

18 November 2016

Michal Akurangi  
Opotiki District Council  
PO Box 44  
Opotiki 3162

Dear Michal

**NZ Transport Agency submission – Proposed Opotiki District Plan**

Thank you for providing the opportunity for the NZ Transport Agency (Transport Agency) to make a submission on the proposed Opotiki District Plan (District Plan).

We appreciate the work undertaken to date on the proposed District Plan including the open and collaborative approach that you have taken to working with us. A copy of the Transport Agency's submission to the proposed District Plan is attached.

The Transport Agency looks forward to continuing to work closely with Opotiki District Council to address the issues raised in the submission. We are comfortable with attending a pre-hearing meeting to discuss our submission points in more detail and explain how they could be incorporated into the Opotiki District Plan.

If you have any questions or comments regarding the Transport Agency's submission please contact me on either 07 927 6006 or [matthew.stulen@nzta.govt.nz](mailto:matthew.stulen@nzta.govt.nz)

Yours sincerely



**Matthew Stulen**  
Planning Advisor

**NZ Transport Agency Submission on proposed Opotiki District Plan**

Section	Support/ Oppose/ Amend	Submission	Decision sought
Entire Opotiki Proposed District Plan	Support	The NZ Transport Agency (Transport Agency) generally supports the Proposed Opotiki District Plan, but requests a number of amendments to District Plan provisions as per our submission below.	Retain the Proposed District Plan with amendments outlined in the submission points below.
Entire Opotiki Proposed District Plan	Amend	<p>The rule frame work in each chapter varies in its approach. As there is no single section to manage transport effects, it is important that each section provides a framework to recognise and manage potential effects on the safety and efficiency of the transport network.</p> <p>The rules need to address the issues outlined, and implement the objectives and policies. The Transport Agency requests that the details of the rule framework are reviewed and amended to provide consistency, address the issues and implement the objectives and policies, for example:</p> <ul style="list-style-type: none"> <li>• The terminology such as “State highway”, “regionally significant transport network”, “arterial roads”, “transport network” and “roads” are used interchangeably throughout the district plan. These terms need to be consistent and aligned with a roading hierarchy for the District plan that is regionally consistent;</li> <li>• The framework for signs differs in some chapters. Signs take a more effects based approach. Provisions should be consistent throughout the different chapters; and</li> <li>• Request that the rule framework follows the issues, objectives and policies for effects on the safety and efficiency on the transport network.</li> </ul>	<p>That the rule framework and terminology are amended throughout the District Plan to:</p> <ul style="list-style-type: none"> <li>• Provide consistent terminology to describe the transport network which should be aligned with a regional roading hierarchy.</li> <li>• Provide a rule framework that supports the issues, with objectives and policies that are effects based and provide greater consistency between chapters.</li> <li>• Provide a consistent effects based sign rule framework across the district plan.</li> </ul>
Entire Opotiki Proposed District Plan	Amend	<p><i>Reverse Sensitivity</i></p> <p>The Transport Agency requests that the Opotiki District Plan includes a reverse sensitivity framework for avoiding,</p>	That the reverse sensitivity issues are addressed by including the framework

		<p>remedying or mitigating the effects of noise generated by state highway traffic on any new noise sensitive activities that are proposed to be located in close vicinity to the existing state highway network. The proposed framework is designed to protect the amenity of the indoor and outdoor environments of the sensitive activities through two main elements; setbacks and acoustic treatment of buildings. These are addressed through an Effects Area (acoustic treatment) and a Buffer Area (setback) respectively. Acoustic treatment of buildings in the Effects Area addresses sleep disturbance and indoor amenity, whereas setbacks in the Buffer Area are essential to address outdoor amenity.</p> <p>Given the low speed environment of the state highway network through the Opotiki residential zone (less than 70km/h) it is proposed that the reverse sensitivity framework shall only apply to the rural zone, Ohiwa Harbour zone and coastal zone which tend to be located in and/or near the high speed environments (greater than 70km/h) of the state highway network, where generally the level of traffic noise can be greater. The framework requested in the Opotiki District Plan is an 80 metre Effects Area and 40m Buffer Area measured from the painted edge line of the state highway carriageway. The distance for the Effects Area has been determined to generally result in an acceptable level of indoor amenity by maintaining the 'satisfactory' internal sounds levels as recommended by the joint Australian Standard and New Zealand Standard AS/NZS 2107[1]. The distance for the Buffer Area has been determined to generally result in an acceptable level of outdoor amenity for the sensitive activities.</p>	attached in Appendix 1.
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<p>Entire Opotiki Proposed District Plan</p>	<p>Amend</p>	<p><i>Effects Based Management of Signs</i></p> <p>Signs take a more effects based approach from a traffic safety perspective, therefore, it is suggested that additional zone standards for the consideration of the effects of the sign on the safety and efficiency of the transport network is included consistently throughout the zone chapters.</p> <p>Furthermore, the approval of the Transport Agency for signs is detailed throughout the plan inconsistently as either a rule or an advice note. It is requested that this should be consistently applied throughout the plan as an advice note. It is also requested that it is amended to provide clarity to plan users that consultation with the Transport Agency may be required where the permitted activity standards cannot be met and where the Transport Agency is deemed an affected party. Further amendments are also sought to clarify the Transport Agency’s powers under the Transport Agency Signs Bylaw 2010.</p>	<p>Provide an effect based framework for signage that enables Council to consider the potential adverse effects of signs on the safety and efficiency of the transport network.</p> <p>Suggested provisions to include in the zone standards (including but not limited to):</p> <p><u>The proposed sign should not:</u></p> <ul style="list-style-type: none"> <li>• <u>have reflective material or illumination that flashes and moves;</u></li> <li>• <u>Obstruct impair the view of any official traffic sign and signal, or the line of sight of any corner, bend, intersection or vehicle crossing;</u></li> <li>• <u>Physically obstruct or impede traffic or pedestrians;</u></li> <li>• <u>Resemble or be likely to be confused with any official traffic signs or signals;</u> <u>and</u></li> <li>• <u>Use support structures which are not frangible.</u></li> </ul> <p>Amend the “approval of the Transport Agency” requirement so that it becomes an advice note and it is amended as follows: Approval for signs visible from any state highway must be gained from NZ Transport Agency:</p>
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			<u>Consultation with the NZ Transport Agency will be important in the assessment of traffic safety for sign resource consent applications where they are proposed to be located on private property and are visible from a State Highway. The NZ Transport Agency also controls signs on state highway corridor Legal Road by the means of the NZ Transport Agency signs on state highways bylaw July 2010.</u>
<b>MIXED ACTIVITY ZONE</b> Resource Management Issues 4.1	Support and amend	The Transport Agency supports the principle of this issue, however, notes that the use of “main arterial roads” is undefined. The Transport Agency suggests amending to: “regional strategic transport network”.	Amend 4.1.1 as follows : Delete “ <del>main arterial roads</del> ” Replace with “ <u>regional strategic transport network</u> ”.
<b>MIXED ACTIVITY ZONE</b> Objective 4.2.3	Support and amend	The Transport Agency supports the principle of this objective, and requests that consistent terminology is used to describe the transport network using terms that are defined in the District Plan.	Amend 4.2.3 as follows: “... <del>adversely affect the functioning of roads and state highways</del> <u>the transport network</u> ”
<b>MIXED ACTIVITY ZONE</b> Policies 4.2.3.1	Support and amend	The Transport Agency supports the principle of this Policy, and requests that consistent terminology is used to describe the transport network using terms that are defined in the District Plan.	Amend: <del>Control the location of activities which may adversely affect the safe and efficient traffic flow on state highways</del> <u>regional strategic transport network.</u>
<b>INDUSTRIAL ZONE</b> 6.1 Issues & 6.2 Objectives and Policies <b>HARBOUR</b>		Some activities have the potential to affect the safety and efficiency of the transport network. The Transport Agency requests that the scope of the issues (6.1.6 and 7.1.5) is widened to allow a wider consideration of the potential effects of activities on the transport network. The proposed issues (6.1.6 and 7.1.5) limit the consideration to only site manoeuvrability.	Amend Issue 6.1.6 and 7.1.5 <del>Inadequate provision made for site manoeuvrability</del> <u>Activities can adversely affect the safety, sustainability and efficiency of the transport networks within and adjoining the zone.</u>

<p><b>INDUSTRIAL ZONE</b> 7.1 Issues and 7.2 Objectives and Policies</p>		<p>To recognise and address the wider potential transport issues there need to be additional objectives and policies in the zone sections to allow the effects on the transport network to be considered in the wider rule framework.</p> <p>It would be helpful if the issues, objectives and policies relating to the effects on the transport network were consistent in the various chapters, particularly with the changes suggested for the mixed activity zone above.</p>	<p>Add a new objective and policy to recognise the implementation of the revised issue. Suggest that this is consistent with other chapters (such as 4.2.3 above).</p> <p>Add new objective: <u>Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.</u></p> <p>Add new policy: <u>To avoid, remedy or mitigate the adverse effects of Industrial Zone activities on the safety and efficiency of the transportation network.</u></p>
<p><b>COASTAL SETTLEMENT ZONE</b> 7.1 Issues and 7.2 Objectives and Policies</p> <p><b>RURAL ZONE</b> 8.1 Issues, 8.2 Objectives and Policies</p> <p><b>COASTAL ZONE</b> 9.1 Issues, and 9.2 Objectives and Policies</p>		<p>Some activities have the potential to affect the safety and efficiency of the transport network. The Transport Agency requests that a new issue is introduced to allow a wider consideration of the potential effects of activities on the transport network.</p> <p>To recognise and address the wider potential transport issues there needs to be additional objectives and policies in the zone sections to allow the effects on the transport network to be considered in the wider rule framework.</p> <p>It would be helpful if the issues, objectives and policies relating to the effects on the transport network were consistent in the various chapters, particularly with the changes suggested for the mixed activity zone above.</p>	<p>Add new issue to 7.1, 8.1,9.1 &amp; 11.1, as follows: <u>Activities can adversely affect the safety, sustainability and efficiency of transport networks</u></p> <p>Add a new objective and policy to 7.2, 8.2, 9.2 &amp; 11.2, which recognises the implementation of the revised issue. Suggest that this is consistent with other chapters (such as 4.2.3 above).</p> <p>Add new objective: <u>Manage activities to ensure vehicle movement is</u></p>

<p><b>OHIWA HARBOUR ZONE</b> 11.1 Issues and 11.2 Objectives and Policies</p>			<p><i>undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.</i></p> <p>Add new policy: <i>To avoid, remedy or mitigate the adverse effects of Rural Zone activities on the safety and efficiency of the transportation network.</i></p>
<p><b>COASTAL ZONE</b> 9.6.6 Vehicle Entrance Designs</p>		<p>This section requires residential and commercial entrance designs to comply with appendix 4. However, it is not mentioned what access standard is appropriate for rural activities, or how they are assessed.</p>	<p>Amend 9.6.6 to clarify what the access standard is appropriate for rural activities (or for activities other than residential and commercial activities).</p>
<p><b>SUBDIVISION</b> 15.1 Resource Management Issues, 15.2 Objectives &amp; Policies</p>	<p>Support and amend</p>	<p>The Transport Agency supports 15.1.7 and 15.2.2 (objectives &amp; policies) which recognise that further subdivision can affect the safe and efficient functioning of regionally significant infrastructure.</p> <p>The Transport Agency requests that policy 15.2.2.2 is amended to recognise that both safe and efficient access needs to be provided to the transport network.</p>	<p>Amend as follows: <i>15.2.2.2 To ensure safe and efficient access to and from the transport network ...</i></p>
<p><b>DESIGNATION, PLANNING MAPS &amp; APPENDICES</b> Chapter 19 Appendix 2</p>	<p>Amend</p>	<p>The Transport Agency requests that the reference to the Limited Access Road sections for State Highways 2 and 35 are removed from the designations schedule. The reference to Limited Access Road provisions does not provide any further value to the designation purpose and in terms of permitting access for landuse activities to the state highway network the Transport Agency does not treat Limited Access Roads differently to the rest of the state highway network from a Resource Management Act perspective.</p>	<p>That the reference to Limited Access Road is removed from the designation schedule by the following amendments.</p> <p><i>State Highway 2 Western boundary of the district, to the Southern boundary of the district</i></p> <p><i>State Highway 35 Bridge Street - St John Street intersection, to the Eastern boundary of the district.</i></p>

			<p><i>Limited Access Road State Highway No. 2 Waiotahi River to Opōtiki township boundary</i></p> <p><i>Limited Access Road State Highway No. 2 Otara Road, Opōtiki to Waioeka Gorge</i></p> <p><i>Limited Access Road State Highway No. 35 Otara River, Opōtiki Tirohanga Stream</i></p> <p><i>Limited Access Road State Highway No. 35 Little Awanui to Wi Ripa Bridge</i></p>
<p><b>DESIGNATION, PLANNING MAPS &amp; APPENDICES</b> Chapter 19 Appendix 2 – Designation Purpose</p>	Amend	That the purpose of the Transport Agency’s designations are amended to ensure consistent wording across District Plans in the Bay of Plenty region and to better recognise the purpose and function of the Transport Agency’s designation.	<p>Amend purpose as follows:</p> <p><i>State Highway 2 Western boundary of the district, to the Southern boundary of the district</i></p> <p><i>State Highway 35 Bridge Street – St John Street intersection, to the Eastern boundary of the district.</i> <i>To undertake maintenance, improvements, operation and use of the State Highway network.</i></p>
<p><b>DESIGNATION, PLANNING MAPS &amp; APPENDICES</b> Chapter 19 Appendix 2 – Legal description</p>	Amend	That the legal descriptions of the Transport Agency’s designations are amended to follow the correct designation boundary. This will also ensure a consistent approach to how the Transport Agency’s designations are presented across all District Plans.	<p>Amend as follows:</p> <p><i>Route position 294/0.0–294/8.95</i></p> <p><i>Route position 304/0.75–304/9.42</i></p> <p><i>Route position 0/1.35–06.36</i></p>



			<p><i>Route position 49/9.47-65/11.57</i></p> <p><i>State Highway 2</i> <i>State Highway 35</i></p> <p><i>Note: That the legal property width and the associated designation of the state highway network is the physical road reserve boundary.</i></p>
<p><b>DESIGNATION, PLANNING MAPS &amp; APPENDICES</b> Opotiki District Built Form 7</p> <p>Appendix 2 Designation Ref No. C</p>	Amend	<p>The Transport Agency requests that Planning Map 7 is amended to reflect the realignment of State Highway 35 at Maraenui. State Highway 35 now follows the new designated alignment which is an inland route that replaced the original coastal route which was closed as part of the realignment. See Appendix 2 which shows the correct alignment of State Highway 35.</p>	<p>That Planning Map 7 is updated to reflect the actual location of the State Highway 35 alignment.</p>
<p><b>DESIGNATION, PLANNING MAPS &amp; APPENDICES</b> Vehicle crossings Appendix 4</p> <p>Vehicle Crossing – Existing Residential Footpath Behind Kerb (R10)</p> <p>Vehicle Crossing Residential (R08)</p>	Amend	<p>The Transport Agency requests that the two vehicle crossing standards (R10 and R08) are updated to reflect the current design standards outlined in the Transport Agency’s Pedestrian Planning and Design Guide (PPDG). The two areas that are recommended to be addressed are:</p> <ul style="list-style-type: none"> <li>- Cross-fall in vehicle crossings which shall not be more than 2%. See Table 15.2 of the PPDG for guidance on design for kerb crossings; and</li> <li>- Footpath width should be an absolute minimum of 1.65m. See Table 14.3 of the PPDG for guidance on footpath widths for various locations on the transport network.</li> </ul>	<p>Amend vehicle crossing standard R08 and R10 in accordance with the Transport Agency’s <i>Pedestrian Planning and Design Guide (October 2009)</i></p>

<p><b>DESIGNATION, PLANNING MAPS &amp; APPENDICES</b>  Vehicle crossings  Appendix 4</p> <p>Sight Distances for Vehicle Entrances (R25)</p>	<p>Amend</p>	<p>The Transport Agency requests that the sight distances for vehicle entrances referred to in Standard R25 'Sight Distances for Vehicle Entrances' are not applicable to vehicle entrances on the state highway network within the Opotiki District. The sight distances for vehicle entrances on the state highway network are intended to provide general guidance which, as road controlling authority, the Transport Agency would not wish be used as a performance standard for state highways.</p> <p>The Transport Agency requests that the sight distances for any new access or increase in use of an access on the state highway network are assessed on a case by case basis.</p> <p>It is noted that the within the performance standards of the zone provisions consultation with the Transport Agency and associated approval is required where activities propose to access the state highway network. During this consultation the appropriate State Highway access standard and location will be determined.</p>	<p>That the following is included in Standard R25(<u>underline</u>):  <u>Note: The Safe Stopping Sight Distances are only applicable to the Opotiki District local road network.</u></p>
<p><b>DESIGNATION, PLANNING MAPS &amp; APPENDICES</b>  Vehicle crossings  Appendix 4</p> <p>Rural Vehicle Entrance (R29)</p>	<p>Amend</p>	<p>That the Transport Agency requests that any references to Transit NZ are removed from the Notes section of Standard R29 and replaced with "NZ Transport Agency".</p>	<p>Amend as follows:</p> <p><i>...when vehicles/day count exceeds 250 or when <u>Transit NZ Transport Agency</u> requires.</i></p>



18 November 2016

Alistair Talbot, Planning & Investment Manager, Bay of Plenty (acting)

## Appendix 1: Example of reverse sensitivity rule framework

Noise sensitive activities near State Highways in the Rural Zone

### Effects area:

In the Rural Zone:

- 1) Within 80m (measured from the nearest painted edge line of the carriageway) of a State Highway any habitable room in a new noise sensitive activity or any addition(s) to an existing noise sensitive activity constructed shall be designed, constructed and maintained to meet an internal noise level of:
  - a) 35dBA<sub>L<sub>Aeq</sub> (24 hour)</sub> inside bedrooms with ventilating windows open.
  - b) 40dBA<sub>L<sub>Aeq</sub> (24 hour)</sub> inside other habitable rooms with ventilating windows open.
- 2) Compliance with Rule 1 shall be achieved by an acoustic design certificate from a suitably qualified acoustic engineer being provided to Council, prior to the construction of any noise sensitive activity, demonstrating that the above internal sound levels will be achieved. The building will be designed, constructed and maintained in accordance with the design certificate.
- 3) Where the noise level specified in Rule 1 cannot be met with ventilating windows open, a ventilation system shall be installed for the habitable room(s).

*Note: For the purpose of this rule a Ventilation System means a system complying with the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This rule will ensure a minimum level of mechanical ventilation with ventilating windows closed.*

### Setback:

- 4) Type of activity: Dwelling unit, home occupation and other sensitive activities
  - a) Minimum setback (measured from the nearest painted edge of the carriageway) of a State Highway shall be 40m.

Appendix 2: State Highway 35 Maraenui realignment – Actual alignment

Image 1: Google Maps image showing actual State Highway 35 alignment



Image 2: NZ Transport Agency MapHub (geospatial mapping system) image

-  Legalised Road Parcel
-  Other Interest
-  Part Owned
-  Segregation Strips
-  Parcel

