

# Ashburton District Plan

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Resource Management Act 1991

Notice of Requirement

State Highway 1/Northpark Road/Works Road

Section 42A Report

*Prepared for*  
Ashburton District Council  
*by*  
Boffa Miskell Limited

August 2007

**ASHBURTON DISTRICT PLAN  
NOTICE OF REQUIREMENT FOR ROADING PURPOSES  
STATE HIGHWAY 1 / NORTH PARK ROAD / WORKS ROAD  
SECTION 42A REPORT**

Applicant:	Ashburton District Council
Site Address:	Northpark Road/State Highway 1, North East Ashburton Works Road/State Highway 1, North East Ashburton
Proposal:	<p>This Notice of Requirement is for a designation for an area of approximately 94,900m<sup>2</sup> (9.49 ha) for roading purposes. This includes a secondary designation for "roading purposes" of approximately 2,000m<sup>2</sup> for a portion of the existing State Highway.</p> <p>The new designation is to enable staged intersection upgrades as follows:</p> <p>Stage I: minor upgrades to the Northpark Road / State Highway 1 intersection and the Works Road / State Highway 1 intersection; and</p> <p>Stage II: major upgrade of the Northpark Road / State Highway 1 intersection.</p> <p>The period of time sought to give effect to the Designation is 15 years.</p>
District Plan Zoning and Notations:	State Highway 1 is designated for roading purposes Rural A
Submissions:	<p>11 submissions received</p> <p>1 submission was received late and accepted under s37 of the RMA 1991</p>
Date of Hearing:	10 September 2007
Legal Description:	<p>State Highway 1 – Crown (Transit New Zealand)</p> <p><i>Northpark Road</i></p> <p>Pt RS 39368</p> <p>Lot 2 DP 28415</p> <p>Lot 1 DP 28415</p> <p>Lot 2 DP 78926</p> <p>Lot 1 DP 78926</p>

	Res 4433 Lot 1 DP 46816 Lot 1 DP 352761 Pt Res 4041 Lot 1 DP 352761 Pt Res 4041  <i>Works Road</i> Pt Res 4041 Pt Res 4041
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## **1.0 INTRODUCTION**

1.1 This report has been prepared by Nicola Rykers. I am a Senior Principal and Planner with the firm of Boffa Miskell Ltd, a planning, design and ecology consultancy based in Christchurch. I hold a Bachelor of Regional Planning Degree with Honours from Massey University and I have 19 years experience working for both local government and in private consultancy throughout the South Island. I am a full Member of the New Zealand Planning Institute.

1.2 The purpose of this report is to bring to the attention of the Commissioner the relevant information and issues regarding a Notice of Requirement for “roading purposes” and to make a recommendation to accept or otherwise the Notice. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Commissioner. It should not therefore be assumed that the Commissioner would reach the same conclusion as myself having considered all the evidence to be presented at the hearing.

1.3 This report includes:

- the background to the proposal;
- a description of the proposal and the locality of the site;
- a summary of the issues raised by the submitters, including assessment of environmental effects and any mitigation;
- the ability of the proposal to give effect to the relevant statutory documents.

1.4 A supporting technical report from Traffic Design Group is attached as Appendix 1 to this report.

## **2.0 BACKGROUND TO APPLICATION**

2.1 The Ashburton District Council lodged a Notice of Requirement on 6 December 2006 for the purpose of securing approximately 9.4ha of land for intersection up-grades at the State Highway 1, Northpark and Works Roads intersections. Of this land area approximately 2.7ha is in private ownership and the balance is in the ownership of the Council and Transit New Zealand.

- 2.2 The Notice of Requirement was publicly notified on 13 December 2006 and submissions closed on 16 February 2007. Eleven submissions were received.
- 2.3 Ashburton District Council has publicly notified proposed Plan Change No 2 to rezone a 126ha site bounded by Northpark Road, Company Road, the Main South Railway Line and the PPCS freezing works. Currently zoned as Rural B it is proposed to rezone the land to Business 9 with a small area that has frontage to Tait's Road being rezoned as Rural Residential.
- 2.4 The purpose of the rezoning is to provide for future business growth for service, commercial and industrial activities. In addition the proposed Plan Change provides for a rail siding facility for the storage and loading of goods onto trains. This creates opportunity for the current rail siding to be relocated from Ashburton town centre.
- 2.5 As a consequence of the proposed rezoning and development of the North East Ashburton Business Zone, it is necessary to up-grade the existing road layout at the intersections of Northpark Road/State Highway 1 and Works Road/State Highway 1 to accommodate the proposed increase in traffic.
- 2.6 The proposed business zone may generate up to an additional 6,500 and 9,000 vehicle trips per day (3,250 and 4,500 vehicles per day), with approximately 20% being heavy vehicles. The main access points into the proposed zone are planned from Northpark, Works and Company Roads. The distribution of traffic using these main access points has been analysed and anticipated to be as follows:
- 50% of trips will approach / exit the site via the Northpark Road/State Highway 1 intersection;
  - 15% of trips will approach / exit the site via the Northpark Road/Bremners Road intersection;
  - 7% of trips will approach / exit the site via the Works Road/State Highway 1 intersection; and
  - 28% of trips will approach / exit the site via the Company Road intersection.

- 2.7 Northpark Road is proposed to be the primary entry and exit onto and off State Highway 1. This will equate to approximately 3,844 – 5,206 vehicles per day, with a peak hour volume of between 461 and 625 vehicles.
- 2.8 Works Road is to provide a secondary access point to and from the State Highway.

### **3.0 THE PROPOSAL**

- 3.1 The proposed intersection up-grades are to be staged as follows:
- Stage I: minor upgrade of the Northpark Road/State Highway 1 intersection and minor upgrade of the Works Road/State Highway 1 intersection
  - Stage II: major upgrade of the Northpark Road/State Highway 1 intersection

- 3.2 The nature of these up-grades are described in turn:

#### **Stage I Intersection Up-Grades**

- 3.3 The proposed Stage I intersection upgrades will be required from commencement of the operation of the business zone.

##### ***Northpark Road***

It is proposed to create a:

- new right-turn-in bay on State Highway 1 for vehicles travelling north from Ashburton
- new left-turn-in deceleration lane for vehicles travelling south
- new left-turn-out acceleration lane for vehicles leaving Northpark Road and intending to travel south

##### ***Works Road***

It is proposed to extend the left-turn deceleration lane for vehicles travelling south and intending to turn into Works Road. Vehicles will also exit from Works Road with vehicles making both left and right turns onto State Highway 1.

## **Stage II Intersection Up-grade**

3.4 Once the proposed business zone is fully operational, it is anticipated that the Stage I intersection upgrade measures will be inadequate to cope with the additional traffic generated by the business zone. A further upgrade is therefore proposed to the Northpark/State Highway 1 intersection to a full grade-separated intersection. No further up-grades are proposed to the Works Road intersection.

## **4.0 TRANSIT NEW ZEALAND/DISTRICT COUNCIL AGREEMENT**

4.1 To facilitate this up-grading the Ashburton District Council has signed a formal, legal Agreement with Transit New Zealand. This Agreement sits outside the District Plan/Resource Management process but is designed to achieve appropriate traffic safety and efficiency outcomes.

4.2 In summary, the Agreement:

- Formalises the understanding of the parties with respect to key principles underpinning, and the process to achieve, the works required for Stage I and Stage II Upgrades.
- Sets out the process for the Stage I work ensuring that Transit must consider and approve the preliminary design report, and that it must be designed in accordance with current Transit New Zealand Standards/Engineering Practice Part 6.
- States that within 12 months of the Plan Change being made operative, Council must provide Transit with a Project Implementation Plan for Stage II works. The Agreement sets out what must be included in the Plan.
- Provides for a monitoring programme to identify when trigger points are reached for the construction of the Stage II up-grade. The frequency, timing and methodology is to be agreed and reviewed annually but is to involve monitoring of the operation of both Works and Northpark Roads in relation to queuing, efficiency, accidents etc.
- Sets out the trigger points that if exceeded, prompt Council to commence construction of the Stage II upgrade. As with Stage I, Transit New Zealand must consider and approve the preliminary design report, and it must be

designed in accordance with current Transit New Zealand Standards/Engineering Practice Part 6.

- The Trigger Points are related to:
  - the maximum queue length in right turn bays
  - the time of traffic delay for right turns from local roads onto State Highway 1
- An analysis must be prepared by the Ashburton District Council of intersection performance having regard to traffic counts, measurement of turning movements using tools such as closed circuit television, modelling and analysis of previous modelling.

4.3 The grade-separated intersection will take the form of an underpass under State Highway 1, to a depth of 7 metres. This depth will provide for the “clear-zone” required by Transit of 6 metres. State Highway 1 will remain on its current horizontal and vertical alignment.

4.4 The intersection upgrade will contain separate north-and south-bound on-and off-ramps from State Highway 1 as follows:

- From the direction of Ashburton, a north-bound off-ramp from State Highway 1 will descend on a gradient from ground-level down to the point where Northpark Road passes under the State highway. After passing under the State Highway 1 underpass, Northpark Road will climb back up to emerge at ground-level prior to crossing the South Island Main Trunk Railway (SIMT) and into the proposed subdivision;
- From the direction of Christchurch, a south-bound off-ramp from State Highway 1 will descend on a gradient from ground-level down to an intersection with Northpark Road (below ground-level). Vehicles will turn left and will climb back up to emerge at ground-level prior to crossing the SIMT Railway and into the proposed subdivision;
- From the proposed business zone, south-bound vehicles (i.e., to Ashburton) will cross the SIMT Railway and descend on a gradient from ground-level down to the below ground-level intersection. Vehicles will turn left onto the south-bound on-ramp and will climb back up to ground-level to merge into the State Highway south-bound lane;

- From the proposed business zone, north-bound vehicles (i.e., to Christchurch) will cross the SIMT Railway and descend on a gradient from ground-level and will continue under the State Highway 1 underpass. At the intersection with the north-bound off-ramp, vehicles will turn right onto the north-bound on-ramp and climb back up to ground-level to merge into the State highway north-bound lane. The north-bound on-ramp will be a two-way road, to provide for motorists coming from the direction of Mitcham Road;
- Mitcham Road intersects with the two-way north-bound off-ramp. Motorists using Mitcham Road and wishing to travel north towards Christchurch will be required to make a left-turn onto the north-bound on-ramp and to merge into the State highway north-bound lane;
- Motorists using Mitcham Road and wishing to travel south towards Ashburton will be required to make a longer deviation via the on-and off-ramps. This will increase travel time from the current access arrangement. Motorists will be required to turn right onto the two-way north-bound off-ramp and descend on a gradient down to pass under State Highway 1. Vehicles will then make a right-hand turn onto the same south-bound on-ramp as vehicles exiting the proposed Business 9 Zone, and will climb back up to ground-level to merge with the State highway south-bound lane.

4.5 Approximately 2.7ha of privately owned land is required to give effect to the designation. Two properties located on Northpark Road between the Railway and State Highway 1 are affected by the Notice of Requirement. These are Lot 1 DP 46816 (CMP Canterbury Ltd) and Lot 1 DP 352761 (Rural Transport Ltd) who both have existing access points onto Northpark Road. Construction of the underpass would require land from the Northpark Road frontage of these properties in order to achieve the gradient down to the underpass. Other private property affected includes 18,000m<sup>2</sup> owned by J and M Edkins and 3,000m<sup>2</sup> owned by R and C Nelson. The Notice of Requirement indicates that the Council is negotiating purchase of the Edkins land however I was unable to receive confirmation of this matter at the time of preparation of this report.

4.6 The balance of the land required is land either vested in Council as local purpose reserve for 'plantation purposes' or land already designated for State

Highway purposes. Both Stage I and Stage II intersection upgrades will require approximately 35,900m<sup>2</sup> (3.95ha) of this reserve land. A separate statutory process under the Reserves Act 1977 is required to remove or reclassify this reserve status. This is discussed further in paragraphs 11.15 and 11.16 of this report.

- 4.7 A preliminary storm water design has been provided which indicates storm water drainage from the Stage II intersection upgrade is likely to be directed to swales that go to a below ground infiltration basin. Ahead of detailed design it is anticipated that the basin will likely be located on the north side of the State Highway and the swales will have soak holes located along their length to aid with infiltration.

## **5.0 NEW ZEALAND RAILWAYS CORPORATION/DISTRICT COUNCIL DEED OF GRANT**

- 5.1 It is understood that the New Zealand Railways Corporation has now entered into a Deed of Grant with the District Council. The Deed relates to two level crossings – one at Works Road and the other on Northpark Road - and facilitates the process for up-grading of one or both of these level crossings once the daily traffic counts reach a defined threshold. It is understood that the New Zealand Railways Corporation (On Track) has advised Council via e-mail that on the basis that a Deed is signed, that the New Zealand Railways Corporation will withdraw its submission. I have not seen copies of the Deed or any formal notice of withdrawal of the submission and would recommend that this information is provided to the Commissioner for verification.

- 5.2 The proposed designation does not affect any land owned by the New Zealand Railways Corporation.

## **6.0 SITE AND LOCALITY**

- 6.1 The section of State Highway 1 that is subject to this proposed designation is located to the north of Ashburton and forms the main route for traffic travelling north and south along the east coast. The 2006 traffic volumes provided by Transit show that State Highway 1 carried approximately 9,000 vehicles per day in the vicinity of the site.

- 6.2 The State Highway is described in the Notice of Requirement as having excellent sight lines over the section subject to the proposed designation, as it contains no bends or undulations.
- 6.3 The road is relatively wide providing for two lanes and a substantial width of seal either side of the carriageway. There are three junctions along the subject section of road allowing traffic to enter and exit from Northpark Road, Works Road and Mitcham Road.
- 6.4 The intersection of Northpark Road and State Highway 1 is located approximately 1.6 kilometres north-east of the urban area of Ashburton, and is controlled by a “stop” sign. The existing intersection is a “tee intersection”, with some localised seal widening. The speed limit on Northpark Road is 100km/h.
- 6.5 Northpark Road crosses the South Island Main Trunk Railway line approximately 200 metres from the intersection with State Highway 1. Bremners Road intersects with Northpark Road immediately south of the railway line.
- 6.6 The intersection of Works Road and State Highway 1 is located approximately 3.3 kilometres north-east of the urban area of Ashburton. The existing intersection is a “tee intersection”, with a right-turn bay, acceleration and deceleration lanes. Works Road has a speed limit of 100km/h and currently serves the adjacent freezing works.
- 6.7 Mitcham Road intersects with State Highway 1 from the northwest, on the opposite side of State Highway 1 from Northpark Road and Works Road.
- 6.8 The SIMT Railway runs parallel to the south of the State Highway and is separated by a wide reserve. The reserve is grassed for much of its width and planted with pine trees along its rear boundary, screening the railway line and land beyond from view.
- 6.9 The land adjacent to the north of the State Highway is currently zoned for rural purposes and is used for grazing and horticulture
- 6.10 There is already some business/industrial activity in this area, with CMP Canterbury and Rural Transport Ltd both operating from sites on Northpark

Road. Both these businesses have trucks entering and exiting from State Highway 1 on a daily basis.

## **7.0 PRE-HEARING MEETING**

- 7.1 A pre-hearing meeting focused on transportation related issues was held in April 2007. This pre-hearing meeting discussed issues raised by submitters from both the proposed Plan Change and the Notice of Requirement.
- 7.2 The record and outcomes of that pre-hearing meeting are attached as Appendix 2 to this Report.

## **8.0 STATUTORY REQUIREMENTS**

- 8.1 A Notice of Requirement is the statutory mechanism for inserting a designation into a District Plan. A designation enables public works to be provided for without the need to comply with District Plan rules but can be subject to conditions imposed on the Designation at the time they are incorporated into the District Plan. An application for a Notice of Requirement is processed as if it were a resource consent but the Council may only issue a recommendation, as distinct from a decision, to the Requiring Authority. The recommendation may be to accept, accept with conditions, modify or withdraw the Notice of Requirement.
- 8.2 The requiring authority can, within 30 working days of receiving the territorial authority's recommendations, choose to accept or reject the recommendations in whole or in part.
- 8.3 In this case, Ashburton District Council is both the requiring authority and the territorial authority. This is a common occurrence and is anticipated under s168A of the Resource Management Act 1991.
- 8.4 Where the public work has not been otherwise approved under the Resource Management Act or the details of the work are not included in the Designation, the Requiring Authority must provide an Outline Plan of the project to Council before commencing construction. An Outline Plan must show:
- the height, shape and bulk of the public work, project, or work; and

- the location of the site of the work; and
- the likely finished contour of the site; and
- vehicular access, circulation, and the provision for parking; and
- the landscaping proposed
- any other matters to avoid, remedy or mitigate adverse effects on the environment.

8.5 In the case of the Northpark and Works Roads intersection up-grades it is anticipated that Outline Plans will be produced showing design detail at a later date.

8.6 When considering a requirement and any submissions received, the territorial authority must have regard to the matters listed in Sections 171 of the Resource Management Act 1991. A territorial authority must, subject to Part 2, consider:

- the effects on the environment of allowing the requirement, having particular regard to-*
- (a) *any relevant provisions of—*
    - (i) *a national policy statement:*
    - (ii) *a New Zealand coastal policy statement:*
    - (iii) *a regional policy statement or proposed regional policy statement:*
    - (iv) *a plan or proposed plan; and*
  - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
    - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
    - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
  - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
  - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

8.7 These matters will now be considered in turn.

## 9.0 REGIONAL POLICY STATEMENT

9.1 Chapter 15 of the Regional Policy Statement (Transport) includes the following objectives and policies relevant to consideration of this Notice of Requirement for the up-grade of intersections:

### **Objective 1**

*Enable a safe, efficient and cost-effective transport system to meet present and future regional, inter-regional and national needs for transport.*

### **Policy 1**

*Protect Canterbury's existing transport infrastructure and land transport corridors necessary for future strategic transport requirements by avoiding, remedying, or mitigating the adverse effects of the use, development or protection of land and associated natural and physical resources on the transport infrastructure.*

### **Objective 2**

*Avoid, remedy, or mitigate the adverse effects on the environment of transport use and provision.*

### **Policy 2**

*Promote the use of transport modes which have low adverse environmental effects.*

9.2 The Principal Reasons under Objective 1 are concerned with the social, economic and cultural well-being of the community, and its health and safety. Key points are that transport should be provided in a safe and economic manner with convenient access between people and land use activities and goods.

9.3 Policy 1 recognises existing transport infrastructure which fulfils regional and inter-regional needs. This infrastructure is to be protected from adverse effects which may undermine its safety or efficiency.

9.4 Objective 2 and Policy 2 acknowledge that transport provides social and economic benefits however, in providing new infrastructure it is necessary to consider the effects of that infrastructure on air, water, soil, loss of visual amenity, natural character and areas of significant vegetation and fauna.

9.5 In my opinion, the Notice of Requirement is consistent with these provisions of the Regional Policy Statement. The purpose of the works is to ensure that the traffic generated by Proposed Plan Change 2 can be managed without

adversely affecting the safety or efficiency of the State Highway. This accords with Objective 1 Policy 1. Section 11 of this report considers issues and concerns about environmental effects raised through submissions and concludes that the works can be undertaken in a manner which does not adversely affect the environment. This is subject to a condition on the designation that development of a landscaping plan is subject to consultation with neighbouring land owners and that the hours of construction are limited to those provided for in the New Zealand Standard for Construction Noise. Accordingly, the Notice is also able to accord with Objective 2 and Policy 2. I understand the Agreement between Transit New Zealand and the District Council will require that the design of the intersection and works will be carried out in accordance with best practice. The Land Transport Management Act 2003 (LTMA) requires Transit to "exhibit a sense of social and environmental responsibility" and its Environmental Plan explains how this will be achieved. The Plan establishes an environmental policy for state highways and outlines specific actions to improve Transit's performance through such measures as mitigating traffic noise and vibration, addressing impacts on water quality, using resources efficiently and improving the visual appearance of highways. This provides the context in which the works will be required to be undertaken by the Agreement.

## **10.0 DISTRICT PLAN OBJECTIVES AND POLICIES**

### **3.7.3.1 EFFICIENCY – OBJECTIVE 1**

*1. The efficient use of the District's existing and future transport infrastructure and of fossil fuel usage associated with transportation.*

*2. To protect the efficiency of through traffic on State Highway 1 and its primary role as a carrier of through traffic, by strictly limiting vehicle access and vehicle crossings for high traffic generating activities.*

10.1 In my opinion, the proposed Notice of Requirement would assist in achievement of this objective and policy by ensuring that the Northpark and Works Road intersections are efficient and safe. In particular, it is important for trucks and heavy vehicles to be able to connect with the proposed business zone in the most efficient manner possible. The design concept meets the requirements of Transit New Zealand and as specified in the

Agreement between Transit and the District Council the final detailed design is to be signed off by Transit.

*3.7.3.5 SAFETY AND ACCESSIBILITY – OBJECTIVE 2*

*2. The maintenance and improvement of the safety and ease of pedestrian and vehicle movement throughout the District.*

*6. To preserve road safety and efficiency by ensuring that standards of road design, vehicle access, vehicle crossings, loading and parking are related to intended use of each site and the relationship to the adjoining road classification.*

*7. To maintain and upgrade the existing roads in the District and provide for new roads and related facilities where these are important.*

10.2 Similar to discussion above, the Notice of Requirement will assist in achievement of the objective and policies related to road safety and efficiency, and in relation to Policy 6 reflects a standard of road design that meets the requirements of Transit New Zealand. The Notice is providing for new road facilities related to a significant business rezoning which is a roading response contemplated by Policy 7.

*3.7.3.9 ENVIRONMENTAL EFFECTS OF TRANSPORT – OBJECTIVE 3*

*3. Transport, which avoids, remedies or mitigates adverse effects on the surrounding environment*

*4. To ensure new roads are designed to visually complement the surrounding area.*

*5. To incorporate tree and landscape plantings within roading improvements, wherever possible.*

*10. To avoid, remedy or mitigate the adverse effects of land transport activities on natural and physical resources, amenities and landscape.*

10.3 As discussed under the Regional Policy Statement the proposed up-grade is to be undertaken in accordance with the Agreement signed between Transit New Zealand and the District Council. This requires any works to be undertaken in accordance with best practice. Some effects are to be dealt with at the time of Outline Plan approval, however it is recommended that a requirement for consultation in development of a landscape plan is made a condition of consent (see paragraphs 11.26 to 11.29).

10.4 Overall, I conclude that the Notice of Requirement is consistent with the objectives and policies of the Ashburton District Plan.

## **11.0 SUBMISSIONS**

11.1 A total of 11 submissions were received. One submission did not state a position, 5 expressed opposition to the proposed works, 3 were in support and 3 submitters expressed support-in-part. It is now assumed that the submission on the New Zealand Railways Corporation has been withdrawn, but formal notification of this should be verified by the Commissioner.

11.2 An additional submission was received in opposition outside the statutory time period. The Ashburton District Council agreed to accept this submission under Section 37 of the RMA. The reasons for accepting the late submission were as follows:

- The only persons directly affected by the waiver would be the late submitters themselves.
- It would not delay the hearing of the application.
- It would not result in any other delay in the processing of the application

11.3 In summary, the submissions raised the following issues:

### **Northpark Versus Works Road**

11.4 Four submitters (BR Graham, DF and IA Keenan, R and P Withell and NR and EM Martin) expressed concern at the use of Northpark Road as the main access road connecting the State Highway with the proposed business zone. Works Road was identified as the preferred entrance or connecting road on the basis that it offered greater queuing capacity when the level crossing is in use and would avoid heavy traffic in a rural-residential environment and consequential increases in noise levels and safety concerns. A preference was expressed that Northpark Road be reserved for private vehicles and bicycles.

11.5 The Notice of Requirement advises that the reasons why Northpark Road is preferred over Works Road as the main access road are:

- The primary arrival/destination for the majority of traffic will be to and from Ashburton and the south;

- Very few vehicles currently make a right-turn out of Works Road;
- Modelling indicates that only approximately 7% of all vehicle movements will use Works Road, the majority of which are coming to and from the north;
- Preventing a right-turn out of Works Road is considered to have little impact on current users and would provide a safety benefit;
- The bulk of works required for an up-graded intersection can be accommodated on Council owned land at Northpark Road with consequential reduced costs and impacts on privately owned land;
- Up-grading Northpark Road provides the opportunity to implement a comprehensive design solution by including improvements to the Mitcham Road intersection

11.6 I acknowledge that these are all positive matters supporting the Northpark option as the preferred main access road. It is not clear to what extent, if any, impacts on rural residential amenity values were factored into the consideration of Northpark versus Works options. The Transit/Council Agreement is focused on road efficiency and safety outcomes, however I am aware that consideration has been given to mitigating the potential impacts on residential amenity along Northpark Road through roading alignment at the access point into the business zone. This involves designing the road intersection in such a way that heavy vehicles exiting the business zone will find it difficult, if not impossible to drive south along Northpark Road. This mitigation lies beyond the area of land subject to this Notice of Requirement and I accept that some submitters may be fundamentally opposed to the proposed plan change and designation – suggesting that no level of mitigation is acceptable. On the basis of the above discussion I conclude that Northpark Road is the most practicable option for the main access.

### **Retention of Existing Turns**

11.7 Submissions from Rural Transport Ltd and Rodger Bradford and Others have expressed concern that the final design maintain the ability to turn right onto State Highway 1 from Northpark Road. The proposed designs for Stages I and II have show that the right turn has been retained and this submission point is therefore satisfactorily addressed.

- 11.8 Rural Transport Ltd has also expressed concern regarding the impact of the Notice of Requirement on access to its site and proximity to the rail crossing. The company is concerned that the New Zealand Railways Corporation may impose restrictions on its proposed transport yard activities, or require the access design be altered in a way that renders the use of the yard impracticable.
- 11.9 I understand from information provided by Council's transportation consultant that access to the Rural Transport Limited site has been designed to accommodate a "B-Train" type heavy vehicle and that there is approximately 40m clearance from the railway line to the proposed access. This is more than double the stacking distance required from a level crossing. The concern regarding the potential for future restrictions in relation to the railway line would therefore appear to be unlikely to develop. Accordingly, I consider these submission points have been satisfactorily addressed.
- 11.10 CMP Canterbury Ltd has also expressed concern that trucks exiting the Ashcold site continue to be able to turn right onto Northpark Road. I understand that the Council has been in discussion with the Company and that the access can be designed to accommodate the existing travel movements of CMP between the Ashcold site and the Seafield plant. It would appear that this issue has now been satisfactorily addressed.

### **Intersection Options**

- 11.11 Transit New Zealand has submitted in part support/part opposition to the Notice of Requirement. The submission supports the proposed designation in part, as it protects sufficient land area and corridor to ensure future full grade-separated intersection can be achieved. Transit is also opposed to the Notice of Requirement on the grounds that the assessment of effects indicated that the intersection upgrade of Northpark Rd with State Highway 1 is unlikely to be necessary and that the assessment had underestimated actual effects from the proposed new Business zone.
- 11.12 Specifically, the Transit submission sought that:

- Council confirm the Requirement:

- Conditions be imposed requiring consultation with Transit, the need to obtain approval for works on the State Highway from Transit and the need to adopt Transit's Accidental Discovery Protocol for works.

11.13 I note that these matters are now encompassed within the Agreement reached with Council. Consultation has occurred and all works must be approved by Transit. Accordingly these issues are addressed.

11.14 A submission from Rodger Bradford and Others opposes the Notice of Requirement expressing concern that there may be alternative and more cost effective designs. Specifically the submission seeks consideration of a large diameter roundabout which the submitter considers may have a higher benefit cost ratio than the underpass. The alternatives considered in the Notice of Requirement for the Stage II up-grade do not include a roundabout. I am unsure as to why the District Council has not investigated this option. It would appear that the two roading authorities have already formed a view, now the basis of an Agreement, that a grade separated interchange is the most efficient and safe option. I note however, that the Agreement does not discount an alternative intersection design, but I am unsure as to whether the area of land to be designated would enable a roundabout to be built if this were found to be a better option. Further information on this matter would be of assistance at the hearing.

### **Reserves Act**

11.15 The submission from Rodger Bradford and others also seeks that the reserve status of the land needs to be confirmed before proceeding with the designation process.

11.16 The Notice of Requirement advises (paragraphs 100 and 101) that initial telephone discussions have taken place with the Department of Conservation and a further meeting was then held to discuss the process for altering or removing the reserve classification. The Notice of Requirement does not however provide any information on the content or outcome of those discussions. It is therefore unclear how easy or difficult it may be to remove or alter the reserve status. This is only problematic if proposed Plan Change 2 becomes operative and the business zone develops but the land required for the grade-separated interchange does not become available. In such circumstances it may be more expeditious for Council to use its power under

the Public Works Act to take the land, however the Notice of Requirement is not clear on this process. I would recommend that this matter is clarified at the hearing. I have considered the appropriateness of a condition which would require written confirmation of the availability of all reserve land required to give effect to the designation, prior to Plan Change 2 becoming operative. Such a condition would appear however to be quickly redundant due to the relatively short period of time until it is known whether or not Plan Change 2 is likely to proceed. Accordingly, I would place greater emphasis on the Council demonstrating that the reserve land can be secured and be available for construction at the time of the hearing to provide all parties with confidence that the Stage II up-grade can be physically constructed.

### **Electricity Infrastructure**

- 11.17 Electricity Ashburton has submitted in support of the Notice of Requirement but seeks that provision is made for electricity infrastructure in a corridor of land outside the State Highway. This submission replicates one made in relation to the proposed Plan Change.
- 11.18 The submission notes that the area of land proposed to be designated is occupied by Electricity Ashburton overhead lines. Although Electricity Ashburton accepts that relocation or alternative provision for electricity lines is not normally undertaken until such time as the designation is given effect to (at the cost of the Council), the Company is keen to seek an alternative route in the near future. The preferred solution is to align the electricity line down a new corridor running parallel to the railway reserve between Northpark Road and Works Road.
- 11.19 I have been advised by Council's Asset Manager that no provision has been made for such a corridor through the proposed Business Zone. Electricity Ashburton has further options negotiating with the New Zealand Railways Corporation or Transit New Zealand to accommodate this corridor within either the rail or road designations. Electricity Ashburton suggests in its submissions that retention of the sub-transmission line along the State Highway is the most likely outcome if a new corridor is not secured elsewhere. The Company advises that in this circumstance the electricity infrastructure would need to remain within the areas proposed to be designated. I have sought confirmation from Council's transportation

consultant that this infrastructure can be accommodated within the designated area and that this is a matter that can be addressed through detailed design at the time of Outline Plan approval. That confirmation has not been provided and I would recommend that the matter is confirmed at the Hearing.

### **Effects on Amenity Values**

11.20 The submission from WG and MD Oakden supports the Notice of Requirement subject to Council mitigating adverse effects such as noise, visual effects, air pollution, traffic flow and safety. In particular, the Oakden's request that "landscaping be of a high standard to blend with local landscape". These matters are considered below.

### **Noise**

11.21 A traffic noise assessment prepared by Marshall Day is attached as an appendix to the Notice of Requirement. This report uses Transit New Zealand's Guidelines for the Management of Road Traffic Noise to assess noise levels from the proposed changes to the road layout. There are no existing rules or assessment matters in the District Plan nor is there a New Zealand Standard against which to assess the effects of traffic noise on populations adjacent to roads.

11.22 The L10 (1 hour) and Leq (24 hour) noise levels for the existing site were modelled based on traffic volumes provided with the Notice of Requirement and assuming that the proposed business zone is fully developed. The existing noise levels at the nearest residential dwellings are:

- Oakden dwelling, Mitcham Road – 58 dBA Leq (24 hour)
- Dwellings along Bremners Road - 49dBA Leq(24 hour)

11.23 The noise modelling results indicate that the change in noise level is predicted to be less than 2 dBA at these dwellings, and the noise level in the area is predicted to remain at less than the Transit Average Design Noise Level of 62 dBA L eq (24 hour). I understand that the proposed off and on-ramps will be, for the majority of their length below grade and earth bunds are to be constructed which provide some audio screening. On this basis I accept that the noise effects from the proposed intersection, at full operation will be no more than minor.

- 11.24 Construction of Stage I and Stage II are to be undertaken in accordance with New Zealand Standard 6803:1999 "Acoustics – Construction Noise". Construction will be limited in duration and area (within the identified site). The Notice of Requirement anticipates that the Stage I intersection upgrades are anticipated to take no more than 1-2 months and the Stage II intersection is anticipated to take one construction season (the length of a season is not specified).
- 11.25 I agree that undertaking the work in accordance with NZS 6803: 1999, the relatively short duration of the works and containment of work to a specific area will provide some mitigation of noise effects. The noise standards in NZS 6803 will, by default, limit the hours of operation, however the designation could be subject to a condition clearly establishing the hours of work to ensure that the two submitters (Oakden and Nelson) have a clear understanding of the hours of work and as a condition on the designation that these are enforceable. I understand that hours consistent with the noise standards would be – no work prior to 7.30am or beyond 6:00pm on weekdays and Saturdays with no work undertaken on Sundays or Public Holidays.

### **Landscaping**

- 11.26 The Visual Assessment prepared by Opus International Consultants Limited, acknowledges that the proposed grade separated interchange at the Northpark Road/State Highway 1 intersection, will have a noticeable landscape and visual effect on the immediate local landscape.
- 11.27 The report describes the area as a modified landscape, providing a detailed description of the existing environment and potential changes. Mitigation measures are primarily focused on integration of the earthworks into the surrounding landform, providing gentle grades and well-rounded profiles and ensuring that earthworks are topsoiled and replanted. There is also the potential for reinstatement of shelter and amenity planting along the State Highway.
- 11.28 It is proposed that a landscape plan will be produced as part of the detailed design phase in accordance with Transit New Zealand's Guidelines for Highway Landscaping. This would identify vegetation to be retained, areas of landscape mitigation planting, the type and density of planting and

maintenance requirements. I consider this to be an acceptable and appropriate process. I note that the outcome from the pre-hearing meeting was that Council agreed to write to the Oakdens and commit to consultation with them during preparation of the more detailed landscape plans – the following is a quote from the pre-hearing meeting record.

*“ADC to write to Marion Oakden and set out the assurance given re landscaping. This letter could outline the planning process that ADC will go through before any works are undertaken that will affect her property.”*

11.29 I consider it would be appropriate to confirm with the Oakden’s that they have received Council’s letter and are happy with its content. Should further certainty be required that they will be consulted in the development of landscape plans, then this would need to be imposed as a condition of consent.

#### **Agreements as to Re-Instatement of Property**

11.30 The submission of RJ and CA Nelson requests that if the Notice of Requirement is confirmed that it is subject to conditions that the Designation be given effect within 10 years and that their affected land (approximately 3,0000m<sup>2</sup> as identified in Appendix 2 in the Notice of Requirement) is purchased within this 10 year period. The Nelsons also seek that the Council, at its expense, reinstate all water pipes, water troughs, flood stop-banks, soak holes, tree shelter-belts and access ways and make provision for signage on State Highway 1 to direct people to their Alpaca breeding and rearing business. It is my understanding that the Council must secure a legal agreement with the Nelson’s under the Public Works Act which can accommodate specific matters such as reinstatement of water pipes, troughs etc. On this basis, I do not suggest that conditions will be necessary.

#### **Length of Period to Give Effect to the Designation**

11.31 The Nelson submission seeks that the period of time to give effect to the designation be reduced from 15 years to 10 years. My understanding is that calculations to date indicate that the Stage II up-grade may not be required for some time and will be dependent on the take-up of land within the new business zone. Accordingly, 10 years may not be sufficient. The Nelson submission does not clearly identify the reason for the reduced time frame sought and I assume that a 10 year period is favoured so that the submitter

has greater certainty about the future availability of the land and is not left “hanging” as to what may happen. In such circumstances the Council could negotiate with the Nelsons to take the land within a ten year timeframe.

11.32 On the basis that 10 years may not be sufficient to give effect to the designation, I would support the time period remaining at 15 years.

## **12.0 PART II OF THE ACT**

12.1 In considering the Notice of Requirement consideration must be given to Part II, the purpose and principles of the Resource Management Act i.e.,

*... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while:*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

12.2 Under Section 7 of the Resource Management Act, particular regard must be given to the following relevant matters:

- (a) The efficient use and development of natural and physical resources;
- (b) The maintenance and enhancement of amenity values;
- (c) Maintenance and enhancement of the quality of the environment.

12.3 In my opinion, the Notice of Requirement is able to fulfil Section 5 and those relevant matters from Section 7 of the Resource Management Act.

12.4 The upgrade of the Northpark Road and Works Road intersections will maintain the safe and efficient use of the State Highway, providing for the social and economic wellbeing of the community. Proposed Plan Change 2 represents a significant business interest and development for the Ashburton community. It is therefore appropriate that access be convenient and efficient in terms of accessing and exiting the business zone, and also that the State Highway is maintained as an efficient thoroughfare. The State Highway is a

physical resource for which efficient use is a matter to which particular regard must be given under the Act. In forming this overall conclusion I have placed considerable weight on the Transit New Zealand / Ashburton District Council Agreement as having identified the best option for the design of the intersection and to ensure that works will be undertaken in an environmentally appropriate manner. I also place weight on the Deed of Agreement between the New Zealand Railways Corporation (On Track) and Council to ensure that the railway crossings are up-graded to an appropriate level of service.

12.5 In terms of maintaining access to the CMP and Rural Transport Ltd sites, along with provision for infrastructure owned and operated by Electricity Ashburton, I note that these matters are all able to be technically achieved at the time of detailed design and will ensure that the efficient use of the physical resources of these sites and of the electricity network are maintained.

12.6 I am satisfied that the Outline Plan process will enable the District Council to further develop landscape plans that will address amenity values and the quality of the environment with the further modification of this landscape. A condition requiring consultation with affected neighbours will however provide certainty that the interests of these parties are considered as part of the design development.

### **13.0 RECOMMENDATION**

13.1 In summary, I conclude that the Notice of Requirement lodged by the Ashburton District Council for up-grading the Northpark and Works Road intersections with State Highway 1 fulfils Section 171 of the Resource management Act in that it is consistent with the Regional Policy Statement, the objectives and policies of the District Plan and that the overall effects of the proposed works are not significant. I am also of the opinion that the work is reasonably necessary for achieving a safe and efficient road network. Accordingly, I recommend that the requirement is recommended to be confirmed subject to the following conditions:

1. That at the time of Outline Plan approval, the Ashburton District Council consults with adjoining landowners in the development of a Landscape Plan.

2. That during construction of the Stage II intersection up-grade for the Northpark Road/State Highway 1 intersection that the hours of work be limited to 7.30am to 6:00pm Monday to Saturday and that no work is undertaken on Sundays and Public Holidays.

## **APPENDIX ONE**

### **Technical Report on Transportation**