

NZ Transport Agency Waka Kotahi Reference: Council-2023-0303

18 November 2024

Nicola North
Proposed Napier District Plan
districtplanreview@napier.govt.nz

Dear Nicola,

Proposed Napier District Plan Hearing Stream 2 – Coastal Environment, Earthworks, Light, Natural Features and Landscapes, Signs, Subdivision, Temporary Activities

NZ Transport Agency Waka Kotahi (NZTA) has reviewed the Section 42A reports for the upcoming Hearing Stream 2, in particular the recommendations that respond to NZTA's submission points.

Based on our agreement with the recommendations made by the reporting officer, NZTA will not be presenting evidence in person at the hearing. We request that this statement is tabled for the Hearings Panel to record our position on the reporting officer's recommendations.

If the Hearing Panel have any questions or require clarification on NZTA's position, please contact the writer by phone or email below.

Yours faithfully,



Jeremy Talbot
Principal Planner
Poutiaki Taiao / Environmental Planning, System Design, on behalf of NZ Transport Agency Waka Kotahi.
Phone: 027 200 7677
Email: jeremy.talbot@nzta.govt.nz

Enclosed:

Appendix 1 – NZTA's response to the reporting officer's recommendations

Appendix 1 – NZTA response to reporting officer's recommendations for Hearing Stream 2 – Coastal Environment, Earthworks, Light, Natural Features and Landscapes, Signs, Subdivision, Temporary Activities

Submission Point	NZTA Submission	Officer's Recommendation	NZTA Response
277.3 CE - Coastal Environment /Issues /CE-I6: Effects of climate change on the coastal environment	Supports I6 as it recognises climate change can threaten public land and infrastructure and ensuring activities don't compromise the coastal processes to provide some degree of protection for existing activities. Retain as notified.	Accept	Agree with the reporting officer's recommendation.
277.74 and 277.75 EW - Earthworks /General /General EW - Earthworks /EW - Earthworks - Standards Table / EW-S1: Extent of Earthworks	Acknowledges that Council seeks to balance the adverse effects of earthworks with the need to undertake construction however, considers the permitted volumes are too low for construction and maintenance works. Increase the permitted volumes of earthworks to reflect the scale of construction and maintenance requirements of network utilities outside of their corridor designations to 700m3.	Reject	Accept the reporting officer's recommendation.
277.76 EW - Earthworks /EW - Earthworks - Rules Table /EW-R1: Earthworks for building activities	Supports R1 as it allows for earthworks as a permitted activity where the scale, volume and effects are appropriately managed. Considers that this would allow us to undertake earthworks in accordance with our designation. Retain as notified.	Accept	Agree with the reporting officer's recommendation.
277.77 LIGHT - Light/Policies / LIGHT-P2: Adverse effects of artificial lighting	Supports the recognition of the adverse effects of artificial lighting in subclause d. Considers the 'avoid' directive sets strong directive to manage effects of artificial lighting on the transport network. Retain as notified.	Accept	Agree with the reporting officer's recommendation.
277.78 LIGHT - Light / - Rules Table	Seeks an additional matter of discretion is included to ensure adverse effects of outdoor lighting account for potential adverse effects of the safety and efficiency of the transport network. Add the following matter of discretion: ...3. Effects on the safety of road users and the state highway network.	Accept	Agree with the reporting officer's recommendation.
277.93 SIGN - Signs /Issues /SIGN-I2: Signs can contribute to visual clutter and create a hazard or other nuisance for pedestrians and traffic	Supports the issue recognising the adverse effects signage can have on the safety and efficiency of the transport network. Retain as notified.	Accept	Agree with the reporting officer's recommendation.
277.94 SIGN - Signs /Objectives /SIGN-O2: Well-designed and appropriately located signage enhances city vibrancy, ensures public and transport safety, and contributes to community wellbeing	Seeks amendments to provide for signage that does not compromise the safe and efficient operation of the transport network. Amend the objective as follows: Different types of signs of an appropriate size, design and positioned at suitable locations contribute to a vibrant city, and safe community, <u>and do not compromise the safety or efficiency of the transport network.</u>	Accept	Agree with the reporting officer's recommendation.

Submission Point	NZTA Submission	Officer's Recommendation	NZTA Response
277.95 SIGN - Signs /Policies /SIGN- P3: Manage signs outside of rural areas	Supports the directive of the policy to limit third party signage in Rural Production and Rural Lifestyle zones and be clear in their purpose/ intended use. Retain as notified.	Accept	Agree with the reporting officer's recommendation.
277.96 SIGN - Signs /Policies /SIGN- P5: Signs do not result in visual clutter	Supports the policy controlling visual clutter effects. Retain as notified.	Accept	Agree with the reporting officer's recommendation.
277.97 SIGN - Signs /Policies /SIGN- P6: Signs relate to the services or products at the site	Supports limits on third party signage in rural areas, as it limits potential adverse visual and distraction effects for users of the state highway network. Retain as notified.	Accept	Agree with the reporting officer's recommendation.
277.98 SIGN - Signs /Policies /SIGN- P9: Control obstruction and hazards	Supports the directive of the policy recognizing the adverse effects signage poses to the safety and efficiency of the transport network. Retain as notified.	Accept	Agree with the reporting officer's recommendation.
277.99 SIGN - Signs / - Rules Table/SIGN-R1: Any sign within the road reserve that complies with the New Zealand Traffic Control Devices 2004	Supports the permitted status of Official Signs as it provides for the safe and efficient operation of the transport network.	Accept	Agree with the reporting officer's recommendation.
277.100 SIGN - Signs / - Rules Table/SIGN-R14: Signs located on land adjacent to state highways outside of 50km/h speed limit	<p>Considers amendments to this rule to appropriately control adverse effects resulting from sign distraction and sign proliferation and the associated effects on the transport network. NZTA's proposed amendments ensure the safety of the transport network and all transport network users, is required in accordance with SIGN-I2.</p> <p>Supports expanding the rule to include any signs fronting, facing or visible from the state highway network, to ensure adverse effects are appropriately identified and managed, consistent with relevant NZTA signage guidance (Traffic Controls Device Manual and Planning Policy Manual: Third Party Signs on and visible from the state highway corridor). This will ensure that the safety of the state highway network is not compromised as a result of signage.</p> <p>Has identified signs that are considered to have acceptable effects on the safety and efficiency of the transport network and that these meet the appropriate standards. Each sign that does not align with the standards outlined in this rule should be assess on its merits and suitability to face the state highway. This is to ensure signs do not increase the distraction for users of the transport network (and therefore safety) and proliferation of signs resulting in visual clutter.</p> <p>Supports managing the effects of Digital Signage in order to maintain transport safety, and do not support a permitted activity status for illuminated sign visible from the state highway network.</p> <p>Amend SIGN-R14A as follows: Signs located on land adjacent to state highways outside of 50km/h speed limit fronting, facing or visible from a state highway Activity Status- Permitted Where: Signs directed towards the state highways shall have a minimum lettering of 120 mm in areas up to 70km/h speed limit and 160mm in areas above 70km/h speed limit; and Signs have a maximum of 6 words and/ or symbols, with a maximum of 40 characters; and</p> <p>Signs must not obstruct the movement of any pedestrian, motorist, or cyclist; and</p> <p>Signs must not be made of materials likely to reflect headlights from an approaching vehicle; and</p>	Accept in part	Accept the reporting officer's recommendation.

Submission Point	NZTA Submission	Officer's Recommendation	NZTA Response
	<p>The activity is not illuminated and used for the purpose of Interpretation sign; Official sign Directional sign; Real estate sign; Railway and traffic signs; Election signs; Temporary signs; Veranda signs; Real estate signs; or Infrastructure signs; and Compliance is activated with: SIGN-S1 SIGN-S2 SIGN-S3 SIGN-S4</p> <p>All Zones – Restricted Discretionary Where compliance is not achieved with SIGN R14A (the above) Matters of discretion are restricted to The matters of discretion of any infringed standard. Approval from NZTA is required.</p>		
<p>277.101</p> <p>SIGN - Signs / - Rules Table</p>	<p>Supports the management of digital, electronic, flashing or animated signs, as these activities have the potential to create adverse visual and distraction effects with the potential to compromise the safety and efficiency of the transport network.</p> <p>Notes the rule as currently drafted sets an overly permissive activity status for illuminated signs with short dwell times and limited management of the signs content. NZTA support amendments to SIGN-S4 and amendments to the matters of control to complement the amendments to the standard.</p> <p>Recommends amendments to the rules of the chapter to widen the assessment of effects to users of the transport network to encompass alternative transport modes.</p> <p>Amend SIGN-R21B as follows: Activity status where condition b and standards are not meet: restricted discretionary Matters of discretion are: [...] 6. Any hazard, safety risk, or obstruction to motor vehicles, vehicular traffic or pedestrians with the potential to adversely affect any users of the transport network; 7. where fronting, facing or visible from a state highway the outcome of consultation with NZTA New Zealand Transport Agency for signs visible from the state highway network.</p>	<p>Accept</p>	<p>Agree with the reporting officer's recommendation.</p>
<p>277.102</p> <p>SIGN - Signs / - Rules Table</p>	<p>Supports a discretionary activity status for electronic, flashing or animated signs, as these signs create adverse visual and distraction effects with the potential to compromise the safety and efficiency of the transport network.</p> <p>Retain as notified.</p>	<p>Accept</p>	<p>Agree with the reporting officer's recommendation.</p>
<p>277.103</p> <p>SIGN - Signs / - Rules Table</p>	<p>Supports managing the effects of Digital Signage in order to maintain transport safety. Digital signs have the potential to compromise transport network safety (for example by causing driver distraction or a traffic hazard) or cause confusion with official road signs. Therefore, it is necessary to control their size, design, location and management. However, it is recommended that additional matters are included for digital signs that are visible from the state highway network. NZTA considers a 8 second dwell time is very short. Drivers should not see an image change, with a maximum of 5% of drivers only seeing one image change. Multiple image changes can cause a distraction and increase driver's risk. In the event that a dwell time cannot be determined, the dwell time should be no less than 30 seconds.</p> <p>SIGN-S4 does not include any criteria on image content. Words and other elements on digital billboards need to be restricted to ensure driver distraction is minimised. Therefore, NZTA considers that SIGN-S4 needs to be amended to include criteria for image content.</p> <p>An instant transition should be avoided in all cases. Therefore, NZTA support the minimum transition time of 0.5 seconds. In addition, to ensure that signage does not compromise the safety of the state highway network, NZTA consider that an additional clause is inserted to ensure no illuminated signage is visible from the SH network as drafted in SIGN-R14.</p>	<p>Accept in part</p>	<p>Accept the reporting officer's recommendation.</p>

Submission Point	NZTA Submission	Officer's Recommendation	NZTA Response
	<p>Supports this provision which provides Council with discretion to consider adverse effects from signs on transport safety. However, a minor amendment to the wording is sought so that potential adverse effects on transport safety can be considered more broadly.</p> <p>In addition, to ensure that signage does not compromise the safety of the state highway network, NZTA consider that an additional matter of discretion is required to ensure consultation is undertaken with Waka Kotahi for signage that is visible from the state highway network.</p> <p>Amend SIGN-S4 as follows: Additional matters for digital signs visible from the State Highway 7. There shall be a maximum of one digital sign per site; 8. There shall be a transition time of no more than 1 second and no less than 0.5 seconds between each image or display. Images should 'dissolve' rather than be an abrupt change. 9. The dwell time must not exceed the greater of 30 seconds or the dwell time required to ensure that no more than 5% of road users view a change in the image or display while using the portion of the state highway network from which the digital billboard is visible; 10. In low-speed environments (70 km/h and less) at all times the digital billboard should include no more than ten individual elements; of which words may only make up eight elements. Additionally, each line of text shall contain a maximum of 40 characters. 11. In higher speed environments (more than 70 km/h) these content controls halve. At all times the digital billboard should include no more than five individual elements; of which words may only make up four elements. Additionally, each line of text shall contain a maximum of 20 characters. 12. The digital sign shall be operated with a fail-safe feature where in the event of a malfunction, the images or messages will be replaced by a solid black colour until the malfunction is resolved; [...] Matters of Discretion are: [...] 8. The extent to which the sign may adversely affect the safe, efficient and effective operation of the transport network, as well as any hazard Any hazard, safety risk or obstruction to motor vehicles, vehicular traffic, or pedestrian 9 . Outcome of consultation with New Zealand Transport Agency for signs visible from the state highway network.</p>		
277.61 SUB - Subdivision /Objectives /SUB-O6: Subdivision in rural zones	<p>Supports in part O6, but considers a new point should be added to avoid reverse sensitivity effects between subdivisions in rural areas and established activities.</p> <p>Add new point: d. avoids reverse sensitivity effects between rural subdivision and lawfully established noise activities.</p>	Reject	Accept the reporting officer's recommendation.
277.64 SUB - Subdivision /Policies /SUB- P8: Access and egress	<p>Supports P8 as it manages access and egress however request that it includes safe and efficient operation of the state highway network</p> <p>Amend: f) safe and efficient operation of the state highway network</p>	Reject	Accept the reporting officer's recommendation.
277.65 SUB - Subdivision /Policies /SUB- P12: Provision of infrastructure in rural areas	<p>Supports in part P12 as it manages the design and location of subdivisions to avoid multiple accesses in close proximity on rural roads. Request that this be broadened to include the state highway network.</p> <p>Amend: Manage the design and location of subdivision to avoid the close proximity of multiple access points on rural roads <u>and state highways.</u></p>	Accept	Agree with the reporting officer's recommendation.
277.66 SUB - Subdivision - Rules Table/SUB-R1: Subdivision	<p>Supports the matters of control, which allow decision-makers to consider effects on the transport network.</p> <p>Retain matters of control for SUB-R1A</p>	Accept	Agree with the reporting officer's recommendation.
277.67 SUB - Subdivision - Rules Table/SUB-R1: Subdivision	<p>Supports amendment to the activity status where activity conditions are not meet section. Seek any subdivision accessing a state highway to fall within the restricted discretionary activity status to align the policy with TPT-R2, which sets a default activity status for any new or modified access and crossing onto a state highway.</p>	Reject	Accept the reporting officer's recommendation.

Submission Point	NZTA Submission	Officer's Recommendation	NZTA Response
	Amend: Activity Status where activity conditions are not met: Non-compliance with SUB-S6 – SUB-S17 : Restricted Discretionary Any subdivision with direct access to a state highway or arterial road: Restricted Discretionary		
277.68 SUB - Subdivision - Rules Table/SUB-R2: Boundary adjustment	Notes this rule as currently drafted allows for boundary adjustment activities without links to relevant access standards. considers that boundary adjustment activities have the potential to increase the intensity of residential activity or land use activities, which have the potential if not properly managed to adversely affect the transport network. Support amending the rule to include assessment of SUB-S12. Amend: Activity Status: Controlled Where: [...] <u>6. Compliance with standard SUB-S12.</u>	Reject	Accept the reporting officer's recommendation.
277.69 SUB - Subdivision - Rules Table/SUB-R3: Subdivision of land for the purpose of public works, network utilities, reserves, or access	Supports the controlled activity status for the subdivision of land for public works and network utilities but notes compliance with SUB-S6 – SUB-S18 must be achieved to meet this activity status. Request additional exemptions apply for SUB-S8 (building platforms) and SUB-S11 (shape factor), which appear to control effects for residential activities and amenity, to reflect the nature of subdivision for public works and network utilities. Amend: Activity Status: Controlled Where: Compliance with standards SUB-S6 - <u>SUB-S7, SUB-S9 - SUB-S10 and SUB-S12 - SUB- S18 and</u> Compliance with SUB-S1 - SUB-S5, <u>SUB-S8 and SUB-S11</u> (minimum lot sizes, <u>building platform and shape factor</u>) does not apply.	Accept	Agree with the reporting officer's recommendation.
277.104 TEMP - Temporary Activities /Objectives /TEMP-O1: Adverse effects arising from temporary activities	Supports objectives TEMP-O1 and TEMP-O2 as they recognise the need for temporary activities, including for construction. Retain as notified	Accept in part	Accept the reporting officer's recommendation.
277.105 TEMP - Temporary Activities /Objectives /TEMP-O2: Adverse effects arising from temporary buildings and structures that enable construction	Supports objectives TEMP-O1 and TEMP-O2 as they recognise the need for temporary activities, including for construction. Retain as notified	Accept in part	Accept the reporting officer's recommendation.
277.106 TEMP - Temporary Activities /Objectives /General	Seeks for Council to insert a new objective to ensure that temporary events do not compromise the safe and efficient operation of the land transport network. Notes that because state highways move traffic often at higher speeds, attention needs to be applied to traffic when operating temporary events that have access to a state highway. Recommends a new objective TEMP-O5 as relief sought. Insert new objective as follows: <u>TEMP-O5:</u> <u>Traffic Safety Temporary activities are sufficiently managed to maintain the safe and efficient operation of the land transport network</u>	Accept in part	Accept the reporting officer's recommendation.
277.107 TEMP - Temporary Activities /Policies /TEMP-P4: Adverse effects arising from temporary activities on the transport network	Supports P4 as it seeks to manage the effects of temporary activities on the safe and efficient operation of the transport network. Retain as notified	Accept	Agree with the reporting officer's recommendation.

Submission Point	NZTA Submission	Officer's Recommendation	NZTA Response
<p>277.108</p> <p>TEMP - Temporary Activities / - Rules Table /TEMP-R1: Temporary buildings and structures ancillary to construction activity</p>	<p>Supports rule TEMP-R1 however, the rule as drafted does not ensure any temporary construction on land located adjacent to a state highway will appropriately manage traffic effects.</p> <p>Amend as follows:</p> <p><u>NOTES:</u> <u>1. Approval from the NZ Transport Agency may be necessary for temporary construction activities located within or on land adjacent to the state highway road reserve.</u></p>	<p>Accept</p>	<p>Agree with the reporting officer's recommendation.</p>