

Decision Report

Plan Change 19 – Transportation

Important Note

The Proposed District Plan May 2011 Annotated Version was the current version of the District Plan when Plan Changes 1-27 were notified in November 2011 and this version was therefore used as the base document for preparing the Plan Changes and the Section 32 and Planning Reports.

Since then the District Plan has been made operative (16 June 2012). The Operative District Plan 2012 is now the current version of the District Plan and therefore Plan Changes 1-27 are proposed to change this version only.

For the purpose of understanding how decisions on this Plan Change relate to the Section 32 and Planning Report and to both versions of the District Plan discussed above, this Decision Report is divided into three parts.

Part A contains the decisions made on the topics in the Planning Report and uses the Proposed District Plan May 2011 Annotated Version as the base document.

Part B shows how the full notified Plan Change and subsequent decisions on topics would change the Proposed District Plan May 2011 Annotated Version Base Document.

Part C shows how the full notified Plan Change and subsequent decisions on topics are proposed to change the Operative District Plan 2012.

Advice to Submitters:

Submitters will be familiar with the rule and map numbers from the Proposed District Plan May 2011 Annotated Version and so should refer to Parts A and B of this report to understand the decisions on their submission points.

However any submitter wishing to make an appeal will need to refer to the rule and map numbers of the Operative District Plan 2012 in Part C and reference these in their appeal.

Part A: Decisions on Topics in the Planning Report

Any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions on the topics in the Planning Reports in [blue](#).

Topic 1: Rule 4B.3.1 Controlled Activities

Decision

That Proposed Rule 4B.3.1 be amended as follows:

[“Activities that require new crossings, or activities other than permitted activities that increase the use of the existing crossings, onto strategic roads subject to performance standard 4B.4.2.”](#)

That Rule 4B.3.1(a) be deleted (as proposed).

~~(a) Non-compliance with Rule 4B.4.3 – Access to Rural Roads other than Strategic Roads.~~

That Rule 4B.3.2(a) be deleted (as proposed).

~~(a) Activities that require new crossings, or increase the use of existing crossings, onto Strategic Roads as per Rule 4B.4.2.~~

The following submissions are therefore:

Accepted

Submission	Point Number	Name
45	28	Federated Farmers of New Zealand
FS 83	18	Horticulture NZ & NZKGI

Accepted in Part

Submission	Point Number	Name
67	2, 7	Progressive Enterprises Ltd

Reason for Decision

The additional wording clarifies the application of the rule with respect to existing crossings and permitted activities.

Part B: Changes to the Proposed District Plan May 2011 Annotated Version Base Document

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

That Rule 4B.3 is amended as follows;

4B.3 Activity Lists

4B.3.1 Controlled Activities

Activities that require new crossings, or activities other than permitted activities that increase the use of existing crossings, onto Strategic Roads subject to performance standard 4B.4.2.

4B.3.2 Restricted Discretionary Activities

~~(a) Non-compliance with Rule 4B.4.3 – Access to Rural Roads other than Strategic Roads.~~

(ba) Non-compliance with rules contained in Section 4B.4, Activity Performance Standards, shall be Restricted Discretionary, unless otherwise stated.

(b) Any subdivision of land to create a maximum of one additional lot, where access to a legal road is obtained by crossing a railway line.

4B.3.3 Discretionary Activities

- ~~(b) Activities that require new crossings, or increase the use of existing crossings, onto Strategic Roads as per Rule 4B.4.2.~~
- ~~(b)~~ Alternative means of provision of parking and loading as per Rule 4B.4.8.

4B.3.4 Non Complying Activities

- (a) Activities that require new crossings, or increase the use of existing crossings, onto Strategic Roads where:
 - (i) For State Highways – the written approval of the New Zealand Transport Agency is not provided, or
 - (ii) For other Strategic Roads – the written approval of the Western Bay of Plenty District Council is not provided.
- (b) Any subdivision of land to create more than one additional lot, where access to a legal road is obtained by crossing a railway line.

That Rule 4B.4.2 is amended as follows;

4B.4.2 Access to Strategic Roads

- (a) No crossing place shall be permitted to serve any proposed new activity that requires resource consent and increases the traffic movements to the site unless:
 - (i) It is impractical for the activity to have alternative legal access to some other road, and
 - (ii) An assessment of the effects of such access on the road including written consent from the New Zealand Transport Agency or Council (where relevant) is submitted with the application. The assessment shall address traffic safety, the traffic efficiency of the road, the impracticality of achieving alternative access, the potential for adverse effects on adjacent land owners and adverse effects on the transportation network.

Explanatory Note:

Where any new crossing is proposed onto a State Highway, approval for that crossing needs to be obtained from the New Zealand Transport Agency pursuant to the Government Roding Powers Act ~~1939~~ 1989.

New Zealand Transport Agency retains control over the design and construction standards of crossing places and road intersections with State Highways.

- (c) All properties with legal access to a strategic road shall provide all parking and manoeuvring on site

Part C: Changes to the Operative District Plan 2012

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

That Rule 4B.3 is amended as follows;

4B.3 Activity Lists

4B.3.1 Controlled Activities

Activities that require new crossings, or activities other than permitted activities that increase the use of existing crossings, onto Strategic Roads subject to performance standard 4B.4.2.

4B.3.2 Restricted Discretionary Activities

~~(a) Non-compliance with Rule 4B.4.3 – Access to Rural Roads other than Strategic Roads.~~

(ba) Non-compliance with rules contained in Section 4B.4, Activity Performance Standards, shall be Restricted Discretionary, unless otherwise stated.

(e b) Any subdivision of land to create a maximum of one additional *lot*, where access to a legal road is obtained by crossing a railway line.

4B.3.3 Discretionary Activities

~~(a) Activities that require new crossings, or increase the use of existing crossings, onto Strategic Roads as per Rule 4B.4.2.~~

(ba) Alternative means of provision of parking and loading as per Rule 4B.4.8.

4B.3.4 Non Complying Activities

(a) Activities that require new crossings, or increase the use of existing crossings, onto Strategic Roads where:

(i) For State Highways – the written approval of the New Zealand Transport Agency is not provided, or

(ii) For other Strategic Roads – the written approval of the Western Bay of Plenty District Council is not provided.

(b) Any subdivision of land to create more than one additional *lot*, where access to a legal road is obtained by crossing a railway line.

That Rule 4B.4.2 is amended as follows;

4B.4.2 Access to Strategic Roads

- (a) No crossing place shall be permitted to serve any proposed new activity that requires resource consent and increases the traffic movements to the site unless:
 - (i) It is impractical for the activity to have alternative legal access to some other road, and
 - (ii) An assessment of the effects of such access on the road including written consent from the New Zealand Transport Agency or Council (where relevant) is submitted with the application. The assessment shall address traffic safety, the traffic efficiency of the road, the impracticality of achieving alternative access, the potential for adverse effects on adjacent land owners and adverse effects on the *transportation network*.

Explanatory Note:

Where any new crossing is proposed onto a State Highway, approval for that crossing needs to be obtained from the New Zealand Transport Agency pursuant to the Government Rounding Powers Act ~~1939~~ 1989.

New Zealand Transport Agency retains control over the design and construction standards of crossing places and road intersections with State Highways.

- (b) All properties with legal access to a strategic road shall provide all parking and manoeuvring on site.