

**BEFORE INDEPENDENT HEARINGS COMMISSIONERS APPOINTED BY WEST
COAST REGIONAL COUNCIL**

IN THE MATTER of the Resource Management Act 1991
("the Act")

AND

IN THE MATTER of submissions by NZ Transport Agency
Waka Kotahi (submitter s450) on Proposed
Te Tai o Poutini Plan – Combined West
Coast District Plan – Hearing Stream:
Designations

**RESPONSE TO MINUTE 15 ON THE AMENDMENTS TO STATE HIGHWAY
DESIGNATIONS ON BEHALF OF NZ TRANSPORT AGENCY WAKA KOTAHI**

23 February 2024

Issue

1. NZ Transport Agency Waka Kotahi (NZTA) has been requested in Minute 15 of the hearing of submissions and further submissions on the Proposed Te Tai o Poutini – Combined West Coast District Plan Review (TTPP) to provide more clarity on the amendments sought to the state highway designation shapefiles so they can be checked for accuracy.
2. In the Minute it was identified that there are 379 discrete areas where amendments were sought to the shapefiles where additional information is required by the Panel so that the accuracy of the amendments sought by NZTA can be better assessed. However, it is noted that the number of discrete areas has since increased to 437 since the Minute was released. It is understood that this increase was associated to areas within legal road parcels being split into separate references to improve the accuracy of information to which NZTA could respond to.
3. To support a response to the request in Minute 15, the GIS data that identified these discrete areas was sought by NZTA. This was to help understand the location and the extent of each area. NZTA liaised with the Reporting Officer, Ms Zhai, to obtain the appropriate data.
4. The data was received on 2 February 2024, which categorised the discrete areas into 'designation expansion within road parcels' and 'designation expansion in non-road parcels' of which there were 139 and 298 areas, respectively (437 in total). A third category was also included in the data that identified where NZTA has reduced the extent of the areas covered by the proposed state highway designation compared to that of the notified version. These areas were removed as part of the amended designation shapefiles submitted alongside my evidence to improve the accuracy of the state highway designations. Therefore, no further detail is required on these areas.

Response

5. NZTA is aware that there are several encroachments where it appears that the designation is outside a legal road parcel. However, these encroachments are primarily because of historical geospatial issues when identifying the spatial boundaries of the state highway that have resulted in inconsistencies when displayed on a spatial display system, such as GIS. In many instances the surveyed legal property boundary on the ground is correct, but the digital representation in the GIS is incorrect.
6. NZTA is currently working through a Digital Parcel Improvement (DPI) project in collaboration with Toitū Te Whenua Land Information New Zealand (LINZ), which will improve the spatial accuracy of the state highway corridor where these inconsistencies exist. For example, along State Highway 6 (SH6) NZTA has sought a 0.265ha amendment to the state highway designation boundary outside of a legal road parcel, which encroaches into Parcel ID 3623395 (Part Reserve No 4 Survey Office Plan 11671) as identified in the attached spreadsheet (Appendix 2). This particular property has been identified as part of the DPI work where there are significant inconsistencies to the digital representation of the parcel where the boundaries are out by approximately +/- 5m in either direction. The actual property boundary is likely correct, but the issue is how it has been reflected in a digitised parcel where there are these discrepancies. NZTA has sought in the original submission that the formed and operational road of the state highway should be covered by the designation. In many instances the physical legal road parcel is correct, but the digitised parcel is historically incorrect, so the designation is not extending into private property. These issues should be updated through the DPI project.
7. To ensure that NZTA can provide clarity to the amendments sought to the state highway designations in response to Minute 15, a robust process was worked through where each of the discrete areas identified were checked to be consistent with the original submission dated 2 November 2022. Where the amendments were consistent with the original submission, it ensured that any affected landowners had the opportunity to comment on such request. Where any of these discrete areas were inconsistent with the original submission or were investigated to no longer be required, these have since be removed. By undertaking these additional checks, it should provide

enough detail and reasoning as to why the amendments are required and it can then be checked for accuracy. Each discrete area has been reviewed and coded in accordance with the categories below, which align with the scope of the original submission.

Designation Categories as per original NZTA submission:

- A. Mapping errors (i.e. Taramakau River Bridge)
 - B. Mapping errors (i.e. Ahaura River Bridge)
 - C. Extension to cover the full length of the state highway (e.g. State Highway 67A)
 - D. Widen to 5m either side of bridge and/or structure
 - E. Missing legal road parcels
 - F. Extend over non-road parcel to cover formed and operational road
 - G. Extend to cover gravel areas, lay-bys, etc, managed and maintained by NZTA
 - H. Other (e.g. minor boundary correction)
8. The spreadsheets in Appendix 1 for areas within legal road parcels and Appendix 2 for areas outside legal road parcels provide a breakdown for each discrete area and how they are coded with the above categories.
9. The review of these discrete areas of amendments are summarised as follows:

Areas within legal road parcels

There are a total of 298 discrete areas identified where the land is legally identified as road and amendments to the designation were sought. The review of these discrete areas identified the following:

- 292 of these discrete areas included legal road parcels that were within scope of the original NZTA submission and are consistent with Category C or E identified above. These are all legal road that are managed by NZTA and therefore are to be covered by a designation.
- There were 6 areas that were not consistent with any of the categories identified above and are outside the scope of the original submission. These are references 10, 12, 16, 27, 37, and 45 in the spreadsheet of Appendix 1.

Areas outside of legal road parcels

There are 139 discrete areas identified where amendments were made to the designation outside of a legal road parcel. In review of these discrete areas, the following was identified:

- 128 discrete areas that are within scope of the original submission and consistent with the categories A, B, D, E, F, G and H identified above.
 - There are 4 discrete areas that are partially within scope and require the extent of the shapefile to be reduced to be within scope to remove any potential encroachment. These are rows 5, 22, 54, and 81 in the spreadsheet of Appendix 2.
 - There are 7 discrete areas that are outside of scope and are inconsistent with the categories identified above. These are rows 26, 40, 56, 58, 72, 88, and 100 in the spreadsheet of Appendix 2.
10. As mentioned above, where the discrete areas were determined to be out of scope or determined to not be required, these have been removed and the designation shapefiles have subsequently been amended.
11. Overall, I consider that the amendments sought to the state highway designations in the original NZTA submission are within scope of the original submission and the spreadsheets in Appendix 1 and Appendix 2 should provide sufficient detail to be checked for accuracy and can confirm the need

for the amended designation shapefiles. In Minute 15 the Reporting Officer, Ms Zhai, stated the following:

I agree that it is appropriate to amend the state highway designation to:

- (a) Align with the corrected legalised road boundaries;*
- (b) Cover formed and operational road, including shoulders, existing gravel areas, lay-bys, rockwalls, and other areas which meet the definition of 'road' under the Government Roading Powers Act 1989; and*
- (c) Cover any missed legal road parcels.*

12. I consider that the discrete areas and associated amendments to the shapefiles are consistent with Ms Zhai's position above, with the exception of the widening of the designation 5m on either side of a bridge or structure. However, the reasoning for this request is described in paragraphs 5.10 – 5.14 of my tabled evidence (Appendix 3), dated 15 November 2023, and I consider this to be appropriate through Clause 4 of Schedule 1 of the Resource Management Act 1991.
13. I consider that this should be sufficient to provide clarity in relation to the request sought under Minute 15 and that the designation shapefiles can now be assessed for further accuracy. I have also provided amended shapefiles in accordance with the areas being removed or altered as part of this review, which ensures that these are sufficient and in scope to the original submission on this matter.
14. If there is any further clarification or information required on this matter, then I am happy to assist further.



Stuart Pearson

23 February 2024

Appendix 1 – NZTA Designation Expansions within Road Parcels

Appendix 2 - NZTA Designation Expansion outside of Road Parcels

Appendix 3: Stuart Pearson Evidence – Paragraphs 5.10-5.14

Widening of designation around state highway structures

- 5.10. The Waka Kotahi submission point S450.326 seeks to widen the designation by 5m on either side of road structures such as bridges, viaducts, overbridges, etc, to accommodate the ongoing operational and maintenance required for these structures.
- 5.11. In paragraph 48 of the s42A report the reporting officer stated that the widening of the state highway designation shapefile to include 5m either side of a structure is not supported, as it is considered that the effects resulting from these works, including on existing waterbodies, are appropriately managed under the provisions of the District Plan or through an application to alter the existing designation.
- 5.12. I consider that there is benefit in extending the width of the designation to provide ease of identification in the proposed TTPP for the maintenance and protection of state highway infrastructure. There is no impact on private property created by the modifications, and it is no more than a minor change, which results in no more than minor effects.
- 5.13. The additional 5m width on either side of a structure also does not remove the responsibility for Waka Kotahi to get appropriate approvals, such as a regional consent, to undertake works within waterways for the maintenance and repair of these structures.
- 5.14. A wider designation around structures has been applied consistently throughout New Zealand in numerous other proposed district plan reviews and has been an accepted approach, including in the Proposed Waimakariri District Plan and the Selwyn District Plan. Also, the reporting officer has suggested that it could be appropriate for an alteration to be undertaken to the existing designation, likely through a s181 process. I do not consider that there is a difference in effects doing the alteration through the Schedule 1 process under the Resource Management Act 1991 compared to a s181 process in this instance. Clause 4 of schedule 1 allows for new requirements to be included into existing designations, with or without modifications and it does not restrict the extent to how much a designation can be modified where there are no more than minor effects.