

## **COUNCIL WORKSHOP AGENDA**

**WEDNESDAY 9 NOVEMBER 2011**

**AT 5 PM**

**IN THE BOARDROOM, BECKENHAM SERVICE CENTRE**

*(Note: This forum has no decision making powers and is purely for the purpose of information sharing.)*

<b>General Manager</b>	<b>Committee Adviser</b>
Peter Mitchell	Megan Roberts
Tel: 941-8462	Tel: 941-8635

- 1. APOLOGIES**
- 2. LIVING G YALDHURST**

The purpose of this workshop is to discuss the Environment Court decision establishing the Living G Yaldhurst Zone and subsequent resource consents which sought to carry out a development different to those rules, particularly relating to the reduction of minimum size of some lots, reduction in the width of the spine road, and the relocation of cycleways.

The format of the workshop shall run as follows:

- (a) Background to the processing of the subdivision consent.  
*Presenter: John Higgins*
- (b) Opportunity for residents to raise concerns

The following documents are **attached**:

1. Residential G Zone – Noble Subdivision Memorandum from John Gibson
2. CCC Legal Services Opinion
3. Letter from Opus International dated 15 September 2011
4. Rear Lane Manoeuvre Plan
5. Letter from Opus International dated 2 June 2011
6. Submission of Mr Colin Stokes to Council on 11 August 2011

### Residential G Zone – Noble Subdivision

The purpose of these notes is to clarify a number of matters which arose during the processing of the variation for the Noble Investments Limited ( NIL ) land at Yaldhurst. The notes also address some issues raised with the Council about the commissioner decision on the application.

1. The fact that some parts of the subdivision were constructed without consent did not make the subdivision as a whole illegal. NIL had an existing resource consent ( granted in 2009 ) and much of the work which took place was in accord with that consent. It was only the unconsented elements of the work which were illegal. It is also important to understand that construction of the unconsented work did not strengthen the applicant's case for the application for variation to be considered on a non-notified basis or for the application to be granted. There are a number of cases where Councils (and the Environmental Court) have declined consent for work undertaken prior to a resource consent and granted.
2. The rules applying to the Living G Zone at Yaldhurst do not have special status because they were determined by the Environment Court. Once those rules were incorporated in the City Plan, they had the same status as all the other rules in the City Plan and it was the NIL's right to apply for an application which did not comply with those rules.
3. Once a resource consent is granted, it is the conditions of the resource consent which an application must comply with. The rules in the City Plan no longer apply.
4. The Council received criticism that it denied persons who were opposed to or who had an interest in the application the right to be heard. On this matter, it is important to understand that the decision for the NIL application to be processed on a non-notified basis, was made by a Commissioner, David Kirkpatrick, not Council staff. It is also important to note that residents who had an interest in the application were given the opportunity to persuade the Commissioner why they should be identified as effected parties and why the application ought to be notified. Residents who had an interest in the application were able to make written submissions and these were attached to the Planner's report for consideration by the Commissioner. In addition, the Commissioner provided the opportunity for people to speak to their written submissions at the meeting on 4 July. This process enabled the Commissioner to get an understanding of the concerns held by residents who had an interest in the application.
5. One of the areas of concern raised by residents before and after the commissioner's decision was made was about traffic safety issues arising from the proposed narrowing of the spine road, relocation of the cycle lanes and other traffic non-compliances. In relation to these concerns, the Council obtained two traffic engineering reports from an independent traffic engineer. Both these reports indicate that the traffic non-compliances will not compromise traffic safety. The reports are attached.
6. The decision Council has also received a number of criticisms levelled at the decision of the Commissioner. In particular that:
  - (a) The decision does not cover all the matters of non-compliance triggered by the variation.
  - (b) The decision is flawed and should be reviewed by the Council.

In relation to the first matter, when the Council grants a consent to an application it does not grant consent for a breach of specific rules in the City Plan. Rather, when the Council grants consent, it is for an activity as a whole and most decisions are written to deal with the main issues and look at the overall effect the proposal may generate and

whether those effects are acceptable in the round. A decision maker is not required to deal with each specific matter of non-compliance an application generates. This is the way Commissioner Kirkpatrick wrote the decision for the Noble application.

In relation to the second matter, the decision has been reviewed by the Council's resource management lawyer and it is his opinion that the decision is legally sound and robust. It is also the lawyer's advice that there are no grounds for the Council to consider judicial review of the decision and that such a review would be unsuccessful. A copy of the opinion is attached

John Gibson  
Planning Administration Manager  
Environmental Policy & Approvals Unit  
Christchurch City Council

# Christchurch City Council

## Legal Services Unit

### LEGAL OPINION

**Date:** 27 SEPTEMBER 2011

**From:** BRENT PIZZEY (Solicitor, Legal Services)

**To:** JOHN HIGGINS (Resource Consents Manager)

#### **Assessment of Queue Space Effects for RMA92009135: Legal Assessment of Concerns Raised by Mr Stokes**

#### **The Issue**

You requested a legal opinion regarding concerns raised by Mr Stokes in emails of 26 August 2011 to CCC officers and 23 September 2011 to councillors. In particular:

1. That the queue space rule is relevant, and that as the Decision did not refer to that rule, there is no consent to breach the rule and/or the resource consent is invalid; and
2. Council has not implemented the City Plan, as it should not grant consent for activity that is in breach of the City Plan.

I do not respond to allegations by Mr Stokes concerning statements and actions by Council officers.

#### **Summary of Legal Opinion**

1. The Commissioner considered and decided on the concerns raised by Mr Stokes regarding the spine road.
2. There is no material inaccuracy in the application regarding the queue space rule.
3. The Decision has granted consent to the activity shown in the plans attached to the application. These show the layout which Mr Stokes considers breaches a rule in the City Plan.
4. There is no legal requirement that the decision refer to all rules breached by a proposed activity.
5. The Decision is complete. The Council cannot reassess that Decision.

6. The Decision clearly states the Resource Management Act 1991 (the Act) context with regard to the appropriateness of breaching rules in the City Plan, and regarding whether the activity is consistent with the objectives and policies of the City Plan.
7. The relevance of the queue space rule was considered by the Commissioner in the decision making process.
8. The expert advice to the Council is that if the roads function in the manner described in the Variation, then the adverse effects of the access and queuing design are minimal and are more than offset by the positive effects of the improved functioning of the spine road; and
9. There is no reasonable justification for the Council to seek judicial review of its decision.

## 1. The Decision

The consent authority delegated the decision making function regarding these applications for variation of resource consents to Commissioner David Kirkpatrick. The Commissioner issued his decisions on notification of the applications, and the substantive decision granting the Variations, on 29 July 2011 (the Decision).

Mr Stokes seeks a change to the Decision, and/or a determination by the consent authority that a further application must be sought for breach of the queue space rule.

Mr Stokes' email dated 26 September 2011 attached letters from Abley Consultants dated 11 May and 9 June 2011 concerning the operation of the spine road. Those letters do not raise new matters. The Commissioner referred to those letters in the Decision.

## 2. No Material Inaccuracy in the Application

The application did not expressly refer to the queuing space rule. However, the Act does not require applicants to specify the rules breached by a proposed activity. Applications for resource consent are for activities. The application must describe the activity for which consent is sought (sections 87 and 88 and the Fourth Schedule of the Act). The plans that formed part of the application for Variation under section 127 of the Act showed the layout of street, built environment, right-of-way and carparks. If the queuing space rule applies, the circumstances are on all fours with those assessed by the Environment Court in *Waimakariri District Council v Addie*.<sup>1</sup> If there was a mistaken interpretation by Council officers or consultants of information supplied by the applicant, this does not amount to a material inaccuracy in the application for which the Council can seek an enforcement order<sup>2</sup>.

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<sup>1</sup> (2006) 6 ELRNZ 391

<sup>2</sup> Sections 315(1)(e) and 315(2) of the Act

### **3. Resource Consent is for Activities Rather Than for Breach of Rules**

As noted above, the Act requires that applications be for activities. It also provides that decisions are on the activities applied for, rather than on breach of specific rules (section 87A(4) and 104B of the Act for discretionary activities).

The decision granted consent for the activity shown in the plans. That activity includes the right-of-way and car park arrangement which Mr Stokes considers breaches a rule in the City Plan.

Regardless of whether Mr Stokes is correct that the queuing space rule is breached, the Decision has granted consent for the layout shown in the application.

### **4. Decisions Need Not Refer to All Rules Breached**

The content of written decisions on non-notified resource consent applications is prescribed by section 113(4) of the Act:

Every decision on an application for a resource consent that is not notified must be in writing and state the reasons for the decision.

There is no legal requirement that the Decision expressly refer to all rules breached by the consented activity.

### **5. Decisions are Complete When Made**

Once an authority has made its decision it has exhausted its jurisdiction. It has no power to act further in the matter. The principle has been stated by the Court of Appeal that the authority is *functus officio* – without function in the matter – at the point at which its decision is perfected by communication in the final form.<sup>3</sup>

Section 13 of the Interpretation Act 1999 provides a limited exception to that principle:

*Power to correct errors*

*The power to make an appointment or do any other act or thing may be exercised to correct an error or omission in a previous exercise of the power even though the power is not generally capable of being exercised more than once.*

But that exception is subject to section 4(1) of the Interpretation Act 1999:

*Application*

- (1) *This Act applies to an enactment that is part of the law of New Zealand and that is passed either before or after the commencement of this Act unless—*
- (a) the enactment provides otherwise; or*
  - (b) the context of the enactment requires a different interpretation.*

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<sup>3</sup> *Goulding v Chief Executive, Ministry of Fisheries* [2004] 3 NZLR 173 (CA).

The High Court has held that the power to revisit decisions to rectify errors is sufficiently broad to encompass something which is done inadvertently as well as something which is done intentionally and deliberately. However, that power to correct “errors” does not apply if the context of the enactment requires a different interpretation.<sup>4</sup>

The context of Part 6 of the RMA requires a different interpretation than one that would enable the consent authority to revisit notification and substantive decisions to correct “errors or omissions”. Part 6 of the Act is unworkable unless there is finality to the notification and substantive decisions. The legislature has shown that intent by giving no right of appeal against notification decisions, and limiting the right of appeal against non-notified consents to the applicant.

Accordingly, the Council's notification and substantive decisions were perfected on 29 July 2011. The exercise of the statutory power is complete. The consent authority is now *functus officio* with regard to the notification decision. It has exhausted its jurisdiction and has no power to act further.

## 6. Implementation of the City Plan

Mr Stokes has expressed concerns that the consent authority is granting resource consent for an activity that is in breach of rules in the City Plan, and that it has ignored principles in the City Plan.

The Commissioner has expressly commented on those concerns in the Decision.

The Decision addressed the concern regarding allowing activity that breaches *rules* in the following terms:

“It is important to record that the text of the district plan in relation to this zone at Yaldhurst clearly contemplates that any particular development proposal is likely to involve at least some elements that do not accord with the particular diagrams and provisions set out in the district plan. As anyone familiar with the resource management regime in this country will appreciate, this reflects the fact that in the absence of provisions for prohibited activities (and there are none relevant here) the Act contemplates that a person may apply for resource consent to do things which are not fully permitted by the rules in a district plan, and such an application will be assessed in terms of the relevant provisions of the Act. Importantly, there is no provision of the Act which makes compliance with particular rules in a district plan determinative of the outcome of an application for resource consent. “

The Decision addressed the concern regarding consistency with the “*principles*” of the City Plan in the following terms:

“Looking at these applications to change conditions of consent both on an individual basis and in an overall way, and exercising an overall judgment in terms of the discretion under section 104C (subject to Part 2), I conclude that consent should be granted to the changes as sought in the applications. The changes maintain the consistency of the existing consents with the guiding principles of the Living G Yaldhurst zone. While the changes result in differences with the specific boundaries shown in the ODP and the layer plans, and create some discrepancies with the

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<sup>4</sup> *Neil Construction Ltd v North Shore City Council* [2001] 3 NZLR 533 (HC) Paragraphs 43 to 49

anticipated proportions in the density bands, in overall terms those differences and discrepancies are within the scope of the results anticipated by the Plan provisions”.

Accordingly, the Commissioner, performing the delegated function of the consent authority, has considered the matters of integrity of the City Plan being raised again by Mr Stokes. The Commissioner’s Decision determined the Council’s position with regard to the consistency of the activity with the “principles” of the City Plan. Mr Stokes seeks a change to that determination. For the reasons described above, the consent authority cannot change that determination.

## **7. Relevance of the Queue Space Rule**

I understand from both Mr Stokes (email of 26 August 2011) and from Mr Graham Taylor, the Council’s consultant planner assisting the Commissioner (pers. comm., 28/9/11) that Mr Stokes raised his concern regarding breach of this rule during the “notification hearing”. The matter was discussed with the Commissioner at that hearing. Mr Taylor’s opinion was, and remains, that the queuing space rule does not apply to the consented activity. Mr Stokes records that the Commissioner stated that he was satisfied that there was no breach of that rule.

As noted above, the Commissioner’s decision is complete. The Council cannot reopen that debate once the Decision is complete. Views expressed by Council officers regarding the relevance of that rule subsequent to the hearing are irrelevant in relation to the finality of the Decision.<sup>5</sup>

## **8. Officers Consider That Adverse Effects of the Queue Space Design Are Minimal**

The application was for Variation of the existing resource consents under section 127 of the Act. In assessing a Variation, it is the effects of the changes to the application that are relevant, not the effects of the activity as a whole. The same or similar car park and access arrangement was present in the existing resource consent, but the number of right-of-ways increased for the proposed Variation. In considering that Variation, the consent authority was obliged to disregard the effects that were permitted by the existing resource consents.

Moreover, subsequent to Mr Stokes again raising these concerns, officers have obtained further input from a transportation engineer (Ms Shelley Perfect) and from Mr Paul Burden, the Council’s Road Corridor Transportation Manager. Mr Burden considers that provided that the roads in the development function in the manner described in the application, the effects of this queue space arrangement will be insignificant (pers. comm., 28/9/11). Ms Perfect considers that the very low potential for conflict between arriving and departing vehicles is more than compensated for by the improved operation of the spine road.

## **9. Judicial Review**

The fundamental principle that now applies is that the Decision by the consent authority has effect at law unless and until it is declared to be void or a nullity by a competent body or court.<sup>5</sup>

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<sup>5</sup> *Love v Porirua City Council* [1984] 2 NZLR 308 (CA)



The sole route for the decision to be set aside is by judicial review proceedings in the High Court.

For the reasons described above, there is no reasonable basis for the Council to seek judicial review of its decision.

Brent Pizzey

**SOLICITOR**

**Legal Services Unit**

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28 September 2011

15 September 2011

John Higgins  
Christchurch City Council  
P O BOX 73013  
CHRISTCHURCH



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Dear John

**Noble Village - Yaldhurst Subdivision (RMA 92009135)  
Queue Space**

As requested at our meeting of 5 September I have reviewed the email from Colin Stokes dated 26 August 2011 which discusses queue space provision for the Noble Village development.

Mr Stokes email refers to Part 13 of the City Plan, Section 2.2.14 Queuing spaces. The rule states that "queuing space shall be provided on site for all vehicles entering or existing a parking or loading area." Mr Stokes has cited this rule in regard to a rear lane or right of way which serves the garages and carports for terraced homes. The homes are in a high density living zone. As the lane serves private garages and carports with no parking on the lane there is debate as to whether such a lane would constitute a parking area. Certainly any loading would be difficult to undertake from the back of the terraced homes. (Large items would likely be delivered through the front of the home by parking on the spine road).

As a traffic engineer I have looked at the safety concerns Mr Stokes has raised in relation to vehicles entering the lane from the spine road. With a carriageway width of 11.5m on the spine road most vehicles following a turning vehicle on the collector road would be able to pass on the inside if clear of cyclists and parked cars. Otherwise vehicles would be held up briefly behind the turning vehicle which is considered reasonable as this scenario would occur infrequently and is a typical situation encountered on local collector routes.

There are a number of rear lanes providing access to garages at the rear of properties within the Noble Village Development. The intersection which has the greatest potential conflicts arising, are vehicles right turning into ROW 703, which provides access to 17 lots, shown D on drawing PS-02. For the worst case scenario there is a safe waiting queue length for one large car after completion of a right turn into the right of way when a vehicle is reversing out of the closest garage. Car movements are annotated on attached part copy of plan A04.0 B.

It is agreed there is not enough queuing space for a second vehicle following the first through the same gap to wait and safely clear the oncoming traffic lane. The second driver of the vehicle following would be able to see the predicament and stop and give way until the situation cleared. (It is unlawful to proceed into an intersection until the way is clear.)

As the vehicles using the lanes are residents there is a heightened awareness for manoeuvres from the garages/ carports and therefore I believe the potential for conflicts in this situation is very low.

Mr Stokes is also concerned that vehicles from the lane will need to reverse out onto the spine road. The lane serves residential garages/ carports and therefore manoeuvres will take place into or out of the garage/ carport space which would allow a forward movement onto the spine route. If a non-resident vehicle does go into the lane by mistake the 8m width of lane does provide space for most vehicles to manoeuvre into a forward position to exit the lane. The urban design of the rear lanes as depicted on the applicant plans would discourage their use by non-residents therefore the scenario discussed would be rare.

It is noted that the use of rear lanes and right of ways is encouraged for the Living G Awatea Zone where City Plan sub-clause 20.5.1.1 Design and Layout, updated 20 July 2011 says in part:

“In higher density areas to minimise the extent of vehicle crossings and/or garages that face the street and to maximise building frontage and on-street parking regard should be had to:

- avoiding the extensive use of rear lots which require an additional access leg;
- the use of rear lanes (via access lots, rights of way or legal road) particularly for narrow terrace housing lots. “

Although this subclause doesn't apply to this subdivision, (Noble Village is in the Living G Yaldhurst Zone), the housing density provision is similar and terraced housing has been approved for Noble Village. Terraced housing is also likely to become a more frequent housing option in Christchurch. The provision of rear lanes to the terraced housing in Noble Village reduces the number of potential conflict points on the spine road, e.g. one right of way instead of 17 accesses. Also the reversing manoeuvres occur on a low speed rear lane where these manoeuvres are expected rather than the higher volume spine road. Therefore although I note Mr Stokes safety concerns with the rear lanes these concerns are more than compensated for by reducing potential conflicts on the spine road; which has both safety and capacity benefits.

Please contact me if you require further information or clarification.

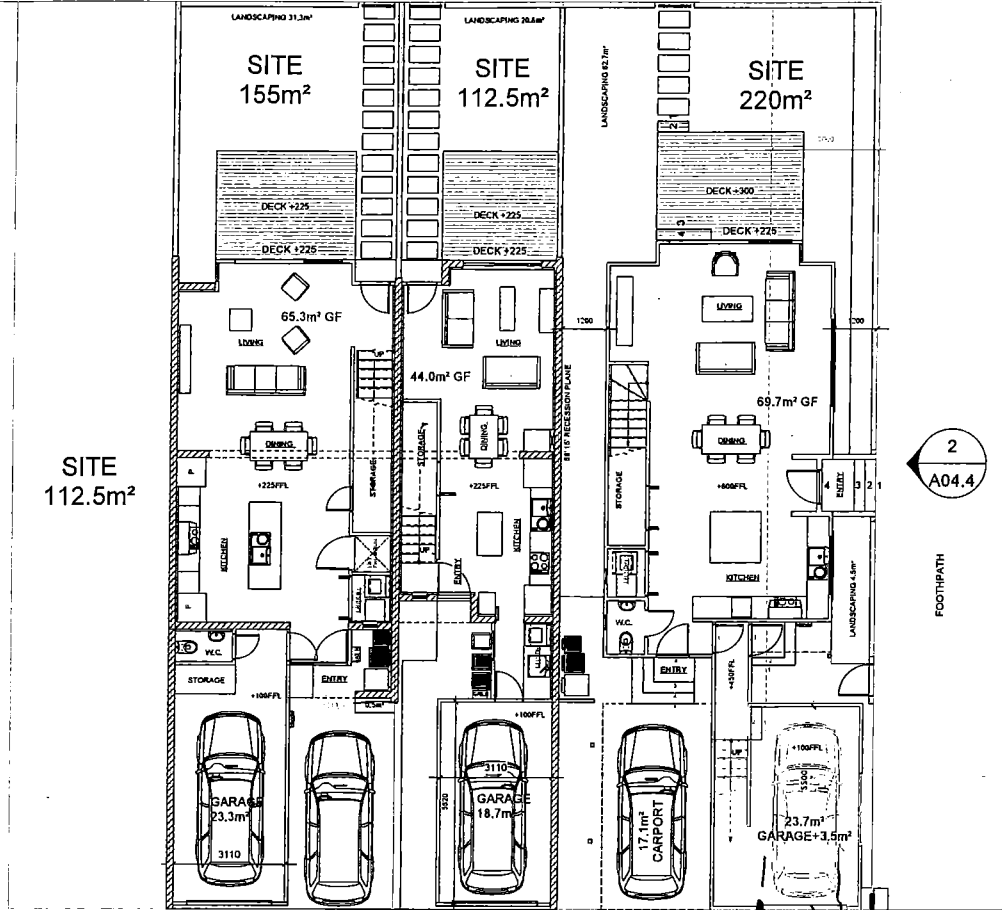
Yours sincerely

Shelley Perfect  
Principal Transportation Engineer

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204		205		206		207	
3BED+2BATH+WC		2 BED+2BATH		3 BED+2BATH+WC+SLEEP-OUT/OFFICE			
SITE	155m <sup>2</sup>	SITE	112.5m <sup>2</sup>	SITE	220m <sup>2</sup>		
GF	65.0m <sup>2</sup>	GF	48.2m <sup>2</sup>	GF	69.7m <sup>2</sup>		
FF	74.2m <sup>2</sup>	FF	48.2m <sup>2</sup>	FF	71.7m <sup>2</sup>		
TOTAL	139.2m <sup>2</sup>	TOTAL	96.4m <sup>2</sup>	TOTAL	141.4m <sup>2</sup>		
GARAGE	23.2m <sup>2</sup>	GARAGE	18.7m <sup>2</sup>	GARAGE	23.7m <sup>2</sup>		
TOTAL	161.8m <sup>2</sup>	TOTAL	115.1m <sup>2</sup>	SLEEP-OUT	28.8m <sup>2</sup>		
				TOTAL	192.0m <sup>2</sup>		
SITE C.	92.4m <sup>2</sup> =59.6%	SITE C.	67.4m <sup>2</sup> =59.9%	SITE C.	115.2m <sup>2</sup> =52.3%		
IMPERMEABLE S.	123.1m <sup>2</sup> =79.4%	IMPERMEABLE S.	69.3m <sup>2</sup> =79.3%	IMPERMEABLE S.	152.8m <sup>2</sup> =69.4%		

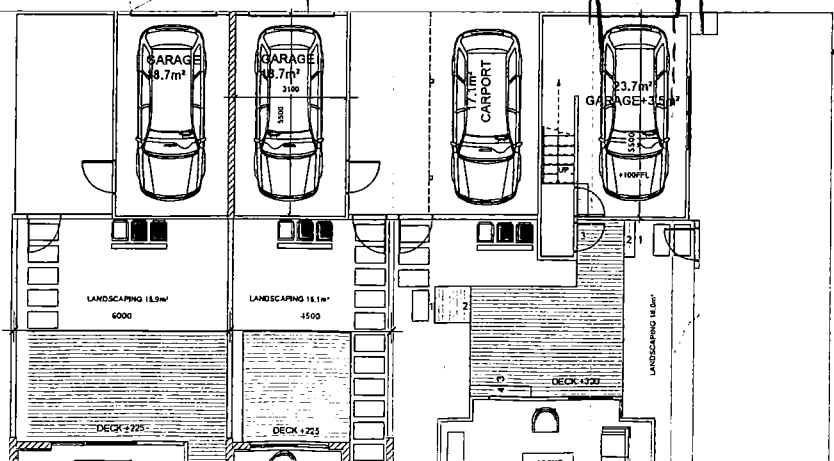
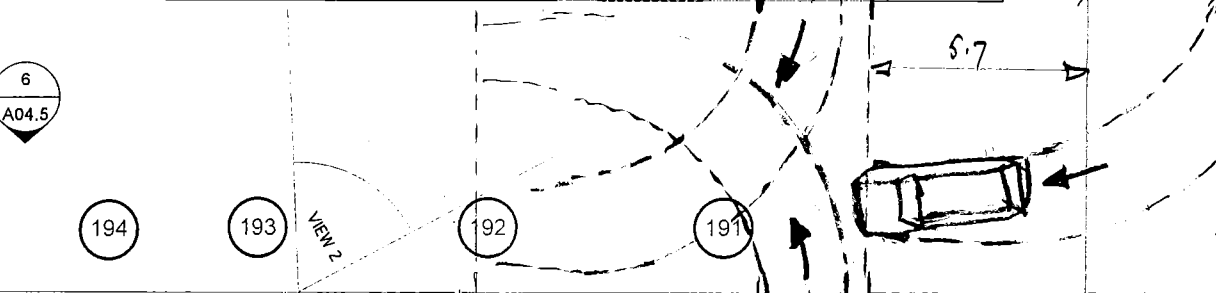
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E of  
18.8m  
Road reserve.

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NO	DATE	DESCRIPTION	BY
1		Issue for comment	LA
2		Issue for comment	LA
<p>NOBLE VILLAGE                  147 Aldhurst Road Christchurch                  NOBLE INVESTMENTS LTD                  BLOCK D SITE PLAN</p>			
		Subdivision Boundary 147 A Clarendon Rd 8051 Meremere Christchurch noblesubs@noble.co.nz 0800-575-1010 Tel: 03-3590605 Fax: 03-3593903	
DATE	SCALE	DATE	SCALE
23/05/11	A1	16/07/11	1:100 @ A1
A04.0 B		OF	

2 June 2011

John Gibson  
Christchurch City Council  
P O BOX 73013  
CHRISTCHURCH



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Dear John

**Noble Village - Yaldhurst Subdivision (RMA 92009135)  
Spine Road Provision**

As discussed I have reviewed the variation plans submitted by the Applicant for a variation in width of the spine road for the Noble Village subdivision.

The Noble Village subdivision is part of the Yaldhurst Living G Zone of the Christchurch City Plan of which the Delmain and Enterprise subdivisions are also a part. These latter subdivisions are partly constructed and will connect to the Noble Village Development.

The road network plan from the ODP shows an indicative 25m wide road reserve for the spine road with a 4m wide median, 3.5m wide carriageway, 2.5m parking and a 1.5m cycle lane. The key principles of the ODP are that the spine road should act as a local collector road and both the spine and secondary roads should be designed to accommodate vehicular, bus, cycle and pedestrian movements, as well as access to adjacent properties. Other design outcomes for the road network for the Yaldhurst Living G Zone are to reduce traffic speeds while still allowing for good integration between pedestrians, cyclists and cars and to keep the area of land enclosed by public space or streets relatively small to facilitate and encourage walking.

The proposed variation is for an 11.5m wide carriageway along the spine and secondary roads with an off-road cycle path through the green corridor east of the spine road.

It is noted that Abley Transportation Consultants on behalf of the Yaldhurst neighbours and private stakeholders in the Yaldhurst/ Noble block have recommended that the proposed variation be declined and that the road be design in accordance with the cross-section shown in the Outline Development Plan (ODP) for the Yaldhurst Living G Zone or in a manner that will achieve the desired road network outcomes while maintaining consistency with adjoining sections of the already constructed routes.

The additional information supplied by Traffic Design Group (TDG), for the applicant, dated 23 April 2009 says that the Yaldhurst Living G Zone is expected to accommodate 1100 households and generate traffic volumes of 4000 vpd at the southern end and 5200 vpd at the northern end. These figures are considered appropriate based on accepted traffic generation rates of 8-10 trips per household and through traffic of approximately 500vpd. (Masham Road to the east and Pound Road to the west will provide the major through traffic function in the surrounding road network.) The Abley email of 11 May 2011 assesses a traffic volume at the north end of the spine road of 6000 vpd and 750 veh/h.

This assessment is also appropriate and slightly greater than the TDG report. For the purpose of this letter the higher traffic assessment from the Abley email will be considered.

The Austroads 'Guide to Traffic Management Part 3: Traffic Studies and Analysis' sets out typical mid-block capacities for various types of urban road with interrupted flow, with unflared major intersections and with interruption from cross and turning traffic at minor intersections.

Type of lane	One-way mid-block capacity (veh/h)
<b>Median or inner lane</b>	
<b>Divided road</b>	<b>1000</b>
<b>Undivided road</b>	<b>900</b>
<b>Middle lane (of a 3 lane carriageway)</b>	
<b>Divided road</b>	<b>900</b>
<b>Undivided road</b>	<b>1000</b>
<b>Kerb lane</b>	
<b>Adjacent to parking lane</b>	<b>900</b>
<b>Occasional parked vehicles</b>	<b>600</b>
<b>Clearway conditions</b>	<b>900</b>

Table 1: Typical mid block capacities for urban roads with interrupted flow

Based on the above table, the lane type for this road would be kerb lane adjacent to parking lane, given the road width allows space for parked vehicles. Allowing for on-road cyclists (of which the TDG report expects to be 200vpd) the one-way capacity of the spine road is assessed to range from 600 - 900 veh/h one-way or 1200-1800 vph two-way. This compares to the assessed development traffic of 750 veh/h two-way and therefore the proposed road cross-section provides more than sufficient capacity.

The Christchurch City Plan provides road standards for width, cycling provision and parking for various road classifications. (Refer Appendix 2, Volume 3, Part 8 Special Purpose Zones). The spine road would be classified as a "collector-urban" (typical traffic flow of 1,000 to 6,000 vpd), which is also consistent with Appendix 3q for the Yaldhurst Living G Zone which states the spine road should act a local collector road. The standard for a collector-urban road requires a minimum roadway width of 12m within a road reserve of 18m, no median, parking and provision of cycle facilities. The proposed cross-section for the spine road is a roadway width of 11.5m within a road reserve of 18.8m, no median, parking and a separate off-road cycleway approximately 70m to the east through the reserve. The proposed road cross-section and that required by the City Plan are very similar. The proposed cross-section has more width of amenity strip than the road standards and while the road width is 0.5m less than the minimum an off-road cycleway is also provided.

As noted in the TDG letter the 11.5m width provides for most scenarios of traffic combinations. (Generally 2m is allowed for residential parking, 2.5m for travelling cars, 3.2m for a bus or 4 to 4.3 m for a vehicle plus cycle combination). Where there are vehicles parked on both sides of the road and there is a vehicle and cycle combination travelling in both directions then one direction of vehicle movement will need to yield to oncoming traffic as required. This is considered reasonable as this scenario would occur infrequently and cyclists using the route are likely to be commuters or competent cyclists.

Novice, child, family and recreational cyclists would be more likely to use the off-road cycleway.

#### Conclusion and Recommendation

The proposed variation to an 11.5m road width for the spine road through the Noble Village is considered appropriate for the function of the road as a local collector route. There are examples of similar roads with similar traffic function operating successfully at 10m, i.e. Hussey Road through the Styx Mill subdivision. An off road cycleway proposed through the reserve will provide a safe and efficient path for cyclists and an alternative cycle route to the spine road. It is considered that the proposed road reserve width and off-road cycleway fulfils the key principles of the ODP for this zone in particular that the route accommodates vehicular, bus, cycle and pedestrian movements, as well as access to adjacent properties. It also achieves the design outcomes for the zone to reduce traffic speeds while still allowing for good integration between pedestrians, cyclists and cars and to keep the area of land enclosed by public space or streets relatively small to facilitate and encourage walking.

The proposed road reserve of 18.8m when compared to the 25m wide reserve with central median in the ODP also has the benefit of facilitating social interaction across the road and in so doing improving neighbourhood amenity.

Please contact me if you require further information or clarification.

Yours sincerely



Shelley Perfect  
Principal Transportation Engineer



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architectural housing • renovation • unit development • motels • light commercial

**11 August 2011**

**New Living G zones equals council staff do as they please?**

Rural land adjoining Christchurch was refused residential rezoning by the Environment Court unless the various landowners agreed to a joint application for a quality safe and sustainable "integrated" neighbourhood including integrated efficient public travel modes, cycle lanes, landscape amenities, etc.

Three developers plus a group of private land owners subsequently agreed to comprehensive integrated rules after expert input through the Environment Court process including the key road designs. Living G (Yaldhurst) was approved in 2006.

Two developers have substantially subdivided their land (Delamain & Enterprise) including the required integrated safe and efficient road networks for public transport, pedestrians, cyclists and vehicles.

The third developers land integrates all other land together. However, this developer, Noble Investments Ltd, has decided they will not abide by the integrated Environment Court Decision and the City Plan Rules. This developer has negotiated its own rules behind closed doors with a few council staff members to:-

- eliminate the required cycle lanes;
- narrow the required bus & vehicle travel lanes;
- eliminate the required 4m spine road median (it otherwise provides a planted amenity safety area for pedestrians & flush turning refuge for vehicles and allows the main traffic to flow unimpeded and efficiently);

(buses / traffic on the collector road will need to wait behind right turning vehicles)

(buses / traffic on the collector road and loop road are required to "yield" or "squeeze" cyclists or "cross the centre" - as determined by the applicants traffic engineers)

- eliminate the required traffic calming features (planted parking bay build-outs that have the effect of slowing traffic and are being retrofitted in Christchurch);
- reduce site sizes to 85m<sup>2</sup> (in lieu of the min. 250m<sup>2</sup>);
- build two storey houses right up to the road boundary (in lieu of 3m setback & without the required 2m landscaping);
- delete the planted berm from the road reserve;
- increase the site coverage;
- delete safety queuing requirements for vehicles turning off roads and lanes; and to
- breach many others City Plan rules.

The breaches of the above rules are so dramatic they do not resemble the zone outcomes anticipated, or contain the integrated key structuring elements of the outline development plan required by the Environment Court rezoning decision.



A few planning staff decided they could agree to change all the above rules and the key structuring elements and that no one in Christchurch, including the immediate community, would be adversely affected in even a "minor way".

The staff refused to allow the community and other affected groups to be party to due process under the RMA. By doing so they put their judgement of key design elements above that of the Environment Court and attempted to remove the Environment Court from due process as well. Council staff then permitted the developer to construct the non-complying subdivision without legal consent to do so "at its own risk".

Traffic engineer Paul Durdin records that these roads are not up to minimum road and safety standards, that he considers them dangerous and that their design will encourage faster speeds. The developers and the council's traffic engineers have also accepted the roads are not up to minimum standards.

There is no reason why the council should accept substandard roads for Christchurch's new residential areas at the expense of the safety and the amenities of the community in favour of a developer. Increased danger and/or deaths should be avoided.

By agreeing to change the Environment Court design of these key community safety amenities, so as to eliminate them all together, council staff is effectively giving the designated and otherwise guaranteed communities amenities to the developer without consulting the affected community or the public at large. Surely it is the council's role under the Local Government Act also to ensure and protect these vital community amenities.

#### **ATTACHMENTS:**

Road Designs Determined by the Environment Court 2006

Road design drawing as determined and constructed versus those they join to.

Traffic Report Andrew Metherel "*traffic required to yield or squeeze cyclists*".

Traffic Reports Paul Durdin 11 May 2011 & 9 June 2011.

Prepared for Christchurch City Councillors by Colin Stokes  
Architectural designer  
Concerned resident and affected party.

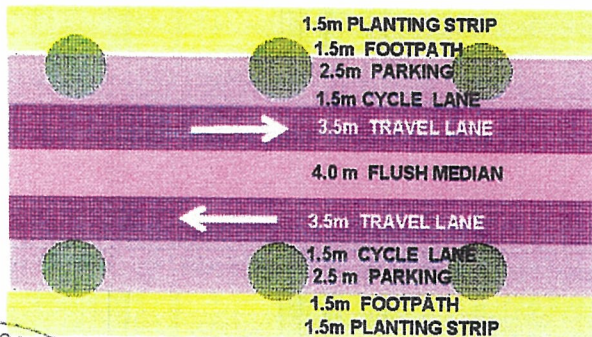
## ROAD NETWORK

This refers to the hierarchy of proposed roads across the site. The proposed network has been designed in order to integrate with the green and blue networks as these also provide essential pedestrian and cycle way linkages. The distribution of land uses across the site is intrinsically tied to this network. An example of this is the location of non residential uses at the 'nodes', this is in order to enable these uses to benefit from the 'movement economy'.

### key principles

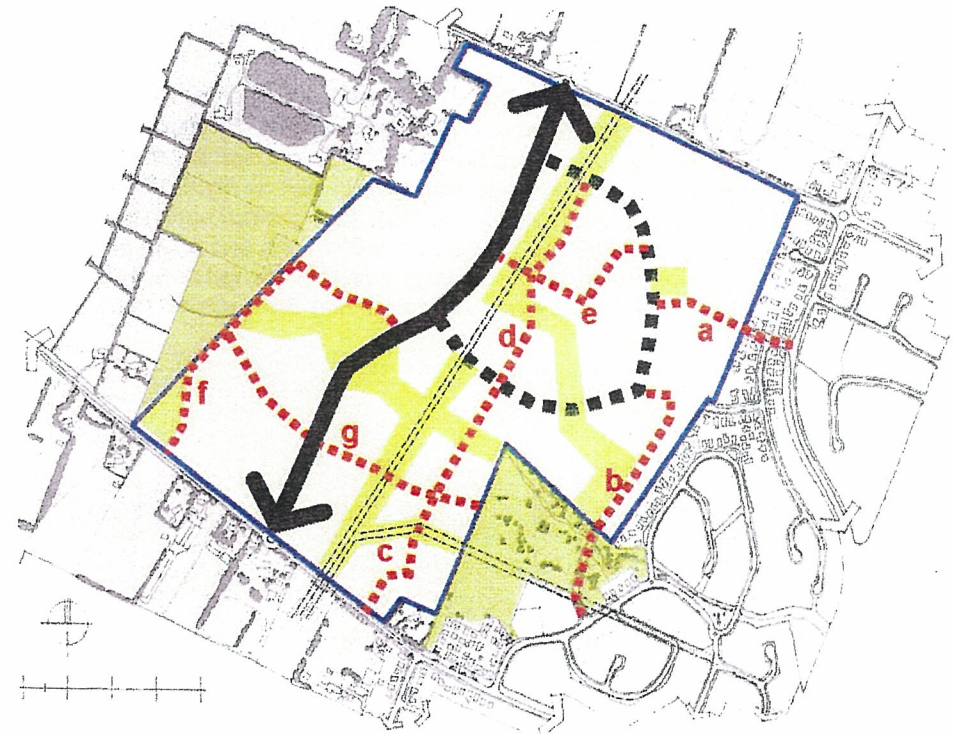
#### PROVISION OF A PRIMARY NORTH / SOUTH (SPINE) ROUTE.

This route (refer to Road Network Plan) should provide access off SH73 via a round-about (located at no less than 600m from the Masham Rd / Yaldhurst SH73 intersection) and run south through the site (west of the existing transmission lines) to intersect with Buchanans Rd at a point west of the existing transmission lines. This route (refer to the indicative layout in the Primary (Spine) Route diagram) should act as a local collector road and should be designed so as to accommodate vehicular, bus, cycle and pedestrian movements, as well as access to adjacent properties.



+ LANDSCAPE  
SHOWN  
ELSEWHERE

ABOVE. Primary (Spine) Route - 25m



ABOVE: Road Network Plan

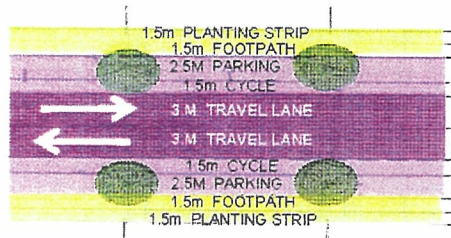
#### LEGEND:

- Primary (Spine) Route
- Secondary Route
- Potential Tertiary Routes (a - f)



### PROVISION OF A SECONDARY (LOOP) ROUTE.

This route (refer to Secondary Route diagram) should link directly into the northern 'node' and connect with the primary route at a point approximately 200m from the proposed new roundabout on SH73. The route should reconnect with the primary route at a point approximately 500 - 600 m from the roundabout located on SH73. This route will help integrate the portion of land located to the east of the existing transmission lines into the overall development and should also help reduce the impact of traffic on the existing adjacent residential neighbourhoods. The route should be designed so as to accommodate vehicular, bus, cycle and pedestrian movements as well as easy access to adjacent residential properties (refer to the indicative layout in the secondary route diagram).



ABOVE. Secondary Route - 20m

### PROVISION OF TERTIARY ROUTES.

These routes (refer to Road Network Plan) should at least provide the following:

(a) an indirect east/west connection from the proposed secondary route to existing Neathwest Rd, (b) The road network layer diagram and Outline Development Plan shows a possible connection south from the proposed secondary route, through Broomfield Common, linking into Vanguard Drive. The Christchurch City Council cannot endorse the construction of a road through Broomfield Common because:

- (i) it creates a busy transport thoroughfare through the park;
- (ii) it dislocates the open park by Vanguard Drive; and
- (iii) Broomfield Common is held under the Reserves Act and a revocation process must be followed before a road can be achieved. Any revocation will need to be justified by benefits to Broomfield Common such as additional land and all

alternatives considered such as Arcon Reserve or direct purchase of a property in Arcon Place.

(c) an indirect north/south connection, linking Buchanans Rd to the proposed secondary route, (d) an extension of tertiary route (c) linking the southern and northern arms of the secondary route, (e) an east/west route linking the secondary route (through an intersection with route d), with the primary route, (f) a north/south route running from Buchanans Rd along portion of the western boundary, along one edge of the proposed 'oval' park and linking into the primary route, and (g) an east/ west route connecting across from Broomfield Common to tertiary route f on the western boundary.



**CONSTRUCTED SPINE ROAD  
NOT MEETING MINIMUM  
SAFETY STANDARDS  
OR RULES**

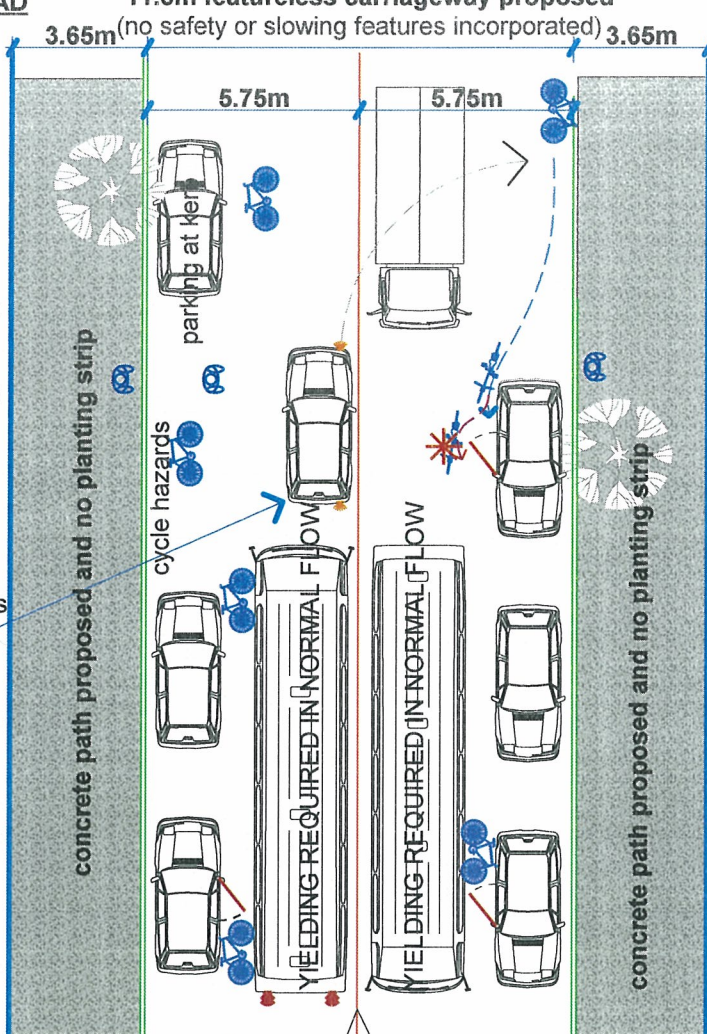
**COLLECTOR ROAD  
Peak 1500 VPH**

It is accepted by all traffic engineers that yielding will be required to accommodate normal traffic flows to prevent "squeezing". One of the applicant traffic reports states a centreline will not be marked so as to allow vehicles to "cross the centreline" of the collector road.

The safety median disappears causing additional yielding due to right turning traffic and conflicts at site entrances off the spine road

The required cycle lanes disappear when Delamains spine road meets Noble Investments spine road plus the available travel width reduces leaving the cycle spaced reduced by 1.75m (the cycle lane plus some)

11.5m featureless carriageway proposed  
(no safety or slowing features incorporated)



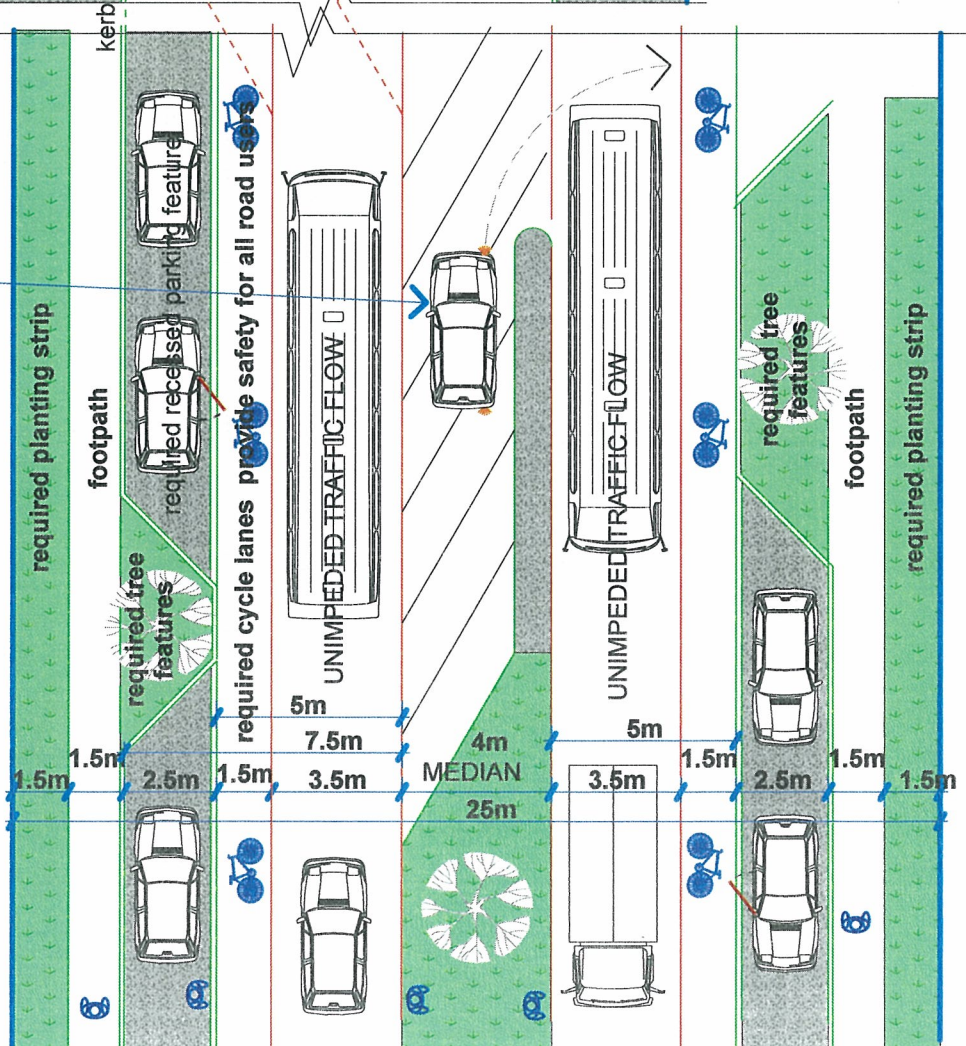
**COMMERCIAL SHOPPING  
BUNNINGS ETC  
SUPERMARKET  
COMMUNITY SERVICES**

\* common area of conflict with this type of main road design whereby cyclists coming from behind vehicles as opposed to in cycle lanes are not being seen by drivers opening car doors. evasive action required by cyclists have led to recent deaths.

Two storey units built up to the road boundary without required 3m setback & required 2m landscaping

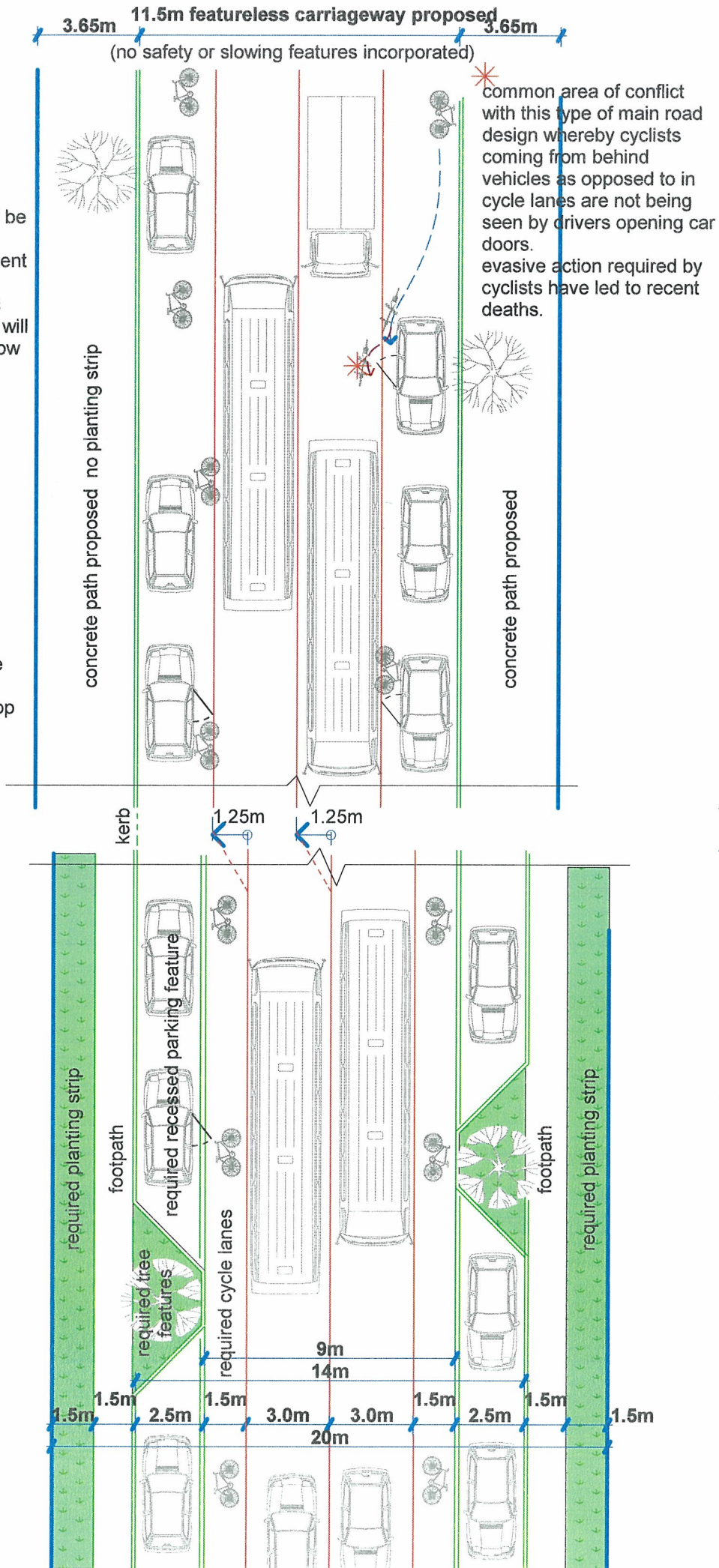
**ENVIRONMENT COURT  
& CITY PLAN RULES  
REQUIRED DESIGN  
and  
AS BUILT IN DELAMAIN**

The centre median required is proposed to be deleted along with the cycle lanes and the land required by the City Plan Zone rules for these community amenities is proposed to be given to the developer for private profits



It is accepted by all traffic engineers that yielding will be required to accommodate normal traffic flows to prevent "squeezing". One of the applicant traffic reports states a centreline will not be marked so as to allow vehicles to "cross the centreline" of the road.

The required cycle lanes disappear when Enterprise Homes loop road connects with Noble Investments loop road



Common area of conflict with this type of main road design whereby cyclists coming from behind vehicles as opposed to in cycle lanes are not being seen by drivers opening car doors. Evasive action required by cyclists have led to recent deaths.

SECONDARY LOOP ROAD PROPOSED BY NOBLE INVESTMENTS TO CONNECT TO ENTERPRISE HOMES LOOP ROAD

SECONDARY LOOP ROAD AS REQUIRED BY THE CITY PLAN AND AS BUILT THROUGH ENTERPRISE DEVELOPMENT

8814/9

23 April ~~2009~~

2010

Mr Paul Lowe  
Cardno TCB  
PO Box 13212  
Christchurch 8141

Copy via email: [paul.lowe@cardno.co.nz](mailto:paul.lowe@cardno.co.nz)

Dear Paul

**Noble Village – Yaldhurst Subdivision (RMA92009135)  
Additional Information - Cycle Path and Spine Road Provision**

Further to your correspondence, we have reviewed the Christchurch City Council request for further information in relation to the proposed variation to the conditions of resource consent for subdivision and land use on the Noble Village site. Specifically, we have addressed the proposed cross-sectional dimensions on the spine road, and the proposed provision of a cycle path along the existing power pylon (green) corridor.

**1. Cycle Path**

It is expected that most of the cyclists to be accommodated within the proposed subdivision will have an origin or destination (or both) within the wider Yaldhurst Living G zone, and there is little need to provide for through cyclists. In this regard, the primary users to accommodate within the green corridor will be local cyclists travelling to shops, school, recreation areas, work and riding near home. Guidelines such as the NZTA "Cycle Network and Route Planning Guide" show (Table 3.1) that neighbourhood cyclists most value safety, personal security, separation from urban traffic, and route continuity. Other matters with decreasing importance are the directness of routes, pleasant and interesting routes, minimal delays, quality riding surfaces, and lastly route sign posting.

Noble Village proposes developing a cycle path along the north-south green corridor within their site with connection to the Yaldhurst Road cycle path and other cycle compatible linkages within the site. It is considered that the provision of a cycle path will have a high level of compatibility with the values of neighbourhood cyclists described above. Off-road cycle paths can provide for a range of users, and the NZTA Cycle Network and Route Planning Guide at Table 6.1 shows that paths are highly suitable for child, novice and basic competence cyclists for safety reasons. They also provide moderate benefit to experienced cyclists who however are more influenced by efficiency.

The green corridor path serves a more direct route for residents in the south-east quadrant to and from the Noble Village commercial development than the spine road, and provides a high level of connectivity with other paths through the green corridors, and to both the cycle path on Yaldhurst Road, and Buchanans Road. By separating the path from other traffic, safety is increased and a pleasant route can be provided. Low traffic volumes on the local roads that cross the path will ensure minimal delay at the crossing points, and safety can be

maintained by adopting standard crossing treatments that possibly give priority to cyclists. The crossing points also offer the opportunity for connections from the local road network ensuring overall utilisation is maximised and travel distance on road is minimised. The location of the path through the centre of the development will ensure that its availability is readily known to those in the neighbourhood, and extensive signposting is not anticipated to be required.

Some minor modifications to the path through the Delamain development may be required once cyclist demand increases. This may include widening, and treatment at the Buchanans Road termination and Champagne Ave crossing.

However the green corridor does not provide the most efficient route for all cyclists and the balance of the cycle movements will need to be accommodated on the remainder of cycle paths and proposed street network. Specific consideration is given to providing a cyclist compatible street on the spine road as discussed in the following section of this report.

## **2. Width of Spine Road**

### **2.1 Traffic Volumes**

The Yaldhurst Living G zone is expected to accommodate approximately 1,100 households which is the maximum permitted within the zone. A large commercial centre is proposed at the northern end of the spine road adjacent to SH73.

Indicative traffic volumes along the length of the spine road associated with this scale of development have been considered based on standard traffic forecasting techniques. The section of the spine road through the residential part of the Noble Village site is expected to carry approximately 2,600vpd to 3,200vpd. At the connections to the arterial network where traffic volumes are concentrated, volumes increase to approximately 4,000vpd (southern end) to 5,200vpd (northern end).

The forecasts have separated out the contribution to the spine road traffic volume of residential traffic, commercial traffic, and through traffic. The spine road will provide primarily for local residential traffic accessing the wider arterial network. This is as expected given the location of the road within the wider transport network. A smaller portion of traffic will be associated with trips to the commercial development from areas to the south, and there will also be a small amount of through traffic (approximately 500vpd). It is noted that the majority of external traffic attracted by the commercial centre is drawn from Yaldhurst Road.

The traffic volumes and functions are such that the spine road sits between the function of a local distributor street, and a low volume collector road.

Forecasts indicate that the entire Living G (Yaldhurst) zone would generate in the order of 200 cycle movements per day spread across the various cycle compatible streets and paths within the wider development area. Considering the location of nearby schools and university, shopping opportunities, and employment cycle movements will be well spread across the network, with the network being mostly utilised to the east of the spine road.

## 2.2 Carriageway Provision

### Overview

Noble Village seeks to provide a width for the spine road that will provide for all of the necessary traffic carrying functionality with a minimum overall width. This will minimise the perception of a particularly wide street with large setbacks which would affect the aesthetic that is sought, and speeds on the road particularly during off-peak times.

### City Plan Provisions

Development of the carriageway by a simple building blocks process as applied for the City Plan cross-section can result in a carriageway width that is wider than necessary for the intended function of the road and anticipated volume of traffic. The Living G (Yaldhurst) City Plan ODP carriageway provision for the spine road with a width of 19m has been developed on the basis of the following 'cross-section' building blocks:

- 3.5m traffic lanes
- 2.5m parking lanes
- 1.5m cycle lanes
- 4.0m wide flush median

The resulting provision is now regarded as being considerably greater than necessary for providing efficient and safe movement. For example, where the new "CCC Road Cross-section Design Methodology" suggests a 'building block' approach for Collector Roads, the comparative widths are:

- 3.2m traffic lanes (on a bus route)
- 2.0m Parking
- 1.8m Cycle Lanes
- Median optional

This would result in a total carriageway width of 14m. Further, the general City Plan Subdivision Rules provide for a new Collector Road to have a minimum width of 12m, both of which are significantly less than the 19m wide carriageway included within the Living G (Yaldhurst) Outline Development Plan.

### Proposed Provision

It is recognised that the spine road has a function consistent with a lower volume Collector Road, distributing traffic from local roads to the arterial network. It primarily serves the local residential area, and is not expected to attract any significant levels of through traffic. In this regard, local access has a greater role than providing for through traffic. As discussed earlier, an alternative cyclist provision is proposed to be provided via the north-south green corridor and other streets. Over the short distance involved, this is an appropriate cyclist provision for the majority of cycle movements.

It is then necessary to ensure that sufficient width is available within the spine road carriageway to safely accommodate other cyclists within a mixed traffic environment. The NZ Supplement to the AUSTRROADS Bicycles Guideline confirms that at the anticipated traffic and speed anticipated on the spine road, mixed traffic will be appropriate.



Development of the cross-section has been undertaken on the basis of a mixed use scenario, with the flexibility to accommodate traffic volumes higher than modelled. By adopting the advice on wide kerbside lanes from the NZ Supplement to the AUSTRROADS Bicycles Guidelines, refined 'building blocks' have been developed as follows:

- (P) Parking = 2.0m wide
- (CVP) Cycle + Vehicle (parking) = 4.3m
- (CV) Cycle + Vehicle (no parking) = 4.0m
- (C) Cycle lane next to parking = 1.6m
- (V) Vehicle (with Bus) = 3.2m

From these 'building blocks', various scenarios of combinations of the above can be considered, as follows:

A)  $P + V + CVP + P = 2.0 + 3.2 + 4.3 + 2.0 = 11.5\text{m}$

B)  $CV + V + P = 4.0 + 3.2 + 2.0 = 9.2\text{m}$

C)  $P + V + V + P = 2.0 + 3.2 + 3.2 + 2.0 = 10.4\text{m}$  ← ADD CYCLES + 1.6 + 1.6 = 13.6m

D)  $P + CVP + C + P = 2.0 + 4.3 + 1.6 + 2.0 = 9.9\text{m}$

E)  $P + CVP + CVP + P = 2.0 + 4.3 + 4.3 + 2.0 = 12.6\text{m}$

It is expected with the high density residential development proposed along the spine road there will be more regular on-street parking demand, even though the development will still be subject to the minimum on-site parking requirements. Taking this into consideration, together with the anticipated traffic and cyclist demand, it is considered that Scenario A 11.5m wide carriageway is the appropriate design provision for this road. Clearly under normal operating conditions where traffic volumes are approximately 1 vehicle per 12 seconds (ie approximately 300vph) there will be significant road space to accommodate the typical operational traffic scenarios.

It is not envisaged that there will be sufficient cycle or vehicle activity that will result in Scenario E more than very irregularly. When the scenario does eventuate, it is expected that at least one direction of traffic / cycle movement will yield to oncoming traffic as required rather than be "squeezed".

To accommodate the shared use with sufficient flexibility, a continuous centreline would not be marked (as Scenario A would result in traffic temporarily crossing the centreline). Occasional kerb extensions (for assisting pedestrian crossings) would be permissible out to about 2m.

#### Legibility of Road Hierarchy

Within a development of this size, the spine road will be given clear priority at intersections with side roads. In this regard, the relative width of the spine road and the secondary roads is expected to have negligible effect on route way-finding.

### Consistency with Existing Roads in CCC

A review of carriageway provisions within the Christchurch City indicates that roads wider than 12m have historically not been widely adopted on collector roads. Even with higher volumes the width proposed still provides flexibility in the future to provide marked traffic and cycle lanes if parking is restricted to one side. In this regard, the width proposed is considered to be a generous provision for the anticipated traffic volumes.

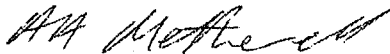
Carriageways wider than 12m are generally only provided on roads that act as part of radial and orbital routes, with higher traffic volumes. The relatively short spine road is only 1.1km long over its entire length (750m within Noble Village) and does not have this type of function, as indicated by the traffic forecasts reported earlier.

### **3. Conclusion**

In conclusion, it is considered that the provision of a 11.5m wide carriageway along the spine road will ensure that it is appropriately cyclist compatible and provides functionality for parking and its use by other vehicles including buses. The proposed cycle path through the green corridor will provide a useful, safe, and efficient cyclist route for many cyclist trips generated by the development.

I trust that this report adequately addresses the Council Request for Information. If you require any further clarification, or wish to discuss the above further, please do not hesitate to contact me.

Yours faithfully  
**Traffic Design Group Ltd**



**Andrew Metherell**  
**Principal Transportation Engineer**

Our Ref: pd05 yaldhurst neighbours noble investments variation review.doc

Thursday, 11 May 2011

**Yaldhurst Neighbours and private stakeholders in the Yaldhurst/Noble block of the Living G (Yaldhurst) Zone  
CHRISTCHURCH 7676**

**TRANSMITTAL: EMAIL**

**Noble Investments, Yaldhurst Road Christchurch  
Review Of Spine Route and Loop Route Proposed Design**

As per your instructions, Abley Transportation Consultants has reviewed the proposed amendment to the configuration of the spine route through the Noble Investments land and the loop route to the east.

**Spine Route**

The proposed variation is to provide an 11.5 m wide carriageway kerb to kerb set within an 18.8 m wide road reserve. This differs from the Environment Court approved configuration of a median-divided spine route with recessed parking bays and on-street cycle lanes set within a 25 m wide road reserve. This layout forms part of the Movement Network layer diagram for the Living G (Yaldhurst) Zone which is now embodied in the Christchurch City Plan.

Abley understands that the spine route has been constructed through the Delamain subdivision (to the south of Noble Investments land) more or less in accordance with the Movement Network layer diagram for the Living G (Yaldhurst) Zone cross-section configuration for the spine route.

The key differences between the approved configuration that is built on the Delamain portion and the proposed variation to the spine route through the Noble Investments land are:

- Removal of the median;
- Removal of on-street cycle lanes;
- Provision of continuous parking against the kerb instead of recessed parking bays between planted kerb protrusions; and
- Reduction of parking width from 2.5m to 2.25m.

We have read through a number of documents prepared in support of the existing plan change application for the area and the more recent request for an amended spine route configuration through the Noble Investments land.

The Transport Assessment report (TAR) prepared by Traffic Design Group in July 2005 in respect of the plan change application indicates that the site could be expected to generate around 1,500 vehicle trips in the peak hour. Based on standard hourly to daily conversion rates for residential and commercial activities in

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relation to the respect size of each component, it is expected that the plan change area would generate in the order of 12,000 vehicle trips per day (vpd).

The TAR provides traffic distribution and assignment assumptions for the area. It shows that the majority of these trips are expected to travel along the spine route, especially the northern section out to its intersection with Yaldhurst Road. Adopting a conservative estimate of 50%, this would indicate the spine route would cater for around 750 vehicles per hour in the peak hour and around 6,000 vpd. These figures represent only that traffic with an origin or destination in the plan change area and do not include any allowance for other traffic that may find this a convenient route between Buchanans Road to Yaldhurst Road.

We understand the commercial component of the plan change area is now proposed to be larger than originally presented as part of the plan change application. Taking this into account alongside the increased trip generation that would result from the variation proposal to increase the residential density through the Noble Investments land, the trip generation will be higher still.

We have read the letter from Mr. Richard Graham of Cardno to the Christchurch City Council dated 20 August 2010. The letter indicates the proposed narrowed spine route design will be consistent with NZS 4404:2010 because it will serve "...up to 200 dwellings in a live and play context".

It is possible that Mr. Graham may have unwittingly misinterpreted the reference to the number of dwellings served by a road, which suggests compliance with this NZ Standard. However, the number of dwellings served by a road does not relate to the number of properties with frontage to that road, rather it relates to the number of properties within a catchment likely to use that road. This is reinforced by the expected daily traffic flows included on the same table that Mr. Graham has obtained his reference from.

The type of road Mr. Graham is suggesting the spine route be designed for is expected to cater for around 2,000 vpd and function as a 'Local Road'. This is vastly different to the 6,000 vpd assessed above. The privately owned land abutting the Lot 22 accessway could generate around (90 sites x 9vpd) 810 vpd alone directly onto the spine route once that land is unlocked for subdivision as required.

There is a further 6.5ha of vacant rural land beyond this that is accessed solely through the Noble Investments land and hence via the spine route. We are advised this land has not been farmed for over a decade and that its location now being entrenched via this residential development it is likely to never be farmed again. It is shown on the Outline Development plan as "Proposed District Park" but we have been advised that the Council may not want it as such. Accordingly, it would be realistic to consider this land would ultimately accommodate some form of residential or commercial development which would substantially increase the volume of traffic on the spine route in the future.

The spine route will carry much higher volumes and function as a 'Collector Road'. The Christchurch City Plan defines a 'Collector Road' as being of "...little or no regional significance, except for the loads they place on the arterial network and should therefore be planned in conjunction with that network. Collectors distribute and collect local traffic within and between neighbourhoods and link rural communities. They link to the arterial network and act as local spine roads, and often as bus routes within neighbourhoods. Their traffic movement function must be balanced against the significant property access function which they provide." [Ref: Christchurch City Plan Vol. 2 Part 7 Transport, Policy 7.2.1 Hierarchy of Roads] The spine route through the Living G (Yaldhurst) Zone clearly fits the City Plan definition of a Collector Road.

NZS 4404:2010 indicates that this type of road should provide separate provision for cyclists where the route forms part of a local authority defined cycle route. The Movement Network layer diagram for the Living G (Yaldhurst) Zone shows the provision of on-street cycle lanes on the spine route and loop road, meaning the section of spine route through the Noble Investments land does form part of a local authority defined cycle route.

The proposal to change the configuration of the spine route has a number of implications for current and future road users. The primary concern relates to route consistency. The narrowed configuration of the spine route on the Noble Investments land will change the way different modes interact. This will be most significant for road users travelling from south to north where the road will effectively transform from providing cyclists and motorised traffic with separate space to a configuration where these modes now have to share the traffic lane. We suspect most road users would find the change in configuration somewhat bizarre given the northern end of the spine route will be busier and therefore more genuinely require the provision of dedicated space for cyclists, separated from adjacent traffic movements, than at the southern end.

Under the proposed configuration, cyclists travelling south to north along the spine route will be forced to merge and share space with traffic where the route transitions from Delamain to the Noble Investments land. The majority of cyclists, especially those heading to the commercial area will remain on the spine route, even if the proposed off-road alternative route under the pylons is provided. This is because the off-road route is less direct and takes priority away from cyclists at numerous street crossings. By comparison the on-street option along the spine route is direct and retains priority for cyclists.

The sharing of road space is desirable in certain circumstances. NZTA guidance on this matter indicates that shared space is only suitable for streets carrying less than 2,500 vpd for roads with a 50 km/h operating speed to 5,000 vpd for roads with a 40 km/h operating speed (a sliding scale threshold applies depending on the traffic volume). Between 5,000 and 10,000 vpd, sealed shoulders or cycle lanes are recommended, with cycle lanes recommended in lower speed environments. Above 10,000 vpd, cycle paths are recommended. A copy of this NZTA guidance is appended to this letter for information. Clearly, the spine route will fall into the middle category and therefore dedicated on-street cycle lanes should be provided.

We understand that some of the residential dwellings on smaller lots will have no parking and/or limited parking capacity; and certainly no on-site provision to accommodate visitors. This is likely to result in higher levels of on-street parking than streets where properties have more on-site parking provision. This will tend to reduce opportunity for cyclists to pull clear of the traffic lane and allow traffic to pass without crossing the centreline. The volume of traffic at the northern end of the spine route in particular will minimise 'overtaking' opportunities and may result in motorists becoming frustrated at being delayed behind a slower moving cyclist forcing them into unsafe passing manoeuvres. This type of behaviour is avoided where cycle lanes are provided.

It is noted from the 23 April 2009 [sic] page 4 traffic report by Andrew Metherell that periodically ... *"it is expected that at least one direction of traffic / cycle movement will yield to oncoming traffic as required rather than be squeezed"* ... and that *"to accommodate the shared use with sufficient flexibility, a continuous centreline would not be marked"* ... as the proposed width ... *"would result in traffic temporarily crossing the centreline"*. Also, the spine route is required to accommodate a bus route and we do not consider this above scenario to be safe or to accord with the key principles of the Movement Network layer diagram for the Living G (Yaldhurst) Zone

for an efficient network. The deletion of the median will necessitate further yielding as right turning vehicles will have no centre space to wait free of the traffic lane. Cyclists also in this predicament would be jeopardised. Where the efficiency of the primary movement spine route is diminished, i.e. persistent yielding, it may make local streets more attractive for through traffic and generate unnecessary adverse effects in those areas.

The omission of on-street cycle lanes from the proposed spine route is concerning. We do not consider this is consistent with current local, regional or national land transport policies that are seeking to increase the modal share for cycling. Further, the narrow width of the proposed road reserve would effectively preclude the retrofit of cycle lanes into the road corridor (unless parking is prohibited) should the proposed cross-sections fail to achieve the mixed traffic outcome being sought by Noble Investments.

We understand that another reason being put forward to support the proposed narrower spine route is that the width of the road will also help to reduce vehicle speeds. Research shows there is a positive relationship between carriageway width and vehicle speeds i.e. as carriageway widths increase so do vehicle speeds. However, in this instance the proposed design will increase the effective carriageway width even though the overall kerb to kerb width will reduce. This is because on median-divided streets, the effective carriageway width is for one direction of travel only. Further, planted kerb extensions at regular intervals for the depth of the parking bays further reduces the carriageway width and hence speed.

From a motorists perspective the effective / physical width of the median-divided street they are travelling along extends from the kerb to the median and not kerb to kerb. The Movement Network layer diagram for the Living G (Yaldhurst) Zone required carriageway width is 5m (3.5m travel lane + 1.5m marked cycle lane) and 7.5m where parking is provided, as opposed to the proposed 11.5m kerb to kerb carriageway. The median itself plays a significant role in controlling vehicle operating speeds. Based on this, we would not expect the proposed design of the spine route to generate a lower operating speed than the southern section of the spine route which includes parking kerb extensions, an on-street cycle lane and is median-divided. Further, we are advised that the proposed configuration of the spine route on Noble Investments land may have no visual differentiation between the traffic lane and the parking lane. This will only serve to widen the visual appearance of the design and contribute to higher speeds at times of low on-street parking demand. The Delamain portion of the spine route does provide a visual differentiation by way of exposed aggregate to the parking lane. The Enterprise portion of the secondary loop road also differentiates the parking lane.

### **Secondary Loop Road**

The proposed variation is to provide an 11.5 m wide carriageway kerb to kerb set within an 18.8 m wide road reserve. This differs from the Movement Network layer diagram for the Living G (Yaldhurst) Zone for the secondary route, which includes parking bays and on-street cycle lanes set within a 20 m wide road reserve. Abley understands that the secondary loop route has been substantially constructed through the Enterprise subdivision (to the east of Noble Investments land) more or less in accordance with the Environment Court approved configuration. It is to integrate with the Noble Investments portion of this loop route at two connections.

The key differences between the approved configuration as built on Enterprise land and the proposed variation to the secondary loop route through the Noble Investments land are:

- Removal of on-street cycle lanes; and

- Provision of continuous parking against the kerb instead of recessed parking bays between planted kerb protrusions.

Abley has not had sufficient time to fully assess the likely traffic volumes on this secondary route however we note the loop road is also required to accommodate a bus route and that similar safety issues to those expected on the spine route between the differing modes of transport may occur.

### **Summary and Recommendation**

The proposed configuration of the spine route on Noble Investments land does not align with industry accepted best practice. It also represents a significant risk to Council and the city's ratepayers because there is insufficient width in the proposed road reserve to retrofit the spine route with cycle lanes to comply with the City Plan's requirements.

Overall, the proposed amendment will have more than minor adverse effects on the safety of all road users. It will also inhibit the Living G (Yaldhurst) Zone from achieving the desired outcomes for the road and cycle networks.

Council should be considering the future function and travel demand of the spine route and the loop road when forming its opinion on the suitability of the current proposal. In our opinion, the proposed configuration of the spine route and loop road is inappropriate.

Abley recommends declining the proposed amendment and insisting that the spine route and loop road are designed in accordance with the City Plan requirements for the Living G (Yaldhurst) Zone, or in a manner that will achieve the desired road network outcomes while maintaining consistency with adjoining sections of the already constructed routes.

If you have any questions please do not hesitate to contact me.

Regards,  
**Abley Transportation Consultants Limited**



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Cc: Amanda Douglas (Wynn Williams)

Thursday, 9 June 2011

**Yaldhurst Neighbours and private stakeholders in the Yaldhurst/Noble Block of the Living G (Yaldhurst) Zone CHRISTCHURCH 7676**

**TRANSMITTAL: EMAIL**

**Noble Investments, Yaldhurst Road Christchurch (RMA 92009135)  
Spine Road Provision**

As per your instructions, Abley Transportation Consultants has reviewed assessments of the proposed amendment to the Spine Road width prepared by Paul Burden of Christchurch City Council and Shelley Perfect of Opus International Consultants. This review is further to our initial review and assessment of the proposed amendment to the configuration of the spine route through the Noble Investments land and the loop route to the east. This review should be read in conjunction with the earlier review.

**Council Assessment**

The Council assessment dated 12 May 2011 supports the proposed 11.5m wide carriageway for the Spine Road, noting that it *"...will be adequate to accommodate the anticipated parking and movements functions generated by the development."*

The Council assessment considers the Spine Road should be configured with 2 x 4.0m wide traffic lanes and 2 x 2m wide parking lanes. *"The sum of the minimum components equates to a total of 12m."* It concludes there is a negligible difference between the Applicant's 11.5m proposal and their 'minimum' recommendation of 12m and cannot *"...find a compelling argument for 12m over 11.5m."*

The Council assessment goes on to say that *"...there are examples of similar roads with similar traffic function operating successfully at 10m i.e. Hussey Road through the Styx Mill subdivision."* While Hussey Road may operate successfully in Council's opinion, in our opinion this road has dissimilar characteristics to the proposed Spine Road. Firstly, Hussey Road is classified as a Local Road under the Christchurch City Plan and would act as a 'Local Distributor Street'<sup>1</sup>. Secondly, it carries around 3,000 vehicle movements per day<sup>2</sup> and facilitates access into a residential area from a predominantly rural environment. It also does not provide direct access to a large commercial centre, as is proposed at Noble Village.

The Council assessment does not consider an on-road cycle lane is required for the Spine Road. It appears to reach this conclusion based on the reasoning that *"...on road cycle lanes are not generally provided unless there is strong demand and an absence of an alternative. In this case there is unlikely to be strong demand and there is a viable alternative so marked cycle lanes need not be provided for."*

It is intriguing that Council would reach this conclusion given the omission of an on-street cycle lane would not only be contrary with the requirements of the Christchurch

<sup>1</sup> Christchurch City Council, 'Road Cross Section Methodology' (July 2009).

<sup>2</sup> Christchurch City Council Traffic Count Database – counted in 2007.



City Plan, but also inconsistent with New Zealand Transport Agency (NZTA) best practice guidance and Council's own Infrastructure Design Standard. The omission of on-street cycle lanes from the Spine Road is inconsistent in the following ways:

- ✓ The Christchurch City Plan includes a Movement Network layer diagram for the Living G (Yaldhurst) Zone. The Cycle Network Plan which sits within the Movement Network layer diagram clearly shows the provision of on-street cycle lanes along the Spine Road. This is reiterated in the Road Network Plan which shows on-street cycle lanes within the cross-sections for both the Primary (Spine) Route and Secondary Route.
- ✓ The Council assessment of the level of cycling demand that will eventuate is somewhat presumptuous. Certainly, failure to provide an on road facility will ultimately suppress cycling demand. However, according to best practice guidance published by the NZTA in 2008<sup>3</sup>, provision for cycling is a function of traffic flow and traffic speed only. Cycle demand is not a factor in determining the need for a facility. This guidance also states that "*Traffic lanes that are part of a cycle network should provide the connectivity required to enhance the convenience and safety of cycle trips.*" The Christchurch City Plan indicates that the Spine Road forms part of a cycle network and therefore it is logical that on road provision should be provided for cyclists.
- ✓ Council's own 'Infrastructure Design Standard' (July 2010) further reinforces the need for providing cycle lanes on the Spine Road. This document was adopted through a Council resolution on 24 June 2010, for immediate application to both Council funded assets and assets that will be vested on subdivision. It replaces the use of both the Metropolitan Code of Urban Subdivision and NZS 4404 within Christchurch City. Part 8.6 of the Infrastructure Design Standard states "*Provide continuous on-street cycle lanes on all collector and arterial roads.*" The Council assessment of the proposed amendment to the Spine Road is incongruous with this guidance.

Irrespective of Council's assessment being inconsistent with the aforementioned statutory and guiding documents, the assessment appears to overlook the issue of route consistency with the southern portion of Spine Road that has already been constructed. This issue of route consistency is discussed fully in our initial review and assessment of the proposed amendment.

Council's assessment also appears to overlook the potential future function of Spine Road in a wider network context. We understand there is potential for residential expansion directly to the south of the Delamain subdivision on the southern side of Buchanans Road, and to the north of Noble Village on the northern side of Yaldhurst Road. Development of these areas would increase traffic flows along the Spine Road as it would provide convenient and direct access between two arterial roads. Traffic would also be drawn from these areas to the proposed commercial development, which we understand is planned to be larger than originally presented as part of the plan change application.

Another reason Council gives for dismissing the need of on-road cycle lanes is the provision of an alternative off-road cycle path. We consider it is important to restate our comments on this matter from our initial review and assessment, which reads "*Under the proposed configuration, cyclists travelling south to north along the spine*

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<sup>3</sup> New Zealand Supplement to the Austroads Guide to Traffic Engineering Practice Part 14: Bicycles.

*route will be forced to merge and share space with traffic where the route transitions from Delamain to the Noble Investments land. The majority of cyclists, especially those heading to the commercial area will remain on the spine route, even if the proposed off-road alternative route under the pylons is provided. This is because the off-road route is less direct and takes priority away from cyclists at numerous street crossings. By comparison the on-street option along the spine route is direct and retains priority for cyclists."*

### **Opus International Consultants Assessment**

The Opus assessment dated 2 June 2011 has taken into consideration our initial review and assessment of the proposed amendment. Although in agreement with the higher traffic flow forecasts we predicted, the Opus assessment reaches the same conclusion as the Council assessment. It concludes *"The proposed variation to an 11.5 road width for the spine road through the Noble Village is considered appropriate for the function of the road as a local collector route."*

The Opus assessment is based on similar reasoning to the Council assessment. Interestingly it also makes reference to Appendix 2, Volume 3, Part 8 Special Purpose Zones of the Christchurch City Plan to inform its assessment. The provisions of this section of the Christchurch City Plan are considered to be irrelevant in any assessment of the proposed amendment, as the Movement Network layer diagrams for the Living G (Yaldhurst) Zone surely supersede the generic, non site specific requirements specified for Special Purpose (Road) Zones. If not, then there would be no need to include specific transport requirements within the Christchurch City Plan for this particular Zone.

The Opus assessment attempts to describe how the proposed 11.5m Spine Road would operate in practice. The assessment states that *"Where there are vehicles parked on both sides of the road and there is a vehicle and cycle combination travelling both directions then one direction of vehicle movement will need to yield to oncoming traffic as required."* This car-centric statement typifies an outdated approach to integrating cycling into the urban form and is a key reason why the proposed amendment to the Spine Road is uninviting and unsafe for cycling.

The statement inaccurately describes the required behaviour of drivers. In the situation described, a vehicle does not need to yield to oncoming traffic; rather it is required to yield to the cyclist within the lane and travel behind it until it is safe to 'overtake'. In reality many motorists behave in the manner described in the Opus assessment, which often results in cyclists being squeezed by motorists giving cyclists inadequate clearance when passing. If a vehicle wishes to safely pass a cyclist in a 3.75m wide traffic lane (assuming the parking lanes are 2.0m wide) then it would need to overtake the cyclist by crossing the road centreline when the way is clear<sup>4</sup>. The issue can be avoided by providing cycle lanes. The NZTA guidance on the type of cycling facility that should be provided under prevailing traffic conditions is designed to address this issue. These traffic flow and speed thresholds indicate on street cycle lanes are required for the Spine Road.

### **Summary and Recommendation**

We have read and reviewed the Council and Opus assessments of the proposed amendment to the configuration of the Spine Road. In our opinion, both assessments fail to acknowledge the inconsistency of their conclusions with statutory and best practice guidance for providing for cycling. We do not consider either report has presented suitable evidence-based reasoning that can justify a departure from

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<sup>4</sup> A centreline must be marked on a Collector Road.

the existing provisions of the Christchurch City Plan for the Living G (Yaldhurst) Zone to exclude on-street cycle lanes from the Spine Road. The proposed design would be inconsistent with the first key principle of the Cycle Network Plan to "...ensure efficient and safe cyclists movement along both these routes."

Overall, we conclude that the exclusion of cycle lanes from the Spine Road will create adverse effects for cyclists.

Further, it is our opinion that if the proposed amendment is approved then it would undermine the integrity of both the Christchurch City Plan and Council's Infrastructure Design Standard. These documents represent the desires of the wider community and should not be departed from to suit the interests of individual parties.

Regards,  
**Abley Transportation Consultants Limited**



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