

7 Statutory Requirements

7.1 Introduction

Any future upgrading and improvements for the study route will be subject to a number of statutes and resource management requirements. The study area lies within both the Rotorua District and Taupo District. The information supplied below outlines these statutory requirements.

7.2 Land Transport Management Act (LTMA)

Any projects arising out of the this Report will be subject to the requirements of the LTMA if the RDC or TDC will be applying for Transfund funding. The sections below provide an overview of the requirements under the LTMA. A more in-depth analysis of identified projects with respect to the LTMA is provided in Section 9.10, and Appendix 8, of this Report.

7.2.1 Introduction

The principle purpose of the Land Transport Management Act 2003 (LTMA) is to establish a more comprehensive policy framework to guide decisions on how land transport networks in New Zealand are developed and funded. The LTMA creates a framework for decisions about the allocation and prioritisation of funding for land transport.

Section 3(1) of the Act states that, “the purpose of the Act is to contribute to the aim of achieving an integrated, safe, responsive, and sustainable land transport system”.

The Act introduces criteria guided by the wider strategic direction set out in the New Zealand Transport Strategy (NZTS).

7.2.2 Funding of Activities (Projects)

An activity is defined under the LTMA as a land transport output or capital project, or both. Pursuant to Section 20(2) of the Act, in approving a project Transfund must take into account how the activity:

- Assists economic development;
- Assists safety and personal security;
- Improves access and mobility;
- Protects and promote public health; and
- Ensures environmental sustainability.

Furthermore in approving an activity, Transfund must take into account any current national land transport strategy, relevant regional land transport strategy, and National Energy Efficiency and Conservation Strategy.

Accordingly it is important that each activity can demonstrate how it can meet the criteria above. It is important to note that Transfund must only take into account the criteria set out above.

7.2.3 New Zealand Land Transport Strategy

Section 20(2)(b) of the LTMA requires Transfund to take into account any national land transport strategy when approving a proposed Project. The New Zealand Land Transport Strategy (NZLTS) is aimed at creating a sustainable transport system that is also affordable, integrated, safe and responsive to New Zealanders needs. The Strategy recognises the importance of efficiency to achieving the vision, the need for people to have access to affordable and effective transport choices and local services, and considers more fully the needs of all people.

The vision from the NZLTS is:

“By 2010 New Zealand will have an affordable, integrated, safe, responsive and sustainable transport system.”

The vision is underpinned by four key principles:

- Sustainability
- Integration
- Safety
- Responsiveness.

7.2.4 Waikato Regional Land Transport Strategy

Section 20(2)(b) of the Act requires Transfund to take into account any regional land transport strategy when approving a proposed project.

7.2.5 National Energy Efficiency and Conservation Strategy (NEECS)

Section 20(2)(b) of the Act requires Transfund to take into account the National Energy Efficiency and Conservation Strategy (NEECS), when approving a proposed project.

The NEECS sets a range of energy efficient targets for the national economy. It also sets out specific objectives for transport energy reduction and efficiency improvements as follows:

- Reducing energy use through reducing the need for travel.
- Progressively improve the energy performance of the transport fleet

- Improving the provision and uptake of low energy transport options.

A number of refined goals are outlined in 'The Strategic Approach' and include:

- Reducing fuel consumption
- Developing more efficient urban transport forms and systems
- Improving traffic flow.

7.3 Resource Management Act

The Resource Management Act 1991 (RMA) provides the decision-making framework within which to assess options, determine the environmental effects and mitigation measures, and also define the statutory processes that will influence the project outcomes. The purpose of the RMA is to promote the sustainable management of natural and physical resources. Mitigation measures will need to be incorporated in any final road design to ensure that the quality of the environment is maintained or enhanced.

7.4 Historic Places Act (1993)

There are no identified sites in the District Plans, Historic Places Trust Register and the New Zealand Archaeological Association database in the immediate vicinity of the existing road. This does not mean that sites are not located in the project locality and detailed surveys may be required at a later stage.

7.5 Regional Council Plans and Documents

The study length is located within the Waikato Region. It is advisable that the requirement for resource consents be confirmed with Environment Waikato (EW) before lodging any application. Possible resource consent requirements for roading improvements include consents such as:

- Earthworks
- Work in the bed of a waterway
- Culvert extension
- Discharge/diversion of water

The following Regional Council plans and documents are relevant to this study:

Waikato Regional Council (Environment Waikato)

- Waikato Regional Policy Statement (Operative);
- Proposed Waikato Regional Plan;

- Transitional Regional Plan;
- Operative Waikato Regional Land Transport Plan.

7.6 Rotorua and Taupo District Plans

District Plan rules will be used as a baseline comparison for any Notice of Requirement that is lodged for a new Designation. The Taupo and Rotorua Plans are generally consistent with improving the safety of the roading network provided that adverse effects on the surrounding environment and community are avoided, remedied or mitigated.

7.6.1 Rotorua District Plan

Land use adjacent to the existing Broadlands Road may hinder any proposals to widen the Road. Significant land uses recorded in the District Planning Maps include:

- Settlement of Reporoa
- Cemetery site located on the corner of Homestead Road and Broadlands Road;
- Water Supply located on the corner of Homestead Road and Broadlands Road;
- Recreation Reserve located 300m north of intersection of Homestead Road and Broadlands Road;
- Settlement of Broadlands;
- Gas pipeline (Taupo Lateral) adjacent to and passing under Broadlands Road around the settlement of Broadlands;
- Ohaaki Geothermal Power Station.

7.6.2 Taupo District Plan

Land use adjacent to the existing Broadlands Road may hinder any proposals to widen the Road. Significant land uses recorded in the District Planning Maps include:

- National Power Grid (with 20m buffer either side) passing across Broadlands Road just north of View Road;
- Centennial Park;
- Waikato Regional Council Depot (Pest Destruction and Water and Soil Purposes);
- Hot Ground Hazard Areas on the eastern fringes of Taupo;
- Taupo Eastern Arterial Route crossing Broadlands Road;

- Designation for Road widening on Tauhara Road adjacent to Broadlands Road/Miro Street intersection;
- Miro Street Reserve;
- Known contaminated sites on Miro Street (Sawdust and Mill Waste/Timber Treatment Site);
- Industrial zone/activity through Miro Street and Crown Road;
- Crown Road Berms (Reserve);
- Crown Park;
- Residential activity adjacent to Crown Road;
- Halley Park;
- Taupo Eastern Arterial Route on Crown Road;

7.7 Planning Guidelines

In order to avoid, remedy or mitigate any adverse environmental effects, the following are general principals and guidelines that should be considered with any proposed construction work.

- (i) Early consultation should be initiated with tangata whenua, directly affected landowners and key stakeholders such as the Department of Conservation and Fish and Game.
- (ii) Mitigation measures such as earth bunds, fencing, planting, etc should be investigated early to enable these to be incorporated into the design of any improvements.
- (iii) Sediment control is a fundamental issue that regional councils require to be addressed. Fish and Game has also raised this as an important matter. Early consideration of sediment control and incorporation of control measures into the design is likely to expedite processing of resource consents with Environment Waikato.
- (iv) Further consultation should be undertaken with the New Zealand Historical Places Trust regarding the need for Archaeological Assessments.