

**BEFORE THE CHRISTCHURCH REPLACEMENT DISTRICT PLAN
HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991 and the Canterbury
Earthquake (Christchurch Replacement District Plan) Order
2014

AND Stage 3 of the Christchurch Replacement District Plan

**STATEMENT OF EVIDENCE OF RICHARD JOHN SHAW
ON BEHALF OF THE CROWN (SUBMITTER #3721)**

PROPOSAL 13: Central City

Planning: Transport

Dated 14 January 2016

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1. INTRODUCTION

- 1.1 My name is Richard John Shaw. I am the Principal Planner for Shaw Planning Services, a consultancy specialising in planning project management and resource management, primarily dealing with transport infrastructure. Prior to this I was employed for two years as a Principal Planner for Aecom in their Christchurch office, and seven years for the New Zealand Transport Agency (and previously Transit NZ). In these roles I have been involved with planning matters on the delivery and protection of strategic transport infrastructure.
- 1.2 I hold an MSc in Resource Management from Lincoln University. I have over 15 years' experience in planning and resource management in New Zealand and the United Kingdom, working in central and local government, as well as for private clients. A summary of my relevant experience is set out at **Appendix RJS1**.
- 1.3 I have been engaged by the Crown, through the Canterbury Earthquake Recovery Authority ("**CERA**"), to provide planning evidence in relation to the transport component of Proposal 13: Central City ("**Proposal 13**").
- 1.4 This role includes the co-ordination of the Crown's combined submission on the transport component of Proposal 13. Following on from the Crown submission I attended informal mediation meetings with the Christchurch City Council ("**Council**") and other submitters to address the specific relief sought. I also attended formal mediation on the transport component of Proposal 13 on behalf of the Crown on Monday 7 December 2015.

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014. I have complied with the practice note when preparing my written statement of evidence, and will do so when I give oral evidence before the hearings panel.
- 2.2 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

2.3 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. SCOPE

3.1 I have been asked to provide evidence in relation to planning matters associated with the transport component of Proposal 13. In preparing my evidence I have read a range of the evidence previously provided by the Crown and other witnesses for the hearings on Strategic Directions and Outcomes Proposal and the wider transport Provisions. The briefs of evidence for the Crown reviewed include those by **Angus Bargh¹, Jon Richards², Ian Clark³, Vicki Barker⁴, and Ainsley McLeod⁵**. I generally adopt these statements of evidence and will only address additional matters that are of specific relevance to the transport component of Proposal 13.

3.2 I have also reviewed evidence filed by the Council for the wider transport Provisions and Proposal 13 dated 16 December 2015, to the extent that they relate to the Crown's interests in the transport component of Proposal 13.

3.3 I have read the expert witness conferencing statements and the mediation report relating to the transport component of Proposal 13.

3.4 The range of other documents I have reviewed in preparing my evidence are listed in **Appendix RJS2**.

4. EXECUTIVE SUMMARY

4.1 The majority of matters raised in the Crown submission on the transport component of Proposal 13 have been resolved with the Council. Where possible the resolution has been reflected in the amended text of the Revised Transport Proposal dated 16 December 2015 as attached to evidence in chief of Mr Falconer (**'Revised Proposal'**). I will provide further comment on a number of areas that were covered in discussions between the parties, including:

¹ Statements of Evidence of Angus Bargh on Proposal 7 (Transport) dated 10 June 2015 and Proposal 13 dated 14 January 2016.

² Statement of Evidence of Jon Richards on Proposal 7 (Transport) dated 10 June 2015.

³ Statement of Evidence of Ian Clark on Proposal 7 (Transport) dated 10 June 2015 and Proposal 13 dated 14 January 2016.

⁴ Statement of Evidence of Vicki Barker Proposal 7 (Transport) dated 10 June 2015.

⁵ Statements of Evidence of Ainsley McLeod on Proposal 7 (Transport) dated 10 June 2015.

- (a) Integration of the Central City and the wider transport provisions.
 - (b) Assessment of high trip generating activities.
 - (c) Car Parking.
 - (d) Process for stopping and vesting roads (Transport Zone).
- 4.2 Tables detailing the resolution of the Crown submission points are attached as Appendix 4 to Mr Gimblett's evidence.⁶
- 4.3 In my opinion the Revised Proposal generally addresses the issues raised in the Crown submission. The integration of the transport component of Proposal 13 into the wider transport provisions has been done in a way that retains consistency with the intent of Christchurch Central Recovery Plan – Te Mahere Maraka Otautahi (“**CCRP**”), including the replacement CCRP transport chapter An Accessible City – He Taone Wātea (“**AAC**”).⁷
- 4.4 The Revised Proposal represents a significant improvement on the notified version of Proposal 13 in terms of clarity of language and certainty which is consistent with Strategic Directions Objective 3.3.2. I consider the Revised Proposal implements a range of the other Strategic Directions Objectives to better enable the recovery, integrate the pattern of development and infrastructure, and acknowledge the importance of revitalising the Central City as the primary community focal point and protecting key infrastructure and emergency services.⁸ In my evidence I propose minor amendments to the provisions which I consider would further improve the Revised Proposal.
- 4.5 By effectively embedding the CCRP principles into the wider Transport provisions I consider that the Revised Proposal supports the delivery of the Central City Blueprint which, in my opinion, supports the achievement of the Strategic Directions Objectives.

5. INTEGRATION OF CENTRAL CITY AND WIDER TRANSPORT PROVISIONS

- 5.1 The Crown submission on the transport component of Proposal 13 included support for the Council's intention to integrate the Central City provisions into the wider transport provisions. This was seen as a key step to ensuring

⁶ The table relevant to my evidence is at pages 102 to 112 of Mr Gimblett's evidence (Appendix 4).

⁷ The principles behind the CCRP and AAC, and the vision for transport within the Central City have been addressed in previous evidence by Mr Bargh: Proposal 7 (Transport), 10 June 2015, p.9-12. I have relied on Mr Bargh's evidence on this.

⁸ Strategic Objectives 3.3.1, 3.3.2, 3.3.7, 3.3.8, 3.3.12, 3.3.13.

the consistent management of transportation and traffic effects, and better achieving the Statement of Expectations⁹ by removing unnecessary repetition and developing clear and concise Replacement Plan provisions. The wider transport provisions were confirmed with the release of the hearings panel's Decision 7 (Transport) dated 7 August 2015, providing a basis for the integration process.

- 5.2 The Council's 11 November version of Chapter 7 – Transport incorporating the Central City provisions¹⁰ ("**Integrated Provisions**") was discussed with the Crown and other submitters through meetings and informal mediation sessions. Through these processes a high degree of agreement on the Integrated Provisions has been reached.
- 5.3 The Integrated Provisions included a revised set of objectives and policies which integrate the intent of the CCRP into the wider transport provisions. This was done by incorporating the intent, and where appropriate, the wording, of the transport related Central City Objective and Policies into the wider transport provisions. These amended provisions were tabled at the formal mediation and were commented on by other parties. Subsequent to the mediation process some minor refinement to the wording of the integrated Objectives and Policies was proposed to achieve better clarity.
- 5.4 The Revised Proposal incorporates much of what was discussed through the informal and formal mediation, and in my opinion the Revised Proposal improves the usability and clarity of the provisions compared to the notified version.
- 5.5 There were a range of other matters addressed through the integration process including the difference between the CCRP and wider transport provisions regarding high trip generator triggers and matters of discretion. For areas outside of the Central City, these matters were discussed in detail and refined significantly through the Proposal 7 Transport hearing.¹¹ This resulted in a more targeted, measurable set of high trip generator triggers focussed on peak hour traffic generation, rather than a simple daily vehicle movement trigger; and a refined set of assessment matters.
- 5.6 These issues were discussed during expert conferencing with the conclusions addressed in the conferencing statement¹² and detailed in Ian

⁹ As contained in Schedule 4 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

¹⁰ Draft Integrated Proposal – Chapter 7 – Transport incorporating Central City Elements. 11 November 2015.

¹¹ As discussed at paragraph 7.1 of Ian Clark's evidence 14 January 2016.

¹² Expert Conferencing Statement, Topic 2 Transport, 26 November 2015.

Clark's evidence.¹³ The transport experts agreed that the six matters of discretion for high trip generating activities as refined through the wider transport hearing are applicable in all areas of the city.¹⁴ I have relied on Ian Clark's evidence on this matter including the comparative assessment he has completed of the matters of discretion in the wider transport provisions and those in the notified proposal, derived from the AAC.¹⁵

5.7 In both the discussions on the wider Transport provisions and the Central city provisions the matter of the potential amenity effects of high trip generating activities was discussed. The conclusion for the wider Transport provisions was that amenity effects were adequately addressed through other provisions in the plan and therefore were not required to be considered through the high trip generator rule. In my opinion, this approach is also appropriate for the Central City. Amenity issues are adequately addressed through the general rules covering noise and glare, and the zone specific rules which cover matters including building setbacks, sunlight, outlook, location of onsite car parking and urban design.

5.8 Any person exercising functions or powers under the RMA in relation to a district plan must not make a decision or recommendation that is inconsistent with a recovery plan.¹⁶ In my opinion, the integrated transport provisions in the Revised Proposal effectively capture the intent of the CCRP, are well integrated, remove duplication and provide clarity and certainty.

6. ASSESSMENT OF HIGH TRIP GENERATING ACTIVITIES

6.1 The control and assessment of the effects of high trip generating activities were addressed in detail in the submissions and hearing evidence for the wider transport provisions. The high trip generator Rules in Decision 7 – Transport retains key features of control including:

- (a) refined thresholds for the application of the rule; and
- (b) the requirement to complete integrated transport assessments when appropriate.

6.2 While the assessment of effects of the location and scale of high traffic generating activities outside of the Central City was seen as critical, within

¹³ Paragraphs 6.1 to 6.4, 7.1 to 7.5.

¹⁴ Expert Conferencing Statement, Topic 2 Transport, 26 November 2015, s.3.6.

¹⁵ Appendix 1 to Ian Clark's evidence 14 January 2016.

¹⁶ CER Act s.23(1)(f).

the Central City a different approach for the application of the high trip generator rule is proposed. Rule 2.4.13 of the CCRP provides an exclusion for the application of the high trip generator rule for permitted activities.¹⁷ The intent is to provide a permissive exclusion from the rule to apply in the Central City as an acknowledgement that these type of activities are generally anticipated (or even to be promoted) in the Central City. The note attached to the rule in the CCRP seeks to clarify the extent of the exclusion as follows:

“For the purposes of the Central City, additional Assessment Matters have been inserted into Assessment Matters 3.2.16¹⁸ and 3.2.22¹⁹ to address the effects of high traffic generation where rules on maximum car parking and access priority are breached. Additionally, activities that are not anticipated as permitted in the Central City Business and Mixed Use Zones require assessment as either restricted, full discretionary or non-complying activities. The relevant policies for these zones specifically refer to protecting the efficiency and safety of the adjacent transport networks (such as Policies 12.2.3²⁰ and 12.6.2²¹) and therefore an assessment of these traffic-related effects is required for those activities. Where appropriate Council may request an Integrated Transport Assessment to be provided.”²²

6.3 As discussed in **Mr Bargh’s** evidence the land-use objectives in the CCRP are supported by the transport network to be delivered by the AAC.²³ The land-use assumptions and the network response have been assessed using a transport model to confirm that the network can support the projected land-use.²⁴ **Mr Bargh** has concluded that, only if a site is developed to accommodate a more intensive scale of activity than is anticipated (as permitted activities) by the Replacement Plan, then further assessment of local or network effects would be required.²⁵ **Mr Bargh’s** conclusion aligns with the Council’s position in the Revised Proposal.

6.4 I agree with **Mr Falconer’s** interpretation that the intention of Rule 2.4.13 is to provide for an exemption from the high trip generator rule for developments that are listed as permitted and comply with any built form

¹⁷ An Accessible City s.2.4.13, p.29.

¹⁸ Operative Christchurch City District Plan, Volume 3, Pt 13 Transport, 3.2.16 Car parking space numbers; Parking area location; Parking spaces for people with disabilities.

¹⁹ Operative Christchurch City District Plan, Volume 3, Pt 13 Transport, 3.2.22 Length of vehicle crossings; Minimum distance between vehicle crossings; Maximum Number of Vehicle Crossings, Vehicle Access to sites fronting more than one street; Distances of Vehicle Crossings From Intersections - All Zones within the Central City.

²⁰ CCRP Central City Business Zone Policy 12.2.3 which includes specific reference to “protecting the efficiency and safety of the adjacent transport networks.”

²¹ CCRP Central City Mixed Use Zone Policy 12.6.2 which includes specific reference to “protecting the efficiency and safety of the adjacent transport networks.”

²² An Accessible City s.2.4.13, p.29.

²³ Paragraph 5.5.

²⁴ Paragraph 5.1 to 5.12.

²⁵ Paragraph 5.13 to 5.20.

standards (height and site coverage) for the relevant zone. This is a pragmatic approach which targets non-compliances with standards that may generate traffic effects and require further assessment.²⁶ Activities not meeting these requirements will require consent and therefore assessment against the high trip generator rule and the triggers for integrated transport assessments.

6.5 I agree with Mr Bargh's conclusion in evidence that the critical built form standard is building height.²⁷ Although both building height and site coverage will affect the intensity of development on a site, there are standards for the control of building height throughout the Central City, as opposed to site coverage which has limited controls that apply only in certain zones.²⁸ In the zones where there are site coverage controls, I consider it appropriate that breaches of those controls "trigger" a requirement for assessment against the high trip generator rule.

6.6 The difference in the approach within and outside the Central City is explained at the beginning of Rule 7.2.3.10 and in the flowchart at 7.3.19, with the nature of the permitted activity exclusion detailed as follows:

"Permitted Activities are those listed in the permitted activity tables in the zone chapters and are generally anticipated in the zones. For the purpose of this rule permitted activities must comply with the built form standards for the maximum building height for activity in the zone, any site coverage standards for the activity in the zone, and all the activity specific standards for the activity in the zone. Non-compliance with any other built form standards or being subject to an urban design assessment does not trigger the need to be subject to this rule."²⁹

6.7 Rule 7.2.3.10 in the Revised Proposal provides a clear structure and certainty for application of the high trip generator rule both within and outside of the Central City. However, in my opinion, this could be further improved with the removal of Clause 7.2.3.10(8) in the Revised Proposal. Clause 7.2.3.10(8) is specific to the Central City, and replicates some of the wording from the AAC.³⁰ With the integration of the provisions in the Revised Proposal, I consider that this clause is unnecessary and should be deleted.

²⁶ Paragraphs 7.2 to 7.4.

²⁷ Paragraph 5.7.

²⁸ Although there are limited specific site coverage controls there are minimum requirements for landscaping areas in a number of zones including the Mixed Use Zone, South Frame Mixed Use Zone, Residential Zones, and Open Space Zones.

²⁹ Revised Proposal – footnote to Rule 7.2.3.10 and 7.3.19.

³⁰ An Accessible City s.2.4.13, p.29.

- 6.8 In my opinion, with the deletion of clause 7.2.3.10(8), the integration of the Central City high trip generator provisions in the Revised Proposal at Rule 7.2.3.10 and in the flowchart at 7.3.19, provides a clear process for assessing the application of the high trip generator rule and is not inconsistent with the intent of the CCRP. In my opinion, the Central City high trip generator provisions have been effectively integrated in the Revised Proposal.
- 6.9 I note that these provisions provide for the level of additional scrutiny to vary depending on the intensity of development (where the activity is not permitted). A basic integrated transport assessment is required for activities below the thresholds in Table 7.1, while a full integrated transport assessment is required for activities above those thresholds. This is in line with the evidence of Mr Bargh.

7. CAR PARKING

- 7.1 A different approach to the management of parking supply is proposed within and outside the Central City. Outside of the Central City, the rules in the plan set minimum requirements for on-site parking provision. Inside the Central City, there is no minimum on-site parking requirement and a maximum threshold is set at 50 percent of the gross leasable floor area of any buildings on site. The different approaches to car parking between the Central City and the rest of the City was discussed at the expert conferencing and mediation sessions. The details and reasons for the variation in the approaches is covered in Ian Clark's evidence³¹ and I agree with his conclusions. In my opinion, the Central City environment and wider recovery goals necessitate a different approach to car parking within and outside the Central City.
- 7.2 In the AAC the reasons for the approach to parking provision within the Central City are described as follows:

"A maximum has been prescribed to manage the number of vehicles overall within the zone consistent with the pedestrian-friendly focus, but not to the extent that economic recovery is compromised."³²

- 7.3 This statement highlights the inherent balance that is being struck between the potentially competing goals of the CCRP. **Mr Bargh** in his evidence

³¹ Paragraphs 9.1 to 9.5.

³² An Accessible City p.18.

discusses the tension between the need for good parking supply in the short-term to support economic recovery and the need to manage parking supply in the long term to ensure a balanced and effective transport network is achieved.³³ The delivery of the Blueprint for the Central City including approximately 20,000 residents and 60,000 employees by 2041 is premised on achieving a significant mode shift from private vehicle use.³⁴

- 7.4 The interdependence between parking provision and the uptake of public transport is discussed in Mr Bargh's evidence.³⁵ In effect, there is an inverse relationship between parking supply and public transport mode share. Given the requirement for a significant change in travel mode choice for the transport network to support the Central City Blueprint, the management of car parking through the Replacement Plan provisions is critical.
- 7.5 The CCRP includes a range of rules to manage specific parking activities as follows:
- (a) Car parking areas in the Central City Business Zone (excluding the core) where the 50 percent of gross leasable floor area trigger is breached as a restricted discretionary activity;³⁶
 - (b) Car parking areas in the Central City Business Zone (core) where the 50 percent of gross leasable floor area trigger is breached as a non-complying activity;³⁷
 - (c) Permanent car parking buildings or sites where car parking is the primary activity as a discretionary activity;³⁸ and
 - (d) Temporary use of sites primarily for car parking until 30 April 2018 as a restricted discretionary activity.³⁹
- 7.6 These CCRP provisions were included in the notified proposal and have been retained in the Revised Proposal. The activity status for parking activities was discussed at both the expert conferencing and the formal mediation and was not resolved. The specific matters which have not been resolved are:

³³ Paragraph 6.6.

³⁴ Paragraph 5.2 to 5.12.

³⁵ Paragraphs 6.1 to 6.6.

³⁶ CCRP Appendix 1 Rule 2.4.1.

³⁷ CCRP Appendix 1 Rule 2.6.1.

³⁸ CCRP Appendix 1 Rule 2.5.1.

³⁹ CCRP Appendix 1 Rule 2.4.16. The deadline for the application of this rule was amended from 18 April 2016 through a separate process.

- (a) the discretionary activity status of permanent car parking buildings;
and
 - (b) the non-complying status of activities exceeding the maximum parking trigger in the core.
- 7.7 For the reasons given below, I consider that the activity status for these activities as proposed in the Revised Proposal is consistent with the CCRP and are appropriate.
- 7.8 Rule 7.2.2.3 D1 of the Revised Proposal retains the discretionary status for permanent car parking buildings from the CCRP, and the matters of discretion in clause 7.3.26 of the Revised Proposal also match those in the CCRP (clause 3.2.26 of the AAC). The matters of discretion cover a range of relevant issues relating to the need for the parking building, likely use, functionality, safety, amenity and the potential impact on public transport demand; but do not cover matters such as the location and potential network impacts. Given the critical role parking plays in achieving the balanced recovery goals for the Central City, I consider that a broad scope of discretion is appropriate.
- 7.9 Rule 7.2.2.4 NC1 in the Revised Proposal retains the non-complying activity status for activities in the Central City business zone (core) providing on-site parking areas greater than 50 percent of the gross leasable floor area of buildings on the site. As discussed in Mr Bargh's evidence, parking supply is a key factor in achieving the balanced transport network required to support the land-use proposed in the Central City.⁴⁰ The modelling that was completed to confirm the adequacy of the transport network used the land-use assumptions from the CCRP as a basis. In his evidence Mr Bargh confirms that the modelling assumed the establishment of land-uses listed as permitted in the CCRP,⁴¹ which would include the provision of on-site parking up to the maximum threshold.
- 7.10 I consider that the control of parking beyond the maximum trigger levels within the core as a non-complying activity reflects the significance of managing parking supply in achieving the Central City Blueprint and wider recovery goals. These activities are not anticipated, and were not accounted for in the transport modelling of the CCRP. Given the potential impact of an oversupply of parking on the achievement of the Central City

⁴⁰ Paragraph 5.1 to 5.12.

⁴¹ Paragraph 5.5.

Blueprint (as discussed in Mr Bargh's evidence), I consider that non-complying status is appropriate.

8. PROCESS FOR STOPPING AND VESTING OF ROADS (TRANSPORT ZONE)

8.1 The Crown's Stage 2 submission supported the zoning of transport infrastructure, including road and rail corridors, as the Transport Zone because it reinforces the operational function of the transport network as an integral component for the provisions related to the Transport Zone and the strategic transport network.⁴² Decision 12 on the Stage 2 Transport provisions, which provides for the Transport Zone beyond the Central City, has now been released. The Transport Zone approach is beneficial for a number of reasons including:

- (a) Providing a clear demarcation of the area intended for transport related activities; and
- (b) Providing a set of rules to facilitate the development and maintenance of transport infrastructure and control other uses to protect the transport function of the zone.

8.2 Although the Crown supports the benefits of the Transport Zone, the Crown's Stage 3 submission on the Notified Central City Proposal noted a potential issue with identifying the zone in the Planning Maps. Adding new roads or removing roads would necessitate a plan change so that the Transport Zone as identified in the Planning Maps reflects the road alterations and the appropriate rules apply to the affected land.

8.3 Road alterations are expected to be required throughout the Central City recovery with a number of roads to be stopped and created in association with the development of key Anchor Projects. These alterations would require an associated plan change to update the Transport Zone. Plan changes would also be required with any widening or alteration of roads, or creation of roads through subdivisions throughout the city.

8.4 Plan changes are publicly notified and could provide an opportunity for opponents to delay a proposal to stop or create a road through submissions and appeals where the legal status of the road may have already been established via a Local Government Act 1974 or Public Works Act 1981

⁴² Crown Submission on Stage 2 Transport, s.14.1 p.87-88.

process. In my opinion, unless there is no alternative, requiring a plan change process to add or remove an area from the zone is an overly cumbersome requirement.

8.5 In the operative City Plan all legal roads (with a few exceptions) are covered by the Special Purpose (Road) Zone and the rail network is covered by the Special Purpose (Rail) Zone. All of the rail network and some of the road network are also designated under the operative City Plan. The extent of the Special Purpose (Road) Zone is not physically identified on the planning maps, and has an underlying land-use zone. The Special Purpose (Rail) Zone is generally shown on the planning maps.

8.6 Any changes to legal roads during the life of the operative City Plan are addressed through rules in that Plan as follows:

"(b) Where subsequent to notification of the Plan (24 June 1995), land is vested in the Council as road then it shall be deemed to be included in the Special Purpose (Road) zone.

(c) Where a road has been stopped, the site that was formerly within the Special Purpose (Road) Zone will revert to the zoning as shown on the planning maps ...⁴³

8.7 There are no equivalent provisions for the Special Purpose (Rail) Zone in the operative District Plan. I suspect this reflects the fact that the extent and location of roads will be frequently altered throughout the life of the plan, whereas rail infrastructure will generally be altered infrequently. For this reason, the Crown's Stage 3 submission focussed on the stopping and vesting of roads in relation to the Transport Zone.

8.8 Because the Special Purpose (Road) Zone was not physically demarcated on the planning maps of the operative City Plan, there was no need for these maps to be altered as a result of the vesting or stopping of a road. This is not the case with the proposed Transport Zone which is physically demarcated on the planning maps for clarity and certainty of application of the relevant rules.

8.9 There are a number of other District Councils which have addressed this issue in their district plans. Roads or transport corridors can be identified by specific zoning or designations with a process established to recognise changes through legal road vesting or stopping. There are examples where Councils have used a similar approach to that of the operative City Plan.

⁴³ Operative Christchurch City District Plan, Volume 3, Pt 8, 4.3.

The Queenstown Lakes District Council Proposed District Plan, Operative Dunedin City District Plan, Wellington City District Plan and the Proposed Hamilton City District Plan include deeming provisions which enable legal roads which have been stopped in accordance with the Local Government Act or Public Works Act to be subject to the rules for the underlying or adjacent zoning without having to go through a plan change process. I have attached copies of the relevant provisions from these Plans as **Appendix RJS3**.

- 8.10 The provisions that apply to the Transport Corridor Zone in the Proposed Hamilton City District Plan are the most similar to the provisions in the operative City Plan. In the Proposed Hamilton City District Plan all roads are included in the Transport Corridor Zone with rules to address the process of vesting and stopping of roads after the Plan provisions become operative as follows:

Hamilton District Plan 18.3 Rules - Application of the Transport Corridor Zone

a) The Transport Corridor Zone shall apply to all land that is a formed public road pursuant to section 315(1) of the Local Government Act 1974 or is shown on the planning maps with the Transport Corridor zoning over the land at the date of this Plan 13 November 2012.

*b) Any land vested in the Council or the Crown as road pursuant to any enactment or provision in this Plan, and has been formed as road to either Council's required standards or the New Zealand Transport Agency's standards in respect of the state highway network, **then from the date of formation, the land shall be subject to the rules in the Transport Corridor Zone and be treated as Transport Corridor Zone for determining whether any other Rule in the District Plan is relevant, but shall retain its current zoning.***

*c) Where a road within the Transport Corridor Zone has been lawfully stopped under any enactment, and any relevant designation uplifted, **the land shall be subject to the rules of the adjoining zoned land (as shown on the Planning Maps) from the date of stopping and removal of any relevant designation.***

d) Where the zoning of the adjoining land on one side of the road being stopped is different to that of the other side then the transport corridor shall be split evenly down the centre then the relevant adjoining zone determined.

[my emphasis added]

- 8.11 This process clarifies which rules apply to land when a road is either vested or stopped, but does not resolve any consequential change to the zoning of

the land. Currently Hamilton City Council is still required to go through a plan change process to amend the extent of the Transport Corridor Zone.

- 8.12 I understand that legal submissions will address the legality of provisions that automatically allow for different rules to apply depending on the creation or stopping of a road. If there are no legal impediments to the approach, then I would support an approach similar to that in the Hamilton City District Plan. In **Appendix RJS4** of my evidence I have suggested wording that could be inserted into 7.2.4 of the Revised Proposal.
- 8.13 This would ensure that the appropriate rules would apply to the land once its legal status had changed. For land vested as road this would mean that the Transport Zone rules would apply, which provides for permitted activities for new transport infrastructure and additions to existing infrastructure, and public transport facilities.⁴⁴ This could avoid the requirement for consents for these activities if the previous underlying zoning provisions continued to apply.
- 8.14 I note that the proposed wording in Appendix RJS4 does not specifically provide for the relevant maps in the Plan to be updated each time roads are added or removed. However, the Council retains the option of periodically updating the planning maps either as a change of minor effect (given the deeming provisions), or via plan changes, to minimise any confusion for plan users.
- 8.15 For the avoidance of doubt, I consider that the wording I propose in RJS4 would operate to ensure that the correct rules apply, even if the planning maps had not yet been updated in respect of any specific created or stopped roads.

9. STATUTORY CONSIDERATIONS

- 9.1 In this section I comment on the statutory planning and recovery documents most relevant to the transport component of Proposal 13.

Canterbury Regional Policy Statement

- 9.2 The Canterbury Regional Policy Statement (“**RPS**”) sets the framework and overview of the significant resource management issues in the Canterbury Region, with a goal of integrated management of the region’s natural and physical resources. The RPS provides a clear policy direction on transport

⁴⁴ Revised Proposal: 7.2.5.1

matters and the District Plan must give effect to it in accordance with section 75(3)(c) of the Resource Management Act 1991 ("**RMA**").

- 9.3 Chapter 5 of the RPS sets out objectives and policies for the integration of land use and infrastructure. Objectives 5.2.1, 5.2.2 and 5.2.3 are relevant and seek to integrate land use development effectively with supporting infrastructure, and achieve a safe, efficient and effective transport network that, among other things, supports a consolidated and sustainable urban form. Underpinning these Objectives are a range of implementation Policies including specifically the protection of the function of the strategic and arterial road network⁴⁵ and land-use and transport integration.⁴⁶
- 9.4 Chapter 6 of the RPS addresses the recovery and rebuilding of Greater Christchurch and provides a resource management framework for its recovery through to 2028. The key transport provisions include Objective 6.2.4 (Integration of transport infrastructure and land use) and associated Policy 6.3.4 (Transport effectiveness).
- 9.5 The key transport themes developed through the RPS include:
- (a) land use and infrastructure integration;⁴⁷
 - (b) redevelopment of an efficient and safe transport network;⁴⁸
 - (c) managing congestion;⁴⁹
 - (d) promotion of a shift from private motor vehicle dependency to public and active transport modes to better optimise the use of the existing capacity within the network;⁵⁰
 - (e) provide opportunities for travel demand management;⁵¹
 - (f) avoiding, remedying or mitigating the adverse effects of transport use;⁵² and
 - (g) requiring integrated transport assessment for substantial developments.⁵³

⁴⁵ RPS, Policy 5.3.7 – Strategic land transport network and arterial roads.

⁴⁶ RPS, Policy 5.3.8 – Land use and transport integration.

⁴⁷ RPS, Objective 5.2.2, Policy 5.3.8, Objective 6.2.4, Policy 6.3.4(4).

⁴⁸ RPS, Objective 5.2.2(1), Policy 5.3.8(b), Objective 6.2.4(6), Policy 6.3.4(5).

⁴⁹ RPS, Objective 6.2.4(1).

⁵⁰ RPS, Policy 5.3.8(a) and 6.3.4(2), Objective 6.2.4(4) and (5).

⁵¹ RPS, Policy 6.2.4(3).

⁵² RPS, Objective 5.2.3 (2), Policy 5.3.8.

⁵³ RPS, Policy 6.3.4(4).

9.6 The District Plan must be developed in such a way as to give effect to the RPS.⁵⁴ In my opinion, the key themes in the RPS align well with the CCRP provisions. The Revised Proposal is consistent with the intent of the CCRP and gives effect to the key transport provisions in the RPS. The Objective and Policies in the Revised Proposal seek to deliver a safe and efficient multimodal transport system that is integrated with, and supports the proposed land use development. The uptake of public transport and active modes are promoted. Key activities including high trip generators and car parking are managed through appropriate rules and assessment requirements to protect the function of the transportation network.

Recovery Strategy for Greater Christchurch - Mahere Haumanutanga o Waitaha

9.7 The Recovery Strategy for Greater Christchurch – Mahere Haumanutanga o Waitaha (“**Recovery Strategy**”) is the primary reference document that guides and coordinates the programmes of work, including Recovery Plans, under the Canterbury Earthquake Recovery Act 2011 (“**CER Act**”). The Recovery Strategy covers six components of recovery, each with associated goals. Transport matters relate to aspects of all six components of recovery (economic, social, cultural, built, natural, leadership and integration). Additionally, section 16.1 of the Recovery Strategy addresses the Built Environment Recovery goals including *“developing a transport system that meets the changed needs of people and businesses and enables accessible, sustainable, affordable and safe travel choices”*. Transportation solutions are also addressed including the need to improve the sustainability of the transport system, and by using measures such as improved infrastructure to increase walking, cycling, and use of public transport.

9.8 The District Plan (both operative and proposed) must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy.⁵⁵ In my opinion, the Revised Proposal integrates the key themes of the Recovery Strategy through incorporating the provisions and intent of the CCRP.

Land Use Recovery Plan - Te Mahere Whakahaumanu Tāone

9.9 The Land Use Recovery Plan (“**LURP**”) was prepared under the CER Act, and helps implement the 10-15 year vision of the Recovery Strategy by

⁵⁴ RMA s.75(3).

⁵⁵ CER Act s.15.

providing direction for residential and business land use development to support recovery. Any person exercising functions or powers under the RMA in relation to a district plan must not make a decision or recommendation that is inconsistent with a recovery plan.⁵⁶

- 9.10 The LURP establishes 15 outcomes in response to recovery issues. The outcomes are described in section 3.3 and include the need for a clear planning regime to enable development and provide certainty for investment, the need to minimise congestion, significantly increase public transport use, increase walking and cycling, and that an efficient freight network provides for the needs of freight transport.⁵⁷
- 9.11 Section 4.4 of the LURP addresses the delivery of infrastructure and services and requires the integration of land use and infrastructure, transformation of public and active transport and support of strategic networks and freight.
- 9.12 In relation to the District Plan Review, the LURP requires the Council to support the CCRP and provide for land use and transport network integration, transport choice and efficiency.⁵⁸
- 9.13 In my opinion, the Revised Proposal is not inconsistent with the LURP or the CCRP. Rather, the key transport themes of the LURP align well with the CCRP and the Revised Proposal integrates these key themes through incorporating the provisions and intent of the CCRP.

Mahaanui Iwi Management Plan 2013

- 9.14 The Mahaanui Iwi Management Plan was prepared by the six Papatipu Rūnanga between the Hurunui and Hakatere Rivers. The Mahaanui Iwi Management Plan lists a range of issues that address the impact of transport on sites of significance to tangata whenua, waterways, and indigenous biodiversity.⁵⁹ When preparing or changing a district plan a territorial authority must take into account the Mahaanui Iwi Management Plan.⁶⁰

⁵⁶ CER Act s.23(1)(f).

⁵⁷ LURP s.3.3, (Outcomes 1,3,4,5,12,13,14,15).

⁵⁸ LURP Action 36.

⁵⁹ Mahaanui Iwi Management Plan, Issue P16 p.121.

⁶⁰ RMA s.74(2A).

9.15 Te Rūnanga o Ngāi Tahu was a partner in the development of the CCRP and the AAC, and the Revised Proposal has sought to integrate the intent of these documents. The collaborative approach followed aligns with one of the goals of the Mahaanui Iwi Management Plan to exercise kaitiakitanga by working together with other agencies.⁶¹ In my opinion, by integrating the intent of the CCRP and the AAC the Revised Proposal has taken the Mahaanui Iwi Management Plan into account.

Strategic Directions Objectives

9.16 The Strategic Directions Chapter provides an overarching direction for the District Plan. The other objectives and policies in the Replacement Plan have to be consistent with the Strategic Directions Objectives which have primacy. In my opinion, the Revised Proposal implements a number of the Strategic Objectives including:

- (a) Objective 3.3.1 – Enabling recovery and facilitating the future enhancement of the district;
- (b) Objective 3.3.2 – Clarity of language and efficiency;
- (c) Objective 3.3.7 – Urban growth, form and design;
- (d) Objective 3.3.8 – Revitalising the Central City;
- (e) Objective 3.3.12 – Infrastructure; and
- (f) Objective 3.3.13 – Emergency services and public safety.

Statement of Expectations

9.17 The Replacement Plan needs to have particular regard to the statement of expectations.⁶² In my opinion the Revised Proposal has responded to a number of the expectations by:

- (a) the use of clear and concise language, and the removal of unnecessary regulation;⁶³
- (b) the integration of the CCRP objective and policies to clearly state the outcomes intended;⁶⁴ and

⁶¹ Mahaanui Iwi Management Plan, Issue K4, Policy K4.1 p.65.

⁶² Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, clause 14(1)(d).

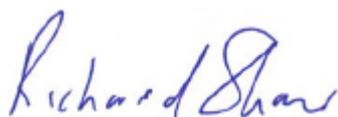
⁶³ Ibid Sch. 4 (a) and (i).

⁶⁴ Ibid Sch. 4 (b).

- (c) providing for the effective functioning of the urban environment including changes to infrastructure and transport.⁶⁵

10. CONCLUSION

- 10.1 The Crown's submission supported the intention of the Council to integrate the Central City provisions in to the relevant chapters of the Replacement Plan. Through the process of expert conferencing and mediation a Revised Proposal has been developed that represents a significant improvement over the notified version in terms of clarity and targeted objectives, policies and rules. The Crown's submission points have generally been accepted and resolved through amended wording.
- 10.2 In my opinion the Revised Proposal captures the intent of the CCRP and is not inconsistent with the Recovery Plan. I consider the Revised Proposal:
 - (a) is not inconsistent with key recovery documents including the Recovery Strategy, LURP, CCRP and the AAC;
 - (b) contributes to implementing a range of the Strategic Directions Objectives including 3.3.1, 3.3.2, 3.3.7, 3.3.8, 3.3.12, and 3.3.13;
 - (c) gives effect to key transport provisions in the RPS;
 - (d) has particular regard to the statement of expectations; and
 - (e) achieves the purpose of the RMA.
- 10.3 In my opinion, the Revised Proposal will better enable the recovery of Christchurch and the Central City, integrate the pattern of development and infrastructure, support the Central City Blueprint by embedding the CCRP principles in the Replacement Plan, and acknowledge the importance of protecting key infrastructure and emergency services.



Richard John Shaw

14 January 2016

⁶⁵ Ibid Sch. 4 (c).

APPENDIX RJS1 – RELEVANT EXPERIENCE

Shaw Planning Services – Consultant Planner

Providing planning and environmental policy advice to the NZ Transport Agency on the consenting and delivery of the Christchurch roads of national significance projects including:

- Russley Road four-laning
- Western Belfast Bypass
- Northern Arterial

Aecom NZ Limited – Principal Planner

Providing planning and policy advice to infrastructure clients in the transport, waste management and energy sectors.

NZ Transport Agency – Principal Planner

Co-ordinating capital project consent planning for large scale transport infrastructure projects including the Christchurch Southern Motorway (Stage 1).

Project management of the scheme assessment phase for the Memorial Avenue/Russley Road intersection improvements.

Involvement in policy development for the integration of land-use with infrastructure funding and development.

Representing the Agency through the development of the Greater Christchurch Urban Development Strategy, and changes to the RPS.

London Borough of Islington – Senior Planner

Co-ordination of planning and policy through a public private partnership for the masterplanning and development of a large brownfield site, including the integration of the public transport and parking infrastructure.

APPENDIX RJS2: DOCUMENTS CONSIDERED

- (i) The Statement of Expectations in Schedule 4 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014
- (ii) Canterbury Regional Policy Statement
- (iii) The Central City Transport Proposal as notified
- (iv) Council's Section 32 Report for the notified Central City Transport Proposal
- (v) Council's Revised Transport Proposal (integrating the Central City Transport Provisions) – revisions dated 11 November 2015 and 16 December 2015
- (vi) Recovery Strategy for Greater Christchurch – Mahere Haumanutanga o Waitaha
- (vii) Land Use Recovery Plan – Te Mahere Whakahaumanu Tāone
- (viii) Christchurch Central Recovery Plan – Te Mahere 'Maraka Ōtautahi'
- (ix) An Accessible City – He Taone Wātea
- (x) Mahaanui Iwi Management Plan 2013
- (xi) Strategic Directions and Strategic Outcomes decision dated 26 February 2015
- (xii) Stage 1 Transport (part) decision dated 7 August 2015 (Decision 7)
- (xiii) Stage 2 Transport (part) decision dated 22 December 2015 (Decision 12)

APPENDIX RJS3: OTHER PLAN PROVISIONS

Queenstown Lakes District Council

Queenstown Lakes District Council Proposed District Plan

The Queenstown Lakes District Plan is currently undergoing a district plan review. The Operative District Plan does not zone the roads. However the District Plan states in part Designations at page A1-17:

A Roads

All Queenstown Lakes District Council Roads are deemed to be designated for the purpose of road.

A.1 Stopped Roads

Council shall stop all roads in accordance with either the Local Government Act 1974 or the Public Works Act 1981.

Where the boundary of a legal road is re-aligned, or a legal road is stopped, the Council shall apply to the land no longer designated road a zone(s), in accordance with one or more of the following provisions:

- (i) Zoning shall be that which best accommodates any existing land use activities on the site of the stopped road, and which cause no more than minor effect to the environment; and/or*
- (ii) Zoning shall reflect any topographical or natural features that constitute logical reason for zoning; and/or*
- (iii) Stopped roads shall be zoned in accordance with the adjoining zone of least intensive development potential (refer to Table A.1).*

Dunedin City Council

Operative Dunedin City District Plan

The Operative Dunedin City District Plan identifies all roads as legal road or unformed road on the planning maps for the City. However, the introduction section to the plan includes provision whereby all zone boundaries adjoin roads are deemed to follow the centre line of the road.

Section 1: District Plan Introduction states at page 1:20:

26. District Plan Maps

The District Plan includes a series of planning maps covering the City. The main District Plan Maps show:

- (a) The location of zone boundaries. All zone boundaries adjoining a legal roads, railway or other positional feature, for example a fence or stream, are deemed to follow the centre line of any such feature, except where the feature adjoins the coast where the boundary shall be the mark of the mean high water springs.*
- (b) ...*

The note to plan users under rule 20.5 of the Transportation rules states that certain rules apply throughout all District Plan zones and are additional to the zone rules.

The Dunedin City Council also has a road stopping policy which states that a stopped portion of the road will be amalgamated with the title of the adjacent land that is owned by the applicant and that the zoning of the amalgamated private title will apply to the stopped portion of road.

Wellington City Council

Wellington City District Plan

The Wellington District Plan does not contain a separate zone for roads. For the purposes of developments on legal road, the adjoining zone's status is used.

Part 3.7 of the District Plan states:

3.7 The Status of Formed and Unformed Roads, Service Lanes and Motorways

On the District Plan Maps, all formed legal roads are uncoloured, and all unformed legal roads are coloured blue/grey.

With regard to the application of District Plan objectives, policies and rules, the Plan provisions of the area in which any formed or unformed legal road, service lane or motorway is located shall apply.

Specific provisions apply under the following circumstances:

- Where a road or service lane is stopped, the Plan provisions for the area on which the stopped road is located shall apply.*
- Where a formed, unformed or stopped road, service lane or motorway is bounded by different areas, the demarcation between areas is the centre of the legal road.*
- With regard to the coastal unformed legal road from Te Rimurapa Headlands to Makara Beach which is abutted by the Rural Area, the Conservation Site provisions of the Plan shall apply.*
- For the subdivision of roads to facilitate road stopping, refer to the provisions for subdivision in each area.*

[In respect of the above, road, motorway, and service lane are defined in Section 315 of the Local Government Act 1974 and Section 43 of the Transit Act 1989]

Hamilton City Council

Proposed Hamilton City District Plan

Hamilton District Plan 18.3 Rules - Application of the Transport Corridor Zone

- a) *The Transport Corridor Zone shall apply to all land that is a formed public road pursuant to section 315(1) of the Local Government Act 1974 or is shown on the planning maps with the Transport Corridor zoning over the land at the date of this Plan 13 November 2012.*
- b) *Any land vested in the Council or the Crown as road pursuant to any enactment or provision in this Plan, and has been formed as road to either Council's required standards or the New Zealand Transport Agency's standards in respect of the state highway network, then from the date of formation, the land shall be subject to the rules in the Transport Corridor Zone and be treated as Transport Corridor Zone for determining whether any other Rule in the District Plan is relevant, but shall retain its current zoning.*
- c) *Where a road within the Transport Corridor Zone has been lawfully stopped under any enactment, and any relevant designation uplifted, the land shall be subject to the rules of the adjoining zoned land (as shown on the Planning Maps) from the date of stopping and removal of any relevant designation.*
- d) *Where the zoning of the adjoining land on one side of the road being stopped is different to that of the other side then the transport corridor shall be split evenly down the centre then the relevant adjoining zone determined.*

APPENDIX RJS4

7.2.4 Rules – Transport Zone

7.2.4.1 How to use the rules

a. The rules that apply to activities in the Transport Zone are contained in the Activity Status table (including Activity Specific Standards) in 7.2.5.

b. The Transport Zone shall apply to all land that is public road as shown on the planning maps with the Transport Zoning over the land at the date of this Plan.

c. Any land vested in the Council or the Crown as road pursuant to any enactment or provision in this Plan, from the date of vesting shall be subject to the rules in the Transport Zone.

d. If a road within the Transport Zone has been lawfully stopped under any enactment, and any relevant designation removed, then the land shall no longer be subject to the rules in the Transport Zone but will instead be subject to the rules of the adjoining zoned land (as shown on the Planning Maps) from the date of stopping and removal of any relevant designation.

e. Where the zoning of the adjoining land on one side of the road being stopped is different to that of the other side then the zone boundary shall be deemed as the centre line of the road.