

10. TRANSIT NEW ZEALAND NOTICE OF REQUIREMENT

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Environmental Services Manager
Author:	Scott Blair, DDI 941-6205

PURPOSE OF REPORT

1. The purpose of this report is to seek a recommendation from the Council that the Council recommend to Transit New Zealand that they confirm those parts of Transit New Zealand's 1994 Notice of Requirement to the Christchurch City Council requiring designations over Transit New Zealand's State Highway and Motorway network, that have not been confirmed.

EXECUTIVE SUMMARY

2. In 1994 Transit New Zealand forwarded to the Council a Notice of Requirement for designations to be included in the City Plan for State Highways and Motorways. The Notice of Requirement and submissions were heard in 1998. Unfortunately the Council did not make a recommendation on all of Transit New Zealand's 1994 Notice of Requirement for designations of State Highways and Motorways. The Council now needs to make a recommendation back to Transit to ensure that all of Transit New Zealand's State Highway and Motorway infrastructure is designated.

FINANCIAL AND LEGAL CONSIDERATIONS

3. The Council has a statutory obligation to make a recommendation back to Transit on its 1994 Notice of requirement.

STAFF RECOMMENDATIONS

It is recommended that the Council resolve, pursuant to Section 171 of the Resource Management Act 1991, to recommend to Transit New Zealand that Transit's Notice of Requirement seeking:

that all roads deemed, pursuant to the provisions of the Transit New Zealand Act 1989, to be state highway or motorway be designated in the District Plan as "road" or "motorway"

be **modified** and that the following be included in Part 12 of Volume 3 of the Proposed City Plan following Clause 2.2.3:

Attachment 1:

Schedule of state highways incorporated into City Plan under Section 171 of the Resource Management Act 1991 (Transit New Zealand)

SH1

From the north abutment of the Waimakariri River Bridge (RP 317/9.92) through Christchurch; via Main North Road, Johns Road, Russley Road, Masham Road, Carmen Road and Main South Road; to 10m south of Marshs Road/SH 1 intersection (RP 347/3.28).

SH 73

From the junction with SH 74 at the Waltham Road/Brougham Street intersection (RS 0) through Christchurch; via Brougham Street, Jerrold Streets (North and South), Christchurch Southern Motorway, to the Curletts Road/Blenheim Road intersection and from the junction with SH 1 at the Masham Road/Russley Road/Yaldhurst Road intersection to 10m south of Dawsons Road/SH 73 intersection (RP 14/8.77).

SH 73A

From the Blenheim Road/Curletts Road intersection through Christchurch via Main South Road; to the junction with SH 1 at the Carmen Road/Main South Road intersection.

SH 1

SH 1 from the junction of SH 1 and SH 73A at the Carmen Road/Main South Road intersection to the junction of SH 1 and SH 73 at the Masham Road/Russley Road/Yaldhurst Road intersection.

SH 74

From the junction with SH 73 at the Waltham Road/Brougham Street intersection (RS 0) through Christchurch via Brougham Street, Opawa Expressway, Port Hills Road; to the Tunnel Portal – Lyttelton end (RS 22).

Tunnel Road North

From the north abutment of the Heathcote River Bridge to the Port Hills Road/Tunnel Road interchange.

SH 75

From the junction with SH 73 at the Curletts Road/Southern Motorway intersection (RS 0) through Christchurch; via Curletts Road, Halswell Road and Taitapu Road, to the centre of the Halswell River Bridge (RP 0/8.35).

Note:

Sections of state highway declared as “motorway” are included in Attachment 2 below “Schedule of Motorways”.

Attachment 2

Schedule of motorways incorporated into City Plan under Section 171 of the Resource Management Act 1991 (Transit New Zealand)

SH 1 Northern Motorway

From the north abutment of the Waimakariri River Bridge (RP 317/9.92) to the northern side of the Main Road/Dickeys Road intersection (RP 317/12.88).

SH 73 Southern Motorway

From the western side of Barrington Street (RP 0/3/04), including part Jerrold Street one way north and south, to the north eastern side of the SH 73/SH 75 Curletts Road intersection (RP 0/5.55).

SH 74

From the Port Hills Road/Tunnel Road interchange (RP 17/0.40) to the Tunnel Portal- Lyttelton end (RS 22).

Tunnel Road North

From the north abutment of the Heathcote River Bridge to the Port Hills Road/Tunnel Road interchange.

BACKGROUND ON TRANSIT NEW ZEALAND NOTICE OF REQUIREMENT

4. The Proposed City Plan (PCP) describes the roads and motorways listed in Appendix 1 of this report as being designated for roading works by Transit New Zealand at page 12/5 and 12/6 of Volume 3.
5. In 1994 Transit New Zealand lodged a notice of requirement with the Christchurch City Council requiring the Council to include designations for road works over these roads in the PCP. (The notice of requirement also sought to 'roll over' existing designations in the Transitional District Plans and include certain new designations in the District Plan. These are not relevant to this discussion.) A copy of Transit's notice of requirement is attached as Appendix 2 to this report. Unfortunately this document is not complete as some of the attachments referred to in the notice are no longer on the relevant City Plan file.
6. The notice of requirement directed specifically:

Transit New Zealand requests that all roads deemed, pursuant to the provisions of the Transit New Zealand Act 1989, to be state highway or motorway be designated in the District Plan as "road" or "motorway" as indicated in the enclosed plans. It should be noted that the existing designations cover both existing legal road as well as land occupied as road including any riverbeds that are crossed by the State Highways. In some locations the existing state highway designation allows for road widening if required, such as on the Southern Motorway between Barrington Street and Curletts Road, and parts of the Opawa Expressway between Ensors Road and Opawa Road.

The existing state highway network in Christchurch City is described in Attachment 1 and shown on the plan in Attachment 2. ...

7. There were no submissions and further submission against this part of the notice of requirement. In dealing with this part of the notice of requirement the officer's report stated:

Designation of State Highways and Motorways

6.16 Transit New Zealand have required the designation of all state highways and motorways in the city. Attachments one and two in part 12 list the relevant schedules of the State Highways and Motorways respectively. Designating these roads allows Transit New Zealand to apply a consistent set of standards to the state highway network across New Zealand, and to not be required to deal with different plan rules in different local authorities. It also flags that these road are recognised as different from other roads in the city (with a different road controlling authority and are affected by different legislation in some issues, such as that involved with the declaration of limited access restrictions). In the interests of a consistent national network, I recommend that the Council recommend the confirmation of these designations.

8. The officer's (Stuart Woods) comments are fair and accurate and still entirely applicable to the planning environment in 2005.
9. The Council's recommendations were dealt with in Council recommendation number 188: Council Recommendations To Transit New Zealand Requirements For Roading Designations (Except Southern Arterial and Opawa Road/Port Hill Roads). The Council resolved to make this recommendation on 25 November 1999.
10. The Council's recommendations to Transit, as covered in the recommendation report, do not cover the requirement in Transit's Notice of Requirement set out in paragraph 6 above or the recommendation in the officer's report set out in paragraph 7 above.

11. However the recommendation may have attempted to address this issue at paragraph 4.3 where it states:

4.3 3-12.2.1.2 Transit Requirements – No submissions received

The remaining Transit NZ requirements (excluding the Southern Arterial and Opawa Road/Port Hills Road) did not receive any submissions. They are all existing designations, except Johns Road which has been modified. The Council was satisfied that all these designations are reasonably necessary to achieve the national road network and are the most appropriate alternatives. No recommendation is necessary in respect of the existing designations that did not receive submissions.

12. It appears the notice of requirement from Transit in 1994 has been interpreted as stating that the State Highways and Motorways described in that part of the notice (see paragraph 6 above) were already designated in the Transitional District Plans. This is not the case. There are some existing road widening designations that will be carried over into the current City Plan. However, none of the relevant Transitional District Plans reviewed by myself carry designations for roading purposes over the entire route, that are either described within the text or shown on the planning maps. The underlined statement in paragraph 11 is incorrect.
13. A recommendation confirming the designations should have been made back to Transit in 1999.
14. This situation is relatively simple to resolve. The Council can now resolve to confirm the Notice of Requirement for the State Highways and Motorways as set out in Transit's 1994 Notice of Requirement.
15. However there have been changes to the State highway network since the 1994 Notice of Requirement. Some of the routes described in the attachment to the plan are no longer State Highways and have been transferred to the control of Christchurch City Council. These routes are:

SH 74

From the junction with SH 1 at the Johns Road/Main North Road intersection (RS 0) through Christchurch, via Main North Road, Cranford Street, Sherbourne Street, Bealey Avenue, Madras Street (northbound), Barbadoes Street (southbound), Moorhouse Avenue, Waltham Road.

16. The Council's recommendation back to Transit should not include these routes as being designated by Transit New Zealand – because they are no longer under the control of Transit.
17. Further, some of the routes have been renamed. A portion of SH 73 is now named SH73A – this is the portion between the intersection of Curletts Road and Blenheim Road and the intersection of Main South Road and Carmen Road. The route between the intersection of Carmen Road and Main South Road and the junction of SH 1 and SH 73 at the Masham Road/Russley Road/Yaldhurst Road intersection is no longer SH1/SH73 but is just State Highway 1. Note also that the description of SH 75 in Appendix 1 contains an error. The reference to SH 1 should be SH 73. Finally the Tunnel Road North description is also wrong. The reference to 'west abutment' should say 'north abutment' (as per the description of Tunnel Road North in Attachment 2). The Council's recommendation back to Transit should reflect this.

OPTIONS

18. The Council's options, in respect of its recommendation to a requiring authority, are set out in section 171(2) of the Resource Management Act. Specifically this section states:
 - 2) *The territorial authority may recommend to the requiring authority that it-*
 - (a) *confirm the requirement:*
 - (b) *modify the requirement:*
 - (c) *impose conditions:*
 - (d) *withdraw the requirement.*

19. Accordingly the Council's options are to:

1. Recommend to Transit that the designation be confirmed.
2. Recommend to Transit that the designation be modified.
3. Recommend to Transit that the designation be confirmed with conditions.
4. Recommend to Transit that the designation be withdrawn.

20. The 'do nothing' option is not an option open to the Council under the Act.

ASSESSMENT OF OPTIONS

Option 1: Recommend to Transit that the designation be confirmed

For the reasons set out in paragraphs 15–17 it is not appropriate for the Council to recommend to Transit that their NOR be confirmed without modification.

Option 2: Recommend to Transit that the designation be modified

For the reasons set out in paragraphs 15-17 it is appropriate for the Council to recommend to Transit that their NOR be confirmed with modification. It is open to the Council to seek a modification to the designation under section 171(2)(b) of the RMA. The recommended modification is not seeking that the designation be extended over roads that were not included in the 1994 notice of requirement – just that the roads set out in paragraph 15 be excluded, as Transit does not need a designation over these roads. The other modifications seek to ensure that the City Plan accurately describes the routes the designation covers.

	Benefits (current and future)	Costs (current and future)
Social	Confirmation of the designation, in accordance with the Notice of Requirement, will allow Transit to continue to strive to operate an effective and efficient State Highway transportation network.	Not confirming the designation in accordance with the Notice of Requirement, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Cultural	Confirmation of the designation, in accordance with the Notice of Requirement, will allow Transit to continue to strive to operate an effective and efficient State Highway transportation network.	Not confirming the designation in accordance with the Notice of Requirement, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Environmental	Confirmation of the designation, in accordance with the Notice of Requirement, will allow Transit to continue to strive to operate an effective and efficient State Highway transportation network.	Not confirming the designation in accordance with the Notice of Requirement, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Economic	Confirmation of the designation, in accordance with the Notice of Requirement, will allow Transit to continue to strive to operate an effective and efficient State Highway transportation network.	Not confirming the designation in accordance with the Notice of Requirement, will hinder Transit in its efforts to operate and effective and efficient transportation network.

Extent to which community outcomes are achieved:

The designation will help to achieve:

- A prosperous city (esp. maintaining and developing essential infrastructure)
- A safe city (esp. improving road safety)
- A liveable city (esp. ensuring an effective transport system)

Impact on Council's capacity and responsibilities:

The designation will assist the Council to help Transit to continue to strive to operate an effective and efficient State Highway transportation network.

Effects on Maori:

There are no known effects on Maori

Consistency with existing Council policies:

There are no known inconsistencies with existing Council policy.

Views and preferences of persons affected or likely to have an interest:

The Notice of Requirement was publicly notified in accordance with the requirements of the Resource Management Act 1991. No submissions or further submissions were received on this part of the notice.

Other relevant matters:**Option 3: Recommend to Transit that the Designation be confirmed with conditions**

It is not necessary to recommend to Transit that the designation be confirmed with conditions. Transit are not proposing any works in association with this notice of requirement. Any future works will require outline plan approval where upon the Council can seek specific mitigating conditions.

Option 4: Recommend to Transit that the Designation be withdrawn.

	Benefits (current and future)	Costs (current and future)
Social	There are no known benefits	Withdrawal of the designation would impact on Transit's ability to provide an effective and efficient transportation network.
Cultural	There are no known benefits	Withdrawal of the designation would impact on Transit's ability to provide an effective and efficient transportation network.
Environmental	There are no known benefits	Withdrawal of the designation would impact on Transit's ability to provide an effective and efficient transportation network.
Economic	There are no known benefits	Withdrawal of the designation would impact on Transit's ability to provide an effective and efficient transportation network.

Extent to which community outcomes are achieved:

Withdrawal of the designation would conflict with the following community outcomes:

- A prosperous city (esp. maintaining and developing essential infrastructure)
- A safe city (esp. improving road safety)
- A liveable city (esp. ensuring an effective transport system)

Impact on Council's capacity and responsibilities:

Withdrawal of the designation will would hinder the Council to help Transit to continue to strive to operate an effective and efficient State Highway transportation network.

Effects on Maori:

There are no known effects on Maori

Consistency with existing Council policies:

There are no known inconsistencies with existing Council policy.

Views and preferences of persons affected or likely to have an interest:

The Notice of Requirement was publicly notified in accordance with the requirements of the Resource Management Act 1991. No submissions or further submissions were received on this part of the notice.

Other relevant matters:

PREFERRED OPTION

21. Based on the above assessment it is considered that Option 2 is the preferred option.

RECOMMENDED DECISION

22. The Council resolve, pursuant to Section 171 of the Resource Management Act 1991, that the Council recommend to Transit New Zealand that Transit's Notice of Requirement seeking:

that all roads deemed, pursuant to the provisions of the Transit New Zealand Act 1989, to be state highway or motorway be designated in the District Plan as "road" or "motorway"

be **modified** and that the following be included in Part 12 of Volume 3 of the Proposed City Plan following Clause 2.2.3:

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SH1

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SH 73

From the junction with SH 74 at the Waltham Road/Brougham Street intersection (RS 0) through Christchurch; via Brougham Street, Jerrold Streets (North and South), Christchurch Southern Motorway, to the Curletts Road/Blenheim Road intersection and from the junction with SH 1 at the Masham Road/Russley Road/Yaldhurst Road intersection to 10m south of Dawsons Road/SH 73 intersection (RP 14/8.77).

SH 73A

From the Blenheim Road/Curletts Road intersection through Christchurch via Main South Road; to the junction with SH 1 at the Carmen Road/Main South Road intersection.

SH 1

SH 1 from the junction of SH 1 and SH 73A at the Carmen Road/Main South Road intersection to the junction of SH 1 and SH 73 at the Masham Road/Russley Road/Yaldhurst Road intersection.

SH 74

From the junction with SH 73 at the Waltham Road/Brougham Street intersection (RS 0) through Christchurch via Brougham Street, Opawa Expressway, Port Hills Road; to the Tunnel Portal – Lyttelton end (RS 22).

Tunnel Road North

From the north abutment of the Heathcote River Bridge to the Port Hills Road/Tunnel Road interchange.

SH 75

From the junction with SH 73 at the Curletts Road/Southern Motorway intersection (RS 0) through Christchurch; via Curletts Road, Halswell Road and Taitapu Road, to the centre of the Halswell River Bridge (RP 0/8.35).

Note:

Sections of State Highway declared as “Motorway” are included in Attachment 2 below “Schedule of Motorways”.

Attachment 2

Schedule of Motorways incorporated into City Plan under Section 171 of the Resource Management Act 1991 (Transit New Zealand)

SH 1 Northern Motorway

From the north abutment of the Waimakariri River Bridge (RP 317/9.92) to the northern side of the Main Road/Dickeys Road intersection (RP 317/12.88).

SH 73 Southern Motorway

From the western side of Barrington Street (RP 0/3/04), including part Jerrold Street one way north and south, to the north eastern side of the SH 73/SH 75 Curletts Road intersection (RP 0/5.55).

SH 74

From the Port Hills Road/Tunnel Road interchange (RP 17/0.40) to the Tunnel Portal- Lyttelton end (RS 22).

Tunnel Road North

From the north abutment of the Heathcote River Bridge to the Port Hills Road/Tunnel Road interchange.

For the following reasons:

1. Designating these roads allows Transit New Zealand to apply a consistent set of standards to the state highway network across New Zealand, and to not be required to deal with different plan rules in different local authorities.
2. Designating these roads flags that they are recognised as different from other roads in the city (with a different road controlling authority and are affected by different legislation in some issues, such as that involved with the declaration of limited access restrictions).
3. Designating these roads assists Transit New Zealand to operate a consistent national network.
4. The modification of the designation will ensure that roads that are not State Highway are not covered by Transit New Zealand's designation.
5. The modification of the designation will also ensure that the State Highways are correctly, described, named and numbered in the City Plan.