IN THE MATTER AND IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further Submissions on the Proposed Gore District Plan

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Gore District Plan - Decisions on Submissions

Topic 30: Transport

Hearings Panel Members

Keith Hovell

Glenys Dickson

Cliff Bolger

Date of Hearing
17 September 2024

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Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel (the Panel) on the submissions and evidence considered in relation to the Transport chapter of the Proposed Gore District Plan (PDP). The Hearings Commissioners comprising the panel for this hearing were Commissioners Keith Hovell, Cliff Bolger and Glenys Dickson.

1.1.2 This Decision focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, the Panel has adopted the recommendations and the underlying evaluation contained in the s42A Report prepared by Tina Carlson-McColl.

1.1.3 Attached is the updated provisions for the Transport chapter, referencing changes authorised by this and other Decisions of the Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

1.1.4 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.1.5 Attention is also drawn to Decision 2, Whole of Plan and Repeated Submissions that responds to submissions lodged to the District Plan as a whole, together with those lodged to multiple zones and/or chapters in the PDP. In some cases, these submissions may result in amendments to this chapter as well. Any such changes are annotated as a footnote in the updated provisions.

1.2 Abbreviations

1.2.1 In preparing this decision the Panel has used the following abbreviations:

Full Text	Abbreviation
Department of Conservation	DoC
Fire and Emergency NZ	FENZ
Gore District Plan	Plan
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
NZ Transport Agency Waka Kotahi	NZTA
Proposed Gore District Plan	Proposed Plan or PDP
Report prepared under RMA section 42A	s42A Report
Resource Management Act 1991	RMA
Resource Management Act Section 32AA	s32AA
RMA section	s
Southland Federated Farmers NZ	Federated Farmers

1.3 Statutory Considerations

1.3.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan, as well as case law

referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1.

1.3.2 In s42A reports to the Panel, the authors are required to consider any alternative provisions put forward in the context of s32, and when changes are recommended, a further assessment under s32AA is provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to make changes to the Plan in response to submissions which materially depart from the notified version.

1.3.3 Through Minute 5, the Panel requested submitters seeking changes to District Plan provisions to have regard to the s32 provisions and provide material to the Panel that would facilitate any additional s32AA assessment required if it was of a mind to accept the changes they sought.

1.3.4 Where the Panel has made amendments to the Proposed Plan that are consistent with the recommendations contained within the s42A Reports and associated evidence the Panel has adopted the s32AA analysis contained within those reports and evidence, unless expressly stated otherwise. Those reports are part of the public record and are available on the Council's website.

1.3.5 Where the Panel has made amendments to the Proposed Plan that are not contained within the s42A Report, or which were not subject to a s32AA assessment provided by submitters, the Panel has undertaken the required s32AA analysis and has incorporated it into the body of the decision, with the required assessment forming part of the evaluation. The Panel is satisfied that the required substantive assessment has been undertaken where required.

1.4 Procedural matters

1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to the Sport and Active Recreation Zone.

1.4.2 None of the Panel members identified any conflicts of interest.

1.4.3 No procedural matters were raised at the hearing.

1.4.4 No matters of trade competition were raised.

2 The Hearings and Panel Minute

2.1 Transport Chapter

2.1.1 The hearing in relation to the Transport chapter was held on 17 September 2024 at the Gore District Council administration building, in Gore. Submissions to the Transport chapter were heard together with the Light, Temporary Activities and Signs chapters and Designations.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Tina Carlson-McColl that considered all submissions lodged to the Transport chapter and relevant definitions. In forming her opinions on the submissions lodged to the Transport chapter she was assisted by input from Murray Hasler, Gore District Council Roading Asset Manager and Mark Gregory, WSP Principal Transport Planner and Team Leader Christchurch. Their input was documented in Appendix C attached to the s42A Report. Those parts of the s42A Report considering issues related to the Council's Subdivision and Development Bylaw were subject to legal review by Michael Garbett from Anderson Lloyd.

2.1.3 At the commencement of the hearing, the Panel received supplementary evidence from Tina Carlson-McColl responding to matters raised in the evidence and additional information received by the Panel. The Panel sought clarification from her regarding matters contained in her s42A Report and supplementary evidence at various times during the hearing.

2.1.4 Submitters who appeared at the hearing are shown in Table 1.

Table 1: Hearing Stream 5 Signs – Submitters Attending the Hearing			
No.	**Submitter**	**Attendees**	**Nature of Evidence**
S126	Southland Federated Farmers	Rachel Thomas	Video Link
S112	NZ Transport Agency	Helen Dempster Glen Connelly	Video Link

2.1.5 Submitters who submitted further information for the Panel to consider were:

- The Fuel Companies (S16)
- NZ Heavy Haulage Association (S77)
- Department of Conservation (S109)
- KiwiRail (S132)
- Fire and Emergency NZ (S124)

2.1.6 DoC was accepting of the recommendations in the s42A Report. The other submitters held a contrary view to recommendations in the s42A Report and where appropriate these are referred to in this Decision.

2.2 Other Relevant Hearings

2.2.1 Issues discussed at the hearing to consider submissions to the Subdivision chapter are also relevant in considering submissions to the Transport chapter. This includes evidence from:

- Ben Wilson and Nick Geddes on behalf of Clark Fortune McDonald & Associates
- Michelle Grinlinton-Hancock on behalf of KiwiRail
- Helen Dempster on behalf of NZTA

2.2.2 Where relevant, reference is made to this evidence.

2.3 Minutes 23 and 34

2.7 Following the hearing, on 3 October 2024, the Panel issued Minute 23 seeking clarification of provisions in the Transport chapter that the Panel considered uncertain as to their intent or requiring updating given the response to issues raised in the hearing. Tina Carlson-McColl provided a response to Minute 23 on 15 October 2024, although the covering page refers incorrectly to Hearing Stream 2 and is dated 10 July 2024.

2.8 During the consideration of the reply received to Minute 23, and in finalising deliberations on the Transport chapter, several other issues arose, so on 23 January 2025 the Panel issued Minute 34 directing a further report and updated diagrams be prepared for the Wrap Up Hearing to be held on 7 April 2025. A response to Minute 34 was received from Tina Carlson-McColl on 26 March 2025.

2.9 Murray Hasler, Gore District Council Roading Asset Manager attended to hearing on 7 April 2025 and responded to questions of clarification from the Panel. No submitters attended this hearing.

3. Interpretation Submissions

3.1 Land transport infrastructure

Submitter (S)	Decision Requested
S16.027 Fuel Companies	Retain the definition Land transport infrastructure as notified.
S112.004 Waka Kotahi NZ Transport Agency	Amend the definition Land transport infrastructure as follows: Means any infrastructure, building, equipment or devices that support the movement of people and goods by land including:

	(d) Roads, including carriageways, pavements, bridges, culverts, erosion protection structures, defences against water, tunnels, retaining walls, underpasses, overpasses, verges and berms; (e) Lighting, signals, official signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting; (f) safety devices including handrails, bollards, road markings, rumble strips, barriers, fences, speed tables, speed cushions, ~~and~~ traffic separators, raised safety platforms, turnaround bays, intersection speed zones, and skid resistance.
S132.006 KiwiRail Holdings Ltd	Amend 'Land transport infrastructure' definition: Means.... (c) Railway Network including, tracks, bridges, culverts, erosion protection structures, defences against water, tunnels, retaining walls, underpasses, overpasses, verge and berms; (e) Lighting, signals, official signs and control structures and devices …
S126.030 Southland Federated Farmers of NZ S115.031 Kevin Robertson S143.042 Rural Ratepayers Group S148.043 Alistair & Bernadette Hunt S60.033 Ronald Crispin S68.151 John Baynes	Accept most of the definition as notified but delete clause (m) and make any consequential amendments: ~~(m) Stormwater management facilities, ventilation structures, drainage devices and erosion control devices; and~~

3.1.1 The submission by S16.027 Fuel Companies is acknowledged. As changes have been made to the definition, this is accepted in part.

3.1.2 The Panel agrees with the assessment of Tina Carlson-McColl at paragraphs 87 – 88 of her s42A Report and her recommendation to amend the provisions as a consequence of the submissions lodged.

3.1.3 Submissions S112.004 Waka Kotahi NZ Transport Agency and S132.006 KiwiRail Holdings Ltd are accepted and submissions S126.030 Southland Federated Farmers of NZ and others are accepted in part by amending the definition of Land transport infrastructure as follows:

Land transport infrastructure
means any *infrastructure*, *building*, equipment or devices that support the movement of people and goods by *land*, including:

(a) Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;

(b) *Pedestrian* facilities and accessways, including *footpaths*, footways and foot bridges;

(c) Railway tracks, including bridges, culverts, erosion protection structures, defences against water, tunnels, signalling, *access* tracks and facilities;

(d) *Roads* including *carriageways*, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms, culverts, erosion protection structures, defences against water;

(e) Lighting, signals, *official signs*, ~~and~~ control *structures* and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;

(f) Safety devices including handrails, bollards, cameras, *road* markings, rumble strips, barriers, *fences*, speed tables and speed cushions and traffic separators raised safety platforms, turnaround bays, intersection speed zones, and skid resistance;

(g) Other traffic control devices including traffic islands, level crossings, *pedestrian* crossings, roundabouts and intersection controls, traffic and cycle;

(h) Monitoring devices;

(i) Parking control devices;

(j) *Site access* including *vehicle crossings*;

(k) Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;

(l) Ancillary equipment and *structures* associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets;

~~(m) *Stormwater* management facilities, ventilation *structures*, drainage devices and erosion control devices; and~~

(~~n~~m) Equipment, *structures* and *infrastructure* associated with charging of electric vehicles.

3.2 Movement Lane

Submitter (S)	Decision Requested
S112.005 Waka Kotahi NZ Transport Agency	Amend the definition of Movement Lane as follows: Means that part of the formed and sealed road that serves the link function in a road. It may have a shared use for other activities such as walking, cycling, parking ~~and play.~~

3.2.1 The Panel agrees with NZTA that the movement lane is not the appropriate space within the road for play from a traffic safety perspective and reference to "play" should be deleted.

3.2.2 Submission S112.005 Waka Kotahi NZ Transport Agency is accepted by amending the definition of Movement lane as follows:

Movement lane
Means that part of the formed and sealed road that serves the link function in a road. It may have a shared use for other activities such as walking, cycling and parking ~~and play~~.

3.3 Street furniture

Submitter (S)	Decision Requested
S112.008 Waka Kotahi NZ Transport Agency	Amend the definition of Movement Lane as follows: Means equipment within the footpath such as signal poles, lighting columns, signs, parking meters, seats, benches, bollards, drinking fountains, rubbish and recycling bins, cycle parking and landscaping ~~etc.~~

3.3.1 The Panel agrees with the recommendation of Tina Carlson-McColl at paragraph 90 of her s42A Report to accept this submission.

3.3.2 Submission S112.008 Waka Kotahi NZ Transport Agency is accepted by amending the definition of Street furniture as follows:

Street furniture
Means equipment within the footpath such as signal poles, lighting columns, signs, parking meters, seats, benches, bollards, drinking fountains, rubbish and recycling bins, cycle parking and landscaping ~~etc.~~

3.4 Transit corridors

Submitter (S)	Decision Requested
S132.012 KiwiRail Holdings Ltd	Amend 'transit corridors': Means transit corridors that provide for the fast and efficient long-distance movement of people and goods within the urban realm. This includes motorways and urban expressways. By definition all dedicated, high movement and mode specific transport corridors such as ~~heavy~~ rail networks and busways are included in this classification.

3.4.1 It was the recommendation of Tina Carlson-McColl at paragraph 91 of her s42A Report, subject to agreement by NZTA, to accept this submission. NZTA has chosen not to comment on the issue. Regardless, the Panel agrees with KiwiRail that the word "heavy" is not required. A minor amendment is also required for the reason that as notified the term defined is also in the definition.

3.4.2 Submission S132.012 KiwiRail Holdings Ltd is accepted by amending the definition of Transit corridors as follows:

Transit corridors
Means ~~*transit*~~ corridors that provide for the fast and efficient long-distance movement of people and goods within the urban realm. This includes motorways and urban expressways. By definition all dedicated, high movement and mode specific transport corridors such as ~~heavy~~ rail networks and busways are included in this classification

3.5 Transport network

Submitter (S)	Decision Requested
S112.009 Waka Kotahi NZ Transport Agency	Amend the definition as follows: Means any transport route that support the movement of people and goods and includes trains, motorised vehicles, non-motorised modes of transport ~~and~~ pedestrians and cyclists.

3.5.1 The Panel agrees with the recommendation of Tina Carlson-McColl at paragraph 90 of her s42A Report to accept this submission. A minor grammatical amendment is also required.

3.5.2 Submission S112.009 Waka Kotahi NZ Transport Agency is accepted by amending the definition of Transport network as follows:

Transport network
Means any transport route that supports the movement of people and goods, ~~and includes~~ including trains, motorised vehicles, non-motorised mode of transport, ~~and~~ pedestrians and cyclists.

3.6 Additional Definitions Sought

Submitter (S)	Decision Requested
S126.012 Southland Federated Farmers of NZ S115.013 Kevin Robertson S143.024 Rural Ratepayers Group S148.025 Alistair & Bernadette Hunt S60.015 Ronald Crispin S68.133 John Baynes	Include new definition (Collector Road) and make any necessary consequential amendments.

3.6.1 The Panel notes the term Collector Road appears only once in the Proposed Plan, in TABLE-S6 Required Sight Distances, and arising from Decisions to submissions this term has been deleted. The Panel considers a valid point was raised, however with the term being deleted, these submissions are rejected.

Submitter (S)	Decision Requested
S126.050 Southland Federated Farmers of NZ S115.051 Kevin Robertson S143.062 Rural Ratepayers Group S148.063 Alistair & Bernadette Hunt S60.053 Ronald Crispin S68.171 John Baynes	Include new definition for vehicle movements and make any consequential amendments.

3.6.2 The Panel accepts the assessment of Tina Carlson-McColl at paragraph 86 of her s42A Report that for consistency of approach a new definition is required.

3.6.3 Submissions S126.050 Southland Federated Farmers of NZ and others are accepted in part by including a new definition as follows:

Vehicle movement
Has the same definition as *movement*

4 General

4.1 Standalone Submissions in Support

Submitter (S) Further Submitter (FS)	Decision Requested
S112.019 Waka Kotahi NZ Transport Agency S125.011 Ministry of Education S132.027 KiwiRail Holdings Ltd	Retain as TRANS-O1 notified
S112.020 Waka Kotahi NZ Transport Agency S132.028 KiwiRail Holdings Ltd	Retain TRANS-O2 as notified
S109.039 Department of Conservation S112.021 Waka Kotahi NZ Transport Agency S112.022 Waka Kotahi NZ Transport Agency S132.029 KiwiRail Holdings Ltd	Retain TRANS-O3 as notified
S112.023 Waka Kotahi NZ Transport Agency S132.030 KiwiRail Holdings Ltd	Retain TRANS-O4 as notified

S112.024 Waka Kotahi NZ Transport Agency	Retain TRANS-O5 as notified
S112.027 Waka Kotahi NZ Transport Agency	Retain TRANS-P1 as notified
S112.028 Waka Kotahi NZ Transport Agency	Retain TRANS-P2 as notified
S63.002 New Zealand Helicopter Assn	Support TRANS-P5
FS18.28 New Zealand Helicopter Assn	Allow S63.002 New Zealand Helicopter Assn
S112.030 Waka Kotahi NZ Transport Agency	Retain TRANS-P6 as notified
S112.031 Waka Kotahi NZ Transport Agency S125.012 Ministry of Education S132.034 KiwiRail Holdings Ltd	Retain TRANS-P7 as notified
S112.033 Waka Kotahi NZ Transport Agency	Retain TRANS-P9 as notified

4.1.1 These submissions supported the listed provisions in the PDP, seeking their retention, and were the only submissions to these provisions. The Panel acknowledges and accepts these submissions.

4.2 Other General Submissions

Submitter (S)	Decision Requested
S144.005 Contact Energy Limited	Contact generally supports the transport chapter. Retain.
S124.013 Fire and Emergency NZ	Retain the objective and policy framework as notified

4.2.1 These are general submissions supporting the listed provisions in the PDP, seeking their retention. Other submissions have resulted in changes to these provisions. The Panel therefore acknowledges these submissions and accepts them in part.

Submitter (S)	Decision Requested
S146.013 Southland District Council	There are some other key routes that are the responsibility of GDC and SDC. These would be classed as Rural Connectors and include Pyramid Waiparu Rd. Wyndham Rd. Waimea Valley Rd. Waimumu Rd/Te Tipua School Road (on either side of SH 96). GDC should work with SDC to ensure these are prioritised both for their current role and as a backup for when there are road closures on the State Highway system.

4.2.2 The Panel was advised by Tina Carlson-McColl at paragraph 21 of her response to Minute 34 that the Council's Roading Asset Manager had met with the Southland District Council and reached agreement on the appropriate categories that should apply to the roads referred to in the submission as follows:

- Pyramid Waiparu Road – Rural Road
- Wyndham Road – Rural Connector
- Waimea Valley Road – Rural Road
- Waimumu Road /Te Tipua School Road (on either side of SH 96) – Rural Connector (Waimumu Road)

4.2.3 The Panel notes these changes apply to the Council's One Network Framework that sits outside of the District Plan and is included as an information layer on the District Plan maps. As such there is no change being made to the Plan itself. In that regard submission S146.013 Southland District Council is accepted in part.

Submitter (S)	Decision Requested
S140.009 Robina Johnston	Consideration of effects on third parties of increased commercial activities in rural areas and sharing of costs.

4.2.4 The Panel agrees with Tina Carlson-McColl at paragraph 64 of her s42A Report where she highlights the impacts on third parties are typically considered as part of a resource consent process, and the PDP provisions allow for consideration of effects on the safety of other users and amenity values. She also referred to a development contribution policy currently being investigated by the Council which will also have regard to other parties. Accordingly, this submission is acknowledged and rejected.

Submitter (S)	Decision Requested
S112.187 Waka Kotahi NZ Transport Agency	Re-assess whether the ONF Street category map should include all of the 'street categories' listed in the definition in the Interpretation chapter and amend the map Legend and map accordingly to correct any omissions.

4.2.5 The Panel accepts the advice of Tina Carlson-McColl at paragraph 99 of her s42A Report where she notes not all of the street categories listed in the definition are shown on the map legend because there are no roads meeting the criteria of Transit Corridors, City Hubs, Civic Spaces or Stopping Places at this time. The Panel notes NZTA did not provide any further evidence on this submission point. Accordingly, submission S112.187 Waka Kotahi NZ Transport Agency is rejected.

5 Transport Overview, Objectives and Policies

5.1 Overview

Submitter (S)	Decision Requested
S132.026 KiwiRail Holdings Ltd	Amend as follows: In addition to their primary function of providing for the movement of people and commodities, road ~~and rail~~ corridors are also suitable for the co-location of communication and .....

5.1.1 The Panel agrees with the recommendation of Tina Carlson-McColl at paragraph 100 of her s42A Report to accept the change sought in this submission.

5.1.2 Submission S132.026 KiwiRail Holdings Ltd is accepted by amending the fifth paragraph of the Overview as follows:

In addition to their primary function of providing for the movement of people and commodities, road ~~and rail~~ corridors are also suitable for the co-location of communication and other infrastructure services, including water supply, drainage and power.

Submitter (S)	Decision Requested
S63.001 New Zealand Helicopter Assn	Consideration given in this section for the Commercial aspects of aviation not just those to do with agricultural activities including • Aerial Spotting • Asset management, • Construction, • Disaster relief work (after State emergency has ended) • Flight training, • Frost protection, • Infrastructure repairs and development, • Science and Research • Search and Rescue • Surveillance • Survey operations • Tourism • Transportation of people • TV and Film..
FS4.81 New Zealand Agricultural Aviation Association FS18.9 New Zealand Helicopter Assn	Allow S63.001 New Zealand Helicopter Association

5.1.3 The Panel agrees with the recommendation of Tina Carlson-McColl at paragraph 101 of her s42A Report where she recommended the Overview be amended to better guide plan users to the relevant chapters in relation to the airfields, but that it is not practical nor necessary to include all the specific details of the different commercial aviation operations in the Overview. The Panel did not receive any additional information from submitters to assist the Panel further.

5.1.4 Submission S63.001 New Zealand Helicopter Assn is accepted in part by amending the fifth paragraph of the Overview as follows:

The use of aircraft within the Gore District gives rise to a number of different issues. The Council recognises the importance of agricultural aviation services and private use of aircraft in rural areas, and these activities are considered in the <u>General</u> Rural Zone chapter. The ground operations at the Mandeville and Charlton airfields, <u>including for commercial aviation activities,</u> are considered in the Settlement and Airport Zones respectively, while the height of structures in close proximity to the airspace used for the take-off and landing of aircraft at these airfields is included in the Transport chapter. Agricultural aviation is managed in the General Rural Zone chapter, and noise from aircrafts is managed within the Noise Chapter. Private and commercial motorised water vessels and non-motorised commercial activities are also subject to the provisions of the Activities on the Surface Water chapter.

5.2 Objective TRANS-O6

Submitter (S)	Decision Requested
S112.025 Waka Kotahi NZ Transport Agency	Retain as notified
S132.031 KiwiRail Holdings Ltd	Amend as follows: Infrastructure and other compatible activities that benefit the community are located, where practicable, within road ~~and rail~~ corridors.

5.2.1 Submission S112.025 Waka Kotahi NZ Transport Agency in support of the objective is acknowledged. As a change has been made to the provision, this submission is accepted in part.

5.2.2 KiwiRail does not consider the rail corridor is appropriate for the co-location of other infrastructure due to the associated health and safety risks. The Panel agrees and a change is required to the objective. Consequential to this, the Panel is of the view that an addition referring to health and safety is also appropriate to Policy TRANS-P2 with a minor wording change so the policy is a single sentence.

5.2.3 Submission S132.031 KiwiRail Holdings Ltd is accepted by:

(a) amending Objective TRANS-O6 as follows:

TRANS-O6 Infrastructure and other compatible activities that benefit the community are located, where practicable, within road ~~and rail~~ corridors.

(a) amending as a consequential change Policy TRANS-P2 as follows:

TRANS-P2 Recognise and protect the function of the *transport network* based on the identified *street category* and their local, regional or national significance by managing nearby land use, *subdivision* and development. ~~Ensure~~ so that incompatible or *sensitive activities, buildings* and *structures* do not impact on the safe and efficient operation of the *transport network* by requiring appropriate separation or design to minimise adverse noise, amenity, health and safety and/or *reverse sensitivity effects*.

5.3 Additional Objective Sought

Submitter (S)	Decision Requested
S112.026 Waka Kotahi NZ Transport Agency	Insert a new objective as the TRANS chapter of the Plan does not specifically address the importance of the continued function and resilience of transport network from the effects of climate change and natural hazards, as follows: A resilient transport network is provided that recognises the adverse effects of climate change and natural hazards and the need to adapt to the changes associated with those effects.

5.3.1 Noting NZTA did not provide any evidence to support this submission point, the Panel accepts the advice of Tina Carlson-McColl at paragraphs 69 – 72 of her s42A Report where she highlighted provisions elsewhere in the PDP referring to climate change and natural hazards, concluding the addition sought did not add to these existing provisions. Accordingly, submission S112.026 Waka Kotahi NZ Transport Agency is rejected.

5.4 Policy TRANS-P3

Submitter (S)	Decision Requested
S112.036 Waka Kotahi NZ Transport Agency	Amend TRANS - P3 as follows: Enable the establishment and maintenance of land transport infrastructure that connects current and future land uses with transport routes that support the movement of people and goods and includes trains, motorised vehicles, non-motorised modes of transport, and pedestrians and cyclists.
S16.030 Fuel Companies	Retain as notified
S132.032 KiwiRail Holdings Ltd	Retail as proposed.

5.4.1 Submissions S16.030 Fuel Companies and S132.032 KiwiRail Holdings Ltd in support of the Policy are acknowledged. As a change has been made to the provision, these submissions are accepted in part.

5.4.2 The Panel agrees with the overall direction of the recommendation of Tina Carlson-McColl at paragraph 124 of her s42A Report to accept the change sought by NZTA for the reasons she gives. Recognising the popularity of horse-riding in the Gore District, the Panel has added to the wording recommended.

5.4.3 Submission S112.036 Waka Kotahi NZ Transport Agency is accepted in part by amending Policy TRANS-P3 to read:

TRANS-P3 Enable the establishment and maintenance of land transport infrastructure that connects current and future land uses with transport routes that support the movement of people and goods, ~~and includes~~ by trains, motorised vehicles and non-motorised modes of transport, including pedestrians, cyclists and horses.

5.5 Policy TRANS-P4

Submitter (S)	Decision Requested
S112.029 Waka Kotahi NZTA	Retain as notified
S16.031 Fuel Companies	Retain as notified
S132.033 KiwiRail Holdings Ltd	Amend as follows: Enable the location of land transport infrastructure, and where practical promote co-location of network utilities and other compatible infrastructure or activities, within road ~~and rail~~ corridors where ... ...

5.5.1 Submissions S16.031 Fuel Companies and S112.029 Waka Kotahi NZTA in support of the Policy are acknowledged. As a change has been made to the provision, these submissions are accepted in part.

5.5.2 The issue raised by KiwiRail is the same as considered in 5.2 above, and the Panel agrees the requested amendment is appropriate.

5.5.3 Submission S132.033 KiwiRail Holdings Ltd is accepted by amending Policy TRANS-P4 to read:

TRANS-P4 Enable the location of land transport infrastructure, and where practical promote co-location of network utilities and other compatible infrastructure or activities, within road ~~and rail~~ corridors where the function, safety and efficiency of the transport network will not be compromised, while managing the scale and types of works and activities.

5.6 Policy TRANS-P8

Submitter (S)	Decision Requested
S112.032 Waka Kotahi NZTA	Retain as notified
S16.032 Fuel Companies	Retain as notified
S132.241 KiwiRail Holdings Ltd	Add: 2. Vehicle crossings to be located and have appropriate separation and sight distances from level crossings;

5.6.1 Submissions S16.032 Fuel Companies and S112.032 Waka Kotahi NZTA in support are acknowledged. As a change has been made to the policy, these submissions are accepted in part.

5.6.2 The Panel agrees with the recommendation to of Tina Carlson-McColl at paragraph 126 of her s42A Report to accept the submission and the support of KiwiRail for that outcome.

5.6.3 Submission S132.241 KiwiRail Holdings Ltd is accepted in part by amending Policy TRANS-P8(1) as follows:

Provide for a safe and efficient transport network by ensuring location, design and construction standards for land transport infrastructure are met that require:

1. *vehicle crossings* to be located and have appropriate separation and sight distances for the type of *road*, speed environment and proximity to level crossings, intersections and/or existing *vehicle crossings;*

5.7 Policy TRANS-P10

Submitter (S)	Decision Requested
S112.037 Waka Kotahi NZ Transport Agency	Amend TRANS - P10 as follows: Manage high trip generating activities and the effects of vehicle movements on the transport network to ensure that: ... 3. the activity ~~compatible with the character~~ is consistent with the function and purpose of the street category and amenity of the surrounding area

5.7.1 The Panel accepts the advice of Tina Carlson-McColl at paragraph 127 of her s42A Report where she recommends accepting this submission in part, for the reasons she gives, noting also NZTA did not comment on this submission point in their presentation to the Panel.

5.7.3 Submission S112.037 Waka Kotahi NZ Transport Agency is accepted in part by amending Policy TRANS-P10(3) as follows:

Manage high trip generating activities and the effects of vehicle movements on the transport network to ensure that:

1. the activity is ~~compatible with the character~~ consistent with the function and purpose of the *street category* and compatible with the character and amenity of the surrounding area.

5.8 Policy TRANS-P11

Submitter (S)	Decision Requested
S112.034 Waka Kotahi NZ Transport Agency	Retain as notified
S139.051 Hokonui Rūnanga Inc	Amend to read "Manage the actual or potential effects from the design, location and operation of the transport network on ~~Ngāi Tahu cultural values and recognise the underlying relationship Ngāi Tahu hold with the natural environment by its design and location~~ the natural environment including effects on mana whenua and the values they associate with the area, including whakapapa, the mauri of whenua and wai, access to mahinga kai, disturbance of wāhi tapu or other taonga, and encourage the urban design of a streetscape, with land transport infrastructure such as street furniture and artwork, ~~that contributes~~ which recognise and reflect the unique Ngāi Tahu cultural identity of the district. "

5.8.1 Submission S112.034 Waka Kotahi NZTA in support of the Policy is acknowledged. As a change has been made to the provision, this submission is accepted in part.

5.8.2 Tina Carlson-McColl at paragraph 134 of her s42A Report recommended with minor changes accepting the Hokonui Rūnanga submission. To provide consistency with Decision 14 Mana Whenua the Panel has adopted different wording. Neither Courtney Bennett nor Amy Beran in their evidence submitted throughout the hearing process provided any recommendations different to the approach adopted in Decision 14.

5.8.3 Given RMA effects include those that are actual and potential the Panel considers the additional wording sought is not required.

5.8.4 Submission S139.051 Hokonui Rūnanga Inc is accepted in part by amending Policy TRANS-P11 as follows as follows:

TRANS-P11 Manage the *effects* from the design, location and operation of the *transport network* on Ngāi Tahu cultural values listed in MW-1.2 ~~and recognise the underlying relationship Ngāi Tahu hold with the natural environment by its design and location~~, and encourage the urban design of a streetscape, with *land transport infrastructure* such as *street furniture* and artwork, ~~that contributes~~ which recognises and reflects to the unique Ngāi Tahu cultural identity of the district.

5.9 Policy TRANS-P12

Submitter (S)	Decision Requested
S109.040 Department of Conservation S112.035 Waka Kotahi NZ Transport Agency S16.033 Fuel Companies	Retain as notified

S110.020 Royal Forest and Bird Society of NZ Inc	Change: Managing the adverse effects from the use, design and location of the transport network and land transport infrastructure on the natural environment by ensuring appropriate stormwater treatment and management, and ~~limiting the presence and~~ avoiding, remedying, or mitigating effects on outstanding natural features and landscapes, ecosystems and indigenous biodiversity unless there are no practical alternatives.
FS14.013 Waka Kotahi NZ Transport Agency	Disallow S110.020 Royal Forest and Bird Society of NZ Inc

5.9.1 At paragraph 135 of her s42A Report it was the recommendation of Tina Carlson-McColl to reject this submission. Having considered the submissions to the Natural Features and Landscapes chapter and to the Ecosystems and Indigenous Biodiversity chapter, the Panel notes this policy relates to matters included in the other chapters in a manner that reduces the intended effect of the policies in those chapters. It is the view of the Panel that the relevant RMA s6 matter chapters should provide clear and strong direction to the provisions in other chapters. Policies NFL-P3 and ECO-P2 provide the direction sought by Forest and Bird in Policy TRANS-P12 and it is unnecessary to have a similar policy direction in this chapter. The Panel concludes that the appropriate outcome is to sever that part of the policy subject to the Forest and Bird submission.

5.9.2 Given the extent of changes being made to the Policy, those submissions in support are rejected.

5.9.3 Submission S110.020 Royal Forest and Bird Society of NZ Inc is accepted in part by amending Policy TRANS-P12 as follows:

TRANS-P12 Managing the adverse *effects* from the use, design and location of the *transport network* and *land transport infrastructure* on the natural *environment* ~~by ensuring~~ including appropriate *stormwater* treatment and management.~~, and limiting the presence and *effects* on outstanding natural features and landscapes, ecosystems and indigenous *biodiversity* unless there are no practical alternatives.~~

5.10 Policy TRANS-P13

Submitter (S)	Decision Requested
S112.038 Waka Kotahi NZ Transport Agency	Amend TRANS-P13 as follows: Prepare and implement a parking strategy for the Gore Town Centre Zone and Mataura Local Centre Zone that recognises and provides for the volume and nature of parking and deliveries required for activities to be safely and efficiently carried out in those areas.

5.10.1 NZTA seeks a minor change to the policy, and the Panel agrees with Tina Carlson-McColl at paragraph 136 of her s42A Report this is appropriate.

5.10.2 Submission S112.038 Waka Kotahi NZ Transport Agency is accepted in part by amending Policy TRANS-P13 as follows:

TRANS-P13 Prepare and implement a parking strategy for the Gore Town Centre Zone and Mataura Local Centre Zone that recognises and provides for the volume and nature of parking and deliveries required for activities to be safely and efficiently carried out in those areas.

5.11 Additional Policies Sought

Submitter (S)	Decision Requested
S110.021 Royal Forest and Bird Society of NZ Inc	Add: TRANS-P14 Seek to minimise carbon emissions in planning, construction, maintenance and ongoing use of the transportation network.

5.11.1 Noting Forest and Bird did not provide any evidence to support this submission point, the Panel accepts the advice of Tina Carlson-McColl at paragraphs 69 – 72 of her s42A Report where she highlighted provisions elsewhere in the PDP referring to climate change and natural hazards, concluding the addition sought did not add to these existing provisions. Accordingly, submission S110.021 Royal Forest and Bird Society of NZ Inc is rejected.

Submitter (S)	Decision Requested
S132.035 KiwiRail Holdings Ltd	Insert a new Policy as follows: Reverse sensitivity effects are avoided, remedied or mitigated where activities are adjacent to the transport network.

5.11.1 The Panel notes the evidence of Louise Taylor on behalf of KiwiRail accepting the recommendation of Tina Carlson-McColl at paragraphs 73 - 74 of her s42A Report to reject this submission, stating "I agree with the Council Officer that TRANS-P2 and NOISE-P3 together sufficiently address the matter of reverse sensitivity in terms of noise, therefore an additional policy is not required". Accordingly, S132.035 KiwiRail Holdings Ltd is rejected.

5.12 Notes

Submitter (S)	Decision Requested
S109.041 Department of Conservation	Retain Note 1 with the following amendments (or words to similar effect): Note 1 - Include a more specific description of what other provisions apply to this chapter such as referring specifically to the ECO chapter provisions.
S112.039 Waka Kotahi NZ Transport Agency	Retain TRANS – Note 3 as notified

5.12.1 The Panel agrees with the advice of Tina Carlson-McColl at paragraph 59 of her s42A Report to reject this submission, noting that unless otherwise stated Plan chapters are to be read as a whole. Accordingly, submission S109.041 Department of Conservation is rejected and the Panel also notes the email advice from the Department of Conservation accepting this outcome.

5.12.2 As part of considering submissions to remove unnecessary duplication in the Plan, the Panel has reviewed all Notes and determined that in this chapter:

(a) Note 1 can be deleted because reliance can be placed on the introductory sections of the Plan.

(b) Note 2 can be deleted in favour of incorporating additional text in the Overview.

(c) Note 3 can be deleted in favour of incorporating additional text in the Overview and the inclusion of reference in relevant rules where activities may impact on road and rail infrastructure.

5.12.3 Notes 1 - 3 are deleted with the final paragraph of the Overview amended and a new paragraph added as follows:

The District Plan controls land use activities and the manner in which they interact with, and are affected by, transportation activities. That includes the appropriateness of activities adjoining, or in close proximity to, transport routes by applying *setbacks* in some cases and assessing the appropriateness of accesses onto major *roads*. ~~The plan also provides standards for the design of the transportation network, including *roads*, private access, *footpaths* and parking areas.~~ The Council also has a number Bylaws and/or Code of Practices which have specific requirements with associated approval processes that apply in addition to the rules and standards of this chapter of the District Plan.

Where work is being undertaken, *structures* built, or use made of land within legal *roads* approval is required from the *road controlling authority, being* New Zealand Transport Agency for all state highways or the Gore District Council for all other *roads*, including unformed legal *roads*. Any works undertaken must be comply with the design standards required by each road controlling authority. Likewise, any works undertaken within the legal rail corridor, including creation of any crossing, requires the approval of KiwiRail.

6 Transport Rules

6.1 Rules General

Submitter (S)	Decision Requested
S74.002 Hamish Weir	Removal of all rules relating to matters covered by the Subdivision and Land Development Bylaw 2019. Repeating standards will cause conflict adding significant costs to the consent process. The duplication will require 2 documents to be updated, which creates costs for the ratepayer. It is simpler to refer to the Subdivision and Land Development Bylaw.

FS28.022 Kainga Ora	Disallow S74.002 Hamish Weir. It is the view of Kāinga Ora that subdivision and development is better managed through the district plan process.
FS22.056 Clark Fortune McDonald & Associates	Allow S74.002 Hamish Weir. Subdivision & Land Development Bylaw matters should not be duplicated in the District Pan, and note that the District Plan is not the appropriate mechanism for engineering standards.
S99.020 Clark Fortune McDonald & Assoc	Delete TRANS-S5 as the relevant details are specified in the Subdivision & Land Development Bylaw and TRANS-S5 contradicts the Gore District Council (DGC) Subdivision and Land Development Bylaw 2019.
FS5.10 Hamish Weir	Allow S99.020 Clark Fortune McDonald & Associates
FS28.024 Kainga Ora	Disallow S99.020 Clark Fortune McDonald & Associates
S99.022 Clark Fortune McDonald & Associates	Delete Trans-S6 as this is an engineering matters and not appropriate considerations for the PDP.
FS28.025 Kainga Ora	Disallow S99.022 Clark Fortune McDonald & Associates
S99.023 Clark Fortune McDonald & Associates	Delete Trans-S7 as this is an engineering matters and not appropriate considerations for the PDP. These provisions oversimplify and partially contradict the subdivision and land development bylaw, effectively requiring resource consent for many accesses which should only be an issue considered by GDC roading department approvals. This represents a consenting burden, an inefficient use time and increase costs for no practical benefit.
FS5.12 Hamish Weir	Allow S99.023 Clark Fortune McDonald & Associates
FS28.026 Kainga Ora	Disallow S99.023 Clark Fortune McDonald & Associates
S99.026 Clark Fortune McDonald & Associates	Delete TRANS-S10(2) as this provision is already specified in the Bylaw.
S99.044 Clark Fortune McDonald & Associates	TRANSAPP is deleted. This section of the PDP essentially replicates the diagrams already in the GDC Subdivision and Land Development Bylaw.
S149.032 Yrless	Whole of Plan: Integrate the provision of the Gore District Subdivision and Land development Bylaw into the plan and would provide a single place for the public to access information about development constraints, two approaches is confusing and not best practice.
FS22.055 Clark Fortune McDonald & Associates	Oppose S149.032 Yrless while we agree that it is redundant to replicate (or sometimes contradict) that information in both the Subdivision and Land Development Bylaw and the District Plan, we believe the best practice approach (as undertaken by most councils) is to remove engineering standards from the district plan as they are engineering matters not resource consent matters. The proposed approach would require resource consent (adding extra cost and taking up council and applicants time for no benefit) for many things which are not planning matters at all but simple matters of engineering detail. Incorporating that detail into the district plan also means any amendment of engineering standards (including design practices, changes of approved material standards, references to other national standards etc) would require a formal district plan change to make amendments.

6.1.1 The appropriateness of including provisions in the District Plan from the Council's Subdivision and Development Bylaw was raised in a number of submissions and hearings throughout the process of considering submissions to the Plan.

6.1.2 The Panel has been advised that it is desirable to incorporate bylaw provisions relating to transport and earthworks matters into the District Plan because:

(a) All relevant consent issues are dealt with at the same time.

(b) Environmental effects can be managed through the district plan process without the potential duplication of process with the bylaw.

(c) There is a lack of internal structures in the Council to effectively administer and enforce the bylaw provisions.

(d) It is a practice adopted by other Councils.

(e) A councillor workshop supported the approach.

(f) Adopting the Plan Change approach to alter what are currently the bylaw provisions would enable the community and stakeholders to influence the outcome of these changes.

6.1.3 Ben Wilson on behalf of Clark Fortune McDonald & Associates and Hamish Weir through their evidence to the Panel have expressed a contrary view, noting:

- It is "unfair" to require any consent applicant to bear the cost of preparing detailed engineering plans within a resource consent when it is not known the consent will be approved.
- Engineering design continually changes with, and responds to, advances in technology and changes to District Plans are expensive and time consuming.

6.1.4 The Panel agrees with reasoning of Ben Wilson and Hamish Weir. It is the view of the Panel that environmental effects should be managed through the District Plan and that detailed design and associated engineering plans are the appropriate domain of a document outside of the District Plan, such as a bylaw or a code of practice. The Panel considers that approach is supported by comments and advice from the advisers to the Panel. For example:

(a) Matt Heale at paragraph 166 of his s42A Report Introduction, General Provisions and Strategic Direction Hearing [HS1] in the context of wastewater treatment and disposal, stormwater design and disposal considered it appropriate for these engineering standards to remain in the bylaw.

(b) Joanne Skuse at paragraph 196 of her s42A Report to the Subdivision chapter stated: "secondary flow paths are a technical detail within the broader framework of stormwater management and are managed through technical standards such as the Bylaw."

6.1.5 The Panel gave regard to the reasons for including the Bylaw provisions into the Plan, listed in paragraph 6.1.2 above. The Panel considers at times there is benefit in linking design approval and RMA processes, but that efficiency is available in any case. Further, the Panel accepts the evidence of Ben Wilson that at the time of subdivision the detailed development plans are not usually available, and such plans are not usually prepared prior to receiving approval to proceed with a subdivision or development. The Panel does not agree that reasons (c) lack of Council resources and (e) was considered at a Council workshop are relevant RMA considerations. Neither does the Panel place weight on the approach adopted by other Councils, particularly given the disadvantages of that approach highlighted by Ben Wilson, an experienced surveyor, in responding to questions at the Subdivision chapter hearing.

6.1.6 The Panel also does not place weight on (f) being the suggestion that if part of the District Plan, opportunity is provided for through the Plan Change process for affected people to have input if standards are to change. The Panel notes similar opportunities arise where the Council wishes to make changes to a Bylaw.

6.1.7 The Panel does accept as in (b) above that it is desirable to avoid duplication of processes. Regardless of the outcome of the Panel's decision duplication is occurring by including some provisions from the current Subdivision and Development Bylaw in the Plan. The Bylaw will require amending regardless to remove duplication.

6.1.8 The Panel considers road safety a relevant environmental matter and arising from that acknowledges that the location of new roads and accesses onto roads should be subject to assessment, particularly at the time land is being subdivided. However, the Panel is of the view that that the thickness of concrete, the design of kerbs and width of parking spaces are technical design issues and it is not appropriate to include them in the District Plan. The Panel can envisage the need to lodge a resource consent solely because some of these technical standards are not complied with, giving rise to additional costs and delays. The Panel compares that to the more streamlined processes under the current Bylaw where staff have delegations to approve or decline requests for dispensations. In addition, where work is being undertaken on the legal road, the Council, or NZTA in relation to State highways, has full control over the design standards used, including the layout of accesses including road surface widening.

6.1.9 In the context of the Transport chapter the Panel concludes that safety issues arising from the location of road intersections and access to properties, together with protection of sightlines at railway level crossings are an environmental issue that should be provided for in the District Plan. While the Panel accepts the legal width of roads and accesses needs to be determined as part of the initial planning considerations to ensure the appropriate layout can be achieved in the future, the width and type of seal if required does not, although it is open as part of any consent process to include conditions or advice notes related to the detail.

6.1.10 The Panel considered the extent to which reference should be made to the Subdivision and Development Bylaw in the Plan particularly given advise from the authors in s42A Reports during the hearing process that the Council may replace the Bylaw with a code of practice. It is the view of the Panel that no specific reference is required. Rather, the Plan should acknowledge that in addition to the rules and standards of the Plan, there are also provisions and processes in Council Bylaws and Codes of Practice that must be complied with.

6.1.11 The Panel also has concerns as to the validity of some of the provisions in the Transport chapter Standards and associated Appendix of diagrams given uncertainty in wording. For example, the phrase "where necessary" is used in some provisions while other provisions include "recommendations" and refer to guidelines treating them as though they are enforceable through the Plan.

6.1.12 Yrless in District Wide submission S149.032 agrees to the integration of the provisions of the Gore District Subdivision and Land development Bylaw. The Panel agrees with Clark Fortune in their further submission where it is stated "The proposed approach would require resource consent (adding extra cost and taking up council and applicants time for no benefit) for many things which are not planning matters at all but simple matters of engineering detail."

6.1.13 Having regard to the provisions of s32AA, and in addition to the reasons set out above, the Panel considers:

(a) relying on processes outside of the RMA framework to manage the design of transport related infrastructure (including roads and parking) is more cost and time effective and efficient than incorporation of design matters into the District Plan.

(b) Removal of the transport related design matters from the District Plan will still enable, and will simplify, achievement with and is the most appropriate way to give effect to the objectives of the Plan and the purpose of the RMA.

6.1.14 Submissions S74.002 Hamish Weir, S99.020, S99.022, S99.023, S99.026 and S99.044 Clark Fortune McDonald & Assoc are accepted in part by:

(a) Adopting the decision set out in paragraph 5.12.3 above.

(b) Adding to How the Plan Works before Consultation and Engagement:

Council plans, bylaws and Code of Practices

The Council has a number of Management Plans, Bylaws and/or Code of Practices which have specific requirements that also apply to activities and development. The provisions and processes contained in these documents must be complied with in addition to the rules and standards of the District Plan

(c) Amending TRANS-R1(2) as follows:

The *transport network* and *land transport infrastructure* ~~are designed, formed, surfaced and drained in accordance with all~~ complies with the relevant Transport Standards; and

(d) Amending TRANS-R2(2) and (3) as follows:

~~*Note: Refer to swept path and design for 90th percentile car in the TRANS-APP Standard Construction Drawings.*~~

The vehicle access complies with the relevant Transport Standards ~~is designed, formed, surfaced and drained in accordance with Transport Standards TRANS-S3, TRANS-S4, TRANS-S5, TRANS-S6, TRANS-S7, and TRANS-S8 and TRANS-S9.~~[1]

(e) Amending TRANS-R4 Matters of Discretion (3) as follows:

The location~~, design and construction standard~~ of the access, and any *road* upgrading works required and ongoing *effects* on *road* maintenance as a result of the activity, and the financial contribution to them.

(f) Amending TRANS-S1 by deleting:

(i) clauses (1) and (2)

(ii) Matters of Discretion (1), (4) and (6)

(iii) TABLE S1

(g) Deleting Standard TRANS-S4

(h) Deleting Standard TRANS-S3

(i) Deleting Standard TRANS-S5

(j) Deleting Standard TRANS-S9

(k) Amending Standard TRANS-S10 as follows:

~~***Road* design requirements~~ **Minimum Reserve Width**

All *roads* shall have the minimum reserve width in accordance with Table-S6. ~~be designed, formed, surfaced and drained so that:~~

Deleting clauses (1) - (8)

Matters of Discretion:

2. Whether the *road* ~~design~~ width will have any adverse *effects* on the ease and safety of vehicle manoeuvres.

4. ~~Whether the design provides for improved~~ Effects on connectivity, amenity and safety for pedestrians and cyclists.

   Note: For ~~more detailed design~~ guidance and user safety, refer to *crime prevention through environmental design (CPTED)* principles.

~~5. *Stormwater* management and design, including the *effects* on water quality and the alteration and the *effects* of any overland flow paths.~~

(l) Amending TABLE-S10 as follows:

~~**Road design requirements**~~ **Minimum Reserve Width**

~~**SEALED ROADS**~~

~~**UNSEALED ROADS**~~

~~NOTES~~

~~1. Urban/Rural definition is based on speed limit, i.e., urban *roads* are those with a speed limit of 70 kph or less, rural is greater than 70 kph~~

~~2. *Carriageway* width is defined as *kerb* face to *kerb* face in urban situations.~~

~~3~~ The minimum reserve width of an *access* serving a single household unit may be reduced to 3 metres if the driveway has unrestricted visibility and the length does not exceed 30 metres

Deleting columns Traffic (AADT), Parking Lanes, Traffic Lanes, Carriageway Width, Formed Shoulder Width and Footpaths from Table S10 Road Design Requirements.

[1] Consequential to Decision 30, paragraph 6.1.8

(m) Deleting TRANS-S11 clauses (1) and (3)

(n) Deleting Appendix 1 - Transport Standard Construction Drawings - TRANS-APP

6.2 Rule TRANS-R1

Submitter (S)	Decision Requested
S16.034 Fuel Companies	Amend TRANS-R1 as follows: Activity status: Permitted 1. Where the land is: b. within a legally established rail corridor and the work is being undertaken by, or on behalf of, the railway owner or operator.; or c. for equipment, structures and infrastructure associated with charging of electric vehicles not within legal road.

6.2.1 Tina Carlson-McColl at paragraph 149 of her s42A Report advised the effect of the change sought would mean that structures and infrastructure associated with charging of electric vehicles beyond a legal road would be permitted regardless of transport standards. She did not consider it appropriate to exempt these from transport standards as such facilities would need vehicle access and could have an effect on the transport network. The evidence from Georgia Alston on behalf of the Fuel Companies stated:

> 12 The s42A Report recommends that the Fuel Companies submission (S16.034) is rejected for the reasoning provided at paragraph 149 of the s42A Report. The Fuel Companies are concerned that this reasoning does not accurately reflect the Fuel Companies position.
>
> 13 It is not the intention of the Fuel Companies for the TRANS-R1 rule to enable the installation of EVCI without the requirement to comply with any other Transport Standards.
>
> 14 The Fuel Companies interpreted clause 1 of TRANS-R1 to be in addition to clauses 2 and 3 of the rule, meaning that installation of EVCI would still need to comply with the Transport Standards specified under clause 2 of TRANS-R1. If this is not the intention of the rule, and activities under clause 1 are permitted irrespective of clauses 2 and 3, then the Fuel Companies alternatively request a new clause be added to TRANS-R1 to provide for EVCI as a permitted activity provided transport standards are complied with …

6.2.2 In a supplementary statement of evidence Tina Carlson-McColl stated electric vehicle charging infrastructure is included in the definition of land transport infrastructure and is therefore permitted by Rule TRANS-R1 and therefore subject to Transport Standards under TRANS-R1.2. In her view no addition was required to Rule TRANS-R1.

6.2.3 No further feedback was provided by the Fuel Companies. Taking that into account, together with the exchanges between the parties as set out above, the Panel concludes the provision of electric vehicle charging infrastructure is enabled through the PDP with no further action being required. Accordingly, submission S16.034 Fuel Companies is rejected.

Submitter (S)	Decision Requested
S132.036 KiwiRail Holdings Ltd	KiwiRail seek to amend this rule to exclude rail from the TRANS standards to reflect that KiwiRail are the Rail controlling authority. Amend TRANS-R1 as follows: 1. Where the land is: (b)~~within a legally established~~ Legal rail corridor and the work is being undertaken by, or on behalf of, the rail controlling authority ~~railway owner or operator.~~ 2. The transport network and land transport infrastructure are designed, formed, surfaced and drained in accordance with all Transport Standards (excluding Rail); and ...

6.2.4 Tina Carlson-McColl at paragraph 148 of her s42A Report advised as follows:

> I agree with the KiwiRail Holdings Ltd (S132.036) amendment to closer align the wording in TRANS-R1.1 for consistency between (a) and (b). However, I do not agree with excluding rail from transport standards as rail infrastructure and ancillary structures are included in the definition of *land transport infrastructure* and works with the rail corridor is enabled by the KiwiRail designation and permitted outside the designation under TRANS-R1.1. There is also a specific transport standard that relates to rail (TRANS-S8)

6.2.5 Louise Taylor on behalf of KiwiRail responded in her evidence as follows:

> KiwiRail sought an amendment to exclude rail infrastructure from needing to comply with the relevant transport standards (noting TRANSR1.2 requires land transport infrastructure to be "designed, formed, surfaced and drained in accordance with all Transport Standards"). The Council Officer rejected this relief on the basis that rail infrastructure and ancillary structures are included in the definition of land transport infrastructure, and there is a specific transport standard that relates to rail. I note that only activities undertaken by KiwiRail outside of its designation would be captured under the transport standards. Given that all of KiwiRail's landholdings within the Gore District is designated, I do not consider this rule is relevant to KiwiRail.

6.2.6 Having regard to this response, the Panel concludes that the exclusion to paragraph (2) of the Rule is not required. The Panel accepts the minor rewording of paragraph 1 as sought and as recommended by Tina Carlson-McColl.

6.2.7 Submission S132.036 KiwiRail Holdings Ltd is accepted in part by amending Rule TRANS-R1(1)(b) as follows:

1. Where the *land* is:

   (b) ~~within~~ a legal~~ly established~~ rail corridor and the work is being undertaken by, or on behalf of the rail controlling authority~~, railway owner or operator~~.

Submitter (S)	Decision Requested
S109.042 Department of Conservation	Retain TRANS-R1with the following amendments: Activity status: Permitted 3. The land is not within an area or site identified as: (d) Significant Natural Area or unmapped SNA that has been assessed as significant against the criteria in Appendix 4, highly mobile fauna area or within a riparian margin. Activity Status where compliance is not achieved: ~~Discretionary~~ Non Complying
FS14.0010 Waka Kotahi NZ Transport Agency	Disallow S109.042 Department of Conservation
FS24.024 Contact Energy Ltd	Disallow S109.042 Department of Conservation

6.2.8 The Panel notes that a SNA only applies if the criteria are met, and process is followed, as set out in Appendix 1 of the NPS-IB, including shown in the District Plan. Technically there are not unmapped SNAs. The Panel is confident that impacts on areas of significant indigenous vegetation and habitats of indigenous fauna are managed through the Ecosystems and Indigenous Biodiversity chapter and does not consider it appropriate to have a rules applying to unmapped SNAs.

6.2.9 Nor does the Panel agree the rule should apply to unmapped highly mobile fauna areas given the lack of information currently available as to the location of such areas. The Panel also notes that the NPSIB requires regional councils to identify such areas in their Regional Policy Statements and then for them to be included in District Plans.

6.2.10 In considering the inclusion of an additional provision imposing restrictions on works undertaken within riparian margins the Panel notes that the State highways and railways are designated and the District Plan rules will not apply. Rule TRANS-R1 therefore only applies to roads managed by the Council and to the circumstances where existing use rights do not apply. The Panel also notes that controls on earthworks and impacts on the matters listed in Rule TRANS-R1(3) are managed through other chapters in the Plan and arising from that doubts the need for the rule. However, no submitter sought deletion of the rule, and it could be argued that this specific provision overrides the more general provisions in other chapters. For the avoidance of doubt, the Panel accepts it is appropriate to include an additional provision to apply to new land transport and transport infrastructure to the margins of waterbodies, adopting the same format inserted in the zone rules. Having regard to the provisions in other chapters, the Panel does not consider there is any planning reason to amend the activity status where compliance is not achieved with the rule from Discretionary to Non-Complying.

6.2.11 Submission S109.042 Department of Conservation is accepted in part by adding to Rule TRANS-R1 the following:

(4) For the establishment of new land transport and land transport infrastructure, the land set back from the top of the closest bank of any stream or river the minimum distance as follows:

(a) 20m for high order rivers or streams (order 5 and above);

(b) 10m for middle order rivers or streams (order 3 and 4); and

(c) 5m for low order rivers or streams (order 1 and 2).

Refer to Appendix 3 for river and stream orders and guidance on riverbed extents and the location of banks for measuring setbacks.

6.3 Rule TRANS-R2

Submitter (S) Further Submitter (FS)	Decision Requested
S112.040 Waka Kotahi NZ Transport Agency	Amend Rule TRANS - R2 as follows: 1. The access is not: (a) connecting to any State Highway ~~to an interregional Connector, Rural Connector where it is a State Highway~~, Urban Connector, Main or activity street; or (b) connecting to a heavy vehicle bypass route; or (c) within 30m of an at-grade railway crossing ... Advisory Note: Advice should be sought from Waka Kotahi New Zealand Transport Agency where the vehicle access connects to a State Highway. Matters of discretion: ... 5. The outcome of any consultation with Waka Kotahi New Zealand Transport Agency where the vehicle access connects to a State Highway.
S124.014 Fire and Emergency NZ	Retain as notified
S132.037 KiwiRail Holdings Ltd	Amend as follows: Matters of discretion: 5. the effects on the continued safe, effective, and efficient operation of a railway level crossing. Advice Note: Advice should be sought from KiwiRail Holdings Limited where the vehicle access crosses a railway line (private or public crossing) or a railway level crossing.
FS5.9 Hamish Weir	Disallow in part S132.037 KiwiRail Holdings Ltd. Kiwi Rail should only be consulted when the usage of an existing private crossing is changed by an activity or a new crossing proposed. Existing Public crossings should be excluded from consultation with Kiwi Rail as this is outside of an applicant's control and a matter for Kiwi Rail & Council.

6.3.1 Submission S124.014 Fire and Emergency NZ in support of the rule is acknowledged. As a change has been made to the provision, this submission is accepted in part.

6.3.2 Tina Carlson-McColl at paragraphs 157 and 158 of her s42A Report recommended accepting in part the submissions of NZTA and KiwiRail. Helen Dempster for NZTA and Louise Taylor for KiwiRail accepted the recommendation. Accordingly, the Panel adopts the intent of the agreed recommendation by noting a consent lodged under this rule shall include any consultation undertaken with the road controlling authority or KiwiRail.

6.3.3 The Panel gave particular regard to the further submission of Hamish Weir and notes that the definition of "vehicle crossing" does include a public road, and as a result the circumstances he describes will not arise. For private crossings the Panel considers the rule as notified and modified by this decision is appropriate.

6.3.4 Submissions S112.040 Waka Kotahi NZ Transport Agency and S132.037 KiwiRail Holdings Ltd are accepted in part by:

(a) Amending Rule TRANS-R2(1) as follows:

1. The *access* is not:

(a) connecting to a State Highway; or

(b) ~~(a)~~ connected to an ~~*interregional Connector*~~, ~~*Rural Connector* where it is a State Highway~~, *Urban Connector*, Main or *activity Street*; or

(c) ~~(b)~~ connecting to a *heavy vehicle bypass route*; or

(d) ~~(c)~~ within 30m of a~~n at-grade~~ railway level crossing.

(b) Including the following after the Matters of Discretion:

Note: Applications under this rule shall provide, in addition to the standard information requirements, details of any engagement with:

- New Zealand Transport Agency where the access is to a State highway

- KiwiRail where the access is within 30m of a railway level crossing

6.4 Rule TRANS-R4

Submitter (S)	Decision Requested
S125.013 Ministry of Education	Retain as proposed
S124.015 Fire and Emergency NZ	Retain as notified
S132.038 KiwiRail Holdings Ltd	Amend as follows: Activity status: Restricted Discretionary Where: 1. Any new activities or an increase of existing activities, individually or collectively on a site, generate more than 100 Equivalent Car Movements Per Day ~~250 vehicle movements per day.~~ Matters of discretion: ...5. Impacts on the efficiency and safety of a railway level crossing, the suitability of the location for the intensity and scale of the activity, and the effects on the safety of all users of the railway level crossing.
S112.041 Waka Kotahi NZ Transport Agency	Amend TRANS - R4 High Trip generation at existing and proposed property accesses. All Zones (except Field Days, Sports and Active Recreation Zones and Camp Columba Zone): 1. Any new activities or an increase of existing activities, individually or collectively on a site, that are not directly accessed from a state highway**,** generate more than 250 vehicle movements per day. 2. Any new activities or an increase of existing activities, individually or collectively on a site accessed directly from the state highway, generate more than 100 Equivalent Car Movements Per Day in accordance with the Table found on page 18/19 of original submission.
FS26.034 Mercury Ltd	Disallow in part S112.041 Waka Kotahi NZ Transport Agency. Mercury seeks that the application of the ECM rule to renewable electricity generation activities, in particular wind farms is clarified. And an exemption for construction activities should part of the rule
FS24.025 Contact Energy Ltd	Disallow S112.041 Waka Kotahi NZ Transport Agency
S112.042 Waka Kotahi NZ Transport Agency	Amend TRANS -R4 Matters of discretion as follows: 5. The outcome of any consultation with Waka Kotahi New Zealand Transport Agency where the access connects to any State Highway.

6.4.1 The submissions in support of the rule are acknowledged. As a change has been made to the provision, these submissions are accepted in part.

6.4.2 Tina Carlson-McColl at paragraph 165 of her s42A Report stated:

> In relation to the submissions by Waka Kotahi NZ Transport Agency (S112.041) and KiwiRail Holdings Ltd (S132.038) to reduce the threshold for high trip generating activities to 100 Equivalent Car Movements (ecms) Per Day, this is consistent with Waka Kotahi national guidance documents and is supported by Council's Roading Asset Manager as applicable to all roads. However, Council's transport specialist Mr Gregory notes that 250 car movements per day would be reasonably consistent with other triggers from other District Plans and considers that on balance, reducing the threshold to capture effects of heavy vehicles would also 'trigger' activities which would render no effects to the network. He considers that 100 ecms, which is the equivalent of 10 truck and trailer units, could be overly onerous in some instances, and that a compromise could be to include a requirement of 250 ecms per day, or 50 ecms per hour, which would better capture the effects of the intensity of movements. The alternative approach recommended by Mr Gregory is however not supported by Council's Roading Asset Manager, and although I acknowledge the concerns raised with the threshold by Mr. Gregory, and agree that the alternative could be a more targeted approach and would allow for the traffic volumes considered appropriate by the Ministry of Education (S125.013), I accept the advice of the rail and road controlling authorities.

6.4.3 Neither NZTA nor KiwiRail referred to this issue in their written evidence to the Panel. The matter was discussed in the hearing collectively with Helen Dempster and Glenn Connelly representing NZTA, and with Murray Hasler and Mark Gregory as advisers to the Panel.

6.4.4 Helen Dempster referred to the NZTA Planning and Policy Manual where the 100 ecms figure is the threshold for a change in the vehicle crossing formations standard to not adversely affect the State highway. Glenn Connelly added that the NZTA Planning and Policy Manual provides for the 100 Equivalent Car Movements (ecms) Per Day figure to be determined averaged over a twelve month period.

6.4.5 Mark Gregory reiterated his concern at the 100 ecms limit being overly onerous in some instances.

6.4.6 While Murray Hasler did not support the joint daily/hourly approach of Mark Gregory he was supportive of the 250 ecms. In response to a question from the Panel regarding the ecms standard of 100 versus 250, he stated:

> I looked at it in a more raw perspective, just equating it to average number of movements per household basically, which is still accepted around 8 vehicle movement per residential lot, so a hundred movements per day would be looking at 12 or 13 houses, whereas 250 would be looking at 31 residential lots. And I just considered that the 250 would be in my view a more reasonable limit rather than the 100 per day.

6.4.7 A further focus of questions from the Panel related to the potential to split the application of the rule so that different standards applied to different categories of roads, including the State highways. Helen Dempster advised NZTA had no objection to that approach, while Murray Hasler and Mark Gregory considered it was a possible option.

6.4.8 Having regard to all of the reports, evidence and discussion at the hearing, the Panel agrees with the approach of Murray Hasler, which was generally also supported by Mark Gregory for the reasons he set out in his report. The Panel notes that while the NZTA Planning and Policy Manual provides for the 100 ecms per day figure to be determined averaged over a twelve month period no such averaging is provided for in the District Plan rules and would not therefore apply. More importantly from the perspective of NZTA, any new access or an increase in use of an existing access connecting to a state highway requires resource consent under Rule TRANS-R2, thereby enabling a case by case assessment of the location and design of the access.

6.4.9 The Panel referred to the original submission of KiwiRail that states:

> KiwiRail supports rule TRANS-R4 where new activities or an increase of existing activities either individually or collectively on a site generate more than 250 vehicle movements per day as a Restricted Discretionary Activity in all zones. KiwiRail considers that 250+ vehicle movements per day is a very high limit that can have significant effects on the wider transport network. The rule as written does not distinguish between car and heavy vehicle movements, therefore it is recommended that the approach provided in the Waka Kotahi Planning and Policy Manual is adopted which uses the threshold as 100 Equivalent Car Movements Per Day, it is considered that following these guidelines will more accurately assess the effects generated by high trip numbers by heavy and light vehicles..

6.4.10 The Panel does not consider any additional issues are raised by this submission with regard to the threshold for the rule.

6.4.11 There was no dispute between the submitters and advisers to the Panel that the rule required amendment to refer to “Equivalent Car Movements Per Day” and the Panel accepts this is appropriate.

6.4.12 NZTA also sought that a matter of discretion is added to TRANS-R4 relating to consultation with NZTA where the vehicle access connects to a State Highway. The Panel agrees to some extent and is including a note following the Matters of Discretion. The Panel also notes the additional matter of discretion sought by KiwiRail is provided for by Matter of Discretion 2.

6.4.13 Submission S112.042 Waka Kotahi NZ Transport Agency is rejected. Submissions S132.038 KiwiRail Holdings Ltd and S112.041 Waka Kotahi NZ Transport Agency are accepted in part by:

(a) amending Rule TRANS-R4 as follows:

Activity status: Restricted Discretionary
Where:
Any new activities or an increase of existing activities, individually or collectively on a site, generate more than 250 ~~*vehicle movements* per day~~ Equivalent Car Movements Per Day in accordance with the table below,

Table R4		
Vehicle Type	**Light vehicle equivalent**	**Movements Constituting 250 trips**
Light	1	250
Truck	3	83.3
Truck and trailer	5	50

(b) Including the following after the Matters of Discretion:
Note: Applications under this rule shall provide, in addition to the standard information requirements, details of any engagement with:
- New Zealand Transport Agency where the access is to a State highway
- KiwiRail where the access crosses a rail line.

6.5 Additional Rule Sought

Submitter (S)	Decision Requested
S132.039 KiwiRail Holdings Ltd	Insert new rule as follows: TRANS-R5: Sight lines at railway level crossings All zones Activity status: Permitted Where: Compliance is achieved with TRANS-S8. Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The potential for adverse effects on the safety and efficiency of the rail network. 2. Applications under this rule must provide, in addition to the standard information requirements, evidence of engagement with KiwiRail.

6.5.1 The Panel agrees with Tina Carlson-McColl at paragraph 75 of her s42A Report and associated unnumbered assessment to include a new rule providing for sightlines at rail level crossings for the reasons she has given.

6.5.2 Submission S132.039 KiwiRail Holdings Ltd is accepted by the inclusion of the following new rule:

TRANS-R4 Sightlines at railway level crossings
All Zones
Activity status: Permitted
Where:
1. Compliance is achieved with TRANS-S5

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:
The potential for adverse effects on the safety and efficiency of the rail network.

Note: Applications under this rule shall provide, in addition to the standard information requirements, evidence of engagement with KiwiRail.

7 Transport Standards

7.1 General

Submitter (S)	Decision Requested
S112.043 Waka Kotahi NZ Transport Agency	Assess whether amendments should be made to rule TRANS-R1 and TRANS-R2 to provide clarity on the application of TABLE-S5, TABLE-S6, TRANS -S8, TRANS - s9 Figure 1, TRANS - S10 2. (b), TABLE - S10 and TRANS - S11(4), and associated drawings R091, R09-2 and R09-3. Waka Kotahi notes that some of the TRANS standards do not entirely align with the requirements set out in the New Zealand Transport Agency's 'Planning and Policy Manual' (PPM, 2007) and current internal practice.

7.1.1 Tina Carlson-McColl at paragraph 61 of her s42A Report stated:

In relation to the Waka Kotahi NZ Transport Agency (S112.043) submission whether to align all the transport rules, standards and associated drawings with NZTA standards for state highways, the specifics around the provisions are considered in the relevant section of this report. However, in general terms Council's specialist advisor Mr Gregory recommends the use of NZTA standards, although considers that under some circumstances they could be too onerous, and Council's Roading Asset Manager recommends that in some instances notes should be included to say construction standards do not apply to state highways. I consider that the two approaches can be combined and some standards may be applicable only to local roads as outlined in the relevant sections of this report.

7.1.2 The Panel notes this is a general submission not directed at any specific provision. It is the understanding of the Panel that the 2007 Manual is currently being updated and replaced by a series of guidance documents. In the circumstances, the Panel does not consider it appropriate to refer to the Manual in the Plan and as a consequence, submission S112.043 Waka Kotahi NZ Transport Agency is rejected.

7.2 Standard TRANS-S1

Submitter (S) Further Submitter (FS)	Decision Requested
S99.019 Clark Fortune McDonald & Associates	Clarification is needed in S1(2) that it only applies to parking areas providing for more than 5 cars, the same threshold as Rule TRANS-S1(3)
S74.003 Hamish Weir	The rule should be amended as follows; 2. The surface of all vehicle parking areas within the urban area, shall be ~~sealed~~ appropriately surfaced and all non-residential use parking spaces marked.
FS22.057 Clark Fortune McDonald & Associates	Allow S74.003 Hamish Weir

7.2.1 Tina Carlson-McColl at paragraph 174 of her s42A Report stated:

> The issue in relation to TRANS-S1 surfacing standard for parking areas was raised as part of feedback on the draft plan. Council's Roading Asset Manager advised at the time that generally surfaces within the urban area should be sealed, but that there may be site specific instances where alternative surfacing can be considered. As each proposal would need to be assessed on its merits, I consider that the Restricted Discretionary Activity status sufficiently provides for that through a resource consent process. This approach is also consistent with Mr Gregory advice who recommends including a matter of discretion in relation to the appropriateness of alternative surfacing. Moreover, I consider that there would be ambiguity of what constitutes 'appropriate' surfacing which would make it difficult for plan users to determine compliance with the rule, and I therefore disagree with Hamish Weir (S74.003), Clark Fortune McDonald & Associates (FS22.057) and Clark Fortune McDonald & Associates (S99.019) in relation to the surfacing requirements. I do however agree residential parking spaces do not necessarily need to be marked.

7.2.2 The comments attributed to Murray Hasler, the Council's Roading Asset Manager, highlight to the Panel the flexibility required in considering the individual design requirements of developments and reinforce the Panels conclusion set out in section 6.1 above that much of the design detail in this Standard should be deleted. The submissions lodged refer to provision that have been deleted.

7.2.3 Submissions S99.019 Clark Fortune McDonald & Associates and S74.003 Hamish Weir seeking changes to the Standard are rejected.

7.3 Standard TRANS-S3

Submitter (S) Further Submitter (FS)	Decision Requested
S126.062 Southland Federated Farmers of NZ S115.063 Kevin Robertson S143.074 Rural Ratepayers Group S148.075 Alistair & Bernadette Hunt S60.065 Ronald Crispin S68.183 John Baynes	Include definition of vehicle movements or specify that movements is in relation to vehicles. Amend TRANS-S3: The vehicle crossing is for on-site activities that individually or collectively generate less than 60 vehicle movements per day. This does not apply to vehicle movements for primary production activities.

FS14.014 NZ Transport Agency Waka Kotahi	Disallow S126.062 Southland Federated Farmers of New Zealand

7.3.1 Tina Carlson-McColl at paragraph 175 of her s42A Report recommended deletion of this Standard on the basis that the 250 vehicles per day threshold in Rule TRANS-R4 was being lowered. Given the decision of the Panel is not to lower the threshold in Rule TRANS-R4 consideration is required of what change, if any, to make to this rule.

7.3.2 The Panel agrees with the submitters that the threshold of 60 vehicles per day, without provision for any averaging over a time period, is onerous on a number of rural based activities and for example on commercial activities in urban areas. The Panel views the purpose of the Standard as duplicating Rule TRANS-R4 and accordingly considers it should be deleted.

7.3.3 Submissions S126.062 Southland Federated Farmers of NZ and others are accepted by deleting Standard TRANS-S3.

7.4 Standard TRANS-S5

Submitter (S)	Decision Requested
S124.016 Fire and Emergency NZ	Retain TRANS-S4 as notified

7.4.1 In section 6.1 above the Panel has deleted Standard TRANS-S5 as the detail contained in it relates to design of accesses and that is an issue appropriately considered in Council bylaws and/or Codes of Practice. Accordingly, submission S124.016 Fire and Emergency NZ is rejected.

7.5 Standard TRANS-S6

Submitter (S)	Decision Requested
S112.044 Waka Kotahi NZ Transport Agency	Amend the Table as follows, or using words of similar intent: ...(~~if this is a State highway)~~ (if this is not a State highway)
S112.045 Waka Kotahi NZ Transport Agency	For clarity either add wording to the column of TABLE-S5 titled 'Milk tanker' to indicate that it applies to all roads except State highways and/or include a note that for State highways the Diagram E standard applies instead, and/or change Standard Construction Drawing R09-3 to reflect a Diagram E standard.
S112.046 Waka Kotahi NZ Transport Agency	For clarity, within the 'Rural' column of the Table, either change the 'private' and 'high use or commercial' width of crossing place from 4.5m to 6m for accesses onto State highways, or alternatively amend the table to exclude State highways from this standard.
S99.021 Clark Fortune McDonald & Assoc	Table-S5 R09-1 is amended to read 'less than 4 residential units', as it did in the earlier PDP draft. Table-S5 states R09-1 is for 'less than 2 residential units or farm paddock', which by implication means an access shared by 2 or more residential units must be constructed to R09-2 full commercial standard. This is impractical and excessive. Delete TRANS-S5 as the relevant details are specified in the. Construction details should not be specified, but if they are, they should be consistent with other bylaws and standards. Specified gradient of no more than 5% (i.e. 1 in 20) within 6m of footpath contradicts bylaw specification of no steeper than 1 in 8 (i.e. 12.5%) for the first 5m, and 1 in 5 (20%) beyond that (with 1 in 4.5 permitted for short straight sections).
FS5.11 Hamish Weir	Allow S99.021 Clark Fortune McDonald & Associates
S124.017 Fire and Emergency NZ	Amend as TRANS-S5 follows: Residential width (m) at the property boundary (urban) and entranceway (rural) ~~3~~ 3.5 Width(m) at kerb line or edge of seal ~~3.5~~ 4.0
FS28.023 Kainga Ora	Disallow S124.017 Fire and Emergency NZ

7.5.1 Tina Carlson-McColl at paragraph 184 of her s42A Report recommended changes to the Standard and associated table. NZTA advised it generally accepted the recommendation.

7.5.2 It is the understanding of the Panel that the New Zealand Transport Agency Planning Policy Manual (2007) is no longer available with bespoke guidelines being issued by NZTA on a range of issues previously dealt with in the Manual. The Panel therefore concluded reference to the Manual was not appropriate. Further, the Panel notes that any work undertaken on a state highway requires the approval of NZTA leading to the conclusion that including provisions in the District Plan was an unnecessary use of the RMA process. In particular, the resource consent

process should not be used to resolve any disagreements between NZTA and adjoining property owners and to the standards adopted when undertaking work on a highway. That is a matter solely between NZTA and the adjoining owner. Similarly, it is more effective and efficient, both in time and money for design of works on local roads to be considered by the Council by way of other processes such as those available under Bylaws or Codes of Practice. For these reasons, as set out in section 6.1 above, Standard TRANS-S5 has been deleted. Accordingly, submissions S112.044, S112.045 and S112.046 Waka Kotahi NZ Transport Agency, S99.021 Clark Fortune McDonald & Assoc and S124.017 Fire and Emergency NZ seeking changes to Standard TRANS-S5 are rejected.

7.6 Standard TRANS-S6

Submitter (S)	Decision Requested
S112.047 Waka Kotahi NZ Transport Agency	For clarity either amend TABLE-S6 so that the sight distances for State highways aligns with Table App5B/1 of the Waka Kotahi Planning and Policy Manual or alternatively amend so that State highway are excluded from TABLE-S6.

7.6.1 Tina Carlson-McColl comments on this submission at paragraph 195 of her s42A Report as follows:

> In relation TRANS-S6 Sight Distance for Vehicle Crossings and the Waka Kotahi NZ Transport Agency (S112.047) submission to either amended to align with the Waka Kotahi Planning and Policy Manual or exclude state highways, Mr. Gregory advises that TABLE-S6 match the minimum sight distance requirements of NZTA. Council's Roading Asset Manager recommends that the standard should be specified to apply to state highways and that the 85th percentile column is added as detailed in Table App5B/1 of the Waka Kotahi Planning and Policy Manual. I accept their advice.

7.6.2 The Panel adopts the recommendation for the reasons given noting NZTA did not comment on this submission in evidence presented at the hearing.

7.6.3 Submission S112.047 Waka Kotahi NZ Transport Agency is accepted in part amending Table S6 as follows:

TABLE-S6 Required Sight Distances			
Posted Speed Limit (kph)	85th percentile operating speed, measured at the site (or if not known, posted speed plus 10km/h	Regional and Primary Collector *Roads* including state highways (metres)	Other *Roads* (metres)
50 and less	60	113	55
60	70	140	85
70	80	170	105
80	90	203	135
100	110	282	210

7.7 Standard TRANS-8

Submitter (S)	Decision Requested
S112.048 Waka Kotahi NZ Transport Agency	Amend the text to add a note or an exclusion explaining signs and rail/road devices that are intended to make the level crossing places safer are excluded from this standard.
S132.040 KiwiRail Holdings Ltd	Amend TRANS-S8 as follows: Matters of discretion: 2. The extent to which pedestrians, motorised and non motorised modes of transport vehicles entering and exiting the level crossing can see approaching trains.

	3. The extent to which users of the railway corridor approaching the approaching the level crossing can see pedestrians, motorised and non motorised modes of transport.

7.7.1 The Panel agrees with Tina Carlson-McColl at paragraph 197 of her s42A Report where she recommended changes to the Standard in response to the submissions and notes acceptance of both submitters to the recommendation.

7.7.2 Submission S112.048 Waka Kotahi NZ Transport Agency is accepted and submission S132.040 KiwiRail Holdings Ltd accepted in part by amending Standard TRANS-S8 as follows:

(1) Add to paragraph 1:

Buildings, *structures*, planting or other visual obstructions must not be located within the restart or approach sightline areas of railway level crossings as shown in the shaded areas of TRANS-S8-Figure 1: Restart Sightlines and TRANS-S8 Figure 2: Approach Sightlines below.

Except that this does not apply to signs and rail/road devices that are intended to make the level crossing places safer where the work is being undertaken by, or on behalf of, the rail or road controlling authority.

(2) Amending Matters of Discretion (2):

~~The extent to which vehicles entering and exiting the level crossing can see approaching trains.~~ The extent of intervisibility between approaching users of the railway corridor and the level crossing

7.8 Standard TRANS-S9

Submitter (S)	Decision Requested
S112.049 Waka Kotahi NZ Transport Agency	Consider reassessing the turning radii to identify if large trucks will be able to be accommodated within the radii suggested for commercial and industrial, and make any necessary amendments
S152.001 Nigel Cowburn	6a - Specify structural edge avoiding reference to "raised kerb"
S152.003 Nigel Cowburn	6b - change 25mm to 38mm
S152.004 Nigel Cowburn	6c - remove "or" from "*commercial and industrial accesses shall drain from their sumps through a lead directly* ~~*or*~~ through a stormwater treatment device to a public stormwater *main."*
S124.018 Fire and Emergency NZ	The maximum gradient that a fire appliance can negotiate is a 1:5. Amend as follows: 3.Centre line grades are not: (a) steeper than 1 in 5, ~~except that gradients of 1 in 4.5 may be used over straight lengths of access for a distance of up to 20m~~
S99.025 Clark Fortune McDonald & Associates	Amending this rule to state: " ...a pedestrian link shall be provided at the end of the urban cul-de-sac roads where appropriate."
FS5.13 Hamish Weir	Allow S99.025 Clark Fortune McDonald & Associates
FS28.027 Kainga Ora	Disallow S99.025 Clark Fortune McDonald & Associates
S99.024 Clark Fortune McDonald & Associates	Provision should be made for alternatives in this provision such as permeable surfaces where appropriate.
FS14.015 NZ Transport Agency Waka Kotahi	Disallow S99.024 Clark Fortune McDonald & Associates

7.8.1 In section 6.1 above, the Panel concludes that this Standard relates to design issues and it was more effective and more efficient for the matters in it to be dealt with outside of the District Plan, such as by way of a Bylaw or Code of Practice. Accordingly, submissions S112.049 Waka Kotahi NZ Transport Agency, S152.001, S152.002 and S152.003 Nigel Cowburn, S124.018 Fire and Emergency NZ and S99.024 and S99.025 Clark Fortune McDonald & Associates seeking changes to the Standard are rejected.

7.9 Standard TRANS-S10

Submitter (S)	Decision Requested
S112.050 Waka Kotahi NZ Transport Agency	The standard either needs to be reassessed and amended to provide an increase in the passing area dimensions, or that state highway intersections with rural roads are excluded from the Standard. Provide clarification on the passing provision required by this standard, in particular as it applies to clause 2(b). Reconsider and amend the standard as necessary to provide an increase in size of the passing lane dimensions, or exclude intersections with State

	highways from this standard such that the road design would default back to road controlling authority, in this instance Waka Kotahi.
S112.051 Waka Kotahi NZ Transport Agency	For clarity either exclude State highways from Table- S10 or accommodate the State highway standards within the table.
S124.019 Fire and Emergency NZ	Retain as notified

7.9.1 In section 6.1 above those part of the Standard related to design standards have been deleted. The submissions by NZTA seek changes to the deleted provisions. Accordingly, they are rejected.

7.9.2 FENZ seeks retention of the Standard but much of it other than the legal width of accesses has been deleted. As part has been retained, submission S124.019 Fire and Emergency NZ is accepted in part.

Submitter (S)	Decision Requested
S152.005 Nigel Cowburn	Prohibition of Cul-de-sac roads
FS28.028 Kainga Ora	Disallow S152.005 Nigel Cowburn
FS22.058 Clark Fortune McDonald & Associates	Disallow S152.005 Nigel Cowburn
S152.007 Nigel Cowburn	Requests pedestrian links need visibility from buildings, so functional windows and spaces overlook walkway.
FS28.029 Kainga Ora	Allow in part S152.007 Nigel Cowburn, CPTED is best addressed through matters of discretion and mitigation measures.

7.9.3 Tina Carlson-McColl at paragraph 223 of her s42A Report commented on these submissions as follows:

> In terms of Nigel Cowburn (S152.005) submission that cul-de-sac roads be prohibited, Mr Gregory considers that pedestrian connectivity through cul de sacs is provided for the reasons detailed above, and the submission is therefore not supported. However, in terms of S152.007 submission to require that windows and spaces overlook walkways, although I agree that this would be consistent with CPTED principles, this relates more to the design of buildings rather than roads, and the road may be constructed before buildings. The design standards therefore relate to the length and width of the path, the height of fences and lighting. Council's Roading Asset Manager also recommends the inclusion of an additional pedestrian connection design standard in Table S10. In terms of Kāinga Ora (FS28.029) submission, there is a matter of discretion relating to whether the design provides for improved connectivity, amenity and safety for pedestrians, and this is therefore already a consideration.

7.9.4 The Panel agrees with the assessment to the extent that provision is required in the Plan specifying the minimum legal width of standalone pedestrian connections. The Panel does not accept that the formed width of the path should be specified as that is a design standard more appropriately included in a Council Bylaw or Code of Practice.

7.9.5 Submission S152.005 Nigel Cowburn is rejected. Submission S152.007 Nigel Cowburn is accepted in part by adding to Table S10 a new line "Pedestrian Connection" under the Urban Residential category:

	Minimum reserve width
Pedestrian Connection	4.0

Submitter (S)	Decision Requested
S74.004 Hamish Weir	Table S10 is missing a critical Note 4 The minimum reserve width of an access serving a single household unit may be reduced to 3 metres if the driveway has unrestricted visibility and the length does not exceed 30 metres.
FS22.059 Clark Fortune McDonald & Associates	Allow S74.004 Hamish Weir

7.9.6 The Panel accepts the submission of Hamish Weir. An incorrect notation "4" rather than "3" has been inserted in Table-S10. This has been corrected as a minor error.

7.10 Standard TRANS-S11

Submitter (S)	Decision Requested
S112.052 Waka Kotahi NZ Transport Agency	Waka Kotahi suggest the standard be changed to exclude traffic control devices and for the maximum height of vegetation to be reduced to either 0.3m or 0.5 m to ensure that the vegetation doesn't obstruct the view of a driver seated in a vehicle. Amend as follows or words of similar intent: Within these areas any structures, objects and vegetation excluding traffic control devices shall not exceed 0.5 m in height, other than fences of open wire construction

7.10.1 Mark Gregory and Murray Hasler support this submission and the Panel accepts their advice.

7.10.2 Submission S112.052 Waka Kotahi NZ Transport Agency is accepted by amending the final paragraph of TRANS-S11(4) to read:

The visibility splays are the triangular shaped area that extends over the corner of the adjoining lot, where the above distance is measured along both boundaries. Within these areas any *structures*, objects and vegetation excluding traffic control devices shall not exceed ~~1.2~~ 0.5 metres in height, other than *fences* of open wire construction.

7.11 Standard GIZ-S6

Submitter (S)	Decision Requested
S112.161 Waka Kotahi NZ Transport Agency	Amend the standard as follows or words with the same intent: 1. A landscaping strip with an average width of 2 metres along the frontage of the site is provided., Except for any area required for vehicle or pedestrian access, where: (a) the plants do not result in any of the following effects on the road network: (i) the visual obstruction of sight lines to and from any vehicle crossing or intersection; (ii) shading, causing icing of the road carriageway; (iii) branches or foliage that overhangs the road corridor; (iv) plant debris, especially from deciduous plants, that could block drainage systems within the road corridor. Add an additional matter of discretion, where compliance is not achieved with the standard, as follows: 3. The effect of the non-compliance on the safe, efficient and effective function of the road network.

7.11.1 Tina Carlson-McColl at paragraph 223 of her s42A Report comments on these submissions as follows:

In terms of the Waka Kotahi NZ Transport Agency (S112.052) submission in relation to a Landscaping standard in the Industrial zone (GIZ-S6) to protect the road network from vegetation debris, shading and overhanging and visual obstructions, I consider that if relevant this would perhaps be more suitable as a district wide standard rather than limited to the General Industrial Zone. However, NZTA has not sought an additional provision in relation to this in the Transport chapter, and I therefore do not agree with the submission, unless NZTA provides further evidence why it is required only in the General Industrial Zone.

7.11.2 The Panel agrees with the assessment and notes NZTA did not offer any further evidence on this matter. Accordingly, submission S112.161 Waka Kotahi NZ Transport Agency is rejected.

8 Appendices

8.1 Appendix APP1-TRANS-APP

Submitter (S)	Decision Requested
S112.181 Waka Kotahi NZ Transport Agency	Either update the drawing to reflect Waka Kotahi minimum standard, Diagram C, or add a note to Drawing R09-1 clarifying this design is not applicable for an access to a State highway and that, instead, consultation is required to be undertaken with Waka Kotahi as the Road Controlling Authority for State highways
S112.182 Waka Kotahi NZ Transport Agency	Either update drawing R09-2 to reflect that a Primary Commercial Access onto a state highway in a rural area would need to meet the Waka Kotahi Diagram E standard or add a note to Drawing R09-2 clarifying this design is not applicable to an access to a State highway in a rural area and that, instead, consultation is required to be undertaken with Waka Kotahi as the Road Controlling Authority for State highways

S112.183 Waka Kotahi NZ Transport Agency	Either replace R09-3 with the Waka Kotahi Diagram E standard or add a note to Drawing R09-3 clarifying this design is not applicable to an access to a State highway and that, instead, consultation is required to be undertaken with Waka Kotahi as the Road Controlling Authority for State highways.
S152.006 Nigel Cowburn	Requests graphic R02 include a flush kerb cross section
S152.008 Nigel Cowburn	Requests updated diagrams with quality line art
FS22.068 Clark Fortune McDonald & Associates	Allow S152.008 Nigel Cowburn

8.1.1 Tina Carlson-McColl at paragraph 231 of her s42A Report recommends accepting these submissions, however as this appendix has been deleted from the Plan in section 6.1 above, submissions S112.181 and S112.182 and S112.183 Waka Kotahi NZ Transport Agency and S152.006 and S152.008 Nigel Cowburn are rejected.