

**IN THE MATTER**

of the Canterbury Earthquake Order 2014  
(Christchurch Replacement District Plan)

**AND**

**IN THE MATTER**

Chapter 7 - Transport

**SUBMISSIONS BY**

Urbis TPD Limited (#1074)

R & H Investments Limited, R & H Properties  
Limited and Sandridge Hotel Limited (#1069)

St Georges Hospital (#1073)

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**EVIDENCE OF**

Raymond John Edwards

**DATE**

10 June 2015

## **INTRODUCTION**

1. My full name is Raymond John Edwards. I am a traffic engineering consultant practicing from Christchurch. I hold the qualifications of a New Zealand Certificate in Civil Engineering, and the Certificate of Transport Planning, Management and Control from the University of New South Wales. I am also a Registered Engineering Associate.
2. I am the Managing Director of Urbis TPD Limited (Urbis). Urbis is a Resource Management and Traffic Engineering Consultancy which provides resource management related advice to local authorities and to private clients. Urbis is engaged in practise nationwide.
3. I have 26 years employment in the field of civil engineering, 23 of which in resource management related traffic engineering for both the Christchurch City Council and as a consultant to other local authorities, and private developers. In particular I was the Council's Senior Traffic Planner for approximately eight years before establishing Urbis which has now been trading for eleven years.
4. I have extensive experience acting as an expert witness on traffic related issues associated with land use development and the preparation and implementation of District Plans. During my employment with the Christchurch City Council I had involvement with the transport related aspects of over 3,000 resource consent applications. Urbis has since been the author of over 1,500 resource consent applications before the Christchurch City Council. This experience includes many appearances before the Environment Court.
5. I also recently gained accreditation as an Independent Hearings Commissioner.
6. Although this is not an Environment Court hearing (or a hearing being conducted under the Resource Management Act 1991), I note that in preparing my evidence I have reviewed the code of conduct for expert witnesses contained in Part 7 of the Environment Court Practice Note 2014. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
7. I participated in both the expert conferencing and the facilitated mediation sessions in relation to the proposed high traffic generator (HTG) rule. I am a signatory to the Joint Witness Statement that was produced following the HTG related conferencing sessions.

## **EXECUTIVE SUMMARY**

8. This evidence discusses the Council's proposed High Traffic Generator (HTG) Rule 7.2.3.10 which provides the Council the ability to assess the traffic generation of a given land use development and consider various issues relating to it such as, but not limited to, road network effects and amenity effects.
9. This evidence is on behalf of:
  - a) Urbis TPD Limited ('myself' being submitter #1074);
  - b) R & H Investments Limited, R & H Properties Limited and Sandridge Hotel Limited (collectively 'R&H' being submitter #1069) who operate the Hornby, Bishopdale and Beckenham Mitre 10 franchises; the sites for the proposed Papanui and Sydenham Mitre 10 franchises; and also own the Sandridge Hotel, and;
  - c) St Georges Hospital (being submitter #1073).
10. My experience with over 4,500 resource consent applications that I have been involved with is that I am not aware of a single instance where consent has been declined as a result of the discretion afforded to the Council through the operative HTG rule. I therefore question the need for such a rule, or, if such a rule is to be continued with, the activity status of any non-compliance against the rule.
11. R&H and St Georges both have considerable experience with the influence that the operative HTG rule has on consent processes associated with their respective sites. All three parties question the necessity of the HTG rule given that both R&H and St Georges have incurred significant resource consent application preparation costs and Council processing costs in relation to a rule that has not changed the form of their approved developments. Therefore they also question the need for such a rule.
12. The preferred position of all three parties I represent is that such a rule is not necessary. This is because:
  - a) The District Plan already includes a number of rules relating to site access design and location. Many of these rules specifically reference the frontage road classification (i.e. arterial or collector road etc). We do not oppose any of those rules.
  - b) A District Plan can be developed in a manner to identify 'anticipated' activities (for example being permitted, controlled and restricted discretionary) and 'unanticipated activities' (for example being full discretionary or non-complying activities). If an activity is 'anticipated' then the traffic generation of that activity has to be expected. If an activity is 'not anticipated' then the Resource Management Act affords discretion to consider any potential effect anyway. In both situations a rule is not necessary.

13. An alternate rule developed by Mr Dean Chrystal was presented at the mediation for Council consideration and the Council did agree to some of the ideas presented in that rule. I have also attended several subsequent meetings between the traffic experts representing the various submitters (excluding the Crown) where we have further developed Mr Chrystal's suggested rule to an agreed alternate rule. The alternate position of all three parties I represent is support for the submitters proposed version of the rule.

#### **SCOPE OF EVIDENCE**

14. When preparing this evidence I have been particularly conscious of the degree of alignment of the proposed HTG rule with the Statement of Expectations and also of Objective 3.3.2 within Chapter 3 (Strategic Directions) of the District Plan. My focus on these provisions is on the basis that the Christchurch recovery context requires particular attention to the Strategic Directions proposal and that primacy be afforded to Objectives 3.3.1 and 3.3.2 of that proposal. Given those objectives are largely concerned with enablement, delivering certainty and confidence, and efficient implementation, my evidence draws on my expertise in applying (rather than simply preparing) district plan provisions in order to determine whether the proposal (as amended by Council and then further amended by the Submitters ) achieves consistency with these objectives.
15. In preparing my evidence, I have also considered the following:
- a) the proposal (as amended by Council on 14 May 2015);
  - b) the submitters' submissions and further submissions;
  - c) the evidence of Mr David Falconer, Mr Paul Roberts, Mr Peter Nunn and Mr Richard Osborne for the Council, dated 26 May 2015;
  - d) the expert conferencing statement concerning Topic 1- Integrated Transport Assessments;
  - e) the Mediation Report on the Transport Proposal Chapter 7;
  - f) the evidence of Mr Nick Fuller, Mr Andrew Metherell, Ms Anne-Marie head, Ms Melanie Muirson, Mr Jeremy Phillips and Mr Dean Chrystal on behalf of the various submitters to this rule.
16. As there is a large degree of agreement between experts acting for other submitters on these matters, each expert has focussed on a particular area in relation to the proposed HTG rule. This evidence will concentrate on the issues of:
- a) My experience with the operative HTG rule (noting that I have been both a Council employee and a consultant and therefore have the experience of the rule from 'both sides of the fence');

- b) Brief comment on the current statutory framework to highlight the expectation that things are to be simplified and reliance on resource consent procedures reduced;
- c) Discussing the options of deleting the HTG rule in its entirety, adopting the rule as proposed by the Council, or further modifying the rule as proposed by the Submitters.
- d) Discussing how the Submitter's revised proposal better aligns with the Statement of Expectations compared to the Council's proposal.

### **EXPERIENCE WITH THE OPERATIVE HIGH TRAFFIC GENERATOR RULE**

17. The operative City Plan contains development Standard 13-2.3.8 which is known as the 'high traffic generator rule'. The reason for the rule (13-4.14) states that the operative HTG rule:

*"...is a particularly important rule, which is fundamental to the planned effectiveness of roads within the roading hierarchy. High traffic generators (more than 250 vehicle movements per day or requiring the provision of 25 or more parking spaces) can have a major impact on arterial and inner city roads with the development of large retail and vehicle oriented land uses.*

*The vehicle generation and potential associated adverse effects on the road network and surrounding land uses can be major if the siting is inappropriate or the access is not well located or designed. Therefore the roads in the city with the most important traffic functions (arterial roads) need to have the highest degree of protection."* (my underlining)

18. The reason continues further discussing how in most zones and for most activities the limit of discretion relates to matters associated with access. However, retail activities in the BRP, B3, B3B and B4 zones have retained a broader level of discretion, regarding any traffic effects.
19. I have underlined certain aspects of the quote from the City Plan above - particularly in relation to the scale of development the rule is meant to apply to. This approach as a concept has some merit<sup>1</sup>, however the 25 parking space and/or 250vpd thresholds written into the rule were set so low that the operative HTG rule was, in my opinion, triggered far too often. For example, very small scale development located within zone and fully complying with planning related rules would still require resource consent as a restricted discretionary activity.
20. In my experience, both as the Council's Senior Traffic Planner and as a consultant, this rule has been the subject of a number of unnecessary resource consent applications. I direct the Panel to Table 1 of Mr Falconer's evidence which details an average of 960 resource consents being required per year over the 2004-2014 period as a result of all rules contained within the transport section of the operative City Plan. It concerns me in that a selection of development standards

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<sup>1</sup> Keeping in mind that my preferred approach is that the HTG rule is not necessary at all but that we are agreeable to the submitters proposed version of the HTG rule as an alternate relief.

within the operative City Plan has generated the need for an average of 960 resource consent applications per year. Acknowledging that some of these consent applications may have been required for planning matters anyway, it is still clear to me that the transport provisions of the City Plan are having an excessive influence on the need for resource consent applications to be made.

21. Unfortunately I do not have access to how the Council records which rules are being breached such as the **information** that provided the data for Mr Falconer's table 1. However I question the claimed  $56+65 = 121$  consent applications out of the total of 960 applications on average per year. In my experience the operative HTG rule is triggered significantly more frequently than that. Again this is because the operative trigger thresholds are set to low. My Table 1 below provides examples of the level of development that could occur as a permitted activity (i.e. for activities that are located 'in zone' and otherwise fully complying with operative City Plan rules). The activities highlighted in yellow are limited by the 250 trip threshold. The activities highlighted in orange are limited by the 25 parking spaces threshold.

Activity	Size	Units	Generation			CCC Parking Requirement		
			Daily Rate	Source	Generation	Visitor	Staff	Total
Industrial (General)	5000	m <sup>2</sup> GFA	5.0 trips/100m <sup>2</sup>	RTA Factory	250	6	7	13
Warehousing (Business 8)	4999	m <sup>2</sup> GFA	4.0 trips/100m <sup>2</sup>	RTA Warehouse	200	2	23	25
Offices (General)	960	m <sup>2</sup> GFA	18.8 trips/100m <sup>2</sup>	Urbis/CCC surveys	180	1	24	25
Offices (Business 4T)	600	m <sup>2</sup> GFA	18.8 trips/100m <sup>2</sup>	Urbis/CCC surveys	113	1	24	25
Retail (General)	451	m <sup>2</sup> GLFA	55.5 trips/100m <sup>2</sup>	RTA Specialty Retail	250	18	3	21
Retail (Business 3 retailing)	797	m <sup>2</sup> GLFA	31.4 trips/100m <sup>2</sup>	RTA Slow Trade	250	20	4	24
Residential	11	units	10.0 trips/unit	Commonly adopted rate	110	24	N/A	24
Travellers Accommodation (motel)	22	units	6.57 trips/unit	Urbis surveys	145	22	3	25
Preschool	66	pupils	N/A	Urbis surveys	250	10	3	13
Restaurant	417	m <sup>2</sup> GFA	60.0 trips/100m <sup>2</sup>	RTA Restaurants	250	17	3	20

Table 1: Examples of permitted levels of development under the operative HTG rule

22. Table 1 shows that currently permitted levels of development are not at a scale that justifies assessment. My experience with the operative HTG rule allows me to go further by stating that, in my opinion, it is one of the most defining rules in terms of what constitutes permitted development under the operative City Plan rules. I consider this to be an entirely inappropriate situation.
23. Further, in discussion with my peers as part of the mediation and conferencing sessions, nobody could recall a situation where an application for consent had been declined as a result of non-compliance against the operative HTG rule. It has instead operated more as a controlled activity style of rule. While this may reflect positively on the reasonableness of the Council in relation to

dealing with consent applications arising from breaches of the HTG rule, it does bring into question the need for such a rule or in the very least, its activity status.

#### **SPECIFIC LEGAL FRAMEWORK FOR THE CITY PLAN REVIEW**

24. Schedule 4, Clause a) of the Statement of Expectations is, in my opinion, very clear:

*The expectations of the Minister for Canterbury Earthquake Recovery and the Minister for the Environment are that the replacement district plan—*

*(a) clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans)*

*(i) reliance on resource consent processes; and*

*(ii) the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*

*(iii) the requirements for notification and written approval.*

(my underlining)

25. I also note that the Regional Policy Statement (RPS) Policy 6.3.4 requires integrated traffic assessments “for substantial developments”. When this is compared against the floor areas shown in Table 1 earlier, it is clear that the operative rule is not consistent with the RPS.

26. I also note the decision of the Panel relating to Strategic Directions and in particular in relation to Objective 3.3.2 which seeks minimisation on reliance on resource consent processes; and the number, extent and prescriptive nature of rules.

27. I therefore conclude that the operative HTG rule either needs to be deleted or otherwise significantly modified if the above documents are to be complied with. I will discuss these options further in the next sections of this evidence.

#### **WHAT ARE THE OPTIONS FOR A HIGH TRAFFIC GENERATOR RULE?**

28. This comes down to the philosophy of at what time should the Council be considering traffic generation related effects of land use development within an RMA framework. Having reviewed the Council’s evidence, and having discussed the matter with my peers at both the expert conferencing and the mediation sessions, I consider the positions of the parties can be distilled into three options:

- a) Option #1 is that the traffic generation and consequential road network effects are an inevitable consequence of land use development. Therefore the Council should consider the traffic generation implications of land zoning at the time it sets the zoning. Activities that are then anticipated by that zoning (and rules) should not then be reassessed in terms of

traffic generation. This is the preferred position of the three parties represented by this evidence.

- b) Option #2 is that it is not possible for the Council to fully and properly evaluate the potential road network and amenity effects of land use development. There are simply too many variables at play. Therefore there is a need for a rule that enables the Council to consider traffic generation related effects arising from certain land use development. This in turn would enable the Council to manage the competing demands of land development, road asset operation and City amenity. Such a rule should afford the Council the discretion to decline consent to an activity, even if that activity is otherwise anticipated by the zoning and might possibly fully comply with all other District Plan rules. This is my understanding of the Council's position.
- c) Option #3 is that a suitable compromise would be to continue to recognise that large scale development, even if anticipated in a given zone and/or otherwise permitted by the Plan, could still give rise to a level of traffic effects that would require specialist assessment. This approach accords with the reasons for the operative HTG rule (noting that reasons for the rules are no longer proposed). However the trigger threshold would need to be set at a level to have most anticipated development in a zone being permitted, and then as a given development departs further from permitted levels of development, then the scope of traffic assessment increases accordingly. This is my understanding of the philosophy of the revised HTG rule proposed by the Submitters.

#### **CAN THE HTG RULE BE DELETED FROM THE CITY PLAN?**

29. Noting the above three options; it remains my opinion that a rule such as the high traffic generator rule is not necessary for the following two reasons:

- a) The amount of traffic generated by anticipated uses in a given zone is already controlled by other District Plan rules such as bulk and location (hence the reference to 'height' in the Submitter's proposed version of the HTG rule). So, the zoning is known, the likely types of land use are known, the likely scale of that land use is known and the form and capacity of the road network is known. Given that the basic form of the City has not changed in the last 40 years, I struggle to accept that the Council has not had the resources and the time to suitably evaluate this. To my mind this is exactly what software simulations such as the CAST model are for (although I note the rather candid admissions of Mr Roberts in his paragraph 7.7 that strategic traffic models are based on assumptions and averages which I read to mean that the models are of questionable accuracy. I am also openly critical of traffic modellers in that they rarely seem to look back to check if their earlier predictive work was ever correct).

- b) If an activity is not anticipated by a District Plan, then it is likely to be either a fully discretionary activity or a non-complying activity. In either situation the Council no longer needs to consider specific District Plan rules as it is able to consider any effect (both positive and negative). The potential traffic generation related effects of what I term as being 'unanticipated activity' are able to be considered regardless of any type of HTG rule.
30. Therefore I have always preferred the Option 1 approach. In my opinion the operative HTG rule has been unnecessary as the type of discretion sought by the Council has been available through the RMA anyway for types of activity not considered to be anticipated by the District Plan.
31. In my opinion the deletion of the rule sets a tidy balance for certain types of development being able to establish with minimal 'interference' (permitted, controlled and restricted discretionary – with all three being grouped as anticipated development). Full discretionary and non-complying activities could be assessed in terms of traffic generation; with the nature and detail of the assessment (i.e. basic or full ITA) depending upon the nature, scale and location of the development and this could be determined in consultation with the Council. There are no 'certainty' issues arising that would be any greater than certainty issues otherwise arising from full discretionary or non-complying activity applications because the consent authority can assess any potential effect. In my opinion this is the only way forward that properly recognises the statement of expectations requirement to significantly reduce reliance on resource consent processes.

#### **CAN THE HTG RULE BE RETAINED ALBEIT IN A MODIFIED FORM?**

32. The Council remains keen to have an HTG rule and to set the triggers such that certain levels of development still require consent even if it is otherwise anticipated development in a given zone.
33. The only valid advantage of this approach that I can see is that it allows a Council to set land use patterns now, and without having to consider myriads of potential land use development options **and their potential effects on the road network**. Avoiding having to undertake such detailed land use analysis now could result in a situation where the Council becomes unnecessarily conservative in its zoning strategy in the interest of, in this situation, managing its road network asset. So I accept that the Councils approach probably affords more flexibility in terms of land development potential through potentially more liberal zoning (and this could include more simplified zoning such as what the Council is trying to do), but it comes at the cost of continued reliance on resource consent processes for certain types of development. Therefore, in my opinion, this conflicts with the Statement of Expectations and the Strategic Directions decision from the Panel.
34. I accept that our preferred position on how this issue should be dealt with is at the permissive end of the scale, with the excessive level of control of the operative HTG rule being at the other end of the scale. It had already become clear to me through other City Plan review submission processes that

the HTG rule as a concept was here to stay from both the perspective of the Council and also my peers. A compromise needs to be found.

35. For this reason I attended, and actively participated in, both the expert conferencing sessions, the mediation, and the subsequent expert conferencing sessions that assisted with the development of the Submitter's proposed revised HTG rule. My particular interest in attending these sessions was to see if common ground could be found on what I consider to be three key rule objectives being:
- a) Thresholds – in my opinion these need to be set at levels where anticipated or 'typical' development in a given zone would be as permitted as possible in order to minimise the need for resource consent applications in accordance with the Statement of Expectations
  - b) Activity status – noting how the HTG rule has operated for the last twenty years, consideration needs to be given to a controlled activity status for the rule in its entirety or, in the alternative, a mechanism where there is an increasing activity status with increased separation from permitted activity types and permitted scale of development.
  - c) The type of traffic assessment required and when it would be required.

36. The resolution of these considerations aligns with Option #3 detailed earlier. While this is not our preferred position, I also note that it is not the Council's preferred position either and the Council has (through the mediation process) been willing to modify the rule from what was notified. Therefore adopting the Option 3 approach would reflect movement from both 'sides'. On this basis the parties I represent are willing to adopt the Option 3 approach as a compromise solution given the lack of support from others for the Option 1 approach.

#### The Councils Proposed Rule

37. The Council's version of the proposed HTG rule has changed notably from what was notified. However I remain concerned that the Council's latest version of the rule (for this I refer to the point **in time** of the Council providing their evidence on the matter) still did not meet the Statement of Expectations for significantly reduced reliance on resource consent processes.
38. I return the Panel to Table 1 of Mr Falconer's evidence which details an average of 960 resource consents being required per year over the 2004-2014 period. I have already discussed how I consider that this number of consents per year for a selection of operative development standards is a concern. Table 1 also shows how the Council anticipates that their (at evidence) version of the rule would reduce the number of transport related consents from 960 to 651 (its actually 960 down to 637 which equals 323 less consent applications). However a closer inspection of Table 1 actually shows where these savings are really coming from. For example:
- a) A reduction of 70 consents relating to parking provisions (I support the Councils revised parking requirements – it will improve things);

- b) A reduction of 70 consents relating to not requiring a garageable space for residential activities;
- c) A reduction of 93 applications relating to length of vehicle crossings;
- d) A reduction of 65 consents relating to deleting the 25 space trigger of the operative HTG rule.

These **four** categories of consent equate to a reduction of 298 of the 323 applications and this is progress. But, apart from parking reduction, the other matters are very minor in nature. **R**eturning to my earlier comment that the operative HTG rule is often unnecessarily triggered, there is no expected reduction in consent applications for high traffic generators generating in excess of 250 trips per day.

39. The mediation process (and subsequent discussions **between the experts** that I did not attend) have resulted in further movement from the Council - particularly in terms of trigger thresholds. The Council has taken on board a lot of the feedback from the Submitter's traffic experts but, in my opinion, even the latest position of the Council does not properly meet the Statement of Expectations in relation to reduced reliance on resource consent processes.

#### The Submitters Proposed Rule

40. The experts representing the Submitters have grouped, further discussed and essentially agreed upon a way forward with further revisions to the proposed HTG rule. I understand that the latest version of the Submitters proposal is attached to **Mr Phillip's** evidence. Rather than repeating the Submitter's proposed rule verbatim here, I instead direct the Panel to Attachment 2 **also** of Mr Phillip's evidence. This provides a comparison table of the differences between the latest position of the Council and the submitters on a revised rule. These differences can be summarised as follows:

- a) That there be a controlled activity status for lower volume activities anticipated in a given zone (Council seek restricted discretionary)
- b) There should be a non-notification clause for 'in zone' activities;
- c) That the Council should not be afforded the ability to revisit parking requirements for high traffic generators
- d) The scope of any required transport assessment for in zone activities
- e) The transfer of consideration to Ngai Tahu / Manawhenua values to other sections of the City Plan.

41. More detail and commentary on these differences is provided in the evidence of other experts evidence in **relation** to the proposed HTG rule. This was because, as a group of experts, we agreed to share the workload and avoid repetition in relation to preparing evidence on the HTG rule. We support the position of the Submitter's joint group of experts on these matters and as such I will not provide detail on all the above issues here. Instead, this evidence confirms our support for the Option 3 approach **as** alternate relief for a modified rule (noting that deletion of the rule remains the

preferred relief), and in particular our support of the version of the rule being promoted by the Submitters.

42. The one issue I will comment on is that of activity status. I noted earlier than in my experience with over 4,500 resource consent applications, that the Council has administered the operative HTG rule more as a controlled activity application than a restricted discretionary application. I repeat my earlier comment that I am not aware of any consent application having been declined as a result of the application of the operative HTG rule. While I understand the position of the Council in wanting to retain a restricted discretionary status for the proposed rule, I see no reason why smaller scale 'in zone' development needs to be treated in this way. I cannot see how this type of development would have road network effects that could not have been anticipated by the Council when formulating its zoning proposals.
43. While the Submitter's proposed controlled activity status will not reduce the need for consent applications either, it will provide more certainty for applicants in that they will get consent (assuming everything else with their proposal complies). In my opinion this approach better aligns with the Statement of Expectations. Combine this with the increased trigger thresholds then I consider that the requirements of the Statement of Expectations are met with respect to this rule.

#### **CONCLUSION**

44. There is nothing that I have seen in the Council's proposal, the expert conferencing and the mediation sessions that convinces me that the HTG rule in any format is necessary. In my opinion the trigger for a traffic assessment such as that suggested by the Council's proposed HTG rule is simply for full discretionary and non-complying consent applications. This is because at this point I consider it reasonable that a given proposal is notably departing from what is otherwise anticipated development under the District Plan. Therefore the deletion of the HTG rule remains the preferred relief of the submitters I represent.
45. That said; the submitters I represent are amenable to a compromise solution with a rule that has suitable trigger thresholds, suitable activity status and direction on the type of traffic assessment required.
46. In my opinion the revised rule as promoted by the Council will not result in a significant reduction in reliance on resource consent applications. The Council's own evidence shows that it will not result in any reduction in **vehicle volume based** HTG applications at all. The Council's proposal therefore cannot be considered to meet the statement of expectations and the Strategic Directions policy decision.

47. The experts for the submitters have proposed an alternate proposal that suitably addresses the concerns I have raised in this evidence in relation to the HTG rule. The parties I represent are agreeable to the Submitter's revised proposal as an alternate relief.
48. I am happy to answer any questions.