

8 January 2009

Mr Jim Harland
Chief Executive Officer
Dunedin City Council
PO Box 5045
DUNEDIN 9058

Dear Mr Harland

**NOTICE OF REQUIREMENT DIS-2008-3: DUNEDIN CITY COUNCIL
HARBOURSIDE ARTERIAL LINK**

The above Notice of Requirement ('NOR') for the Harbourside Arterial Link, issued by the Dunedin City Council ('the Requiring Authority'), was processed on a notified basis in accordance with sections 168A and 169 of the Resource Management Act 1991 ('the Act').

We were appointed as independent commissioners to the Hearings Committee to hear the application in public between 10-20 November 2008. We heard the NOR jointly with Proposed Plan Change 8: Stadium. A separate decision is to be issued on this plan change.

At the end of the public part of the hearing, in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, we resolved to exclude the public. On 10 November, 14 November and 20 November 2008 we undertook site visits of the area that would be occupied by the Harbourside Arterial Link.

It is our decision that the NOR be **confirmed, subject to the modification** shown on Revised Designation Plan 4A, which is attached to this decision, and **subject to conditions** set out on pages 11 to 13 of this decision. The full text of the decision commences below.

The Hearing and Appearances

The Requiring Authority was represented at the hearing by:

- Mr Michael Garbett – Counsel
- Mr Don Hill – Transportation Planning Manager
- Mr Jeremy Byfield – Traffic Safety Consultant
- Mr Rob Hay – Acoustic Consultant
- Ms Janet Reeves – Urban Design Consultant
- Ms Julie McMinn – Planning Consultant

Submitters attending to speak to their submissions were:

- Ms M M Aitcheson
- Mr L Weggery
- Dunedin Ratepayers and Householders Association, represented by Mr Tony Borick
- Sport Otago, represented by Mr John Brimble
- University of Otago, represented by Mr Barry MacKay
- Ms J M Bruce

- Mr Robert Cunninghame
- Mr Lindsay Moir
- Mr Geoffrey Brown
- Southern Branch New Zealand Institute of Architects represented by Mr Nick Baker
- Mr Brian Miller
- New Zealand Academy of Sport, represented by Ms Kereyn Smith
- Stop the Stadium Inc, represented by Ms Bev Butler, Mr Brian Miller and Mr Keith Mattingly
- Mr Tim Calder
- Mr Robert Le Brun
- Ms Shona Cumming
- Mobil Oil New Zealand Limited, represented by Mr Daniel Sadler and Mr Mark Arbuthnot
- Sustainable Dunedin Inc, represented by Ms Jocelyn Harris
- New Zealand Transport Agency (formerly Transit New Zealand), represented by Mr Ian McCabe
- Ms Jennifer Bradshaw
- Ms Jennifer McMahan
- Mr William Witherow
- Mr Jeff Dickie
- Shell New Zealand Limited, represented by Mr Brent Cooper and Ms Karen Blair
- Otago Harbour Recreational Trust, represented by Mr Lou Vorgers
- Mr Andrew Henderson, representing Mr Paul Campbell, Ms Meg Davidson, Ms Anne Elliot, Mr Peter Entwisle, Ms Lisa Levitt, Mr Malcolm McQueen and Ms Rosemary McQueen
- Mr Peter Entwisle
- Ms Rosemary McQueen
- Ms Elizabeth Kerr, representing Mr Paul Campbell, Ms Meg Davidson, Ms Anne Elliot, Mr Peter Entwisle, Ms Lisa Levitt, Mr Malcolm McQueen and Ms Rosemary McQueen
- Chalmers Properties Ltd, represented by Mr Anthony Penny
- Ms A J Kennedy
- Ms E F Dickie
- Ms Olive McRae
- Ms Bev Butler
- Ms Rebecca Everdon
- Mr Ian Dalziel

Dunedin City Council staff in attendance were:

- Ms Jane Macleod - Handling Officer
- Mr Paul Freeland – Acting Planning Policy Manager
- Ms Jennifer Lapham - Governance Support Officer

Procedural Matters

Modification to the NOR

In response to a submission from Shell New Zealand Ltd, who operate a bulk terminal site at 3 Wickliffe Street, the Requiring Authority has proposed a modification to the footprint of the designation, as shown in Revised Designation Plan 4A, which is attached to this decision. This modification will reduce displacement effects on Shell's site. We consider that no parties are prejudiced by this modification of the designation, and that no person who has not made a submission would have done so had the modification been included in the NOR documents

that were publicly notified. It is therefore our decision to modify the NOR as proposed by the Requiring Authority in response to Shell's submission.

At the hearing, *Mr Tony Borick* representing the *Dunedin Ratepayers and Householders Association* and *Mr Andrew Henderson* representing *Mr Paul Campbell, Ms Meg Davidson, Ms Anne Elliot, Mr Peter Entwisle, Ms Lisa Levitt, Mr Malcolm McQueen and Ms Rosemary McQueen* commented on the proposed modification. Mr Borick and Mr Henderson were of the opinion that this modification constituted a significant change to the NOR, since the modified footprint of the designation would require that the proposed elevated 'Gyratory' roundabout be rotated to the east. It was Mr Borick and Mr Henderson's understanding that this rotation would result in the closure of Anzac Avenue to through traffic, since there would no longer be room for traffic to pass under the access ramp linking Frederick Street to the Gyratory, which would cross Anzac Avenue. Mr Borick and Mr Henderson therefore believed that there may be a need to re-notify the NOR, to allow members of the public the opportunity to submit on the proposal to close Anzac Avenue to through vehicles.

However, we consider that the NOR application makes it clear that, if the Council's final designs for the Harbourside Arterial Link included the proposed Gyratory depicted in the concept plans accompanying the application, the effect of the Arterial would be to close Anzac Avenue to through traffic (regardless of the rotation). Paragraph 106 of the application states that, based on the assumption that the Gyratory will proceed, 'the portion of Anzac Avenue south of Frederick Street will become a cul de sac'. It goes on:

Pedestrians and cyclists will still be able to cross Frederick Street on the line of Anzac Avenue as part of the cycleway to the University and City, but there will be no vehicular access.

We therefore do not consider that there is a need to re-notify the NOR as a result of the modification.

Late Submissions

Pursuant to Section 37 of the Act, the Committee accepted the late submissions from Alexander McLellan and Stephen Fisher, having taken into account matters set out in Section 37(1) of the Act.

Summary of Evidence Heard

Report from Handling Officer

At the hearing Ms Jane Macleod presented her report, prepared pursuant to Section 42A of the Act, to the Committee. Following an assessment of the NOR, Ms Macleod considered that the establishment and operation of the Harbourside Arterial Link would give rise to adverse effects, most of which could be avoided, remedied or mitigated through conditions on a modified designation. Certain adverse effects would persist despite mitigation measures, but Ms Macleod considered that these would be outweighed by the positive effects of carrying out the work. Ms Macleod considered that the proposed designation was consistent with relevant provisions of policy statements and plans; that the requiring authority had considered a range of alternative means to achieve the objective of the designation; and that the work and designation were reasonably necessary for achieving the objectives of the Requiring Authority. Ms Macleod then considered other relevant matters, including: consultation; the adequacy of information provided with the NOR application; and matters raised by the New Zealand Heavy Haulage Association and the New Zealand Transport Agency relating to the final design of the Arterial Link. Finally Ms Macleod considered the NOR in the light of relevant matters set out in Part 2 of the Act. Overall, Ms Macleod recommended confirmation of the NOR with conditions.

The Applicant's Case

Mr Garbett managed and presented the case on behalf of the Requiring Authority. Mr Garbett outlined the relevant statutory provisions to assess the designation and was of the view that the NOR met these provisions.

Mr Don Hill gave an overview of the project and described its purpose and benefits, the alternative methods and routes that were considered by the Council, and the consultation that was undertaken prior to public notification of the NOR. Mr Hill also addressed points that had been raised in submissions relating to access to the waterfront, pedestrian and cycle facilities, impacts on businesses and impacts on the road network, in particular Frederick Street and Anzac Avenue.

Mr Jeremy Byfield's evidence addressed potential safety issues on the Harbourside Arterial Link, and current safety issues on the existing networks that may be affected or mitigated by the Arterial.

Mr Rob Hay's evidence addressed the existing noise environment in the affected area. Mr Hay considered the likely noise effects that would result from a gyratory roundabout at-grade, and from an elevated gyratory.

Ms Janet Reeves discussed the urban design effects of the proposed designation, including effects on the connectivity of the city, on the Harbourside vision and on the character of Anzac Avenue. Ms Reeves also considered the visual impact of the Arterial, the experience for users of the Arterial, and the opportunities provided for improving links between the University Campus, Hocken Library, Logan Park and the proposed Awatea St Stadium.

Ms Julie McMinn addressed the environmental effects of the proposed designation, issues raised in submissions and statutory planning matters. Ms McMinn stated that the Requiring Authority accepted the majority of the conditions recommended in the Handling Officer's report. However, Ms McMinn requested a change in the wording of the condition relating to the Construction Management Plan and its approval by Dunedin City Council's Planning Policy Manager. Ms McMinn considered that the requirement for approval should be deleted, and that the condition should simply require that such a plan be supplied to Dunedin City Council.

Evidence from Submitters

Ms M M Aitcheson

Ms Aitcheson had made a written submission opposing the NOR. However, in her presentation at the hearing, she focused on her opposition to the Stadium project and Proposed Plan Change 8.

Mr L Weggery

Mr Weggery had made a written submission opposing the NOR. However, in his presentation to us, he focused on his opposition to the Stadium project and Proposed Plan Change 8.

Dunedin Ratepayers and Householders Association, represented by Mr Tony Borick (Vice Chairman)

Mr Borick discussed the proposed modification to the NOR, which would alter the area of land required for the proposed Gyratory. Mr Borick was of the opinion that this modification constituted a significant change to the NOR, which would result in the closure of Anzac Avenue to through traffic. Mr Borick considered that the NOR should be re-notified.

Sport Otago, represented by Mr John Brimble (Chief Executive)

Mr Brimble confirmed Sport Otago's support for the NOR, based on improved transport links, improved access to the waterfront and improved pedestrian and cyclist safety in the vicinity of Logan Park. However, Mr Brimble noted that it would be necessary to create a new Skateboard Park in a convenient, safe, accessible and attractive location, following extensive consultation with user groups.

University of Otago, represented by Mr Barry MacKay (Director of Property Services)

Mr MacKay indicated that, while the University supports the realignment of SH88, it has concerns about the concept designs provided for the Arterial, particularly the lack of

integration with the existing road network. The University considered that the Arterial Link should be designed to ensure permeability and minimise visual impact, and that urban design measures should be used to allow the road to accommodate both urban feel and improved traffic flow. The University opposed the upgrading of Frederick Street to State Highway status, to link State Highways 1 and 88, on the basis that this would bring heavy traffic to Frederick Street, creating a barrier to pedestrian movement and reducing amenity for halls of residence in the area. Mr MacKay also indicated that he was personally opposed to the severing of Anzac Avenue. Mr MacKay was of the opinion that, rather than opting for the proposed new Gyrotory, the Requiring Authority should consider retaining and altering the existing Ward Street overbridge.

Ms J M Bruce

Ms Bruce opposed the NOR due to funding matters, loss of industrial land and noise effects on recreational activities in the Harbourside area including yacht clubs, boating and the new walkway/cycleway.

Mr Robert Cunninghame

Mr Cunninghame had made a written submission opposing the NOR. However, in his presentation to us, he focused on his opposition to the Stadium project and Proposed Plan Change 8.

Mr Lindsay Moir

Mr Moir expressed concerns about the cost of the proposed Arterial and its effect on the railway, noting that the construction of the road would make it impossible to expand the railway in the future. Mr Moir was of the opinion that land at the harbour should be conserved as a base for future South Sea oil exploration.

Mr Geoffrey Brown

Mr Brown had made a written submission opposing the NOR. However, in his presentation to the Committee, he focused on his opposition to the Stadium project and Proposed Plan Change 8.

Southern Branch New Zealand Institute of Architects represented by Mr Nick Baker (Chairperson)

Mr Baker opposed the construction of the Arterial because he believed that it was incompatible with the objectives of Proposed Plan Change 7: Harbourside, and that it would create a barrier between the city and the Harbourside area. Mr Baker supported the use of rail rather than road for the transport of freight. Mr Baker was particularly concerned that the permeability of the city should be protected, and he stated his view that arterials and cul-de-sacs are not compatible with permeability. Mr Baker was of the opinion that Thomas Burns Street should not become a cul-de-sac but should be maintained as a feeder route to the crossing points that link the Harbourside area to the city.

Mr Brian Miller

Mr Miller's presentation focused mainly on matters relating to his opposition to the Stadium project and Proposed Plan Change 8. However, in relation to the NOR, Mr Miller stated that freight should be transported by rail rather than by road. Mr Miller was also concerned about the Requiring Authority's ability to fund the Arterial given the rising prices of materials such as bitumen.

New Zealand Academy of Sport, represented by Ms Kereyn Smith (Chief Executive Officer)

Ms Smith confirmed the New Zealand Academy of Sport's support for the NOR based on the major improvements to road safety that would result from the construction of the Arterial.

Stop the Stadium, represented by Ms Bev Butler (President), Mr Brian Miller (Committee

member) and Mr Keith Mattingly (member)

Mr Miller and Ms Butler focused on matters relating to Plan Change 8 and the Stadium project. Mr Mattingly, a former Dunedin Drainage and Sewerage Board inspector, raised concerns regarding flood risk for the part of the Arterial located near the Owheo/Water of Leith and the Opoho Stream, and also regarding major delays that would be created during the construction of the Arterial.

Mr Tim Calder

Mr Calder supported the NOR as he believed the new Arterial would improve safety and amenity.

Mr Robert Le Brun

Mr Le Brun owns and operates the vehicle repair and servicing business Automotive Solutions Limited, which occupies part of the site at 57 Anzac Avenue. This business has been built up over the last eleven years, and now employs Mr Le Brun, his wife and six members of staff. Mr Le Brun's main concern was that the Arterial would render the 57 Anzac Avenue site incapable of reasonable use by both his own business and the adjacent Mobil service station. Mr Le Brun explained that these businesses work well together at their current site, since customers of one business also often make use of the other. With less exposure to the road and more difficult access, he said that passing custom would be reduced and repeat customers would also gradually drift away. Mr Le Brun stated that, since alternative available industrial-zoned sites in the city have no exposure to passing traffic, they would be unsuitable for the relocation of the Automotive Solutions business. Reconfiguring the existing site so that the businesses faced Frederick Street or Harrow Street would also be problematic since Frederick Street may become very busy, making it difficult for traffic to pull over and stop at the site. Mr Le Brun also expressed concern that the Arterial may remove a fair portion of traffic from central Dunedin, and thereby reducing passing trade for businesses in that area.

Ms Shona Cumming

Ms Cumming had made a written submission supporting the NOR. However, in her presentation to us, she focused on her support for the Stadium project and Proposed Plan Change 8.

Mobil Oil New Zealand Limited, represented by Mr Daniel Sadlier and Mr Mark Arbuthnot

Mr Daniel Sadlier presented legal submissions on behalf of Mobil, and addressed the relevant statutory provisions. Mr Sadlier was of the opinion that the NOR was not reasonably necessary to achieve the Requiring Authority's objectives, insufficient consideration had been given to alternatives, insufficient information had been provided to Mobil, and Mobil had not been adequately consulted. In addition, the NOR would not achieve the purpose of the RMA. Mr Sadlier also tabled written evidence from Mr Phil Wanden, Mobil's New Zealand Real Estate Manager. Mr Wanden's evidence indicated that Mobil had recently spent \$742,000 to replace the underground fuel supply system at the 57 Anzac Avenue site. Mr Wanden also provided further details of the consultation that the Requiring Authority had undertaken with Mobil, which in his view was inadequate, and discussed the mitigation measures proposed in the Handling Officer's report, which he considered ineffective.

Mr Mark Arbuthnot then presented planning evidence on behalf of Mobil. In his evidence Mr Arbuthnot addressed the statutory provisions relevant to an assessment of the NOR. He discussed the effects of the NOR on Mobil, and stated that construction of the proposed Gyrotory and associated changes to the road network would render the Mobil service station economically unviable. Mr Arbuthnot went on to state that there had been inadequate consultation with Mobil, and that insufficient information about the project had been supplied to the company. Also, in Mr Arbuthnot's opinion, insufficient consideration had been given to the changes to the local road network that would result from the construction of the Arterial. In addition, Mr Arbuthnot believed that insufficient information had been provided to determine whether or not the NOR was consistent with District Plan objectives and policies relating to industry and transportation, that insufficient consideration had been given to

alternatives, that the work was incompatible with the Requiring Authority's objectives, and that the NOR would not achieve the purpose of the RMA.

Overall, Mobil sought that the NOR be withdrawn, to be re-notified following: further consultation; provision of further information to Mobil; further consideration of the effects of the NOR; and more thorough consideration of alternatives. Alternatively, Mobil sought that the hearing should be adjourned until the Requiring Authority had: (1) specifically considered the retention of through traffic on Anzac Avenue and the maintenance of access to the Mobil site from Frederick Street and Anzac Avenue; (2) undertaken proper consultation with Mobil and any other affected party regarding adverse effects that may result from the final layout of the Arterial; and (3) assessed and quantified adverse effects on Mobil and developed means of mitigating such effects.

Sustainable Dunedin Inc, represented by Ms Jocelyn Harris (Co-Chair)

Sustainable Dunedin Inc had made a written submission opposing the NOR. However, in her presentation, Ms Harris focused on Sustainable Dunedin's opposition to the Stadium project and Proposed Plan Change 8.

New Zealand Transport Agency (formerly Transit New Zealand), represented by Mr Ian McCabe

Mr McCabe confirmed the support of the New Zealand Transport Agency for the proposed designation, which would set aside land within which the Harbourside Arterial Link could be established. The Agency believed that the new Arterial would provide a safe and efficient link between State Highway 1 and State Highway 88, and that it would provide an attractive alternative to travelling through the centre of Dunedin. Mr McCabe indicated that the Agency had requested, in its written submission, that a condition be attached to the NOR, to ensure that the Requiring Authority undertake consultation on the detailed design of the Arterial. He noted that the Handling Officer had recommended a condition requiring the Outline Plan for the proposed works to be prepared in consultation with the New Zealand Transport Agency, and indicated that this proposed condition would satisfy the Agency's request.

Ms Jennifer Bradshaw

Ms Bradshaw opposed the NOR for reasons including: inadequate consultation and insufficient provision of information; adverse effects on connectivity; the proposed blocking of the view along Anzac Avenue; adverse effects of increased traffic on Frederick Street; adverse effects on access to the Hocken Library from the south; adverse effects of noise and visual intrusion on the ambience of the Boat Harbour; the possibility that the twenty year period requested for the designation may result in degradation of the area over time; the cost of the project; and the inadequate justification for rerouting State Highway 88 if the stadium is not built.

Ms Jennifer McMahon

In her presentation at the hearing, Ms McMahon focused mainly on her support for the Stadium project and Proposed Plan Change 8. However, she also considered that the proposed realignment of State Highway 88 would improve traffic flow and thereby enhance safety.

Mr William Witherow

In his presentation to us, Mr Witherow focused mainly on his opposition to the Stadium project and Proposed Plan Change 8. However, he also confirmed his opposition to the NOR, for reasons including funding matters and effects on industrial land.

Mr Jeff Dickie

Mr Dickie had made a written submission opposing the NOR. However, in his presentation, he focused on his opposition to the Stadium project and Proposed Plan Change 8.

Shell New Zealand Limited, represented by Mr Brent Cooper and Ms Karen Blair

Mr Cooper, Shell's Distribution Network Planning Coordinator, gave evidence regarding the effects of the proposed designation on Shell's bulk terminal site at 3 Wickliffe Street. These include effects on access, physical effects on the operation of the site, effects on site amenity and effects on site security. Mr Cooper endorsed proposals made by the Requiring Authority to address Shell's concerns, including: rotation of the proposed Gyratory to reduce the amount of land required from the 3 Wickliffe Street site; provision of a left-turn lane to increase safety for vehicles turning into the 3 Wickliffe Street site; repositioning of the entrance to the site; and assessment of noise impacts on the site. Mr Cooper requested that an impact assessment of amenity and health and safety effects on 3 Wickliffe Street should be commissioned, and that the Requiring Authority should work to minimise pedestrian numbers close to the site.

Ms Blair presented planning evidence on behalf of Shell, discussing the conditions to the NOR that were recommended in the Handling Officer's report. Ms Blair stated that Shell was satisfied with recommended Condition (d), which would reduce the amount of land required from Shell's site at 3 Wickliffe Street. However, Ms Blair sought an alteration to recommended Condition (e), to ensure that Shell would be consulted on the final design of the Arterial, and to ensure that the final design would provide for safe access to the 3 Wickliffe Street site. In addition, Ms Blair requested that two further conditions be attached to the NOR, firstly to ensure that an impact assessment of amenity and health and safety effects be undertaken and its recommendations implemented, and secondly to ensure that the Outline Plan for the designation explains how pedestrian routes have been designed or located to minimise pedestrian movements near the 3 Wickliffe Street site. Ms Blair indicated that if the conditions that she had presented to the Committee were put in place, Shell would not be opposed to the NOR.

Otago Harbour Recreational Trust, represented by Mr Lou Vorgers (Chairman)

The Otago Harbour Recreational Trust operates from the Boat Harbour at 10 Magnet Street, which is owned by Dunedin City Council. Mr Vorgers requested that, as a condition to the NOR, the Council commit to moving the maintenance area of the Boat Harbour from its present position to a location on the western edge of the Boat Harbour area, next to the Owheo/Water of Leith, prior to the construction of the new Arterial. Mr Vorgers was of the view that this would avoid conflict between the maintenance area and the proposed new access route to the Boat Harbour.

Mr Andrew Henderson (consultant planner), representing Mr Paul Campbell, Ms Meg Davidson, Ms Anne Elliot, Mr Peter Entwisle, Ms Lisa Levitt, Mr Malcolm McQueen and Ms Rosemary McQueen

Mr Henderson discussed the modification that the Requiring Authority proposed to make to the NOR, which would alter the footprint of the designation at the site of the proposed Gyratory. This change would also result in an alteration to the proposed design of the Gyratory, turning it clockwise to the east. The modification had been put forward by the Council in response to submissions, after the close of the submission period. It was Mr Henderson's understanding that this modification would render vehicle access along Anzac Avenue under the access ramp for the proposed Gyratory physically impossible, since clearance would now only be three metres. Mr Henderson expressed concern that the modification would make a significant difference to the potential effects of the designation, and that members of the public who had not submitted on the NOR may have done so if they had believed that the designation would result in the closure of Anzac Avenue to through traffic. Mr Henderson was of the opinion that there may be a need to re-notify the NOR to allow members of the public the opportunity to submit on the proposal to close Anzac Avenue to through vehicles. Mr Henderson also discussed the effects of the cumulative loss of centrally located industrial land on industrial activities.

Mr Peter Entwisle

Mr Entwisle supported the suggestion submitted by University of Otago Director of Property Services, Mr Barry MacKay, that the Ward Street overbridge be retained and altered, as an

alternative to building the proposed new Gyratory. Mr Entwisle also supported the view expressed in the submission of the Southern Branch of the New Zealand Institute of Architects that the city's connectivity, or permeability, should be protected. Finally, Mr Entwisle expressed his view that the modification that had been made to the NOR since its original notification, with regard to the proposed Gyratory and its effects on Anzac Avenue, was of sufficient significance to justify re-notification.

Ms Rosemary McQueen

Ms McQueen discussed the route that the Arterial would take if the proposed stadium was not built, and expressed her view that it would be preferable for the Arterial to run along Parry Street between Anzac Avenue and Minerva Street, rather than running alongside the railway line. Ms McQueen was of the opinion that the Parry Street option would reduce encroachment on the rail corridor, whereas the railway corridor option embodied the prioritisation of the speedy and efficient travel of road vehicles over all other considerations. Ms McQueen went on to discuss the Arterial south of Frederick Street, which she considered would also encroach on the rail corridor and inhibit the possible future enhancement of rail. Ms McQueen also expressed concern about the twenty year term of the NOR. Ms McQueen sought that the NOR be rejected, and subsequently re-notified in specific sections, as required.

Ms Elizabeth Kerr, on behalf of Mr Paul Campbell, Ms Meg Davidson, Ms Anne Elliot, Mr Peter Entwisle, Ms Lisa Levitt, Mr Malcolm McQueen and Ms Rosemary McQueen

Ms Kerr presented urban design evidence on behalf of these submitters, discussing matters of connectivity, the proposed Gyratory, pedestrian and cyclist safety, the character of Anzac Avenue, effects on built heritage, and landscaping. Ms Kerr stated that, in order to protect connectivity in the city, cul-de-sacs should be avoided in the design of the Arterial, speed limits should be kept to a 50kmh maximum, and plans for the proposed Gyratory should be abandoned in favour of retaining the Ward Street overbridge. Ms Kerr recommended that the heritage and ceremonial significance of Anzac Avenue should be recognised and protected through the District Plan. Ms Kerr also raised concerns regarding the threat to built heritage located within the area proposed for designation, including a number of modern movement and industrial heritage buildings on Parry Street. Ms Kerr supported the request made by Stop the Stadium in its written submission, that the route of the Arterial should be assessed for its heritage values before the detailed design stage for the road begins. Ms Kerr further requested that, prior to demolition of heritage buildings on Parry Street, a full documentary photographic record of affected heritage buildings should be compiled and provided to the New Zealand Historic Places Trust and to the Hocken Library.

Chalmers Properties Limited represented by Mr Tony Penny

Mr Penny presented transportation engineering evidence on behalf of Chalmers Properties Limited ('CPL'), a major property owner in the area that would be affected by the Arterial. Mr Penny discussed the proposed integration of the Arterial with the existing road network, and stated that CPL was particularly concerned that heavy vehicles should be discouraged from using key streets in the proposed Harbourside Zone that would be the central focus for the redevelopment envisioned in Proposed Plan Change 7: Harbourside. Mr Penny indicated that CPL was now satisfied that an adequate intersection would be provided to connect the Arterial with Mason Street and Ward Street, which would allow traffic to reach the Port area without traversing the proposed Harbourside Zone. Mr Penny stated that traffic management measures would need to be introduced on Mason and Tewsley Streets, to discourage traffic from using the proposed 'slow street' section of Mason Street.

Mr Penny expressed CPL's concern that access ramps for the Gyratory may affect access to adjacent properties owned by CPL. Mr Penny went on to discuss the proposed traffic-signalised intersection of the Arterial with St Andrew Street, and explored ways in which the intersection could be designed to provide for the safety and convenience of vehicles, pedestrians and cyclists. Mr Penny noted that the existing pedestrian bridge behind the Railway Station, which is proposed to be extended across the new Arterial, would need to be adapted to include ramps for the disabled. Mr Penny questioned why a triangle of land immediately to the south of the proposed designation, which would be needed to complete

the connection of the Arterial with Wharf Street, had not been included in the designation. Overall, Mr Penny supported the NOR provided that: more detail is provided showing that a safe design for the proposed Gyratory can be achieved and that adverse effects on adjacent properties can be mitigated; a full, traffic-signalised intersection connecting the Arterial to Mason and Ward Streets is provided; the St Andrew Street intersection is designed to ensure safe operation for motorists, cyclists and pedestrians; and a safe alignment and intersection configuration can be achieved for the southern stretch of the Arterial proposed to connect with Wharf Street, while providing for access to the Harbourside area via Fryatt and Birch Streets.

Mr Penny also tabled written evidence from Mr Paul Whyte, consultant planner for CPL. In his evidence, Mr Whyte provided information on Proposed Plan Change 7: Harbourside, and discussed the effects of the NOR on the environment, with particular regard to effects on the proposed Harbourside Zone. It was Mr Whyte's opinion that pedestrian and cycle access to Harbourside should be provided for; that the proposed Gyratory intersection should be well-designed to discourage heavy vehicles from seeking an alternative route through Harbourside; that adequate access should be maintained to properties on Thomas Burns Street; and that intersections should be of adequate capacity to allow convenient and easy access to Harbourside. Mr Whyte requested that further conditions be added to the NOR, to ensure firstly that CPL would be consulted on the final design of the Arterial/Mason Street intersection, and secondly that alternative access would be provided to any Thomas Burns Street properties for which existing access was affected by the construction of the Arterial.

Ms A J Kennedy

Ms Kennedy was opposed to both the NOR and Proposed Plan Change 8 due to adverse effects on built heritage. She also discussed the opportunity costs of funding the Stadium and Arterial.

Ms E F Dickie

Ms Dickie had made a written submission opposing the NOR. However, in her presentation to us, she focused on her opposition to the Stadium project and Proposed Plan Change 8.

Ms Olive McRae

In her presentation at the hearing, Ms McRae focused mainly on her opposition to the Stadium project and Proposed Plan Change 8. However, in relation to the NOR she stated that the existing road network is working well as it is.

Ms Bev Butler

In her presentation, Ms Butler focused mainly on her opposition to the Stadium project and Proposed Plan Change 8. However, in relation to the NOR she discussed funding matters, reporting that in September 2007 the Minister of Transport had indicated that there was no central government funding for the realignment of State Highway 88.

Ms Rebecca Everdon

Ms Everdon opposed the proposed designation for reasons including loss of industrial land, safety issues on the proposed Gyratory, shortcomings in the design of the Arterial, construction hazards on reclaimed and contaminated land, risks from climate change and associated sea level rise, lack of consultation with heavy vehicle operators and the local trucking union, funding matters and opportunity costs.

Mr Ian Dalziel

Mr Dalziel had made a written submission opposing the designation. However, in his presentation, he focused on his opposition to the Stadium project and Proposed Plan Change 8.

Port Otago

Port Otago had made a written submission requesting that the NOR be altered to provide for an intersection between the Arterial and Halsey Street. Although Port Otago did not attend the hearing, a letter from their legal representative, Mr Len Andersen, was tabled, which indicated that Port Otago was now satisfied that the proposed Gyrotory would provide an acceptable alternative to a vehicle link between the Arterial and Halsey Street.

Handling Officer's Additional Comments

In closing Ms Macleod confirmed her report recommendation to confirm the NOR with conditions. Ms Macleod made a number of alterations to the conditions that she had previously recommended, taking account of points raised by submitters and by the applicant during the hearing.

Applicant's Right of Reply

Mr Garbett replied on behalf of the Requiring Authority to points raised by submitters during the hearing. Mr Garbett stated that the Requiring Authority was agreeable to the altered conditions recommended by the Handling Officer.

Statutory and Other Provisions

In accordance with Section 168A(3)(a) of the Act, the Handling Officer's report detailed in full the relevant statutory provisions and other provisions the Committee considered. These statutory provisions included the relevant matters in Sections 5, 6 and 7 of Part II of the Act. Regard was given to the New Zealand Coastal Policy Statement and Proposed New Zealand Coastal Policy Statement, the Regional Policy Statement for Otago, and the Regional Plan: Coast for Otago. Regard was also given to the relevant provisions of the following sections of the Dunedin City District Plan: 4 Sustainability, 5 Manawhenua, 10 Industry, 11 Ports, 13 Townscape, 20 Transportation, 21 Environmental Issues, proposed Section 26 Harbourside and proposed Section 27 Stadium.

The Handling Officer's report also considered the requirements of Sections 168A(3)(b), 168A(3)(c) and 168A(3)(d) of the Act.

Main Findings of Fact

We considered the evidence heard, the relevant statutory and plan provisions, the principal issues in contention and the main findings of fact. The main findings of fact have been incorporated within the reasons discussed below.

Decision

The final consideration of the NOR, which took into account all the written evidence and submissions as well as the information presented at the hearing, was held during the public-excluded portion of the hearing on 25 November 2008.

We reached the following decision after considering the application and the submitters' concerns under the statutory framework of the Act:

That, pursuant to Sections 34A and 168A(4) and after having regard to Part II matters of the Resource Management Act 1991, the Notice of Requirement issued by the Dunedin City Council for a designation for the Harbourside Arterial Link is confirmed, subject to the modification shown on the Revised Designation Plan 4A, which is attached to this decision, and subject to the following conditions:

- (a) *That Dunedin City Council as Requiring Authority shall apply for an archaeological authority from the New Zealand Historic Places Trust, under the Historic Places Act 1993, prior to commencing work, and that the Council shall comply with the conditions of that authority.*
- (b) *That prior to the commencement of any work on the site, a construction management plan shall be submitted to Dunedin City Council. That plan shall include, as a minimum, the following:*

- i. Mitigation measures to reduce adverse effects on traffic management in relation to any nearby intersections or arterial roads;*
 - ii. Mitigation measures to reduce adverse effects on adjoining properties, including, dust, noise and safety of people visiting the sites; and*
 - iii. Outline the process to occur should condition (c) below be invoked.*
- (c) That if koiwi tangata (human skeletal remains), taonga or archaeological artefacts are discovered during site construction, the Requiring Authority shall, without delay:*
 - i. Cease all work within a 50m radius of the discovery and secure the area.*
 - ii. Notify their nominated archaeologist, the consent authority, Kai Tahu ki Otago, the New Zealand Historic Places Trust, and in the case of koiwi tangata (human skeletal remains), the New Zealand Police.*
 - iii. Enable a site inspection by the New Zealand Historic Places Trust and the appropriate runanga, and their advisors, who shall determine the nature of the discovery and the further action required, including whether an Archaeological Authority is required under the Historic Places Act 1993.*
 - iv. Any koiwi tangata or taonga shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal and preservation.*
 - v. Ensure that the further action identified in accordance in part (iii) of this condition is undertaken.*
 - vi. Upon completions of tasks (i) to (v) above, and provided all statutory permissions have been obtained, the Requiring Authority may recommence site construction following consultation with the consent authority, Kai Tahu ki Otago, the New Zealand Places Trust, and in the case of koiwi tangata (human skeletal remains), the New Zealand Police.*
- (d) That the final design option for the Harbourside Arterial Link shall be chosen following consultation with affected land owners and occupiers.*
- (e) That the final design option chosen for the Harbourside Arterial Link shall not prevent access to 170 Frederick Street, Dunedin, being that land legally described as Lot 2 DP 17329.*
- (f) That the final design option chosen for the Harbourside Arterial Link shall ensure safe egress and ingress to 3 Wickliffe Street, Dunedin, being that land legally described as Sec 7 DP 3552.*
- (g) That, prior to the commencement of any work on the site, a heritage assessment of buildings on Parry Street that are affected by the Harbourside Arterial Link shall be undertaken. If any buildings to be demolished to make way for the Arterial are found to be of heritage value, a full documentary photographic record of affected properties shall be compiled and provided to the New Zealand Historic Places Trust and the University of Otago Library Hocken Collections.*
- (h) That the Outline Plan to be submitted in accordance with Section 176A of the Act shall address, but not be limited to, the following matters:*
 - i. Areas within the designation that is not required for the roadway, footpaths or cycleways shall be landscaped.*
 - ii. Footpaths and cycleways shall be identified that will allow for access for pedestrians and cyclists along Anzac Avenue and between the city centre and Harbourside.*
 - iii. Footpaths and cycleways shall be designed in accordance with the principles of Crime Prevention through Environmental Design (CPTED).*
 - iv. Landscaping shall be used to minimise the visual intrusion of road structures.*

- v. *The Outline Plan shall contain a detailed design of the bridge across the Owheo/Water of Leith (aesthetic as well as functional matters will be considered by the Territorial Authority when assessing this design).*
- vi. *The Outline Plan shall be prepared in consultation with the New Zealand Transport Agency.*
- vii. *The design of the Arterial shall meet the specifications set out in the New Zealand Heavy Haulage Association document Road Design Specifications for Overdimension Loads (Revision 3, August 2006).*
- viii. *The Arterial shall be designed and constructed to the Territorial Authority's satisfaction to ensure the continued safe operation of the Liquigas facility at 254 Fryatt Street, being that land legally described as Lot 3 DP 17945.*
- ix. *Consideration shall be given to whether it is necessary or desirable to provide for a one way street connecting Frederick Street with the northern section of Anzac Avenue.*
- x. *Consideration shall be given to whether or not mitigation measures should be provided to address any adverse economic impacts on Anzac Avenue businesses due to a decline in trade from passing traffic, in the event that such impacts are caused by the construction of the Harbourside Arterial Link.*

Reasons for this Decision

1. In reaching a decision, we were mindful of the assessment required by Section 168A(3) of the Act, which is set out below for convenience:
 - (3) *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.*

Assessment of Effects

2. In assessing the effects of the activity, we relied upon the assessment in the Handling Officer's report. We have considered the effects based broadly upon the headings used in that report.

Physical Effects

3. The Harbourside Arterial Link will be located through a substantial number of properties. We have been advised that roughly 40% of the land required for the designation is railway land that is not being utilised by the New Zealand Railways Corporation. The rest of the affected properties contain buildings, structures, yards and curtilage used for industrial activities, car parking and the Skateboard Park. The designation will result in the displacement of these activities. The Handling Officer's report considered that these effects would be mitigated by the creation of additional public car parking on Thomas Burns Street, the re-establishment of the Skateboard Park at a suitable alternative site, and by the compensation of affected landowners through the purchase of their land by the Requiring Authority. In addition, the

Requiring Authority has proposed a modification to the footprint of the designation in the area affected by the proposed Gyratory. We consider that this modification will reduce the physical effect of the designation on Shell New Zealand Ltd's bulk terminal site at 3 Wickliffe Street. At the hearing, *Mr Brent Cooper* and *Ms Karen Blair*, representing *Shell New Zealand Limited*, indicated that Shell was satisfied with this modification although we note that the company still had concerns in relation to amenity, safe site access, and security. We have decided to modify the designation to reflect this change, as shown on Revised Designation Plan 4A, which is attached to this decision.

4. At the hearing, *Ms J M Bruce*, *Mr Lindsay Moir*, *Mobil Oil New Zealand Limited*, *Mr Andrew Henderson*, representing *Mr Paul Campbell*, *Ms Meg Davidson*, *Ms Anne Elliot*, *Mr Peter Entwisle*, *Ms Lisa Levitt*, *Mr Malcolm McQueen* and *Ms Rosemary McQueen*, and *Ms Rebecca Everdon* cited adverse effects from loss of industrial land as a reason for their opposition to the NOR. The Handling Officer's report considered that the loss of approximately 3.7 hectares of centrally located Industrial-Zoned land required for the designation will not significantly diminish the overall industrial land stocks within the city. The report considered that this loss will be adequately compensated for, firstly by the improved connections that the Arterial will provide between the Industrial 1 Zone and both SH1 and SH88, and secondly by the potential availability of approximately 3 hectares of industrial-zoned land at the current Carisbrook site, if the Awatea Street Stadium development goes ahead. The Handling Officer's report stated that Dunedin City Council will also consider options for providing for industrial land elsewhere in the city.
5. We consider that the displacement effects of the designation on activities occupying affected land will be adequately mitigated through the measures outlined in the Handling Officer's report. In relation to the loss of industrial land, as we have not been presented with any evidence to indicate that there is a shortage of industrial land in Dunedin, we do not consider that there will be a significant adverse effect from the loss of the Industrial-Zoned land required for the designation.
6. The designation will result in effects on the local road network. Parts of St Andrew Street, Parry Street and Magnet Street will be stopped. The designation may also involve the stopping of parts of Anzac Avenue and Thomas Burns Street and the removal of the Ward Street overbridge and its ramps. However, we do not consider that these changes are necessary consequences of the designation; rather, they will be determined by the final design chosen for the Arterial. Depending upon the final design of the Arterial, Frederick Street may become part of the State Highway network, linking State Highway 1 to the new Arterial, which would become part of State Highway 88. This would result in an increase of traffic on Frederick Street, as discussed in the evidence of Mr Don Hill, the Council's Transportation Planning Manager. Mr Hill discussed the effects of the Arterial on the road network, indicating that effects on Frederick Street could be mitigated by the introduction of traffic signals at certain intersections on Frederick Street to improve permeability, and by the removal of parking on the street to provide capacity for additional traffic flow.
7. *Mr Barry MacKay* gave evidence at the hearing in which he discussed negative effects on Frederick Street that would result from the street becoming part of the State Highway network. He stated that increased heavy traffic on the street would create a barrier to pedestrian movement and would reduce amenity for halls of residence in the area. We note that it is not yet certain that Frederick Street will be upgraded to State Highway status; it may be possible to use alternative routes to connect State Highway 1 with State Highway 88. This decision will be made by the Requiring Authority prior to the submission of the Outline Plan for the designation. If Frederick Street is upgraded to State Highway status, we consider that the adverse effects described by Mr MacKay will be mitigated by the measures described by Mr Hill. With the exception of effects on Frederick Street, we have not been provided with any evidence to indicate that the proposed designation will result in significant adverse effects on the local road network.
8. We note that the Handling Officer's report discusses concerns expressed in written submissions from *Craig and Kate Newton* and *Elaine Watt*, relating to the potential

physical effects of the proposed Gyratory on access to the Mars Bar/Laserforce Entertainment Centre at 170 Frederick Street. To address these concerns, the Handling Officer's report recommends that a condition be attached to the NOR to ensure that the final design of the Arterial does not obstruct access to this property. We accept this recommendation, and have therefore attached Condition (e) to the NOR (see page 12).

Traffic Flow and Road Safety Effects

9. The benefits of the designation in terms of improved traffic flow and road safety are discussed in the Handling Officer's report, and were also raised at the hearing by *Mr Don Hill* and *Mr Jeremy Byfield*, representing the Requiring Authority, and by submitters including *Sport Otago*, *New Zealand Academy of Sport*, *Mr Tim Calder*, the *New Zealand Transport Agency* and *Ms Jennifer McMahon*. The main purpose of the proposed designation is to improve traffic flow from the Southern Motorway to Ravensbourne Road/SH88 and Port Chalmers, and from Dunedin's southern suburbs to the central city and North Dunedin. The Harbourside Arterial Link will have fewer points of access and fewer road crossings than the existing road links between the Southern Motorway and Ravensbourne Road. Compared with the existing route, it will provide for improved traffic flow and road safety. The proposed works will also reduce traffic volumes in the central city and campus area. Appendix 5 of the NOR application presents results of traffic flow modelling, which indicate that the proposed Arterial will reduce traffic volumes on several routes in the central city.
10. At the hearing, *Shell New Zealand Limited* stated that, in their opinion, it will be necessary to provide a left turn lane into the Shell site at 3 Wickliffe Street, to allow other traffic to safely pass vehicles slowing to turn into the site. The site entrance will also need to be relocated to allow this left turn lane to operate successfully, in terms of both traffic management and safety. We accept Shell's concerns regarding safe access to the 3 Wickliffe Street site and note that the Requiring Authority has also accepted them. We consider that Condition (f) to the NOR (see page 12) addresses these concerns.
11. Overall, we consider that effects on traffic flow and road safety resulting from the construction of the Arterial will be positive.

Noise Effects

12. The Handling Officer's report discusses the reduction in noise that will occur along Anzac Avenue and other routes in the city on which traffic volumes will be reduced. The report notes that there will be a corresponding increase in noise along the length of the new Arterial, but states that since affected properties are largely used for industrial purposes, they are therefore less sensitive to the effects of noise than properties used for residential, commercial and campus activities. However, the report acknowledges that noise from the Arterial will disturb the tranquillity of the Boat Harbour at 10 Magnet Street, which is currently a relatively isolated and quiet place.
13. At the hearing, *Mr Rob Hay*, representing the Requiring Authority, provided evidence on the noise effects that would result from the proposed Gyratory intersection. Mr Hay explored two scenarios: a gyratory at ground level, and a raised gyratory, at the location indicated in the Council's concept plans. Mr Hay was of the opinion that, if either of these options is chosen, the resulting noise-related effects will be no more than minor in the surrounding area. He further noted that noise effects at the Station Apartments at 54 Anzac Avenue may be reduced.
14. We note that it is by no means certain that either an at-grade or an elevated gyratory will be built at the location indicated in the concept plans that accompanied the NOR application. This is a matter to be determined prior to the submission of the Outline Plan for the designation, which will indicate the final design of the Arterial. However, we consider the proposed elevated Gyratory to be the design solution that would have the most significant effects on the surrounding environment; any alternative solution that would allow the Arterial to cross the railway line and to connect with Wickliffe Street and with State Highway 1 would be likely to have lesser environmental effects

than the proposed Gyratory, since the Gyratory combines all required intersections and the railway crossing in a single large structure. Therefore, based upon the evidence of Mr Hay, even in the 'worst case scenario' noise effects from this section of the Arterial would not be significant.

15. At the hearing, *Shell New Zealand Limited* requested that a condition be attached to the NOR to mitigate potential noise effects from the proposed Gyratory on Shell's office building at 3 Wickliffe Street. Mr Hay provided a written response to this request. In his opinion, such a condition is unnecessary. Following the construction of the proposed Gyratory, Mr Hay predicted that the noise level directly outside Shell's office would be around 55 dB L_{Aeq} (24 hour). Noise levels within the building would therefore be regarded as acceptable. Furthermore, Mr Hay stated that noise levels at the site would fall below the noise limit of 60 dB L_{A10} that is set down for the Industrial Zone in the District Plan. We therefore do not consider it necessary to attach a condition to the NOR to provide for the mitigation of noise effects on buildings at the 3 Wickliffe Street site.
16. Overall, we consider that, following construction of the Arterial within the designation, noise-related effects in the surrounding area will not be inconsistent with the District Plan.

Urban Design Effects

17. The Handling Officer's report assessed urban design effects including: effects on future plans for Dunedin's proposed Harbourside Zone, including effects on connectivity between the central city and the waterfront; effects on the character of Anzac Avenue; effects on integration between the tertiary campus area, Logan Park and the proposed new Stadium Zone; visual effects; and the experience for users of the Harbour Arterial. The conclusions reached in the report are based largely on evidence supplied by the Council's Urban Design Consultant *Ms Janet Reeves*, who presented to us at the hearing.
18. At the hearing, a number of submitters, including *Mr Barry MacKay*, *Mr Nick Baker*, *Ms Jennifer Bradshaw* and *Mr Peter Entwisle*, commented on the effects of the Arterial on connectivity, or permeability. *Ms Elizabeth Kerr*, in providing urban design evidence on behalf of *Mr Paul Campbell*, *Ms Meg Davidson*, *Ms Anne Elliot*, *Mr Peter Entwisle*, *Ms Lisa Levitt*, *Mr Malcolm McQueen* and *Ms Rosemary McQueen*, also commented on this matter. These submitters were concerned that the Arterial would reduce connectivity in the city, particularly between the city centre and the waterfront. We do not consider that connectivity will be diminished following construction of the Arterial. Connectivity between the city centre and the waterfront is already limited by the Main South Railway Line, which provides the following crossing points: the pedestrian bridge at the rear of the Railway Station; the St Andrew Street crossing; the Ward Street overbridge; and the Magnet Street crossing, which is used to access the Boat Harbour. For most of its route, the designation is adjacent to the Main South Railway Line, and each of the existing railway crossing points will be either retained or replaced by alternative crossings. The pedestrian overbridge at the Railway Station will be extended across the Arterial, improving connectivity and safety at this point.
19. In relation to the visual impact of the Arterial, we note that the amenity of the area through which the Arterial will be located is that of an industrial working environment. We therefore do not consider that visual amenity will be significantly reduced following the construction of the road and associated structures.
20. At the hearing, concern was expressed by *Mr Barry MacKay*, *Ms Jennifer Bradshaw*, *Mr Peter Entwisle* and *Ms Elizabeth Kerr* over the effects of the Arterial on the heritage and ceremonial character of Anzac Avenue. If the proposed Gyratory were constructed, Anzac Avenue would be bisected by the access ramp connecting Frederick Street with the Gyratory. The view down Anzac Avenue would therefore be interrupted, and it would no longer be possible for vehicles to travel the length of the road.
21. We note that the designation will simply set aside land for the Arterial adjacent to Anzac Avenue, at 70 and 80 Anzac Avenue and 14 Parry Street. The designated land does not cross Anzac Avenue, and the road will therefore not necessarily be adversely

affected by the confirmation of the designation. As we mentioned in paragraph 14, it is by no means certain that the proposed Gyrotory will be constructed. The final design solution to allow the Arterial to cross the railway line and to connect with Wickliffe Street and with State Highway 1 is a matter for the Requiring Authority to consider during their detailed design of the Arterial, prior to the submission of the Outline Plan. In addition, we note that the special character of Anzac Avenue discussed by the submitters is not recognised or protected in the District Plan or any other relevant plan.

22. Overall, we agree with the assessment of urban design effects provided in the Handling Officer's report, and we have adopted the conditions recommended by the Handling Officer to ensure that the urban design effects of the Arterial are, on balance, positive (see conditions (h)(i)-(v) on pages 12-13). We note that these conditions require the Council to make provision in the Outline Plan for landscaping, footpaths and cycleways on the Arterial. This will improve the physical appearance of the road, and improve connectivity for pedestrians and cyclists.

Effects During Construction

23. In relation to effects during construction on traffic flow and road safety, noise, dust and the operation of the railway, we agree with the assessments provided in the Handling Officer's report. Effects on traffic flow and road safety will be addressed through the construction management plan, which we have imposed as Condition (b) to the NOR (see pages 11-12). Noise and dust effects will be localised and temporary, and dust effects will be minimised through the use of appropriate mitigation measure such as the watering of exposed soil. To minimise effects on the operation of the railway, construction will be managed in consultation with ONTRACK, and will comply with any guidelines ONTRACK may have for such construction.
24. The Handling Officer's report states that effects on heritage during construction will be adequately avoided or mitigated provided that the Council applies for an archaeological authority under the Historic Places Act 1993, and complies with the conditions of that authority. The report also recommends that an accidental discovery protocol should be followed in the event of discovery of cultural material during construction, as requested by Kai Tahu ki Otago Limited. We agree that these mechanisms should be used to minimise effects on archaeological and cultural material during construction, and we have therefore attached conditions (a) and (c) to the NOR (see pages 11-12).
25. At the hearing, *Ms Elizabeth Kerr* expressed the view that certain buildings on Parry Street, which lie within the designated land, and which would be demolished to make way for the Arterial, are of heritage value. Although no buildings in this area are registered by the New Zealand Historic Places Trust (NZHPT) or listed on the District Plan's historic building schedule, and NZHPT has not objected to the NOR, we agree that, given the evidence provided by Ms Kerr, an assessment of the heritage values of affected buildings on Parry Street should be carried out prior to construction of the Arterial. If this assessment finds that any buildings to be demolished for the road are of heritage value, we agree that, as suggested by Ms Kerr, a full documentary photographic record of affected properties should be compiled and provided to NZHPT and to the University of Otago's Hocken Collections. We have therefore attached condition (g) to the NOR (see page 12), to ensure that these measures are implemented.

Iwi effects

26. We consider that the proposed designation appropriately provides for and recognises the importance of Section 6(e) of the Act with regard to the relationship of Maori, and their culture and traditions with land. The potential for accidental discovery of cultural material will be addressed through Condition (c) to the NOR (see page 12).

Economic effects

27. We agree with the assessment in the Handling Officer's report that the improvements to traffic flow brought about by the construction of the Arterial can be expected to result in economic benefits to the city as a whole.
28. We note the concerns expressed by *Mr Robert Le Brun* and *Mobil Oil New Zealand Limited* at the hearing that the closure of Anzac Avenue to through vehicular traffic would result in adverse economic impacts for the Automotive Solutions vehicle servicing and repair business and the Mobil service station at 57 Anzac Avenue. However, as discussed in paragraph 21, we note that the designation itself would not directly result in the closure of Anzac Avenue to through vehicles. Such an effect on Anzac Avenue would only occur in the event that the proposed Gyratory or a similar structure was chosen as the preferred option for an interchange to allow the Arterial to cross the railway line and to connect with State Highway 1 and with Wickliffe Street. The final design of the Arterial is a matter to be determined by the Council prior to the submission of the Outline Plan for the designation. However, in the event that the Requiring Authority opts to build the Gyratory, or a similar structure, at the location indicated in the concept plans, we have attached Condition (h)(ix) to the NOR (see page 13). This condition ensures that the Council shall give consideration, if appropriate, to the provision of a one-way street connecting Frederick Street to the northern half of Anzac Avenue. We consider that such a street would maintain access to the northern half of Anzac Avenue in the event that the road was closed to through vehicles at its current intersection with Frederick Street.
29. In his closing legal submissions on behalf of the Council, *Mr Michael Garbett* stated that the reduction of traffic volumes on Anzac Avenue is a fundamental aim of the Arterial project. The objectives of the Requiring Authority to reduce congestion, remove heavy traffic from the inner city and improve access from the Southern Motorway to the upper and lower port areas cannot be achieved while maintaining Anzac Avenue in its current state. We consider that it is therefore an inevitable result of the proposed Arterial that vehicles will make less use of Anzac Avenue, and that businesses on Anzac Avenue that rely on passing custom will be subject to a decline in trade; this will occur even if Anzac Avenue remains open to through traffic. To mitigate this effect, we have attached Condition (h)(x) to the NOR (see page 13). This ensures that the Requiring Authority shall give consideration to mitigating any adverse economic impacts upon Anzac Avenue businesses that result from a decline in trade from passing traffic, due to the construction of the Arterial. Mitigation measures may include the provision of improved signage to direct potential customers to affected businesses, or if possible the provision of improved road access to affected businesses via alternative routes.

Hazards, hazardous substances and site contamination

30. We are satisfied that, based on the information provided in the NOR application, the designation will not result in effects on hazards, hazardous substances or site contamination. However, to ensure that the final design of the Arterial does not include car parking or pedestrian access routes that may increase risks to safety in the vicinity of the Liquigas Depot, we have attached Condition (h)(viii) to the NOR (see page 13).
31. Construction of the Arterial will require ground disturbance and there is a possibility of site contamination. The Requiring Authority will need to test for contamination prior to construction. Where contamination is present, remediation will be necessary along with discussion with, and possible consents from, the Otago Regional Council.

Consideration of Relevant Statutory Documents (s 168A(3)(a))

32. We have considered the provisions of the relevant statutory documents. In doing so we have had particular regard to the assessment contained in the Handling Officer's report.

New Zealand Coastal Policy Statement 1994 and Proposed New Zealand Coastal Policy Statement 2008

33. We are mindful that the Arterial does not directly affect any part of the coastal marine area but we acknowledge that the Arterial will enhance public access to the coastal marine area – in this case being Dunedin’s waterfront.

Regional Policy Statement for Otago (RPS)

34. We consider the following objectives and policies of the Regional Policy Statement to be relevant to the designation:

Objective 9.4.2

To promote the sustainable management of Otago’s infrastructure to meet the present and reasonably foreseeable needs of Otago’s communities.

Policy 9.5.2

To promote and encourage efficiency in the development and use of Otago’s infrastructure through:

- (a) *Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology*

Policy 9.5.3

To promote and encourage the sustainable management of Otago’s transport network through:

- (a) *Promoting the use of fuel efficient modes of transport; and*
(b) *Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*
(c) *Promoting a safer transport system.*

35. We consider that the designation is consistent with the above objective and policies, as it promotes the sustainable management of Otago’s transportation infrastructure. Although the designation would involve the construction of new roading infrastructure, it would also benefit users of existing infrastructure by reducing traffic volumes and thereby improving traffic flows in the city centre and campus areas. Finally, it is consistent with the promotion of a safer transport system.

Regional Plan: Coast for Otago

36. We are mindful that the proposal is not within the coastal marine area, but we note that Objective 7.3.1 seeks to maintain and enhance public access to Otago’s coastal marine area. We considered that the proposal will achieve this objective since the Arterial will enhance public access to the coastal marine area.

Dunedin City District Plan

37. We consider the following objectives and policies of the District Plan to be relevant to the designation:

Sustainability Section

Objective/ Policy	Is the proposal consistent with the Objectives and Policies?
<i>Objective 4.2.1 Enhance the amenity values of Dunedin.</i>	<p>Landscaping associated with the Arterial will provide an opportunity to enhance amenity values in the affected area of the city.</p> <p>The Arterial will promote the sustainable management of infrastructure in Dunedin and provide an appropriate standard of service to connect Port Chalmers to the city and SH1.</p> <p>Crossing points on the Arterial will provide access between the city and the waterfront.</p> <p>We consider that the NOR is therefore <u>consistent</u> with these objectives and policies.</p>
<i>Objective 4.2.3 Sustainably manage infrastructure.</i>	
<i>Policy 4.3.1 Maintain and enhance amenity values.</i>	
<i>Policy 4.3.5 Require the provision of infrastructure services at an appropriate standard.</i>	
<i>Policy 4.3.6 Provide access to natural and physical resources.</i>	

38. Manawhenua Section

Objective/ Policy	Is the proposal consistent with the Objectives and Policies?
<i>Objective 5.2.2 Recognise that sites of waahi tapu exist throughout the City and that these must be protected.</i>	<p>Prior to lodging the NOR, Dunedin City Council consulted Kai Tahu ki Otago Limited, who advised that an Accidental Discovery Protocol should be followed in the event that any cultural material is discovered during earthworks. In addition, the NOR application indicates that an archaeological authority will be sought from NZHPT prior to the works beginning.</p> <p>We consider that the NOR is therefore <u>consistent</u> with these objectives and policies.</p>
<i>Objective 5.2.3 Recognise the range of resources regarded as taoka by Manawhenua.</i>	
<i>Policy 5.3.1 Consult with Manawhenua regarding natural and physical resource issues of importance to them.</i>	
<i>Policy 5.3.4 Protect waahi tapu from the adverse effects of land use and development.</i>	
<i>Policy 5.3.5 Avoid, remedy or mitigate any adverse effects on waahi taoka resulting from land use activities.</i>	

39. Industry Section

Objective/ Policy	Is the proposal consistent with the Objectives and Policies?
<i>Objective 10.2.2 Manage in a sustainable manner the natural and physical resources of the Industrial Zone.</i>	<p>While the designation will occupy approximately 3.7ha of land that is currently zoned Industrial, we have not been presented with any evidence to indicate that there is a shortage of Industrial-zoned land in central Dunedin. We consider that any negative effect from the loss of industrial land will be outweighed by the benefits of a general improvement of access between the Industrial Zone and both Port Chalmers and SH1.</p> <p>We consider that the NOR is therefore</p>
<i>Objective 10.2.3 Ensure non-industrial activities in industrial areas do not limit the operation of industrial activities.</i>	

	<u>consistent</u> with these objectives.
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40. Port Section

Objective/ Policy	Is the proposal consistent with the Objectives and Policies?
<i>Policy 11.3.1 Recognise and provide for the use of land and facilities to enable ports to serve the City and region.</i>	<p>The Arterial will improve vehicle access to Port Chalmers.</p> <p>Crossing points on the Arterial will provide access between the city and the waterfront.</p> <p>We consider that the NOR is therefore <u>consistent</u> with these policies.</p>
<i>Policy 11.3.7 Public access to and along the coastal marine area margin should be provided except where it is inappropriate for public health and safety reasons.</i>	

41. Townscape Section

Objective/ Policy	Is the proposal consistent with the Objectives and Policies?
<i>Objective 13.2.5 Ensure that the character of significant townscape and heritage precincts is maintained or enhanced.</i>	<p>The designation will occupy parts of the Queens Gardens and Anzac Square/Railway Station Heritage Precincts, displacing car parks and the Skateboard Park. This will not adversely affect the character or amenity of the precincts. The specific precinct values listed in the District Plan will be maintained, but not enhanced. However, the townscape of the precincts in general will be enhanced by landscaping within the Arterial corridor.</p> <p>We consider that the NOR is therefore <u>consistent</u> with these objectives and policies.</p>
<i>Objective 13.2.6 Ensure that development (including alterations and additions to buildings) does not adversely affect the character and amenity of the central City precincts.</i>	
<i>Policy 13.3.4 Protect and enhance the heritage and townscape values of the following precincts: [the policy goes on to list the 17 heritage and townscape precincts identified in the District Plan]</i>	
<i>Policy 13.3.5 Require within identified precincts that any development, including alterations and additions to buildings and changes to the external appearance of buildings, maintain and enhance the townscape, heritage character and values of that precinct.</i>	

42. Transportation Section

Objective/ Policy	<i>Is the proposal consistent with the Objectives and Policies?</i>
<p><i>Objective 20.2.1</i> <i>Avoid, remedy, or mitigate adverse effects on the environment arising from the establishment, maintenance, improvement and use of the transportation network.</i></p> <p><i>Objective 20.2.4</i> <i>Maintain a safe, efficient and effective transportation network.</i></p> <p><i>Policy 20.3.1</i> <i>Avoid, remedy or mitigate the adverse effects on the environment of establishing, maintaining, improving or using transport infrastructure.</i></p> <p><i>Policy 20.3.9</i> <i>To sustainably manage transport infrastructure, particularly that of national or regional importance, in a way which will provide for its effective operation and preserve its capacity to meet the reasonably foreseeable needs of future generations, while avoiding, remedying or mitigating any adverse effects resulting from the operation of this infrastructure.</i></p>	<p>The purpose of the designation is to improve traffic flow from the Southern Motorway to Ravensbourne Road/SH88 and Port Chalmers, and from Dunedin's southern suburbs to the central city and North Dunedin. The new Harbourside Arterial Link will have fewer private points of access and fewer road crossings, and will therefore be safer than the existing route and will flow more smoothly.</p> <p>The majority of the adverse effects on the environment of establishing and using the road can be avoided, remedied or mitigated through conditions on a modified designation. Certain adverse effects will remain, but these will be outweighed by the positive effects of the Arterial.</p> <p>We consider that the NOR is therefore <u>consistent</u> with these objectives and policies.</p>
<p><i>Objective 20.2.3</i> <i>Achieve integrated management of the roading network, including pedestrian and cycle use, with rail, air and sea networks.</i></p> <p><i>Policy 20.3.8</i> <i>Provide for the safe interaction of pedestrians and vehicles.</i></p>	<p>The Arterial will provide an improved link between SH1 and Port Chalmers.</p> <p>The designation will provide for a safe pedestrian crossing of the Arterial and railway using the existing pedestrian bridge at the rear of the Railway Station.</p> <p>The NOR application gives an indication of the pedestrian routes and cycleways that will be provided along the Arterial. Designs for pedestrian walkways will be finalised at the Outline Plan stage.</p> <p>We consider that the NOR is therefore <u>consistent</u> with this objective and policy.</p>
<p><i>Policy 20.3.6</i> <i>Encourage heavy traffic to use appropriate routes.</i></p>	<p>The Arterial is intended to be used by heavy traffic travelling between Port Chalmers and SH1. It will attract such traffic away from routes through the city centre and campus areas.</p> <p>We consider that the NOR is therefore <u>consistent</u> with this policy.</p>

<p><i>Policy 20.3.7</i> <i>Maintain and enhance the safety of users of the transportation networks at railway level crossings.</i></p>	<p>The designation will provide for safe railway crossings at St Andrew Street and Frederick Street. The design of these crossings will be finalised at the Outline Plan stage.</p> <p>We consider that the NOR is therefore <u>consistent</u> with this policy.</p>
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43. Environmental Issues Section

Objective/ Policy	Is the proposal consistent with the Objectives and Policies?
<p><i>Objective 21.2.2</i> <i>Ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values.</i></p>	<p>Road noise from the Arterial will diminish the amenity of the Boat Harbour, although noise levels will not be such that public health or safety will be affected. However, this effect will be outweighed by an improvement of amenity on Anzac Avenue, where road noise will decrease, thereby benefitting local residents.</p> <p>We consider that the NOR is therefore <u>consistent</u> with this objective and policy.</p>
<p><i>Policy 21.3.3</i> <i>Protect people and communities from noise and glare which could impact upon health, safety and amenity.</i></p>	

44. Proposed Harbourside Section

Objective/ Policy	Is the proposal consistent with the Objectives and Policies?
<p><i>Objective 26.2.1</i> <i>The Dunedin harbourside is easily accessible with strong visual and safe physical connections to the city centre, harbour and surrounding areas.</i></p>	<p>Crossing points on the Arterial will provide access between the city and the proposed Harbourside Zone.</p> <p>The designation will make land available at Thomas Burns Street and between Ward Street, Bombay Street and St Andrews Street, thus providing considerable scope to improve this edge of the proposed Harbourside Zone and make it more attractive for pedestrians, for example through the provision of landscaping and seating.</p> <p>The proposed Harbourside Zone will be visible to traffic using the Arterial, which could lead to a desire to visit the area. Landscaping along the Arterial will be designed to maintain significant view shafts into the Zone.</p> <p>We consider that the NOR is therefore <u>consistent</u> with this objective.</p>

45. Proposed Stadium Section

Objective/ Policy	Is the proposal consistent with the Objectives and Policies?
<p><i>Objective 27.2.1</i> <i>The stadium and associated buildings create a safe, accessible and attractive environment for events.</i></p>	<p>The Arterial will remove heavy traffic from Anzac Avenue and Union Street East and will therefore provide for easier and safer pedestrian flow between the existing university campus and Logan Park and the extended Campus Zone and proposed stadium.</p> <p>We consider that the NOR is therefore <u>consistent</u> with this objective.</p>

Consideration of alternative sites, routes or methods (S 168A(3)(b))

46. Section 168A(3)(b) of the Act only requires assessment of the Requiring Authority's consideration of alternative sites, routes or methods if it is determined that the Requiring Authority has an insufficient interest in the land, or if it is likely that there would be significant adverse effects arising from the proposed activity. Since much of the land required for the designation is not currently owned by the Requiring Authority, we consider that it is appropriate to carry out this assessment.

47. The NOR application indicates that the following alternative options were considered:

- The 'Do Nothing' approach
- Alternative method: widening the existing corridor
- Alternative route: Parry Street
- Alternative route: without the new stadium

48. The 'Do Nothing' approach

If this approach were taken, no changes would be made to existing roads. The NOR application provides the following analysis of this approach:

The existing Harbourside Arterial [i.e. the route from the Southern Motorway to Ravensbourne Road, via Wharf Street and Anzac Avenue] has two major deficiencies. The first is the turn over the rail corridor and intersection with Anzac Avenue, the second is the conflict between high pedestrian numbers and traffic in the area where the University Campus straddles the State Highway.

Rail operations regularly close St Andrew Street crossing thereby delaying arterial traffic, which in turn reduces network efficiency and increases vehicle emissions. High pedestrian flows to and from the University Polytechnic physical recreation facility on Anzac Avenue (Unipol) regularly disrupt traffic flow along the corridor and as many of the pedestrian movements are at night, safety is compromised. Modelling the changes proposed has shown that the benefit to cost ratio for the works exceeds 2 [a 2:1 ratio] on efficiency grounds alone.

49. Alternative method: widening the existing corridor

The NOR application discusses the option of addressing the problems identified in Paragraph 48 by upgrading and widening the existing corridor. This option, which was investigated in the Requiring Authority's Strategic Corridors Study (2003), would involve works such as grade separation, to separate road and rail traffic, and road and pedestrian traffic. The option was rejected by the Requiring Authority for the following reasons:

- The special character of Anzac Avenue would be adversely affected.
- The network efficiency issues would not be fully addressed.

50. Alternative route: Parry Street

The Requiring Authority has also considered the alternative of rerouting part of the Arterial down Parry Street (between the Frederick Street intersection and the Owheo/Water of Leith) rather than along the rail corridor. The Requiring Authority commissioned Montgomery Watson Harza Limited (MWH) to produce a report on both the Parry Street and the rail corridor alternatives. The report, *SH88 Deviation Rail Corridor Alternative (2006)*, identified the following disadvantages to the Parry Street option:

- Through traffic and pedestrians would conflict with vehicles turning into the many property accesses along Parry Street, which would present significant safety hazards (in contrast, there would be no accesses onto the rail corridor route).
- It would be necessary to build a ramp up to a new road bridge over the Owheo/Water of Leith, and this ramp would obstruct entrances on Parry Street.
- Vehicles would have to travel more slowly on Parry Street than along the rail corridor.
- Traffic noise would cause more of a disturbance to University of Otago buildings and to Parry Street properties than would be the case if the rail corridor alternative were chosen.

The report concluded that the Parry Street alternative would present "serious safety concerns and the capacity and the efficiency of the route could be compromised by access and parking issues". As a result, the option was discarded.

51. Alternative route: without the new stadium

Finally, the Requiring Authority has considered an alternative route for the Arterial if the proposed stadium at Awatea Street is not built. This route is shown in Sheet A004B in Appendix 1 of the NOR. In this scenario, the Arterial crosses the Owheo/Water of Leith via a bridge to the north of the existing railway bridge. It then crosses Magnet Street and Parry Street, and cuts through 58 and 77 Parry Street, before joining Ravensbourne Road. The route also includes an intersection with Leander and Awatea Streets, and provides a substitute access route to the Boat Harbour via Parry Street. This route is preferred if the stadium does not proceed, as it is shorter and would affect less private property than the route around the stadium site.

52. Overall, we have found that the Requiring Authority has given adequate consideration to a range of alternative means of undertaking the proposed works, and has given reasons why these options were rejected in favour of the preferred option (with the exception of the 'without stadium' option, which remains open).

Necessity of the work and designation for achieving the Requiring Authority's objectives (S 168A(3)(c))

53. The necessity of the work and designation for achieving the Requiring Authority's objectives is set out in the Handling Officer's report, and was discussed at the hearing by both *Mr Don Hill* and *Mr Michael Garbett*, representing the Requiring Authority. The Harbourside Arterial Link is identified in Dunedin City Council's Transportation Strategy 2006 as a key means of achieving the Strategy's objective to *'provide for the competitive movement of goods, services and people by investing in key routes that improve transportation flows'*. This objective itself has been designed to contribute to the achievement of the *'Economic Well-Being'* community outcome, which is identified in Dunedin City Council's Long Term Council Community Plan 2006-2016. In addition, the proposed works would also contribute to the achievement of Objective 20.2.4 of the Transportation section of the Dunedin City District Plan: *'Maintain and enhance a safe, efficient and effective transportation network'*.
54. Another possible means of obtaining permission to undertake the proposed works would be to apply for resource consent. However, the Handling Officer's report indicates that it has been necessary to use the designation process for the following reasons:

- Although the concept plans contained in the NOR application show the area of land that is required for the works, designs for roading, cycleways, footpaths and landscaping have not yet been finalised. If the NOR were confirmed, these designs would be submitted as part of an Outline Plan, under Section 176A of the Act, prior to the works beginning. If the Requiring Authority had applied for a resource consent for the works rather than issuing a NOR, more detail may have been required at the time the application was submitted. The designation process may therefore provide the Requiring Authority with greater flexibility on the final design of the Arterial.
- The Requiring Authority does not own all land that would be affected by the designation. Under Sections 176 and 178 of the Act, the landowners would require the written consent of the Requiring Authority prior to carrying out any activity that would prevent or hinder the designated work.

55. We therefore consider that both the proposed works and the designation are reasonably necessary for achieving the Requiring Authority's objectives.

Other relevant matters (S 168A(3)(d))

56. We have also considered the following additional matters, which in our view are relevant to an assessment of the NOR.

Consultation and provision of information

57. At the hearing, *Mr Daniel Sadlier* and *Mr Mark Artbuthnot*, representing *Mobil Oil New Zealand Limited*, expressed the view that prior to the notification of the NOR Mobil had not been adequately consulted and insufficient information had been supplied to the company regarding the design of the Arterial and the likely effects on Mobil's site at 57 Anzac Avenue. We note that there is no requirement in the RMA to consult on Notices of Requirement before they are publicly notified. However, it is clearly desirable that affected parties should be consulted at this stage, particularly for a project of the scale of the Arterial. We are satisfied that, based on the evidence provided in the NOR application, extensive pre-notification consultation of Mobil and other affected parties did in fact take place.

58. We consider that it is important for consultation with affected land owners and occupiers to continue during the design stage of the Arterial and the development of the Outline Plan. In this way, submitters such as *Chalmers Properties Limited*, *Shell New Zealand Limited*, *Liquigas Limited*, *Mobil Oil New Zealand Limited* and *Mr Robert Le Brun* will continue to be informed of developments in the project, and where possible their concerns will be taken into account in the development of the design of the Arterial and associated road layouts. We have therefore attached condition (d) to the NOR (see page 12), to ensure that consultation on the final design of the road takes place.

Submissions from the New Zealand Heavy Haulage Association and the New Zealand Transport Agency

59. The *New Zealand Heavy Haulage Association* submitted that the Arterial route must meet the requirements for a heavy haulage route, as set out in their *Road Design Specifications for Overdimension Loads* (Revision 3, August 2006). In addition, *Transit New Zealand* (now the New Zealand Transport Agency) submitted that the Outline Plan for the Arterial must be prepared in partnership with the New Zealand Transport Agency. The decisions requested in these submissions have been incorporated into Conditions (h)(vi) and (h)(vii) attached to the NOR (see page 13).

Twenty year period of designation

60. At the hearing, *Ms Jennifer Bradshaw* was concerned that the twenty-year period requested for the designation may result in the degradation of the affected area over time. We do acknowledge that in the past when designations have been left in place over long periods without being implemented, buildings in the affected areas have

been neglected and land has fallen into disuse. However, we do not believe that this is a significant risk in this case. Forty per cent of the land required for the designation forms part of the railway corridor and is currently vacant, while the remainder is mainly occupied by car parking and by yards used for industrial storage.

Part 2 Matters

61. When considering a notice of requirement for a designation, any assessment of the proposal must take into account the matters outlined in Part 2 of the Act. This includes the ability of the proposal to meet the purpose of the Act, which is to promote sustainable management of natural and physical resources. We consider that the following sections of Part 2 of the Act are relevant to this NOR:
- 5(2)(a) "Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations":
 - 5(2)(c) "Avoiding, remedying or mitigating any adverse effects of activities on the environment":
 - 6(d) "The maintenance and enhancement of public access to and along the coastal and marine area, lakes, and rivers":
 - 6(e) "The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga":
 - 6(f) "The protection of historic heritage from inappropriate subdivision, use, and development":
 - 7(b) "The efficient use and development of natural and physical resources":
 - 7(c) "The maintenance and enhancement of amenity values":
 - 7(f) "Maintenance and enhancement of the quality of the environment".
62. With regard to Section 5(2)(a), while a number of submitters have stated that, in their view, the designation will result in an unacceptable loss of industrial land in the central city, we have not been presented with any evidence to indicate that Dunedin suffers from a shortage of this physical resource. We therefore do not consider that confirmation of the designation will reduce the potential for physical resources to meet the reasonably foreseeable needs of future generations; we consider that the designation achieves the purpose of the Act as set out in section 5(2)(a).
63. With regard to Section 5(2)(c), adverse environmental effects that will be generated by the works include: displacement of existing activities; construction noise and dust; disruptions to traffic flow and the potential creation of a road safety hazard during construction; potential disturbance to the operation of the railway; the risk that earthworks may disturb an archaeological site; noise effects (from the use of the road) at the Boat Harbour; and economic effects on certain businesses on Anzac Avenue. In general, these effects can be addressed adequately through mitigation measures, although the noise effects at the Boat Harbour and adverse economic effects on Anzac Avenue businesses will remain. However, these negative effects should be considered alongside the positive impacts of the proposed designation, notably: improved traffic flow between Dunedin, Port Chalmers and SH1 and the long term economic benefits that this will bring to the city and region; reduction in traffic volume in the city centre and campus area, resulting in increased road safety, reduced noise and improved air quality; increased amenity for residents, pedestrians and cyclists on Anzac Avenue; opportunities for development at the edge of the Harbourside area; and greater physical integration and safer access between the campus and Logan Park, and potentially also the proposed new stadium. We therefore consider that the designation achieves the purpose of the Act as set out in section 5(2)(c).
64. With regard to Section 6(d), the works are consistent with the maintenance and enhancement of public access to the coastal marine area, in this case Dunedin's Harbourside, since crossing points will be provided on the Arterial to allow access between the city and the harbour.
65. With regard to Section 6(e), provided that the contractors comply with an appropriate discovery protocol in the event that archaeological material is unearthed during

- excavation, the works will respect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
66. With regard to Section 6(f), the works will be consistent with the protection of historic heritage, provided firstly that an archaeological authority is applied for under the Historic Places Act 1993, and secondly that an assessment of the heritage values of affected buildings on Parry Street is carried out prior to construction of the Arterial. If this assessment finds that any buildings to be demolished for the road were of heritage value, a full documentary photographic record of affected properties must be compiled and provided to NZHPT and to the University of Otago's Hocken Collections.
 67. With regard to Section 7(b), the works will be consistent with the efficient use and development of physical and natural resources. Although the works will occupy industrial land and will displace some industrial activities, we consider that the use of this land resource for the construction and operation of the proposed Arterial will improve road links between the Industrial Zone, Port Chalmers and SH1, and will bring economic and amenity benefits to the city as a whole.
 68. With regard to Sections 7(c) and 7(f), the works will be consistent with the maintenance and enhancement of the amenity and the quality of the environment in the area affected. In particular, we note that the amenity of Anzac Avenue will be improved due to a reduction in traffic.

Conclusion

69. This designation is confirmed subject to the modification shown on Revised Designation Plan 4A, which is attached to this decision, and subject to conditions set out on pages 11 to 13 of this decision.

Lapsing of Designation

70. This designation shall lapse after a period of twenty years from the date on which it is included in the District Plan. This period may be extended on application to the Council pursuant to section 184 of the Act.

Please direct any enquiries you may have regarding this decision to Jane Macleod at 474-3848 or jmacleod@dcc.govt.nz.

Yours faithfully



Roger Tasker
CHAIR of the HEARING COMMITTEE

John Lumsden
HEARING COMMISSIONER

John Matthews
HEARING COMMISSIONER