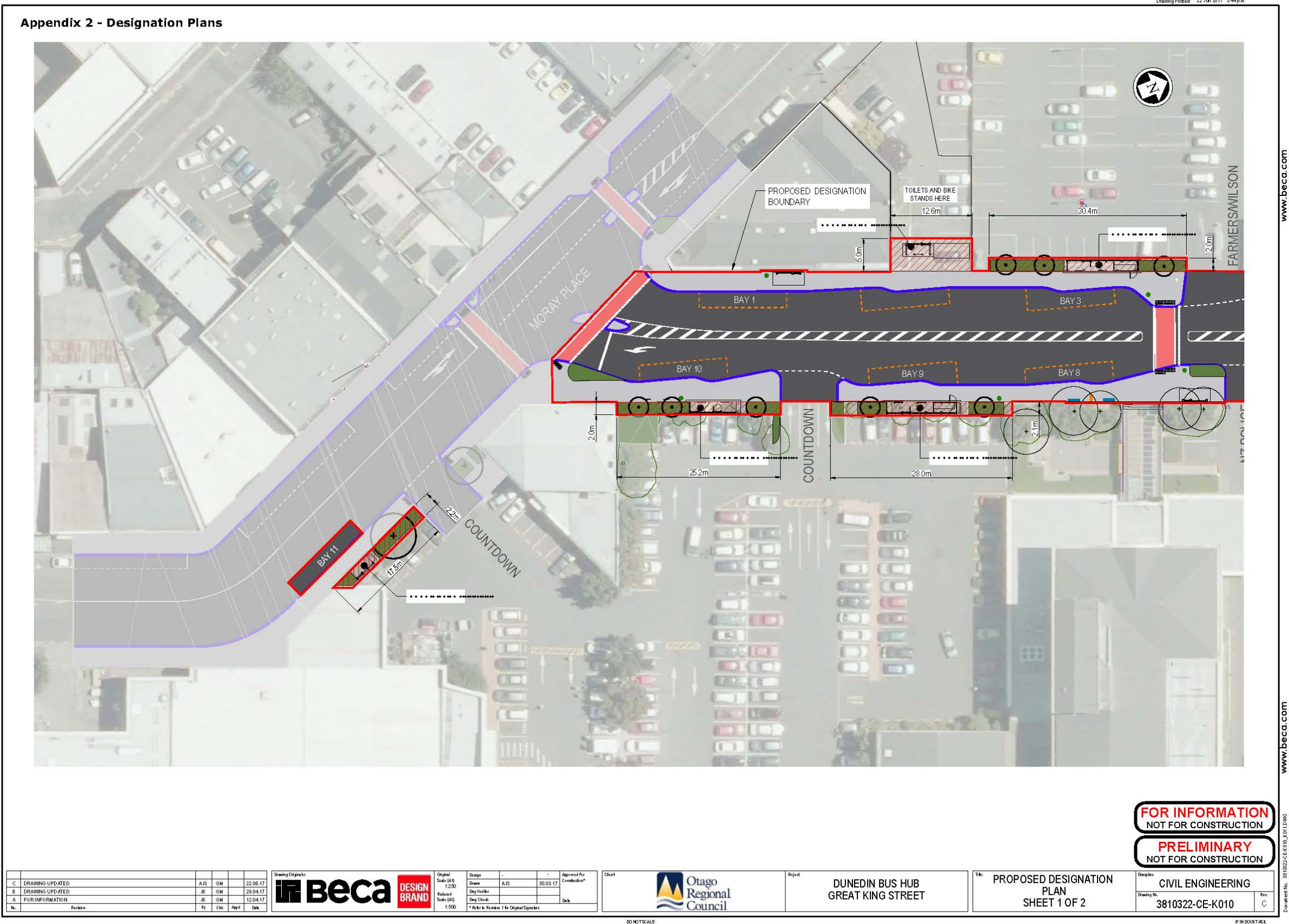
Submitter	Supportor Oppose	Wish to be heard?	Reasons for submission	Decision Sought
Athol Parks – City Walks	Oppose	✗	<ul style="list-style-type: none"> <li>Gt King St already congested. Difficult access for buses.</li> <li>Loss of vibrancy to Octagon and George St.</li> <li>Two hubs better long term.</li> </ul>	ORC be denied permission to site a bus hub in the proposed location.
Bruce Collier	Oppose	✗	<ul style="list-style-type: none"> <li>Better consideration of climatic conditions and heritage.</li> </ul>	Decline application and require more consideration of unique Dunedin requirements.
David Phillips	Support	✗	<ul style="list-style-type: none"> <li>Short term solution will not encourage patronage. Need better designed more comfortable shelters.</li> </ul>	That a modern user-friendly bus hub is built.
Desmond McIntosh	Oppose	✓	<ul style="list-style-type: none"> <li>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.</li> <li>Delay for 12 months for better design.</li> <li>Refers to alternative bus routes for better access to Octagon and Uni/Hospital.</li> </ul>	Delay for 12 Months for better outcome.
Diane Yeldon	Support	✗	<ul style="list-style-type: none"> <li>Supports as will improve public transport.</li> </ul>	Recommend in support.
Geraldine Tait	Oppose	✓	<ul style="list-style-type: none"> <li>Keep buses in George St, maybe remove cars. George St more convenient and sheltered.</li> <li>The Bus hub not an improvement.</li> <li>Refers to other ways to improve the service.</li> </ul>	Decline until offered a hub with better shelter and services.
Graham Calder	Oppose	✗	<ul style="list-style-type: none"> <li>Keep buses in George St.</li> <li>Refers to specific improvements to route No 19 and fares.</li> </ul>	Not specified.
Ian Williams	Oppose	✓	<ul style="list-style-type: none"> <li>Worst location, as per current chaos outside New World.</li> <li>Needs a dedicated site and building or wider street.</li> </ul>	Abandon and let common sense prevail.

HNZPT - Jane O'Dea	Neutral	✗	<ul style="list-style-type: none"> <li>• Supportive in principle.</li> <li>• Concern about double bus shelter and/or a full canopy outside Community House.</li> <li>• Earthworks may require authority from HNZPT. Proposed condition may not satisfy the requirements of the HNZPT Act.</li> </ul>	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"> <li>• Lack of access to Octagon, library and service centre disadvantages elderly and disabled. Doesn't make city inclusive.</li> </ul>	Decline.
Generation Zero - Jenny Coatham	Support	✓	<ul style="list-style-type: none"> <li>• Supportive in principle.</li> <li>• Raises a number of concerns regarding better signage, seating, shelter and clear pathways (including lighting and weather protection) to Hub.</li> </ul>	Implement but change design.
Public Health South - Jo Kingi	Neutral	✓	<ul style="list-style-type: none"> <li>• Supportive.</li> <li>• Makes specific comments about improving the hub.</li> </ul>	Construction should commence ASAP.
Ngai Tahu Justice Holdings Ltd – John Schelle	Oppose	✓	<ul style="list-style-type: none"> <li>• Concerns about impact on Police Station which it owns, including: access visibility; security (install CCTV).</li> <li>• Wants to be consulted if there are future changes, including frequency of buses.</li> </ul>	Provide conditions on access visibility and CCTV, and consultation.
The Dunedin Community House – Lesley Paris	Support	✓	<ul style="list-style-type: none"> <li>• Supportive in principle.</li> <li>• Concern about: noise; emission; loss of 5 car parks; privacy (regarding views into building).</li> </ul>	Decision to be conditional on negotiated resolution of their concerns.
Liz Angelo	Oppose	✓	<ul style="list-style-type: none"> <li>• Primarily concerned that the DCC should be more involved, including its urban designers and heritage planners.</li> <li>• Visual concerns – modern design look not in keeping with Dunedin's character, particularly in front of Community House.</li> <li>• Not user friendly due to exposed site (should be a heated building).</li> <li>• Should be designed for all buses including those for cruise ships and airport, and provide for electric bus charging stations.</li> <li>• Better research required on users and design.</li> </ul>	Stop the bus hub project.



Lyndon Weggery	Oppose	✓	<ul style="list-style-type: none"> <li>Concerned about effect on users of the area.</li> <li>No consultation/coordination with DCC, including DCC's own plans for the CBD.</li> <li>Alternatives such as the exchange have not been considered.</li> </ul>	Decline
Michael Smith	Oppose	✓	<ul style="list-style-type: none"> <li>Designation not warranted, can use the provisions of the 2GP, DCC's Transportation Strategy and Local Government Act.</li> <li>Contrary to the RPS and PRPS, and parts of the 2011 Draft Transport Strategy, 2012 Public Transport Plan and 2015-21 Regional Transport Plan.</li> <li>Effectively a road stopping exercise.</li> <li>Reduces accessibility and connectivity.</li> <li>No comprehensive surveys, modelling or consultation.</li> <li>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.</li> <li>Incomplete assessment on traffic effects.</li> </ul>	Withdraw NOR
University of Otago – Murray Brass	Support	✗	<ul style="list-style-type: none"> <li>Designation is a key part of the strategy to improve public transport and the University's Sustainability Strategic Framework 2017-21.</li> </ul>	Confirm NOR.
Nicola Petrie	Support	✗	<ul style="list-style-type: none"> <li>Bus hub will enable sustainable transport.</li> <li>Supports incorporation for cycling and mid-block pedestrian crossing.</li> <li>Suggests Xmas shopping discounts to assist retailers in the area.</li> </ul>	Approve.
Bus users Support Group Otepoti Dunedin - Peter Dowden	Support	✓	<ul style="list-style-type: none"> <li>Support is conditional on some details.</li> <li>Lack of weather protection between hub and main retail area.</li> <li>Safer direct route for users coming from main retail area.</li> <li>Would support a reduction to half proposed size, based on existing usage outside Farmers on George St.</li> </ul>	Reduce hub to about half the proposed size.

Phillip Day	Oppose	✓	<ul style="list-style-type: none"> <li>No information on previous/future usage, routes, electric buses or new transport options.</li> <li>Loss of inner city parking one of the biggest threats to Dunedin.</li> </ul>	Call off hearing until all information is supplied.
NZ Police – Sue-Ellen Moore	Neutral	✓	<ul style="list-style-type: none"> <li>Concern about congestion at the NZ Police egress causing danger to pedestrians and delays to Police cars.</li> </ul>	Investigate a traffic control system onto to Cumberland St for NZ Police (similar to NZ Fire Service).



Appendix 2 - Designation Plan

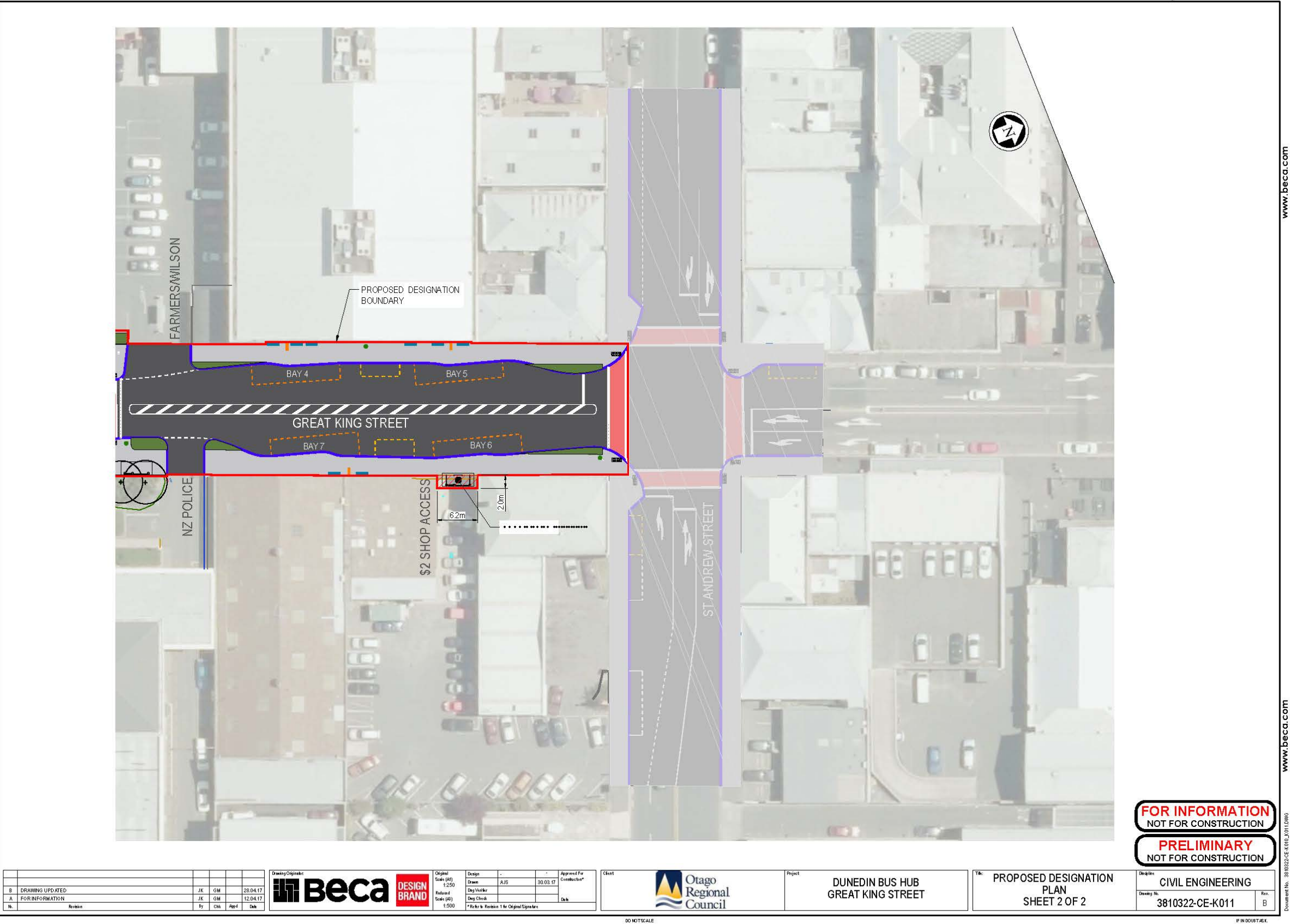
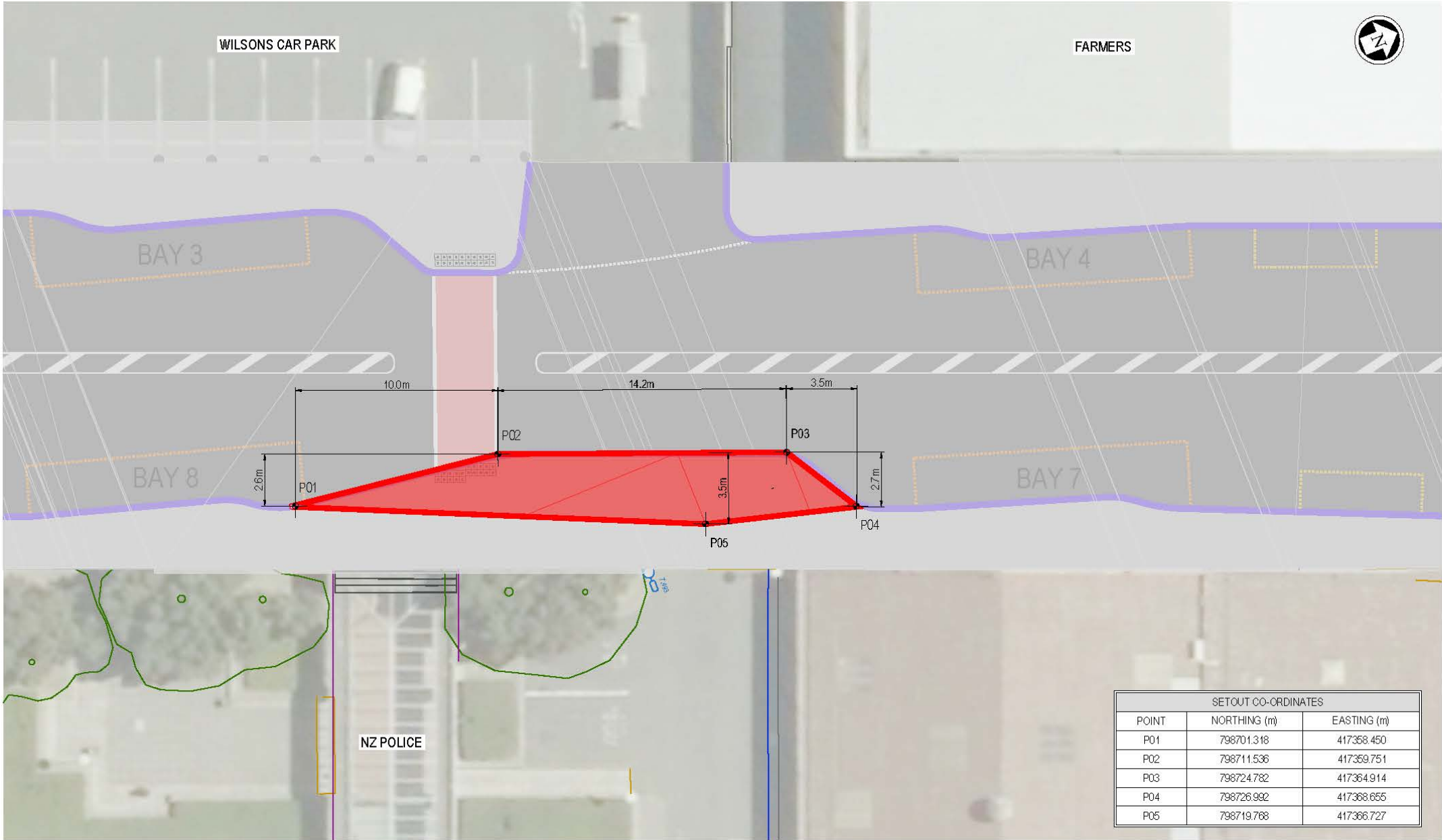




Figure 1



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	798719.788	417366.727

**FOR INFORMATION**  
NOT FOR CONSTRUCTION

**PRELIMINARY**  
NOT FOR CONSTRUCTION

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

Drawing Designer:	<b>Beca</b>	Original Scale (m):	1:100	Design:	MTR	28.09.17	Approved For Construction:	
	<b>DESIGN BRAND</b>	Reduced Scale (m):	1:200	Drawn:	JK	28.09.17		
				Check:				
				Check:				

Client:	<b>Otago Regional Council</b>
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Project:	<b>DUNEDIN BUS HUB GREAT KING STREET</b>
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Title:	<b>POLICE STATION SIGHT DISTANCE EXCLUSION ZONE</b>
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Designer:	<b>CIVIL ENGINEERING</b>
Drawing No.:	<b>3810322-CE-K015</b>
Rev.:	<b>A</b>

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