

Proposed Horowhenua District Plan

Land Transport and Subdivision and Development

Hearing: 15 April 2013

Officer Right of Reply and Response to Commissioners Questions

We have considered the evidence presented by submitters at the hearing on 29th April 2013. In addition, we have considered the questions and comments from the Commissioners raised during the hearing. Below we respond to the evidence presented and questions/comments. In responding to the matters raised, we have ordered them into the following topics to align with the Section 42A Report:

- Minimum On-Site Carpark Standard (Residential Activities)
 - HDC Community Assets Department
 - Horizons Regional Council
 - Tabled Statements
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Minimum On-Site Carpark Standard (Residential Activities)

The Proposed Plan (as notified) required '2 spaces per residential dwelling unit' for the number of on-site carparks for residential activities (Table 21-4 under Rule 21.1.8(h)). This standard is a change from the Operative Plan which requires '1 space per residential dwelling unit' for residential activities. In response to a submission, in the Section 42A Report it is recommended that the minimum on-site carpark standard for residential activities be reduced back to 1 space per residential dwelling unit.

Commissioners queried the basis for the Proposed Plan (as notified) increasing the minimum on-site carpark standard from '1' to '2' per residential dwelling unit. This increase was based on the nature and intensity of residential development experienced in the Horowhenua over the last 5-10 years. Generally, most new dwellings have a single or double garage with an on-site carpark(s) directly in front providing for visitor carparking. However, there have been a few instances where due to the location and design of the dwelling, in particular, the on-site garage, the provision for visitor parking has not been provided. Therefore, the increase to '2' on-site parking standards was to provide one on-site carpark for residents and one on-site carpark for visitors.

In responding to the submission, it is now considered that the requirement for '1' on-site carpark is appropriate for the reasons outlined in the Section 42A Report.

HDC Community Assets Department

Three matters were raised by Mr Meyer on behalf of Council's Community Assets Department. Firstly, Mr Meyer queried the recommendation in the Section 42A Report adding a new condition to Rule 21.1.1 requiring a 30m separation distance between new vehicle crossings and a railway level crossing (Section 4.20 of the Section 42A Report). Mr Meyer highlighted a specific concern with a property in Tokomaru which may have difficulty in complying with this recommended new condition, and suggested existing titles could be

exempted from this new condition. Following further discussion and investigation with Mr Meyer, it is considered there are a limited number of properties where the concern expressed by Mr Meyer could arise (see Appendix 1). Given this, it is considered the resource consent process is the most effective and efficient approach to assess new vehicle crossings within 30m of a railway level crossing is safe. Therefore, no exemption for existing titles is considered appropriate.

The second matter Mr Meyer raised was regarding the new visual obstruction conditions for railway level crossings (Section 4.23 of the Section 42A Report). He questioned whether vehicles parking within road reserve would be considered a 'visual obstruction' in terms of this rule, as well as whether turning off alarms on railway level crossings changed which rules applied. Mr Meyer has discussed these questions with Kiwirail who have advised parked vehicles are generally not considered a visual obstruction and if alarms are turned off during the night it is still considered a level crossing with alarms (see Appendix 1). Given this clarification, no amendments to the recommended provisions in Section 4.23 of the Section 42A Report are considered necessary.

The third matter raised by Mr Meyer was support for changing the Council's Subdivision and Development Principles and Requirements document to ensure it was current and up-to-date (Section 4.41 of the Section 42A Report). This support is noted and no changes to the recommended amendments are required.

Horizons Regional Council (Subdivision and Development)

At the hearing, Horizons Regional Council (Pen Tucker) advised they agreed with the recommendation to retain Rules 24.1.5 and 24.2.4 (surface water disposal), but sought minor wording changes to the advice note under Rule 24.2.4(a)(ii) (see Section 4.28 of the Section 42A Report). I concur with the request to amend the advice note as it better expresses the requirements under the Proposed One Plan. Accordingly, I now recommend submission point 27.31 be accepted in part and that the advice note be amended as below.

Recommended Amendment:

Amend Advice Note under Rule 24.2.4(a)(ii) as follows:

Note: Discharge of stormwater to land or drainage systems is also regulated by the Proposed One Plan and may require the approval of resource consent from Horizons Regional Council.

Horizons Regional Council (Land Transport)

At the hearing, Horizons Regional Council (Wayne Wallace) highlighted the Land Transport Management Amendment Bill is currently due for a second reading in Parliament and this Bill included proposed amendments to statutory planning documents in the land transport sector. Given this Mr Wallace contended the District Plan could be amended to reflect this potential changes. Commissioners sought further comment from Horizons Regional Council on specific amendments to the District Plan to recognise these pending changes. Below are the suggested amendments received from Horizons:

Preference would be an amendment to the second bullet point under the Methods for Issue 10.1 and Objective 10.1.1 – Long Term Plan and Regional Land Transport Programme on page 10-7 (with additional text underlined and highlighted):

- *...through the Regional Land Transport Programme (to be replaced with a Regional Land Transport Plan by 30 June 2015), to improve...*

We note the Chair's comments regarding the vagaries of the legislative process however, and if this wording, which is based on the expectation that the amendments currently before the House will be passed as drafted, is not acceptable to the Panel we would be comfortable with the following less specific alternative:

- *... through the Regional Land Transport Programme, or any plan or programme which supercedes it, to improve..."*

It is noted two submissions were received on the Methods for Issue 10.1 and Objective 10.1.1 from Kiwirail and NZTA seeking the methods be retained unchanged. Horizons did not submit on this section of the Proposed Plan. However, Horizons submitted on Issue 10.1 (submission point 27.13 in Section 4.2 of the Section 42A Report) commenting about upcoming changes to funding to land transport programmes, which indirectly relates to the Methods. Therefore, the above requested amendments above to the Methods are considered to be within the ambit of the relief now sought. As noted by Horizons, as the subject Bill is still to be finalised and receive royal assent, the specific wording of policy documents and timelines currently in the draft Bill could change. Therefore, I prefer the second wording suggested to ensure the Proposed Plan does not contain incorrect references in the future. Accordingly, it is recommended submission point 27.13 is accepted in part and the second bullet in the method is amended.

Recommended Amendment:

Amend under the second bullet point under the sub-heading 'Long Term Plan and Regional Land Transport Programme' in the section Methods for Issue 10.1 and Objective 10.1.1 as follows:

- *Council will continue, in association with other agencies through the Regional Land Transport Programme, or any plan or programme which supercedes it, to improve infrastructure and facilities for pedestrians and cyclists and public transport passengers and will continue to maintain and improve the safety and efficiency of the road network.*

Tabled Statements

Horticulture NZ provided a written statement for the Land Transport and Subdivision and Development Hearing. In that statement, Horticulture NZ responded to the Section 42A Report evaluation on their submission on Policy 10.3.5 relating to on-site parking and manoeuvring area. In response to the Section 42A Report, Horticulture NZ sought in their written statement a revised amendment to Policy 10.3.5 by replacing the reference "visually attractive manner" to "with screening provided when adjacent to a residential zone boundary". Horticulture NZ contends this change in wording is clearer on the intent of the rules which apply to implement this policy.

The submissions on Policy 10.3.5 are evaluated in Section 4.11 of the Section 42A Report. In the written statement from Horticulture NZ, they correctly outline the rules for on-site carparking and where screening is required for parking areas adjacent to the Residential Zone. However, apart from non-compliance with the screening rule, Horticulture NZ do not consider the application of this policy for resource consents for parking areas associated with a range of activities (e.g. some non-primary production activities in the Rural Zone and non-

residential activities in the Residential Zone). It is noted this policy applies to all zones. In assessing a resource consent application for activities not permitted in the respective zone, the provision for parking would be assessed to ensure sufficient parking is provided on-site as well as in a safety manner. In addition, all zones include an objective to 'maintain and enhance' the character and amenity values of the areas. Parking areas if inappropriately sited and designed can detract from the character and amenity values. In this context, the policy requiring parking areas to be 'visually attractive' is considered effective and efficient in achieving the objectives. Therefore, it is recommended Policy 10.3.5 is retained unchanged, and that the submission point from Horticulture NZ (98.33) is rejected.

In regard to Policy 10.3.6 on loading areas, the support from Horticulture NZ in the written statement for the recommendation to delete reference to 'attractive' from this policy is noted.

Zomac Planning Solutions provided a written statement on behalf of Progressive Enterprises Ltd. In this statement, Zomac respond to the evaluation in the Section 42A Report (section 4.33) on Rule 17.6.17(a)(iv) regarding on-site parking stating they are not convinced functional and operational requirements (for supermarkets) are available in the current standards, but they accept the assurance provided by the officer, and hence will not take the matter further at this stage. This comment is acknowledged and no further evaluation or change in recommendation is made.

Kiwirail provided a written statement noting most of the submissions had been recommended to be accepted and they supported these recommendations. Kiwirail noted a "slight glitch" in the numbering of some submissions. This 'glitch' is typographical errors in Section 4.32.3 of the Section 42A Report, and I note this also applies to the NZTA submission points in the same table. Below is a corrected table for Section 4.32.3 and supersedes the table in the original report (note: only changes are submission numbering):

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
55.26		KiwiRail		Accept In Part
94.12		NZ Transport Agency (NZTA)		Accept In Part
55.28		KiwiRail		Accept In Part
94.13		NZ Transport Agency (NZTA)		Accept In Part
55.29		KiwiRail		Accept In Part
94.14		NZ Transport Agency (NZTA)		Accept In Part
55.32		KiwiRail		Accept In Part
94.15		NZ Transport Agency (NZTA)		Accept In Part

Burton Consultants provided a written statement on behalf of Powerco on two matters. Firstly, the written statement accepted the approach of referring to Council's Subdivision and Development Principles and Requirements (2012) document in Rule 24.2.7 on 'utility services' in lieu of amending the rule as originally sought (section 4.29 of the Section 42A Report). This acceptance is noted. Secondly, in relation to the recommendation to amend the on-site parking standards by deleting reference to 'network utilities', Powerco supports this approach in principle. However, for the avoidance of doubt, Powerco seeks a 'note' be added

below the rule table for on-site parking standards to clarify no parking requirements apply to network utilities. I support the addition of this note for clarification purposes and consider it is within scope of Powerco's submission points (41.31, 41.32, 41.33, 41.34 and 41.35) and recommend these submission points be accepted.

Recommended Amendment:

Add a note below Table 21.4 in Rule 21.1.8 as follows:

Note: Parking standards do not apply to network utilities.

Response prepared by Hamish Wesley

Reviewed by David McCorkindale

Dated 17th May 2013

Follow up

District Plan Review : Land Transport and Subdivision and Development Hearing 29-04-2013 : Community Assets

With regard to Page 43 of the Reporting Planners report (# 10.01)

While it is acknowledged that the example given in the evidence regarding the 30 meter separation between new vehicle crossing places and a railway level crossing where parallel roads intersect, a consent would be required, the number of potential new occurrences is limited. Therefore further discussions with both the reporting Planner and KiwiRail have determined no change in the recommended wording is proposed.

With regard to Page 50 of the Reporting Planners report (# 10.01)

Further discussions with KiwiRail have confirmed that parking restrictions within the approach site triangles are not required as a norm and that monitoring would be difficult. They also confirmed that when investigating level crossing accidents parked vehicles have not been a factor with vision lines. No change in the recommended wording is proposed.

Where a crossing Alarm has been turned off, the flashing lights are still working and therefore KiwiRail have confirmed these crossings come into the alarmed category and no change in the recommendation is required.

Thanks for the opportunity to clarify further this discussion.

**Warwick Meyer, for Community Assets, Horowhenua District Council
30th April 2013**