

BEFORE THE DUNEDIN CITY COUNCIL

**IN THE MATTER OF** of the Resource Management Act 1991

**AND**

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

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**STATEMENT OF EVIDENCE IN REPLY BY MEGAN JUSTICE**

31 OCTOBER 2017

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## **1. EVIDENCE IN REPLY**

1.1 This evidence in reply provides additional evidence to address suggested amendments to the proposed designation conditions, and a reply to the statement presented by submitter Mr M Smith.

1.2 I also attach an updated set of suggested conditions for the proposed designation as Attachment 1. I discuss the suggested changes to these condition in this statement.

### **Mr Smith**

1.3 I have considered the statement provided by Mr Smith. My evidence in chief, and the evidence of others, has responded to many of the points he has raised and I do not intend to repeat this.

1.4 At the bottom of page 1 Mr Smith states that no compelling reason for the designation has been provided. As Mr Logan has identified in his opening submissions, it is not the role of the hearing panel to recommend on whether or not the bus hub is needed. However, Mr Collings' evidence set out how the requiring authority's proposed improved public transport network, including the establishment of a central bus interchange, will achieve the objectives of the Otago Regional Council. I have set out why I consider a designation to be an appropriate planning mechanism to provide for the bus hub in my primary evidence.

1.5 The suggestion that the bus hub could be incorporated into Community House or the Farmers carpark would not be practicable for the number of buses using the bus hub.

1.6 On page 2, Mr Smith discusses amenity values. My reading of his statement is that it does not expand on his submission points, which have been addressed by the evidence of Ms Cambridge and myself. As I have stated in my evidence, Ms Cambridge concludes that the amenity values of the Great King St streetscape will be enhanced within the indicative designs for bus hub.

1.7 While it is not clear from Mr Smith's statement, I understand that he may prefer the status quo situation, or would prefer a different location for the bus hub. The evidence of Mr Collings' has stated that the central city bus hub is required to meet the objectives of the requiring authority, and that

the proposed Great King Street site has been demonstrated to be the best option.

- 1.8 On page 2 of his statement Mr Smith states that I have concluded that the bus hub will improve the public transport service. I have based my statement on the objective of the bus hub proposal, which is to provide an improved public transport service. The evidence of Mr Weir is that the bus hub is part of a suite of changes to the public transport service which are described as 'best practice' (paragraph 5.1). Mr Collings' evidence sets out the changes proposed to improve the public transport network.
- 1.9 Mr Colling's evidence in reply will address the submission points which have requested patronage data.

### **Conditions**

- 1.10 Attachment 1 to this statement contains a set of amended suggested conditions for the proposed Central City Bus Hub designation. These conditions update the colour coded condition presented by Mr Buxton at the hearing. Additional changes I have suggested are coloured purple.
- 1.11 Condition 5 Signage – I accept the position of Mr Buxton that digital screens are now considered to be 'signage' and therefore agree with the deletion of the last sentence of the condition which excluded digital screens from the signage condition.
- 1.12 In order to ensure that the requiring authority's objectives for the bus hub can be provided for, I have suggested including 'community events and public announcements' in the description of the type of signage provided for as part of the designation.
- 1.13 As stated in my evidence in chief (paragraph 5.33), the signage condition was carefully worded to not exclude 'commercial signage' as the bus service is in itself a commercial operation, and signage advertising the services could therefore be excluded. In my view, limiting the signage to information associated with the Bus Hub, public transport, community events and public announcements, and the signage required for the coffee kiosks, will be sufficient to manage the effects of signage associated with the designation.
- 1.14 Condition 7 relates to changes to the roading networks required to accommodate the re-routing of buses through the Bus Hub. The changes

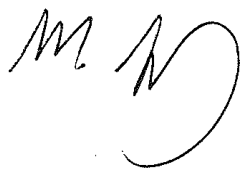
I have suggested to this condition seek to limit the condition to changes to the road network associated with the establishment of the bus hub, as this is when the re-routing of the buses will occur. No further changes to the road network outside of the designation site are expected beyond those required to accommodate the new bus routes required to direct the buses via the bus hub.

- 1.15 If changes to bus routes occurs in the future, any changes to the road networks would be managed by the Dunedin City Council which owns the roads, and must give approval for any works on the roads in any case. There is no need to tie this work back to the designation for the bus hub.
- 1.16 I have also suggested listing the seven intersections where works are required in this condition to provide additional certainty for this condition. As discussed by Mr Metherell in his evidence, planning of the required changes to these seven intersections is well advanced between the requiring authority and Dunedin City Council.
- 1.17 Finally, I have suggested including the sentence to enable the Dunedin City Council to determine what works are necessary to be completed prior to the bus hub becoming operational. This is to ensure the operationalisation of the Hub is not delayed unnecessarily. However, the decision of what is considered necessary for the bus hub operation is left with the Dunedin City Council roading manager.
- 1.18 Condition 8 relates the mitigation of effects on Community House. I suggest expanding this condition to include the mitigation proposed to manage loss of privacy. I also note that this condition will likely to be satisfied via a private side agreement with the Community House Trust, as owners of this building. However, in the absence of this agreement being finalised, I consider this condition to be appropriate.
- 1.19 Condition 12 relates to consultation with the owner of the New Zealand Police Station site. I suggest amending this condition to require this consultation where works at the designation site may directly affect the operation of the Police Station.
- 1.20 Condition 13 of Mr Buxton's version of the conditions sought that the outline plan include specific details which in his view go beyond what is required under s176A of the RMA. In considering whether or not Mr Buxton's condition 13 is necessary, I consider it useful to re-visit why the



RMA provides specific provisions for requiring authorities to enable them to carry out public works. A requiring authority has a **responsibility** to the public to provide public works<sup>1</sup>.

- 1.21 In order to provide public works the requiring authority is afforded the responsibility of administering its activities, and managing the environmental effects of its activities in District Plan via the designation mechanisms. This responsibility is only afforded to requiring authorities, and highlights why special provisions are provided to requiring authorities in the RMA.
- 1.22 Requiring authorities can be locked into detailed conditions, similar to those imposed on resource consents. In some cases, this situation has resulted in significant difficulties for requiring authorities when implementing and operating under the designation for the life of the District Plan. Changing the conditions of a designation is akin to the process of obtaining a designation. For this reason, I consider that care must be taken in ensuring that the conditions attached to a designation are as flexible as possible to enable the requiring authority to deliver the public works over the life of the District Plan, while ensuring effects are appropriately managed.
- 1.23 With that in mind, a designation is not intended to replicate a resource consent in terms of the level of information provided in a notice of requirement or conditions imposed, as a designation must enable modification to the works over time. Any environmental effects arising from the modification and changes to the works over time are legitimately addressed by the outline plan process. For these reasons, I do not consider Condition 13 to be appropriate.



1.1

<sup>1</sup> Public work is defined in the RMA as:

*public work has the same meaning as in the [Public Works Act 1981](#), and includes any existing or proposed public reserve within the meaning of the [Reserves Act 1977](#) and any national park purposes under the National Parks Act 1980*

Section 2 of the Public Works Act 1981 defines public work or work to mean:

*“(a) Every Government work or local work that the Crown or any local authority is authorised to conduct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, operate, or maintain by or under this or any other Act; and include anything required directly or indirectly for any such Government work or local work or use:*

**ATTACHMENT 1**

**CONDITIONS**

## Recommended Conditions

(Red text is from ORC evidence, Green text from Ngai Tahu evidence, Blue text are Mr Buxton's responses) Purple changes are M Justice responses 24.10.17.

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

Note: It is an offence under S87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or a consent has been issued under the Resource Management Act.
- 3) ~~Heritage New Zealand Pouhere Taonga shall be consulted prior to any Outline Plan being submitted under section 176A of the RMA for proposed works immediately adjacent to any protected heritage façade identified in the District Plan.~~
- 4) Where any new structures are to be located adjacent to any heritage item ~~as~~ scheduled in the District Plan, the structure shall be sited, designed and finished so as to be

sympathetic to the heritage values of the Heritage item, **taking into account the operational requirements of the bus hub**. Although the preference is for structures to not be located **in the road reserve** in front of the heritage item, if there are operational requirements, then the structure should be **designed separated from the building to enable allow** maintenance of the heritage item. For structures to be located beside a heritage item, the structure should be **designed and/or sited to enable maintenance separated and recessed from the street frontage** of the heritage item.

**Comment [MJ1]:** I am comfortable with this amendment.

- 5) Signage is limited to information associated with the Bus Hub, Dunedin Public Transport Network, and associated facilities, including **signage associated with** the coffee kiosks, community events and public announcements. **There shall be no commercial advertising signs or hoardings. Digital information screens do not comprise signage for the purpose of this condition.**

**Comment [RB2]:** ORC request the retention of this sentence

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

**Comment [MJ3R2]:** I accept that digital screens should constitute signage for the purpose of this condition.

- 7) As part of any outline plan **for the establishment of the bus hub**, the requiring authority shall provide a finalised assessment and plan of the work required on the **reading network the intersections below** (outside the designated area) necessary to address **any** effects on the transportation network **resulting from as-a-result-of** changes to **the** bus routes **required** to incorporate buses passing through the hub. The finalised assessment and plan shall be approved by the Dunedin City Council (General Manager, Transport). **Where deemed necessary by the Dunedin City Council General Manager Transport, and the work on the identified intersections shall be undertaken prior to the bus hub becoming operational. Note that the adherence to this condition will not be required for Outline Plans submitted once the bus hub is operational.**

**Comment [RB4]:** ORC request the inclusion of this sentence

**Comment [MJ5R4]:** This sentence can be removed if the words in the first line are included.

- o George St / St Andrew St
- o Moray Place / Lower Stuart St
- o Moray Place / Burlington St
- o Moray Place / Princes St
- o Great King St / Frederick St
- o Moray Place / Upper Stuart St
- o Castle St / Lower Stuart St

- 8) As part of any outline plan **for the establishment of the bus hub**, the Requiring Authority shall prepare a noise mitigation plan to address the mitigation of noise on the noise sensitive activities within Community House, **demonstrate how loss of privacy effects will be mitigated**, and shall prepare a plan for modifying the air intakes for Community House. **Timing for implementing this mitigation shall be described in the Outline Plan.**

- 9) As part of any outline plan **for the establishment of the bus hub**, a construction management plan shall be submitted to deal with any adverse effects, including noise that may occur during the construction phase. That plan shall include, as a minimum, the following:

- a) Mitigation measures to reduce adverse effects on traffic management in relation to any nearby intersections or roads;
- b) Mitigation measures to reduce adverse effects on adjoining properties, including, dust, noise and safety of people visiting the site.

- 10) **Only landscaping, buildings and structures up to a height of 700mm within the designation area shall be located within the red shaded area shown in figure 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. All landscaping and structures**

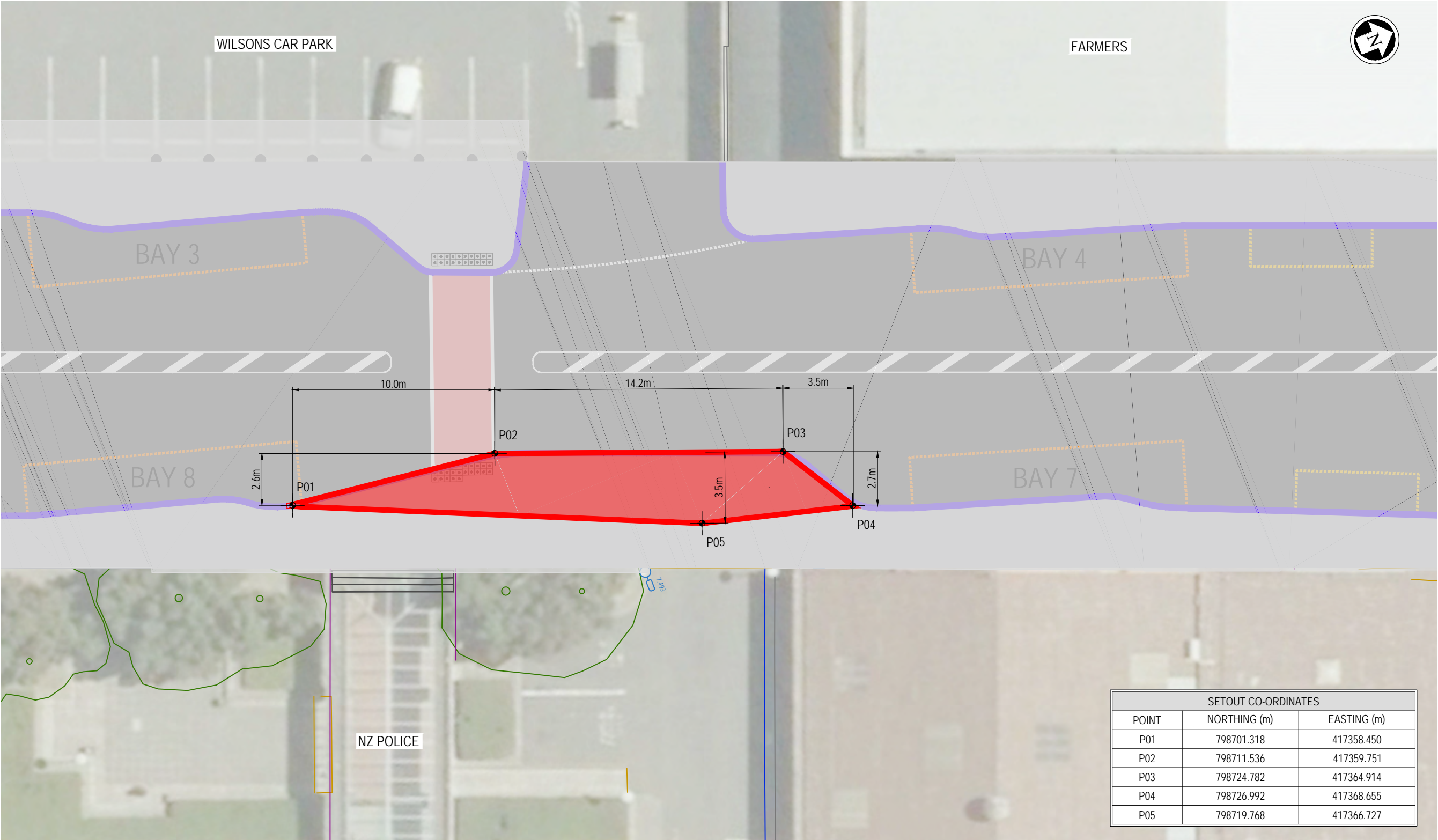
~~shall be designed and maintained so that they do not restrict the visibility of vehicles entering or exiting any of the accessways within the bus hub area.~~

- 11) ~~New Zealand Police shall be provided access to the CCTV data of CCTV installed to monitor the designated area. The bus hub shall include CCTV or similar that provides coverage of all of the bus hub area.~~
- 12) Ngai Tahu Justice Holdings Limited (or any subsequent legal entity), as the owner of Sec 41 and Sec 42 Town of Dunedin, shall be consulted prior to any Outline Plan being submitted under section 176A of the RMA for the proposed works that has a direct affect on the operation of immediately adjacent to the Police Station site. ~~The outcome of the consultation shall form part of the Outline Plan, including the identification of measures designed to avoid, remedy or mitigate adverse effects identified through consultation.~~
- 13) ~~In addition to those matters included in s176A of the RMA, the Outline Plan shall include details on the design of all structures, paving/surface treatment, lighting and signage/wayfinding~~

**Comment [RB6]:** NTJH requested these words be deleted.

**Comment [MJ7]:** These words are not necessary, as s176A requires that any matters required to avoid remedy or mitigate adverse effects on the environment are set out in an outline plan.

Figure 1



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

Drawing Originator:

**Beca**

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

Client:

**Otago Regional Council**

Project:

DUNEDIN BUS HUB  
GREAT KING STREET

Title:

POLICE STATION  
SIGHT DISTANCE  
EXCLUSION ZONE

FOR INFORMATION  
NOT FOR CONSTRUCTION

PRELIMINARY  
NOT FOR CONSTRUCTION

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