



MEMORANDUM OF UNDERSTANDING

BETWEEN

MANAWATU DISTRICT COUNCIL

AND

NZ TRANSPORT AGENCY

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MEMORANDUM OF UNDERSTANDING

The purpose of this Memorandum of Understanding (**MOU**) is to record agreement between the NZ Transport Agency and the Manawatu District Council as to when reverse sensitivity (noise) effects for State Highways will be considered as part of the sectional review of the Operative Manawatu District Plan (**District Plan**).

Dated: November 2016

PARTIES

Manawatu District Council, a Council duly constituted as a territorial authority under the Local Government Act 2002 (**Council**).

NZ Transport Agency, a Crown entity with the sole powers of control and management for all purposes of all state highways (**NZTA**). NZTA's objective, functions, powers and responsibilities are derived from the Land Transport Management Act 2003, and the Government Roding Powers Act 1989.

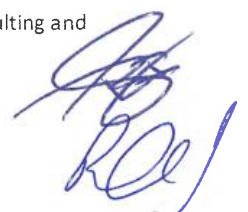
BACKGROUND

- A The Council has prepared plan change 55 (**PC55**) to the District Plan. NZTA lodged a submission on PC55 (S7/033 [3C Noise]).
- B NZTA requested that provisions be included within the District-wide rules of the District Plan to address reverse sensitivity effects for properties on the State Highway. In particular, NZTA sought a rule to address reverse sensitivity noise effects for State Highways, and Kairanga–Bunnythorpe Road and Ashhurst Road¹, with a speed limit of 70km or greater.
- C The Council has advised NZTA that there are only two areas in the District which have speed limits above 70km/h and which are not zoned rural.² This applies to a relatively short length of Kimbolton Road within the urban boundary of Feilding, and Cheltenham. Recognising the small extent of these areas, both parties agree that noise buffer and setback provisions should only apply in the Rural Zone.
- D This view is supported by Council's acoustic advisor, Mr Nigel Lloyd, who considers that reverse sensitivity requirements are only warranted in the Rural Zone. Mr Lloyd has also recommended a simplified draft version of the rule that NZTA requested through its submission for that zone.³
- E The Council acknowledges that reverse sensitivity issues for state highways were not addressed within draft Plan Change 53 (Rural Zone) (**PC53**). PC53 was put out for consultation in early 2016, and before Council received Mr Lloyd's report in respect of his review of the noise rules in the District.
- F The parties intend to enter this MoU before commencement of the hearing of PC55 in early December 2016.

¹ NZTA have advised that Kairanga-Bunnythorpe Road and Ashhurst Road are identified in the Joint Transportation Study as key freight corridors and that the application of noise sensitivity provisions will allow for these corridors to be future proofed.

² NZTA have advised that State Highway 54 Waugh's Road has a speed limit of 80km/h between the intersection at East Street and Aorangi Marae.

³ See pages 17 and 18 of the Sectional District Plan Noise Review Part 1 for Manawatu District Council, Acousafe Consulting and Engineering Limited, dated 29 April 2016.



NATURE OF MOU

- 1 The parties record their agreement in good faith below.
- 2 This MOU does not override any of the statutory duties or responsibilities imposed by legislation on either party.
- 3 This MOU may be amended by the mutual agreement of both parties.

GENERAL UNDERSTANDING

- 4 The Council intends to consider and address the issue of reverse sensitivity associated with State Highways as part of PC53. This will include further consideration of the recommendations of Mr Lloyd in his report, including any recommended draft noise rules for the Rural Zone.
- 5 As a result the parties agree that no changes to PC55 are necessary to address the submission from NZTA requesting a district wide rule to address reverse sensitivity noise effects.
- 6 The parties acknowledge that any rules, once notified as part of PC53, will be subject to the First Schedule process under the Resource Management Act 1991 and could be amended as a consequence.
- 7 In light of the above, the parties acknowledge that nothing in this document guarantees or constitutes a binding obligation in respect of any particular outcome or process. As such this document is intended to only be an expression of the parties' current intentions.

Signed on behalf
Manawatu District Council

by:



Brent Limmer
General Manager – Community and Strategy

23/11/2016

Signed on behalf of
NZ Transport Agency

by:



Ross I'Anson
Highway Manager

24/11/2016