

**Before Independent Hearing Commissioners
In Queenstown**

Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Queenstown Lakes District Plan

and the Chapter 37: Chapter 37 Designations (General)

and The New Zealand Transport Agency
Submitter 719

**Outline of legal submissions on behalf of the New Zealand Transport
Agency (719) in relation to Stage 1: Chapter 37 Designations
(General)**

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1 Introduction

1.1 These legal submissions are presented on behalf of the New Zealand Transport Agency (**'Agency'**) in relation to Stage 1: Chapter 37 Definitions (General) of the Proposed Queenstown Lakes District Plan (**'Proposed Plan'**).

1.2 The Agency is the requiring authority responsible for the "State Highway Purposes" designations in the operative Queenstown Lakes District Plan (**'Operative Plan'**) and the Proposed Plan.

1.3 With respect to Chapter 37 Designations (**'Designations Chapter'**) the Agency:

- a Supports the State highway purposes designations in the Operative Plan being 'rolled over' into the Proposed Plan.
- b Seeks amendments to the planning maps and Schedule of Designations to accurately reflect recent alterations to designation 84.
- c Seeks that the Proposed Plan text in relation to limited access roads (**'LARs'**) in Queenstown Lakes District be updated to accurately refer to those parts of the State highway network that have LAR status.
- d Seeks other usability improvements to the chapter, for example by listing designations in numerical order, and changing the maps to consistently and clearly label State highway designations and specific alterations to those designations on maps of different scales.
- e Seeks a number of changes with respect to Designation 29 for the QLDC Events Centre and Aquatic Centre.

1.4 The only areas of disagreement with the recommendations in the Section 42A Report¹ are:

- a The Reporting Officer² suggests the amendments to the Transport Agency's designations should be achieved through alterations to the designations. The Agency does not support that solution for practical and legal reasons. The Agency suggests the amendments are made:

¹ Section 42A Report on submissions and further submissions for Chapter 37 – Designations (General), prepared by Rebecca Holden, dated 23 September 2016.

² Section 42A Report on submissions and further submissions for Chapter 37 – Designations (General), prepared by Rebecca Holden, dated 23 September 2016, at paragraph 6.85.

- i Directly to the Proposed Plan in accordance with section 175 of the Resource Management Act 1991 ('RMA'); or
 - ii Using clause 16(2) of the First Schedule to the RMA, which allows the Council to amend a proposed plan where the amendment is of minor effect or corrects a minor error.
- b The Reporting Officer³ suggests the Transport Agency also use a designation alteration to correct the Proposed Plan text regarding LARs. The Agency does not consider that this amendment can be achieved using a designation alteration, and requests that the corrections are made:
- i As a result of Panel recommendations and Council submissions; or
 - ii As a clause 16(2) amendment.
- c The Reporting Officer⁴ recommends rejecting the Transport Agency's submission seeking consistent labelling of the State highway designations. The Transport Agency disagrees with this recommendation, and considers the mapping changes it suggests will ensure the Proposed Plan is clearly understood by Plan users.

2 Scope of legal submissions

2.1 These submissions will address:

- a The background to designation 84 and the "rollover" process;
- b The legal requirements on the Council with respect to including designations in the Proposed Plan;
- c The nature and implications of the Council's errors;
- d The relief sought by the Agency in order to address these errors; and
- e Other matters raised in the Agency's submission on the Proposed Plan.

³ *Ibid.*

⁴ Section 42A Report on submissions and further submissions for Chapter 37 – Designations (General), prepared by Rebecca Holden, dated 23 September 2016, at paragraph 6.89.

3 Background and chronology

- 3.1 The Agency is a crown entity established under s 93 of the Land Transport Management Act 2003 ('**LTMA**'). The Transport Agency's statutory objective is "to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest."⁵
- 3.2 Among other functions, the Agency is responsible for the management of the State highway network. The State highways within Queenstown Lakes District⁶ are generally provided for under a single designation 84 in the Operative Plan. In addition, designation 370 authorises a specific roundabout at the intersection of State highway 6 ('**SH6**') and the Eastern Access Road at Frankton Flats, Queenstown.
- 3.3 In terms of the planning maps in the Operative Plan:
- a the "State Highway (Designation 84)" is shown as a red and black line on maps of a smaller scale (i.e. showing a greater area); and
 - b planning maps of a larger scale (i.e. a 'zoomed in' view) identify particular features (but not the entirety of the State highway network) with a blue outline and a "84" annotation.
- 3.4 This approach is continued in the Proposed Plan, which has a similar legend and the same map numbers as the Operative Plan.⁷
- 3.5 Aside from designation 370, new State highway projects or upgrades within the District have generally been provided for by means of alteration to designation 84 in the Operative Plan, rather than by separate new designations.
- 3.6 One example of this is alteration RM120413 to authorise the construction, operation and maintenance of a new two lane bridge on SH6 across the Kawarau River at Frankton ('**New Kawarau Falls Bridge**'). An Environment Court appeal with respect to the Agency's decision on this alteration was resolved by consent on 26 November 2013. This aspect of designation 84 is shown in Planning Map 33 Frankton in the Operative Plan (blue lines signifying a designation and marked '84' can be seen crossing the Kawarau River, slightly to the east of the existing

⁵ Section 94 of the LTMA.

⁶ Being SH6, SH6A, SH8A, and SH84.

⁷ The only exception being that the roundabout at the intersection of SH6 and the Eastern Access Road in Frankton Flats is separately provided for under designation 370. In addition, the legend for the red and black lines in the Proposed Plan simply refers to "State highway" rather than "State Highway (Designation 84)".

- Kawarau Falls Bridge). In addition, the designations section of the Operative Plan contains conditions for Designation 84 that are specific to the construction of the new bridge.⁸
- 3.7 Construction of the New Kawarau Falls Bridge, in reliance on this aspect of designation 84, is presently underway.
- 3.8 Prior to the Proposed Plan being notified, the Council wrote to the Agency,⁹ as required by clause 4 of the First Schedule to the RMA, in order to confirm whether the Agency wished the existing State highway designations in the Operative Plan to be included in the Proposed Plan ('Rolled Over').
- 3.9 The Agency responded by way of an email dated 4 February 2015,¹⁰ to the effect that:
- a It required its "designations" (presumably referring to designation 84 and designation 370) to be included in the Proposed plan ('rolled over') "without significant amendments";
 - b A reference to SH89 (in the Operative Plan) should not be carried over to the Proposed Plan, because this was no longer a State highway; and
 - c "Very minor tweaks" needed to be made in terms of correcting references to "Transit NZ" (the Agency's predecessor) and the relevant legislation.
- 3.10 The Proposed Plan was subsequently notified on 25 August 2015. It contained a number of omissions or inaccuracies with respect to the State highway purposes designation 84, in terms of alterations to that designation that had either not been included at all, or included with errors.
- 3.11 The Agency wrote to the Council in a letter dated 8 October 2015, identifying these issues. That letter is attached as Appendix 3 to the Section 42A Report.¹¹ The issues identified in the letter related to:¹²

⁸ Appendix 1 Designations, A.6 at page A1-20.

⁹ Subsequent correspondence indicates this was by way of a letter dated 31 July 2014, however the Agency has been unable to locate a copy of that letter.

¹⁰ From Ian McCabe to Craig Barr. A copy is attached to the evidence of Mr MacColl at Annexure A.

¹¹ Section 42A Report on submissions and further submissions for Chapter 37 – Designations (General), prepared by Rebecca Holden, dated 23 September 2016.

¹² These issues are also identified as items 6.80.a – c in the Section 42A Report.

- a Certain projects or aspects of designation 84 that were included by way of alteration being omitted from the Proposed Plan – these issues are summarised below and in the evidence of Mr MacColl.
 - b The minor amendments previously requested by the Agency (in its 4 February email) not being made.
 - c The description of the LARs in the designations chapter not reflecting the LARs that have been gazetted within the District.¹³
- 3.12 The Agency considered that these were all errors on the part of the Council, which needed to be immediately remedied using a ‘slip rule’,¹⁴ rather than being a matter to be determined by the hearings commissioners. Consistent with this approach, the Agency did not raise those matters again in its submission on the Proposed Plan dated 23 October 2015. However, the Council has not remedied these errors.
- 3.13 The Agency subsequently made further submissions dated 16 December 2015, but these did not relate to the designations chapter. The only other submission (or further submission) in relation to designation 84 was the Council seeking to correct erroneous references to “Transit New Zealand”.

4 **Legal requirements – territorial authority role with respect to designations**

- 4.1 In preparing, notifying and making decisions in respect of a proposed plan, territorial authorities have a limited role with respect to designations for which they are not the requiring authority:
- a Clause 4 of Schedule 1 to the RMA requires a territorial authority to invite requiring authorities that have existing designations in the operative plan to give notice as to whether they should be included in the proposed plan (“rolled over”) with or without modifications.¹⁵ Following this, the territorial authority “shall include in its proposed plan” any designation it receives notice of under clause 4.¹⁶ There is no discretion for the territorial authority to:

¹³ A list of Gazetted LARs in the District is provided in Schedule 3 of the 8 October letter (included in the Section 42A Report).

¹⁴ As the Section 42A Report observes, the Agency’s letter refers to clause 20A of the First Schedule, whereas clause 16(2) contains the applicable ‘slip rule’ for a proposed plan.

¹⁵ Clause 4(1).

¹⁶ Clause 4(5).

- i refuse to include a designation in the proposed plan;
 - ii refuse to make modifications requested by the requiring authority; or
 - iii make amendments to a designation (not requested by the requiring authority) of its own accord.
- b If an existing designation is included in a proposed plan without modification, and no submissions are received in respect of it, then the territorial authority has no jurisdiction to make a recommendation in respect of it.¹⁷

4.2 The Council's obligations in relation to designations (or alterations) being included in a district plan for the first time are also constrained:

- a Section 175(2) of the RMA provides that, once a notice of requirement is finally determined¹⁸, the territorial authority must, "as soon as practicable and without using Schedule 1":¹⁹

include the designation in its district plan **and any proposed district plan** as if it were a rule in accordance with the requirement as issued or modified in accordance with this Act

[emphasis added]

- b Section 181(2) confirms that section 175 applies to an alteration "with all necessary modifications" as if it were a requirement for a new designation. As such, the reference to "the designation" in section 175(2) should be taken to include an alteration: the obligation is the same.

4.3 The Agency understands that some of the missing alterations may not have been included in the Operative Plan until after the Council first wrote to the Agency, or after the Proposed Plan was notified. That would represent an unjustified delay, given the time that had elapsed since the alterations were made (for example, the New Kawarau Falls Bridge alteration was confirmed in 2013).

4.4 However, in either case, section 175 clearly required the Council to include the alterations (as part of designation 84) in its Proposed Plan at the same time as

¹⁷ Clause 9(3).

¹⁸ In the sense of any appeals to the Environment Court being resolved, or being determined by a board of inquiry or in a direct referral process – refer section 175(1).

¹⁹ Section 175(2)(a).

they were included in the Operative Plan (or at the time that the Proposed Plan was notified, if this was slightly later).

4.5 The Council has failed to comply with these legal obligations.

5 The errors in the Proposed Plan

5.1 As listed in a Schedule to the 8 October 2015 letter²⁰ and further explained in the evidence of Mr MacColl, the aspects of designation 84 which were either omitted or contain errors are as follows:

- a *New Kawarau Falls Bridge - Alteration RM120413 to designation 84.* This alteration was confirmed by the Environment Court in November 2013.²¹ Construction of the bridge began during December 2015 and is presently underway. Planning Maps 31, 31a and 33 in the Proposed Plan (unlike their equivalents in the Operative Plan²²) do not show designation 84 crossing the Kawarau River to the east of the existing Bridge. In addition, the specific conditions relating to this project (which are included in the Operative Plan) have been omitted from the designation conditions in Chapter 37 of the Proposed Plan.
- b *Grant Road Roundabout – alteration RM110290 to designation 84.* This alteration was confirmed on 18 August 2011.²³ It is shown in the Operative Plan on maps 13, 31, 31a and 33 with an annotation “84”, but it is not included on the maps for the Proposed Plan, and the designation conditions are also omitted from Chapter 37. This project has now been substantially completed, except for some landscaping work.
- c *Eastern Access Road Roundabout and four laning – Alteration RM140857 to designations 84 and 370.* This alteration was confirmed by an Agency decision in October 2011.²⁴ It is identified in the Operative and Proposed Plans (with a “370” annotation) on maps 13, 31, 31a and 33. However, these maps fail to show the four laning and the extension of the designated area (designation 370) of the Grant Road roundabout. This project has now been completed.

²⁰ Refer the table at Schedule 1 of the letter.

²¹ Refer decision [2013] NZEnvC 279.

²² The Operative Plan Map 13 also shows designation 84 crossing the Kawarau River, but the alignment may reflect the existing bridge rather than the new bridge which is currently under construction.

²³ Subject to three conditions – refer Annexure D to Mr MacColl's evidence. These were not included in the Operative Plan.

²⁴ Subject to conditions – refer Annexure E to Mr MacColl's evidence.

- d *Makarora Variable Message Sign – Alteration RM150169 to designation 84.* This alteration is shown in the Operative Plan on maps 2, 16 (as red and black marking) and 16b (as blue outline) but the alteration is not shown on the equivalent maps for the Proposed Plan (the designation is not shown at all on the larger scale maps). The purpose of the alteration was to enable the installation of a new variable message sign. This work has now been completed.
 - e *Boyd Road – alteration RM090645 to designation 84.* This alteration was sought to facilitate improvements to the alignment of State highway 6 near Boyd Road. The work has not yet been carried out. The altered designation was not shown on the relevant planning maps for the Operative Plan (maps 13 and 31a) or the relevant planning maps for the Proposed Plan (also maps 13 and 31a).
 - f *Peninsula Road – alteration RM81075 to designation 84.* The purpose of this alteration was to facilitate improvements to the intersection between State highway 6 and Peninsula Road. The Agency cannot be certain that the alignment is correctly shown in the lower scale planning maps, and this part of the designation is not shown at all in the larger scale maps.
 - g *Nevis Bluff – alterations RM040909 and RM090555 to designation 84.* The purpose of these alterations was to carry out works at Nevis Bluff and authorise an associated cleanfill. The altered designation is not shown on the relevant planning map in the Operative Plan (map 13) or the relevant planning map in the Proposed Plan (also map 13).
- 5.2 These errors are of concern to the Agency because they omit parts of designations 84 and 370 which authorise existing or future works. For example, construction of the New Kawarau Falls Bridge has commenced, but would cease to be authorised if the Operative Plan were to be replaced by the Proposed Plan in its current form.
- 5.3 In other words, if the designations chapter (or designations 84 and 370) were to become operative in its current form (or deemed to be operative under section 86F if the decision were not appealed), then the works would be illegal.

Under section 176 of the RMA, a designation is only effective to authorise²⁵ activities once it is “included in a district plan”. “District Plan” is defined by section 43AA of the RMA to mean an *operative* district plan.

6 Relief sought in respect of the errors

6.1 The omissions and inaccuracies in question are clearly errors – there has been no suggestion that the Council made these changes intentionally.²⁶ Further, the Agency’s initial request of 4 February 2015 was unambiguous: in effect it asked that designations 84 and 370 be included in the Proposed Plan, without any amendments except those specified.

6.2 As such, the omissions (for example, the failure to include lines on the Proposed Plan version of Map 33 denoting the New Kawarau Falls Bridge) must constitute either:

- a Minor errors – able to be remedied using the slip rule;
- b Alterations which the Council has failed to include in the Proposed Plan as required by section 175; and/or
- c “Modifications”²⁷ to the designations in the Operative Plan that occurred in the course of the “roll over” process that were not requested by the Agency as requiring authority, and which the Council had no discretion to make. On this view the changes were unlawful, and would not withstand judicial scrutiny (for example, in judicial review proceedings).

6.3 The Section 42A Report does not dispute that the omissions or inaccuracies were errors, but considers that they cannot be remedied under the clause 16(2) slip rule “as the errors are not minor”.²⁸ Instead, it considers that “the most appropriate way to rectify the issues” is for the Agency to submit a separate notice of requirement (**NOR**) to correct them, to be included within the notification of Stage 2 of the Proposed Plan. The Agency understands that Stage 2 is likely to commence midway through 2017.

²⁵ Or, in terms of the section, to exempt activities that are carried out for the designated purpose from section 9(3). A notice of requirement only has more limited interim effect under section 178.

²⁶ The section 42A Report, while stating that “the errors are not minor” (at paragraph 6.84), does not dispute that they were errors.

²⁷ In the clause 4 sense.

²⁸ Section 42A Report at 6.83

6.4 Similarly, a recent Council Agenda (dated 29 September 2016) indicates that Stage 2 of the District Plan Review will include:

Designations. Limited to five designations²⁹ that were not identified by the New Zealand Transport Agency for notification of Stage 1.

6.5 The Agency does not consider that this approach is appropriate (if even legally available). That is because:

- a The errors relate to alterations to existing designations, rather than additional designations that the Agency failed to identify. In asking the Council to roll over its designations without substantive amendment, there was no need for the Agency to specifically identify every alteration that had ever been made to designations 84 and 370. Once confirmed, an alteration simply ‘amends’ a designation; it does not remain a separate instrument.
- b Similarly, in terms of section 175, there is no obligation on a requiring authority to request that the Council include new designations or alterations in its operative and proposed plans – instead the Council is simply required to do so under that section “as soon as practicable and without using Schedule 1”.
- c It is not clear that it would even be possible for the Agency to issue a notice of requirement to alter (i.e. correct) the designations in the Proposed Plan. The statutory scheme suggests that a notice of requirement for an alteration under section 181 of the RMA can only be made in relation to a designation in an (operative) district plan. However, designations 84 and 370 in the Operative Plan generally include the alterations that are missing from the Proposed Plan.
- d Further, the Agency cannot wait until the relevant parts of the Proposed Plan become operative (under section 86F) before initiating a further alteration. At that point designations 84 and 370 in the Operative Plan would be superseded such that aspects of the State highway network (including the current work on the New Kawarau Falls Bridge) would no longer be authorised.

²⁹ It is not clear to the Agency why this agenda refers to “five designations”, when it has identified seven issues. In any case, they are alterations rather than separate designations.

- e Finally, the Agency should not be put to the cost and inconvenience of issuing a separate NOR to “re-make” changes to designation 84 that have already been made through the appropriate RMA processes. It is not acceptable for the Section 42A Report to suggest that if the Council had only made minor errors then it could correct them, but because the Council has made errors that are (in the Officer’s view) “not minor”, it is now up to the Agency to “rectify the issues”.

6.6 Instead, the Agency considers that these omissions and inaccuracies can be dealt with as alterations that still need to be included in the Proposed Plan (without using the Schedule 1 process) under section 175:

- a The required changes (being minor amendments to the planning maps and the inclusion of conditions in the schedule) are required to accurately reflect designation alterations that have already been validly made, and now reflected in the Operative Plan. As such they are ‘neutral’ in the sense that they do not represent any change from the status quo. Further, much of the work authorised by the alterations is complete, and the Crown already holds all land that is required for the outstanding works to be completed. No third party landowners will find their land designated without the ability to submit on that.
- b Except for the Council itself seeking to correct erroneous references to ‘Transit New Zealand’, no party has made a submission with respect to the Agency’s designations. There is no basis to suggest that any other party would have submitted if the designations had been rolled over without the errors. Further, section 175 specifically states that the Schedule 1 process does not need to be used when including a new designation or alteration in a proposed plan. Section 175 does not simply require inclusion in proposed plans which have yet to be notified – it applies to all proposed plans (whether already notified or not).
- c Further, with respect to the alteration to enable the New Kawarau Falls Bridge:
 - i It must be evident to all parties that this work is occurring – construction of the bridge is presently underway; and

- ii The alteration was only finally determined in 2013, and there is no justification for re-opening that process now.
 - d In respect of the other alterations or aspects of the State highway network which are not shown in blue outline, these are generally already shown (albeit at a lesser degree of detail) on the 'zoomed out' (lower scale) planning maps in the Proposed Plan. Where this is the case, also showing the designation on the larger scale maps can be seen as a clarification to avoid any uncertainty as to whether these areas are designated.
- 6.7 The Transport Agency considers the errors could also be corrected using the clause 16(2) 'slip rule' – either as alterations of minor effect or to correct a minor error. The Agency disagrees with the Section 42A Report author's view that the errors are not minor.³⁰ The Agency also considers the alterations would have minor effect – given the presence of the alterations in the Operative Plan (in many instances), and the fact that no third party landowners will be affected (this part of clause 16 is not discussed by the Section 42A Report author).
- 6.8 If the Council is unwilling to use the 'slip rule' (clause 16(2)) or rely on section 175 to remedy these issues, then the only sensible option would be for it to re-notify those parts of Chapter 37 that pertain to Agency's designations – in other words, to "re-do" the rollover exercise. While the Agency is reluctant to bring judicial review proceedings to remedy these issues, it notes that "re-doing" the rollover exercise would be the most likely outcome (in terms of relief from the High Court) if it were to do so.
- 6.9 Re-notification is the Agency's least preferred option. This is because:
- a The timing and nature of any such re-notification would be in the hands of the Council – creating significant uncertainty;
 - b It would prevent the Designations Chapter and all relevant planning maps becoming operative until the notified designations 84 and 370 had been through a further submission and hearing process to 'catch up'; and
 - c Plan users could easily be confused by different versions of designations 84 and 370 appearing in the Operative Plan, Proposed Plan (Stage 1) and Proposed Plan (Stage 2).

³⁰ Section 42A Report on submissions and further submissions for Chapter 37 – Designations (General), prepared by Rebecca Holden, dated 23 September 2016, at paragraph 6.89

LARs

- 6.10 The Section 42A Report also recommends that the Agency issue a notice of requirement to correct the references to LARs in Chapter 37 (Part A.3) of the Proposed Plan. This suggestion misunderstands the nature of both LARs and designations:
- a An LAR is not an RMA instrument; it is a status that applies to some State highways under the Government Rooding Powers Act 1989.
 - b Part A.3 of the Proposed Plan lists those parts of the State highway network that are declared to be LARs. This is really in the nature of an advice note – while it is likely to be of assistance to users of the Plan, Part A.3 does not have any regulatory force in and of itself.
 - c Because Part A.3 of the Plan is not a designation or condition of a designation, it is not something that the Agency can amend by way of a notice of requirement.
 - d Instead, the references at Part A.3 can be corrected either by the Council as a ‘minor error’,³¹ or by the Commissioners (treating the Agency’s letter as a submission on the Plan).

7 Other matters raised in the Agency’s submission

- 7.1 The other matters raised in the Agency’s submission on the Proposed Plan are more straightforward, and are addressed briefly below.

SH6 Roundabout definition

- 7.2 As explained in the submission itself, there is no need for a definition of “SH6 Roundabout Works” to be included in the Proposed Plan definitions, as the works relate to a notice of requirement. Further, this defined term does not appear in any of the Proposed Plan chapters that have been notified to date. The Section 42A Report does not discuss this submission point.

³¹ The change would be minor or “neutral” in the sense that the description in the Plan (as opposed to the LARs themselves) does not actually affect the interests of any party.

Listing of designations

- 7.3 The Agency sought that the designations be listed in numerical sequence in order to assist ease of use. The Section 42A Report supports this change.³²

QLDC designation

- 7.4 The Agency's submissions seek a number of relatively minor changes to the designation conditions for the Council's designation 29 – QLDC Events Centre and Aquatic Centre.
- 7.5 The changes are all self-explanatory, and the Section 42A Report³³ recommends that they be made.

Mapping of NZTA designations

- 7.6 The Agency's submission sought that the planning maps adopt a consistent method for labelling State highway designations throughout the district, and identifies a number of corrections needed to the annotations.
- 7.7 Obviously, it is important that the depiction of the designations in the Plan is both accurate and easily understood. As noted above, both the Operative and Proposed Plan maps use different formats for identifying State highway designations on planning maps of different scales (i.e. blue outlines or red and black lines). This approach is not taken with respect to the designations held by other requiring authorities (which are instead shown only in the blue outline format).
- 7.8 That in itself is confusing, but it has not even been applied consistently – while the lower scale (zoomed out) maps purport to show all of the State highway network (as red and black lines), the zoomed in maps only show particular features that have been authorised by way of alteration. Also, the designation 84 areas are not 'filled in' (i.e. with blue dots) in the way that other designations on the planning maps are.
- 7.9 From the larger scale maps it appears that only portions of the State highways are designated. There is no justification for this approach, given that:

³² Section 42A Report at 6.79.

³³ Section 42A Report: Chapter 37 – Designations (QLDC), at 7.12 onwards.

- a As noted above, once alterations are made they merge with and become part of the designation in question – they do not need to be separately identified on the planning maps; and
 - b All components of the State highway designations should be identified as such on all the maps on which they appear.
- 7.10 The problems that can arise with this inconsistent approach are illustrated by the Section 42A Report suggesting that references to Maps 24 and 38 should be deleted from the designation 84 entry in the designation Schedule³⁴ because those maps do not show the designation (as blue outlines). The Agency agrees that the reference to map 38 can be removed from the Schedule, because this map does not show any State highway. However, map 24 (specifically map 24b) shows an unlabelled portion of SH6. Accordingly, the reference to this map in the schedule should be retained and the map itself should be amended to show designation 84.
- 7.11 In addition, while the legend for the Operative Plan shows the black and red line as “State Highway (Designation 84)”, the Proposed Plan simply says “State Highway”. This could be misleading if it is understood to mean that parts of the State highway network are not designated.
- 7.12 Accordingly, in respect of the planning maps and legend, the Agency seeks that:
- a The legend in the Proposed Plan maps should identify the black and red line as depicting State Highway (Designation 84) – consistent with the Operative Plan;
 - b The larger scale maps show the blue outline (labelled 84 or 370) and shading (i.e. so that the designated area is ‘filled in’ with blue dots) on all aspects of the State highway (as designation 84 or 370). It is not necessary for the maps to identify all of the alternations that have been made over time; however designation 370 (at the corner of SH6 and the Eastern Access Road) needs to be separately identified.

³⁴ Officer’s Report at 6.90.

8 Summary of relief sought

8.1 The Transport Agency asks the Panel to recommend that:

- a The Council correct the mapping and scheduling of designations 84 and 370 in the Proposed Plan, either using section 175 of the RMA, or using clause 16 of the First Schedule to the RMA;
- b Part A.3 of Chapter 37 is amended to correctly refer to the LARs in the District;
- c The Proposed Plan maps are amended to show all State highways in the District, on both the large and small scale maps, as set out in the evidence of Mr MacColl.

Dated 7 October 2016



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