

BEFORE THE DUNEDIN CITY COUNCIL

**IN THE MATTER
AND**

of the Resource Management Act 1991

IN THE MATTER

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

STATEMENT OF NGAI TAHU JUSTICE HOLDING LIMITED

16 OCTOBER 2017

INTRODUCTION

- 1 This statement is made by Ngai Tahu Justice Holdings Limited (NTJH). NTJH are a submitter¹ on the Notice of Requirement (the NOR) by the Otago Regional Council (the ORC) for a Bus Hub Designation at Great King Street, Dunedin.
- 2 The submission raised the following concerns:
 - (a) vehicle access to the Police Station site (located at 25 Great King Street);
 - (b) security, specify enabling access to CCTV footage by the New Zealand Police; and
 - (c) the scope of the NOR and the limited ability of NTJH to participate in any future changes that may be proposed.
- 3 The NTJH submission sought various conditions as relief that would address their concerns.
- 4 NTJH and the ORC have engaged in consultation post the closure of submissions. An agreement in principle has been reached in terms of suggested conditions. However, agreement has not been reached in terms of the proposed wording.
- 5 Given the position of NTJH and the ORC, this statement focuses on the proposed conditions and the area of disagreement.

Agreed conditions

- 6 Following the aforementioned consultation, there is agreement between NTJH and the ORC on suggested conditions 10 and 11 (contained in Appendix 2 – Suggested Conditions of Ms Megan Justice’s evidence). Those conditions are adopted by NTJH as part of this statement.

Condition of disagreement

- 7 The condition where there remains some disagreement regarding wording is suggested condition 12. It is noted however that there is agreement between

¹ Submitter id 606092

parties regarding the intent of the condition, that being consultation between NTJH and the ORC on future Outline Plan applications.

- 8 However, NTJH is concerned that consultation would only be necessary for works “immediately adjacent to the Police Station”. The use of the term immediately adjacent contains a level of uncertainty and therefore is open to interpretation. It is unclear from the wording of the condition how far the term ‘immediately adjacent’ extends e.g. across to the other side of Great King Street and how far from the boundary of the Police Station site.
- 9 The above aside, the condition makes a presumption that only works immediately adjacent to the Police Station will be of interest/relevance to NTJH. This is not the position of NTJH as it is their view that being an adjacent landowner, they have a general interest in the operation of the designation as a whole. It will not be until such time as the scope of any future proposal has been defined will NTJH be able to determine any interests they may have. For these reasons, NTJH consider it is necessary for the ORC to engage in every application for an Outline Plan.
- 10 In addition to the above, the suggested condition does not include a mechanism for recording the outcome of the consultation or the identification of any measures to avoid, remedy or mitigate adverse effects. NTJH consider this is vital otherwise the purpose of the consultation may go unfulfilled. The appropriate method of recording the outcome of the consultation would be as part of an Outline Plan application. This would advise the Dunedin City Council of the consultation, and if necessary, make recommendations to the requiring authority under section 176A(4) of the Act.
- 11 With this in mind, NTJH request the following amendments to suggested condition 12. Deleted words **struck out** and added words **underlined**.
- Ngai Tahu Justice Holdings Limited (or any subsequent legal entity), as the land owner of Sec 41 and Sec 42 Town of Dunedin, shall be consulted prior to any Outline Plan being submitted under section 176A of the RMA*~~*for proposed works immediately adjacent to the Police Station.*~~ **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.**
- 12 With the inclusion of the above amendments, the relief sought in the NTJH submission would be satisfied.

Hearing attendance

- 13 Given the consultation undertaken to date and the respective positions of both parties, NTJH no longer wishes to present evidence before the Hearings Panel.

SIGNED for and on behalf of



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John Scheele

Authorised agent for and on behalf of Ngāi Tahu Justice Holdings Limited

Dated: 16 October 2016

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