

6 August 2018

Marlborough District Council

PO Box 443

Blenheim 7240

Attention: Louise Walker

By email only: louise.walker@marlborough.govt.nz
mep@marlborough.govt.nz

RE: RESPONSE TO QUESTIONS ASKED IN THE BLOCK 6 HEARING

TOPIC 15 Transportation and Signage

1. Introduction

1.1. The Hearings Panel have sought clarification from the NZ Transport Agency (Transport Agency) on matters raised in its evidence for Topic 15, Transportation. In particular, clarification was sought regarding the Government Roadway Powers Act 1989 (GRPA or the Act), the use of Limited Access Roads (LAR) and why the Transport Agency is seeking its inclusion in the Marlborough Environment Plan.

1.2. **This letter will outline the Transport Agency's response**, where I consider it useful I have **pulled out the segments of the Transport Agency's submission that are relevant**. These are shown using the blue boxes within in this response.

2. The function and role of the Transport Agency

2.1. **The Land Transport Management Act 2003 outlines the Transport Agency's statutory functions¹.**

¹ Section 95: Functions of Agency

2.2. Section 95 (c) specifies that the Transport Agency is to “manage the State highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Roothing Powers Act 1989”.

3. The Role of the Government Roothing Powers Act 1989

3.1. Part 4 of the GRPA provides the necessary powers for the Transport Agency to build, maintain and manage state highways.

3.2. The GRPA authorises the Transport Agency under section **88(1)** to “declare any State highway or part of a State highway to be a limited access road.”

3.3. No person can lawfully drive or move a vehicle onto or from a Limited Access Road under section 92 except:

a) at a road intersection that existed prior to the State highway being declared a LAR;

b) at a road intersection with a LAR that has been authorised by the Transport Agency; or

c) at an identified crossing place that has been authorised by the Transport Agency.

3.4. Section 91 of the GRPA authorises the Transport Agency to approve a crossing place access point to a LAR, cancel a crossing place access point to a LAR, and to impose, cancel or vary conditions on a crossing place access point to a LAR. It also allows the Transport Agency to determine the location, use and standard of any access to a LAR.

3.5. Each time the use, design or location of a crossing place access point changes, the Transport Agency should be called upon to approve those changes under section 91. In my experience subdivision or land use development² of any property is likely to trigger a change to crossing place authorisations.

4. Reference in Resource Management plans

4.1. I note that the Transport Agency routinely seeks to integrate the LAR provisions under the GRPA for approving/varying/cancelling crossing place notices, with the resource consent process under the Resource Management Act 1991 (RMA) by taking a consistent approach during both processes. The aim is to reduce uncertainty and time delays for applicants,

² Under the Resource Management Act 1991

who will be alerted to the Transport Agency’s likely stance on the crossing place access notice during the preceding resource consent stage. The stance of the Transport Agency during each process often overlaps in that the consideration of whether accessways are sufficient to provide safe (and legal) access for the use proposed is a large component of **the Transport Agency’s consideration** when assessing resource consent applications as a third party.

- 4.2. It is important to be really clear, that these are separate processes provided through different legislation. But processes that occur in tandem, and as mentioned above, often assessing similar components. The purpose of the reference to LAR and GRPA in Resource Management plans is to provide clarity and consequently reduce churn for plan users, but also as means for addressing effects (which is a requirement and the purpose of the RMA).
- 4.3. Transit New Zealand developed a Planning Policy Manual 2007 (PPM) which was then adopted by the Transport Agency when the Transport Agency was established. In the PPM it has been clearly outlined that the Transport Agency will work hard to achieve good integration between the access management tools (GRPA) and the Resource Management Act 1991 processes³.
- 4.4. Traffic, access, and safety are all effects from land use change, the level of effect obviously varies depending on the location and the activity. So are matters that the Council themselves also need to give some thought and analysis, to ensure they are giving effect to section 5 of the RMA.
- 4.5. Furthermore, the Issues, Objectives, and Policies within the proposed Marlborough Environment Plan highlight the resource management issues, as it relates to effects, but also the safe and ongoing operation of the transport network. These provisions emphasise the importance of ensuring that the land use and transport planning issues are well integrated. Those provisions are:

Issue 17C

The land transport network is an important regional resource, providing for the movement of people, goods, services and resources. It is important to

³ Planning policy manual – for integrated planning and development of state highways (2007), page 80

ensure an efficient infrastructure is maintained to enable people and communities to provide for their economic and social wellbeing.

Objective 17.3

An efficient land transport network that recognises and provides for different users.

Issue 17D

Land use, water and subdivision activities can have adverse effects on the sustainable use of the land transport network.

Objective 17.4

Conflict in providing for subdivision, use or development activities and with use of the land transport network is minimised.

Policy 17.4.1

Manage the density, scale and location of subdivision and/or activities to maintain the planned function of the roading network.

Policy 17.4.2

Avoid the spread of residential, industrial or commercial development fronting national routes and arterial roads extending outwards from urban settlements or towns.

In the cover letter of the **Transport Agency's submission:**

A Limited Access Road (LAR) is a state highway or part of a state highway that the Transport Agency has declared as such in the Gazette under the provisions of the Government Roding Powers Act 1989 (GRP Act). Under the GRP Act, the Transport Agency has the authority to approve or refuse activities that front or directly access a LAR. The Transport Agency submits that it is most efficient if this Licenced Crossing Place approval process is aligned with the RMA resource consent process, and makes a number of submission points in this regard.

Submission says:

In Chapter 17, insert a method for Limited Access Road

REASON: A method of implementation specific to Limited Access Roads (LARs) will support the other requested provisions for LARs, in regard to identifying the location of LARs and that the **Transport Agency's approval is required for access to LARs under the Government Roding Powers Act 1989.**

RELIEF: 17.M.x Limited access roads

The MEP includes maps showing the location of limited access roads at the time the MEP became operative. Where access is proposed onto a section of the State Highway which has been declared a Limited Access Road, the approval of the New Zealand Transport Agency will need to be obtained as described in the Government Roding Powers Act 1989.

Also sought a definition for Limited Access Road:

Insert a definition for limited access road, as follows:

Limited Access Road means any road or part of a road which has been declared a "limited access road" under the Government Roding Powers Act 1989.

5. The Gazetting process for Limited Access Roads

- 5.1. The gazetting process for an LAR does not provide for public participation officially under the Act; the declaration and plan must go to the territorial authority once issued under the Act. However, despite the fact the Act doesn't provide for official involvement in practice the Transport Agency does generally liaise with the Council to ensure that LAR will make sense in terms of the management of the roading system in the region.

6. Why LAR isn't in 50km/h zones

- 6.1. The function of 50km/hr roads serve communities and limiting access would not serve state highway management purposes, it would be too heavy handed. The Transport Agency's PPM states that the Transport Agency's role is to use LARs to shape the location, type and design of development by "using access management tools, such as its statutory

powers in relation to Limited Access Roads, to manage access to and from state highways”⁴.

7. Why is the Transport Agency seeking a rule that applies to accesses in a 50km/h area, when **they don't provide for LAR in this speed zone?**

7.1. Kate Searle's Evidence in Chief⁵ sought that *proposed rule 2.32.4.X* be included in the Marlborough Environment Plan. The Council have an obligation to consider *all* effects from subdivision, land use and development. This includes any traffic effects, the safety implications and access. The RMA's level of obligation in this respect is much greater than the GRPA. Therefore, it is not necessary for the LAR status to be extended to 50km/h environments whereas, it is appropriate that the Council consider the adverse effects from subdivision, land use and development. That being said, because the way the plan is structured, any activity that does not meet the permitted activity standards defaults to Discretionary status. In this respect, it is likely too high a threshold. In my opinion, it is more appropriate that a Restricted Discretionary activity be applied.

7.2. As a minimum, the Transport Agency would accept limiting the rule to 60km/h and above.

Proposed Rule: 2.32.4.X Any new or altered vehicle access shall not be formed on a State Highway.

8. Why has the Transport Agency not gazetted State Highway 62 if they want rules in the plan to control development?

8.1. The rules we seek are to allow state highway access to be assessed for both cumulative effects (i.e. accesses in a row which eventually leads to the need to reduce speed limits because of safety but at the same time reducing function, as has already occurred on SH62); and to ensure safety effects for all road users are considered and assessed. This provision will support the function of the Road Hierarchy which the District Plan promotes and help ensure accidents are avoided, and death or serious harm accidents reduced.

⁴ Planning policy manual – for integrated planning and development of state highways (2007), page 79

⁵ Paragraphs 52-54

https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Services/Draft_Marlborough_Regional_Land_Transport_Plan_2015-2021_Mid_Term_Review.pdf

8.2. Further, as explained above⁶, the Council has an obligation to assess the adverse effects, and to ensure that land use.

8.3. It is also a planned project within the Regional Land Transport Plan 2015-2021⁷.

9. Councillor Shenfield asked what the Transport Agency position was in Chapter 17, Subdivision and what the Councils response and position is.

9.1. **This is outlined in the blue box below. The Transport Agency's position remains as** per its primary submission and its evidence, despite the Reporting Officer's recommendation.

Submission says:

Add an introductory sentence to beginning of Chapter 24 Subdivision: Any activity requiring access to a road which is a Limited Access Road will require a Licensed Crossing Point issued by the New Zealand Transport Agency in the case of a State Highway (1002.220)

Evidence states:

The Transport Agency's addition would include a sentence in the beginning of the chapter, which would not be out of context with the current drafting principles. The plan follows a format of introductory text at the beginning of each chapter. Additionally, in the transportation chapter*, there is already reference to limited access roads. Therefore, it would be prudent and consistent to include a similar reference under the subdivision chapter.

*Chapter 17, Issue 17C, paragraph 3

Ian Sutherland, section 42A report writer for Topic 17 Subdivision recommended rejecting the **Transport Agency's submission point in this instance.**

Kind regards,

Kathryn Barrett

Senior Planning Advisor

04 931 8871

Kathryn.barrett@nzta.govt.nz

⁶ Section 4.5 of this response

⁷ Page 38, Regional Land Transport Plan