

Central Hawke's Bay District Council – Report

TO: Services Committee

FROM: Regulatory Services Manager

DATE: 29 January 2009

FILE REF: RM090001 (Valuation Number 1079006700)

SUBJECT: **ALTERATION OF DESIGNATION FOR STATE HIGHWAY 2 – PASSING LANE – BYRNE ROAD**

1.0 SUMMARY

The New Zealand Transport Agency has notified Council of a requirement to alter an existing designation for a proposed new passing lane, which will require the road to be widened.

The land required is subject to a Memorandum of Agreement, and NZTA is requesting that Council accepts that the alteration is only minor and the alteration can be made on a non notified basis in accordance with Section 181(3) of the Resource Management Act 1991.

As part of this proposal, a total of 7900m² is required for road widening associated with the proposed passing lane.

2.0 RECOMMENDATION

THAT

The application be approved for an alteration to the District Plan on a non-notified basis for the minor alteration of the State Highway 2 designation on Planning Map 11 for road widening associated with a new passing lane on State Highway 2, Waipukurau, between Otawahao A2D Block and Byrne Road, in accordance with Section 181(3) of the Resource Management Act 1991.

REASON

The alteration is only minor, will improve traffic safety and the affected persons have consented to the widening of the State Highway, and the decision will contribute to the following community outcome:

- *Transport infrastructure and services that are safe, effective and integrated.*

3.0 BACKGROUND

New Zealand Transport Agency through their consultants, Opus International has requested Council's consideration of a requirement to alter an existing designation for the road at State Highway 2, Takapau, to include additional land needed for the proposed passing lane and associate road widening. This is considered to be required in order to improve safety on this stretch of the State Highway.

Proposal

The plans supplied with the requirement show that land is required on the southern side of the road only. A total of 7900m² is required for road widening as a result of the proposed works. The extent of the works is from Otawahao A2D Block in the east to Byrne Road in the west, some 1.6 kilometres of total road length.

A copy of the Notice of Requirement together with a plan of the altered intersection and the road widening and its locality is appended to this report.

The property containing land required for the widening of the highway is in the same ownership and is subject to a Memorandum of Agreement between the owners and NZTA for the acquisition of the land. NZTA is requesting that Council accepts that the alteration is only minor and can be made on a non notified basis.

An alteration to a District Plan designation can be made on a non-notified basis in accordance with Section 181(3) of the Resource Management Act 1991 if,

- it involves only minor alterations to the boundaries of the designation, and
- the owners directly affected agree with the alteration, and
- both NZTA and Council agree that the full designation procedure need not apply.

The application should be accepted on a non-notified basis because the alterations are only minor and the affected party have a memorandum of agreement relating to the required land with NZTA.

4.0 OPTIONS

Option 1

The application be approved for an alteration to the District Plan on a non-notified basis for the minor alteration of the State Highway 2 designation on Planning Map 11 for road widening associated with a new passing lane on State Highway 2, Waipukurau, between Otawahao A2D Block and Byrne Road, in accordance with Section 181(3) of the Resource Management Act 1991

Option 2

Treat the requirement as an item that is more than minor and require a full notification procedure because Council considers that the issues that this alteration raises are significant to this environment. There is nothing in the assessment of environmental effects in the report from Opus that would support that stance and this option is not supported by the Regulatory Department.

5.0 STATUTORY IMPLICATIONS

Section 181 of the Resource Management Act 1991 provides for Council to consider a notice of requirement to alter a designation as follows.

181. Alteration of designation

- (1) *A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) *Subject to subsection (3), sections 168 to 179 shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) *A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—*
 - (a) *The alteration—*
 - (i) *Involves no more than a minor alteration to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
 - (ii) *Involves only minor alteration or adjustments to the boundaries of the designation or requirement]; and*
 - (b) *Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
 - (c) *Both the territorial authority and the requiring authority agree with the alteration—*

and sections 168 to 179 shall not apply to any such alteration.
- (4) *This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation [or requirement] within its own district.*

6.0 CONSULTATION

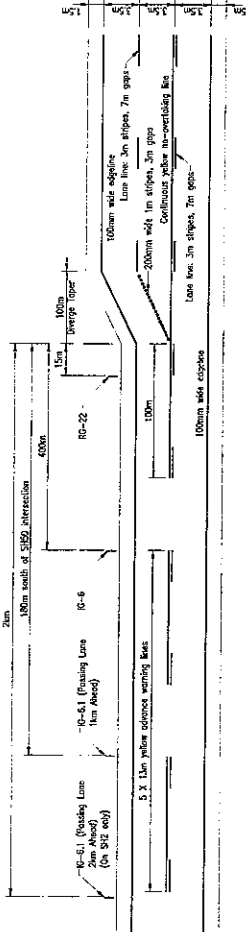
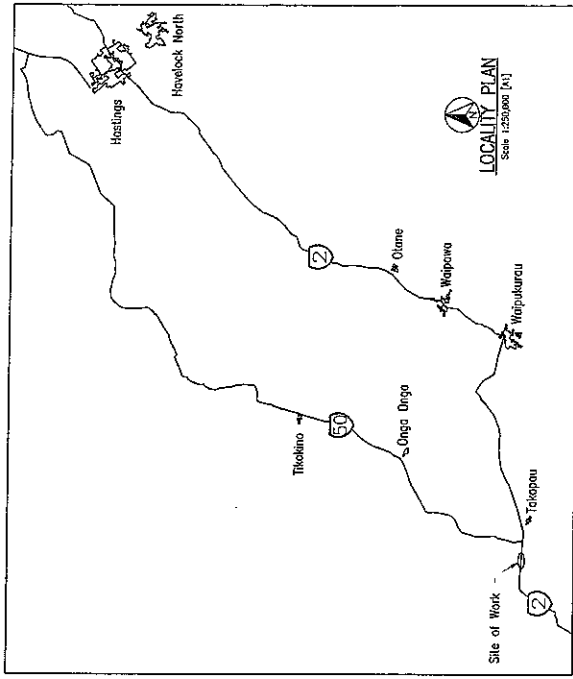
New Zealand Transport Agency has consulted with :

- The affected land owners, who have agreed to sell the land
- Council
- Tangata Whenua.

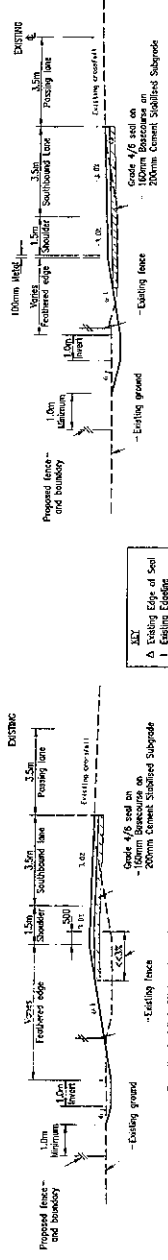
7.0 FINANCIAL

There are no financial implications arising for Council in this alteration of designation.

Lisa Poynton
Planner



DIVERGE DETAILS
NOT TO SCALE



TYPICAL CROSS-SECTIONS
SCALE 1:100 (A)

KEY
 A Existing Edge of Soil
 I Existing Edge of Pavement

PROJECT	REGION 6 SOUTH OF SH50 RP 743/1.080 TO RP 743/2.720 SOUTHBOUND PASSING LANE	RS 743
PLAN	1080 - 1630, TYPICAL CROSS SECTIONS, DIVERGE DETAILS & LOCALITY PLAN	
STATUS	SCHEME	DATE 2-MAR-10
SCALE	AS SHOWN	DATE 09/05/08
		BY 3/35/06
		NO. 5304
		01
		RP

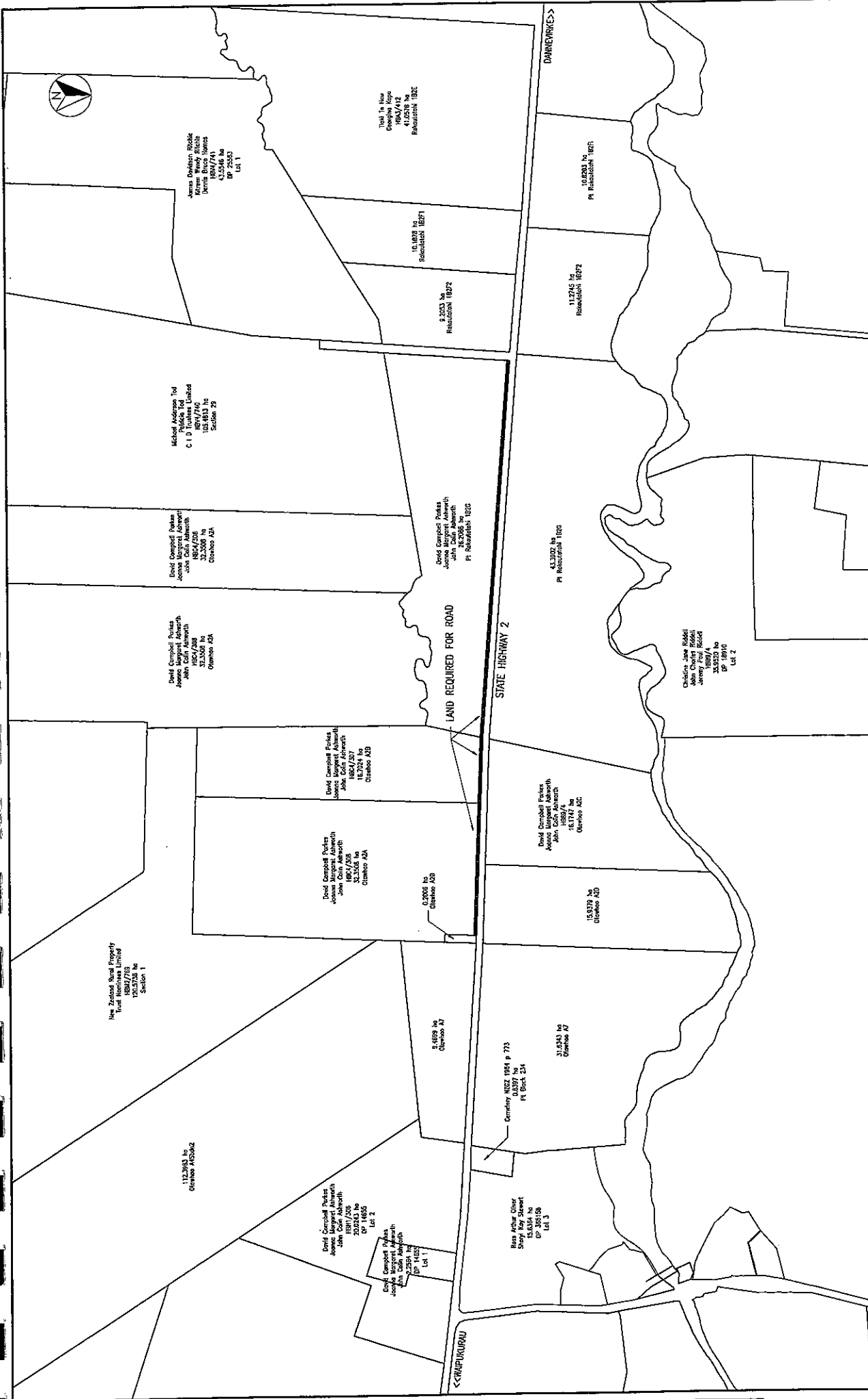
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 THE REGIONAL OFFICE
 NAPIER REGIONAL OFFICE

REVISED	BY	CHECKED	DATE
	AM/tyler	CM/DA	22/02/08
	JM/tyler	CM/tyler	07/04/08
		CM/tyler	05/07/08
	P. Black		05/05/08

APPROVED: P. Black
 DATE: 05/05/08

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FILE	SK2 REGION 6 SOUTH OF SHED RP 743/1480 TO RP 743/2120 SOUTHBOUND PASSING LAKE
SCALE	1:5000
DATE	08/04/08 @ 11:02
PROJECT	LAND REQUIREMENT PLAN OVERALL PLAN
DATE	2-NOV-10
SCALE	3/35/36
PROJECT	3304_01

OPUS

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NAPIER REGIONAL OFFICE

BY	DATE
DESIGN	25/03/08
DRAWN	31/03/08
REVIEW	
APPROVED	

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