

6. **RECOMMENDATION ON TRANSIT NEW ZEALAND'S 2005 NOTICE OF REQUIREMENT FOR A DESIGNATION ON STATE HIGHWAYS WITHIN CHRISTCHURCH CITY**

General Manager responsible:	General Manager City Environment
Officer responsible:	Environmental Services Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek a resolution from the Council that the Council recommend to Transit New Zealand that it confirms, with conditions, Transit New Zealand's 2005 Notice of Requirement (NOR) to the Christchurch City Council requiring designations over parts of Transit New Zealand's State Highway network within Christchurch City be included in the Proposed and Transitional Christchurch City District Plans.

EXECUTIVE SUMMARY

2. Pursuant to section 168 of the Resource Management Act 1991 Transit New Zealand forwarded to the Council a Notice of Requirement (NOR) for designations to be included in the City Plan for State Highways within Christchurch City in July 2005.
3. The NOR sought that the following routes be designated in the Proposed and Transitional Christchurch City District Plans:

SH 74 route

From the Main North Road/Queen Elizabeth II Drive intersection, then via Queen Elizabeth II Drive, Travis Road, Anzac Drive, Dyers Road to the Dyers Road/Ferry Road/Tunnel Road intersection.

SH 74A route

From the Dyers Road/Palinurus Road intersection, then via Palinurus Road, Rutherford Street, Garlands Road to the junction with SH 73 at the Garlands Road/Opawa Road intersection.

SH 73 route

From the Curletts Road/Blenheim Road intersection, then via Curletts Road, Yaldhurst Road to the junction with SH 1 at the Masham Road/Russley Road/ Yaldhurst Road intersection.

4. A copy of the NOR, including route maps is attached in Attachment 1.
5. The NOR was publicly notified on 29 July and 30 July 2005. No submissions were received. The Council now needs to make a recommendation on the NOR back to Transit.

FINANCIAL AND LEGAL CONSIDERATIONS

6. The Council has a statutory obligation to make a recommendation back to Transit on its NOR.

STAFF RECOMMENDATION

It is recommended that 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 a designation over the following state highway routes:

SH 74 route

From the Main North Road/Queen Elizabeth II Drive intersection, then via Queen Elizabeth II Drive, Travis Road, Anzac Drive, Dyers Road to the Dyers Road/Ferry Road/Tunnel Road intersection.

SH 74A route

From the Dyers Road/Palinurus Road intersection, then via Palinurus Road, Rutherford Street, Garlands Road to the junction with SH 73 at the Garlands Road/Opawa Road intersection.

SH 73 route

From the Curletts Road/Blenheim Road intersection, then via Curletts Road, Yaldhurst Road to the junction with SH 1 at the Masham Road/Russley Road/ Yaldhurst Road intersection.

be included in the Transitional and Proposed Christchurch City District Plans be **modified with conditions** and that the designation extend over that part of the carriageway at the northwest corner of Dyers Road and Breezes Road that sits outside the legal road (approximately 8.5m²) and that Clause 2.2.2 Part 12 Volume 3 of the Proposed City Plan, and Attachments 1 and 2 to that clause, be altered as follows (alterations shown underlined or crossed through):

2.2.2 Transit New Zealand

...

The schedule of state highways in the city, as designated, is set out in Attachment 1 below, followed by the schedule of motorways in Attachment 2. Conditions apply to the designation on some of the routes described in Attachments 1 and 2. The underlying zoning of all-most of the state highways is Special Purpose (Road) Zone. In very limited areas the state highway designation extends beyond the Special Purpose (Road) Zone to include small areas of land zoned for other purposes.

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 centre of the Waimakariri River Bridge (RP327/0.21) 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 Port Hills Road interchange (RP 0/0.00) then via Port Hills Road, Opawa Road, Brougham Street, Jerrold Streets (North and South), Christchurch Southern Motorway, to the Curletts Road/Blenheim Road intersection (RP11/1.28); 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). Also from the Curletts Road/Blenheim Road intersection, then via Curletts Road, Yaldhurst Road to the junction with SH 1 at the Masham Road/Russley Road/ Yaldhurst Road intersection.

SH 73A

From the Blenheim Road/Curletts Road intersection (RP0/0.00) through Christchurch via Blenheim Road, Main South Road; to the junction with SH 1 at the Carmen Road/Main South Road intersection (RP0/3.62).

SH 74

From the junction of SH 1 at the intersection of Johns Road/Main North Road (RP0/0.00) then via Main North Road to the intersection of Main North Road/Queen Elizabeth II Drive (RP0/3.90); and from the north abutment of the Heathcote River Bridge (RP19/0.52) then via Tunnel Road to the Tunnel Portal – Lyttelton end (RP26/0.00). Also from the Main North Road/Queen Elizabeth II Drive intersection, then via Queen Elizabeth II Drive, Travis Road, Anzac Drive, Dyers Road to the Dyers Road/Ferry Road/Tunnel Road intersection.

SH 74A

From the Dyers Road/Palinurus Road intersection, then via Palinurus Road, Rutherford Street, Garlands Road to the junction with SH 73 at the Garlands Road/Opawa Road intersection.

SH 75

From the junction with SH 73 at the Curletts Road/Southern Motorway intersection (RP 0/0.00); then 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 centre of the Waimakariri River Bridge (RP 327/0.21) to the northern side of the Main Road/Dickeys Road intersection (RP 327/3.04).

SH 73 Southern Motorway

From the western side of Barrington Street (RP3/5.18), including part Jerrold Street one way north and south, to the north eastern side of the SH 73/SH 75 Curletts Road intersection (RP 11/0.00).

SH 74

From the northern abutment of the Heathcote River Bridge (RP19/0.52) then via Tunnel Road to the to the Tunnel Portal- Lyttelton end (RP26/0.00).

Conditions

The following conditions and notes only apply to portions of the SH 73, SH 74 and SH 74A Transit New Zealand designation described in the preceding Attachments 1 and 2:

Construction and Operational Noise

1. As a minimum, Transit New Zealand shall comply with the relevant Transit New Zealand noise mitigation policy in effect at the time that Transit applies for outline development plan approval for works to give effect to this designation.

Protocol for discovery of koiwi, taonga or other artefact material

2. As a minimum, Transit New Zealand shall comply with the relevant Transit New Zealand accidental discovery protocol in effect at the time that Transit applies for outline development plan approval for works to give effect to this designation.

Note:

These mitigation conditions do not limit the ability of Christchurch City Council to seek changes to any future outline plan of works, pursuant to section 176A of the Resource Management Act 1991.

The portions of SH 73, SH 74 and SH 74A to which these conditions apply are:

SH 73

From the Curletts Road/Blenheim Road intersection, then via Curletts Road, Yaldhurst Road to the junction with SH 1 at the Masham Road/Russley Road/ Yaldhurst Road intersection.

SH 74

From the Main North Road/Queen Elizabeth II Drive intersection, then via Queen Elizabeth II Drive, Travis Road, Anzac Drive, Dyers Road to the Dyers Road/Ferry Road/Tunnel Road intersection.

SH 74A

From the Dyers Road/Palinurus Road intersection, then via Palinurus Road, Rutherford Street, Garlands Road to the junction with SH 73 at the Garlands Road/Opawa Road intersection.

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. Transit New Zealand has requested the conditions and they reflect developments in their policy relating to traffic noise issues and reverse sensitivity, and they acknowledge the accidental discovery protocol that has been agreed with the Historic Places Trust and Te Runanga o Ngai Tahu.

BACKGROUND ON RECOMMENDATION ON TRANSIT NEW ZEALAND'S 2005 NOTICE OF REQUIREMENT FOR A DESIGNATION ON STATE HIGHWAYS IN WITHIN CHRISTCHURCH CITY

7. The Christchurch City Council has received a NOR for new roading works designations in the Transitional and Proposed Christchurch City District Plans. This NOR covers parts of the state highway network not covered by Transit's 1994 NOR for a designation on its state highway network. Responsibility for the roads the subject of this 2005 NOR was recently transferred to Transit by the Christchurch City Council and therefore were not subject to the 1994 NOR.
8. The routes described in paragraph 3 of the executive summary are all on formed legal roads, road reserve or parcels of land in the process of being legalised as road. However there are six areas on the route where the formed roads pass over land that is not part of the Special Purpose (Road) Zone, or will not become part of that zone following legalisation as road. These areas of land are described in the NOR on page 2 in Attachment 1.
9. No new works were proposed as part of the NOR. The notice states that Transit New Zealand may wish to progress works to four sections of State Highway 74 in the future. Any future works would form applications for outline plan approval at a latter date. The NOR does not, and did not need to, include the various existing individual Transit road widening designations in the proposed City Plan. The proposed designation will sit along side these existing designations.
10. 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 roads 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).
11. Subsequent to the closure of the public notification period Transit New Zealand has requested that the Council recommend back to Transit New Zealand that two conditions be added to the designation. Transit has requested these conditions to better reflect developments in their policy relating to traffic noise issues and reverse sensitivity, and to acknowledge the accidental discovery protocol that has been agreed with the Historic Places Trust and Te Runanga o Ngai Tahu.
12. Conditions and explanatory notes have been developed through discussions between Transit officers and Council officers. The suggested conditions are as follows:

Construction and Operational Noise

1. *As a minimum, Transit New Zealand shall comply with the relevant Transit New Zealand noise mitigation policy in effect at the time that Transit applies for outline development plan approval for works to give effect to this designation.*

Protocol for discovery of koiwi, taonga or other artefact material

2. *As a minimum, Transit New Zealand shall comply with the relevant Transit New Zealand accidental discovery protocol in effect at the time that Transit applies for outline development plan approval for works to give effect to this designation.*

Note:

These mitigation conditions do not limit the ability of Christchurch City Council to seek changes to any future outline plan of works, pursuant to section 176A of the Resource Management Act 1991.

The portions of SH 73, SH 74 and SH 74A to which these conditions apply are:

SH 73

From the Curletts Road/Blenheim Road intersection, then via Curletts Road, Yaldhurst Road to the junction with SH 1 at the Masham Road/Russley Road/ Yaldhurst Road intersection.

SH 74

From the Main North Road/Queen Elizabeth II Drive intersection, then via Queen Elizabeth II Drive, Travis Road, Anzac Drive, Dyers Road to the Dyers Road/Ferry Road/Tunnel Road intersection.

SH 74A

From the Dyers Road/Palinurus Road intersection, then via Palinurus Road, Rutherford Street, Garlands Road to the junction with SH 73 at the Garlands Road/Opawa Road intersection.

13. The first explanatory note is to clarify that the conditions will not limit the ability of the Council to seek more stringent or 'project specific' conditions as part of future outline plan approvals for specific works. The conditions can only apply to that part of the state highway network covered by the 2005 NOR – hence the second explanatory note. These conditions and notes have been discussed with Transit's representatives who have indicated that they are happy with the wording of the conditions as proposed.
14. In the interests of a consistent national network and consistent designation coverage of state highways in the City Plan, I have recommended that the Council recommend to Transit the confirmation of these designations with the conditions requested by Transit.
15. It is further noted that a small area of carriageway (approximately 8.5m² in area) at the northwest corner of Dyers Road and Breezes Road sits outside the legal road on Christchurch City Council owned land. The NOR did not extend over this area. For the sake of a complete coverage of the carriageway the responsibility of Transit the designation should extend over this portion. For this reason I have recommended that the designation be modified to include this area. The area is shown in Attachment 2 to this report.

OPTIONS

16. 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.*
17. 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 modified with conditions.
 4. Recommend to Transit that the designation be confirmed with conditions.
 5. Recommend to Transit that the designation be withdrawn.
18. 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

19. For the reasons set out in paragraphs 11–14 it is not appropriate for the Council to recommend to Transit that its NOR be confirmed without conditions.

Option 2: Recommend to Transit that the designation be modified

20. The proposed designation does need to be modified to extend over a small portion of carriageway not covered by the NOR. However it is not appropriate for the Council to recommend to Transit that their NOR be modified without conditions. The proposed designation does not need to be reduced from the area shown on the NOR maps.

	Benefits (current and future)	Costs (current and future)
Social	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Cultural	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Environmental	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Economic	Confirmation of the designation, in accordance with the NOR, 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 NOR, 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 NOR was publicly notified in accordance with the requirements of the Resource Management Act 1991. No submissions were received on this part of the notice.

Other relevant matters:

Option 3: Recommend to Transit that the designation be modified with conditions

21. For the reasons set out in paragraphs 11–15 the proposed designation does need to be modified to extend over a small portion of carriageway not covered by the NOR. It is appropriate for the Council to recommend to Transit that its NOR be modified with conditions. The proposed designation does not need to be reduced from the area shown on the NOR maps.

	Benefits (current and future)	Costs (current and future)
Social	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Cultural	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Environmental	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Economic	Confirmation of the designation, in accordance with the NOR, 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 NOR, 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 NOR was publicly notified in accordance with the requirements of the Resource Management Act 1991. No submissions were received on this part of the notice.

Other relevant matters:

Option 4: Recommend to Transit that the Designation be confirmed with conditions

22. For the reasons set out in paragraphs 11–15 it is necessary to recommend to Transit that the designation be modified with conditions. This option is therefore not appropriate.

	Benefits (current and future)	Costs (current and future)
Social	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Cultural	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Environmental	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
Economic	Confirmation of the designation, in accordance with the NOR, 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 NOR, will hinder Transit in its efforts to operate and effective and efficient transportation network.
<p>Extent to which community outcomes are achieved:</p> <p>The designation will help to achieve:</p> <ul style="list-style-type: none"> • 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) <p>Impact on Council's capacity and responsibilities:</p> <p>The designation will assist the Council to help Transit to continue to strive to operate an effective and efficient State Highway transportation network.</p> <p>Effects on Maori:</p> <p>There are no known effects on Maori</p> <p>Consistency with existing Council policies:</p> <p>There are no known inconsistencies with existing Council policy.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>The NOR was publicly notified in accordance with the requirements of the Resource Management Act 1991. No submissions were received on this part of the notice.</p> <p>Other relevant matters:</p>		

Option 5: Recommend to Transit that the Designation be withdrawn

23. There is no reason to recommend to Transit that the designation be withdrawn. Withdrawal of the designation may affect Transit's ability to effectively administer the state highway network.

	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 and effective and efficient transportation network.
Cultural	There are no known benefits	Withdrawal of the designation would impact on Transit's ability to provide and effective and efficient transportation network.
Environmental	There are no known benefits	Withdrawal of the designation would impact on Transit's ability to provide and effective and efficient transportation network.
Economic	There are no known benefits	Withdrawal of the designation would impact on Transit's ability to provide and 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 NOR was publicly notified in accordance with the requirements of the Resource Management Act 1991. No submissions were received on this part of the notice.

Other relevant matters:

Preferred Option

24. Based on the above assessment it is considered that Option 3 is the preferred option.