

Mitigation options for development

Duty to avoid, remedy or mitigate effects

The Resource Management Act (RMA) places a duty on a developer to avoid, remedy or mitigate any adverse effects on the environment arising from their development (s17). The 'environment' includes all physical resources (s 2(1) RMA), such as the state highway network. This reinforces the general duty to act subject to or in accordance with the sustainable management purpose in Part 2 of the RMA.

Where a development proposal has adverse impacts on a state highway, the NZTA will seek to ensure, through negotiation with the local authority and the developer, that this duty is fulfilled at the developer's cost. In some cases the NZTA may consider it is appropriate to share costs of mitigation where it will have wider network benefits.

Types of mitigation

Identification of appropriate mitigation of adverse effects, particularly for large developments with significant levels of traffic generation or where a number of developments will cumulatively generate significant levels of traffic should be viewed within the context of the wider planning and transport objectives for that area. In large urban areas, for example, consideration may be given to multi-modal solutions to reduce traffic generation, although measures to enhance the capacity or safety of the state highway and its intersections will often be required. Mitigation may be delivered by the developer on their own land, may be required on state highways or may be delivered by a third party, such as a territorial authority.

The section below sets out the types of mitigation that the NZTA will generally advocate for in negotiations, submissions and appeals concerning proposed developments, where the adverse effects of a proposal on the state highway cannot be avoided entirely or fully remedied.

Examples of mitigation options to address the effects of development on the state highway

- Provide indirect access to state highways via local roads.
- Undertake improvements to state highway infrastructure including intersection upgrades, additional state highway capacity, new access roads and/or safety improvement schemes.
- Propose measures to reduce travel demand.
- Use signage, education or other measures to reduce adverse safety, environmental or social impacts.
- Develop travel plans.
- Improvements to public transport infrastructure (on-site and/or off-site).
- Provide financial support for public transport services.
- Provide cycle paths and walkways on the development site with connections to surrounding networks.

- **Contribute to cycling and walking measures in the vicinity, including crossing facilities on major roads.**
- **Provide levels of parking provision (eg maximum for private cars, minimum for cycles).**
- **Provide network connections for cycling and walking.**
- **Consider rail network connectivity.**
- **Provide measures to avoid or reduce noise and other reverse sensitivity effects.**
- **Grade separate or control crossings, or other measures to allow safe access across the state highway particularly for cyclists and pedestrians.**
- **Consider alternative local road access or ensure that access or intersection complies with access way safety standards.**
- **Provide measures to strengthen bridges and structures, or otherwise deal with effects.**