

BEFORE AN INDEPENDENT HEARINGS PANEL

THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

UNDER the Resource Management Act 1991 (the Act)

IN THE MATTER OF Hearing 10: Residential Zone (Proposed Waikato District Plan)
submissions and further submissions

**STATEMENT OF EVIDENCE FOR TANYA RUNNING FOR THE WAKA KOTAHI NZ
TRANSPORT AGENCY (PLANNING)**

DATED 30 JANUARY 2020

1. Introduction

- 1.1 My name is Tanya Running. I am a Principal Environmental Consultant with WSP where I have been employed since 2004. I hold a degree in Science from Waikato University. I am an Associate member of the New Zealand Planning Institute. I have 15 years' planning experience.
- 1.2 I am authorised to present this evidence on behalf of Waka Kotahi New Zealand Transport Agency (the Transport Agency), in support of its primary submissions¹ and further submissions² on the Proposed Waikato District Plan (PWDP). I was not involved in the preparation of the submissions or further submissions made to the PWDP.
- 1.3 I confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

2. The Transport Agency's submissions on the Residential Zone

- 2.1 The Transport Agency lodged submissions and further submission to Chapter 16: Residential Zone and Chapter 4: Urban environment, which are addressed in this hearing.

3. The Section 42A report

- 3.1 I have reviewed the Hearing 10: Residential Zone, section 42A report (s42A report) dated 20 January 2020 and its recommendations in relation to the Transport Agency's submissions and further submissions. For clarity, **Annexure A** provides a table of the Transport Agency's submissions and further submissions, and states whether the s42A report's recommendations are agreed or disagreed with.

¹ Submission #742

² Further Submission # 1202

4. Scope of evidence

4.1 In preparing this evidence, I have had regard to:

- a) The Transport Agency's submissions and further submissions, and the submissions and further submissions made by other parties;
- b) The notified version of Chapter 16: Residential Zone dated 18 July 2018;
- c) The notified version of Chapter 4: Urban Environment dated 18 July 2018;
- d) The section 42A report prepared by Alan Matheson and Louise Allwood, dated 20 January 2020;
- e) The section 32 report entitled Strategic Direction and Management of Growth, dated July 2018;
- f) The section 32 report entitled Residential Zone, dated July 2018;
- g) The statement of evidence prepared by Dr Stephen Chiles, dated 30 January 2020.

4.2 My evidence addresses the following submissions and a further submission made by the Transport Agency:

- Submission Point 742.127: Rule 16.2.7.2 P1 Signs - Effects on traffic
- Submission Point 742.25: Policy 4.4.7 – Managing the adverse effects of signs
- Submission Point 742.129: Rules 16.3.9.1 P1 and P2 Building setbacks – All boundaries
- Submission Point 742.131: Rules 16.3.9.2 P1 and P2 Building setbacks – Sensitive land use
- Submission point 742.20: Objective 4.2.16(b) – Housing options
- Submission point 742.21: Policy 4.2.18 (a)(ii) and Policy 4.2.18 (a)(iv) – Multi-unit development
- Submission point 742.121: Rule 16.1.2 P4 Permitted Activities – Home occupations

5 Submission Point 742.127: Rule 16.2.7.2 P1 Signs - Effects on traffic

5.1 The Transport Agency's submission point supported this rule and sought the inclusion of the following words to Rule 16.2.7.2 P1 (v) (insertions underlined):

(v) Contain a no more than 40 characters and no more than 6 words, symbols or graphics;

5.2 The s42A report considered that the inclusion of the word 'graphic' was helpful and accepted the submission point at paragraph 384(b). However, the entire amendment sought to this rule is not shown under paragraph 383 of the s42A report. Therefore this submission point has been accepted in part.

5.3 The Transport Agency requests the same amendment for all zones in the PWDP and this was recently addressed in Hearing 6: Village Zone, Hearing 7: Industrial and Heavy Industrial Zones and Hearing 9: Business and Business Town Centre Zones. The s42A Rebuttal report for Hearing 7 did not support the Transport Agency's proposed amendments to Rules 20.2.7.2 P1(iv) and 21.2.7.2 P1(iv) and invited comment on this matter at the hearing.

5.4 In preparing my summary statement for Hearing 7, I noted that the Transport Agency's original submission to alter the wording of P1(iv) differs to that in the Transport Agency's brochure: *Advertising Signs on State Highways*. The brochure wording is as follows:

Signs should have a maximum of 6 words and/ or symbols, with a maximum of 40 characters

5.5 The PWDP wording is:

Contain no more than 40 characters and no more than 6 symbols;

5.6 Given the similarity of the wording in the PWDP and Transport Agency Brochure, I respectfully requested a minor amendment to Rule 17.2.7.2 P1(iv) as follows (insertions underlined):

Contain no more than 40 characters and no more than 6 words and/or symbols;

5.7 It was my opinion that the minor amendment would provide clarity and consistency of signage requirements in relation to state highways in both the PWDP and the Transport Agency's documentation. Therefore, I request that Rule 16.2.7.2 P1 (v) be amended as outlined in paragraph 5.1 of my evidence.

6. Submission Point 742.25: Policy 4.4.7 – Managing the adverse effects of signs

6.1 The Transport Agency's submission point 742.25 was accepted in part³. The s42A report author agreed with the reference to 'road users' rather than 'traffic' in clause (a). However, the author did not agree with the inclusion of the word 'avoided' to Policy 4.4.7(b), as that policy level directive is not and cannot be supported by a non-complying or prohibited activity status and that 'moving' should be included in clause (b).

6.2 This submission point was also addressed in Hearing 6: Village Zone, where the author of the s42A report for Hearing 6 disagreed with the proposed deletion of the word 'discourage' and inclusion of the words 'are avoided'. The reasoning given by both s42A report authors for the rejection of this point is understood. However, the Transport Agency are of the opinion that illuminated, flashing or moving signs on roads (with a speed limit of over 50km) have the potential to reduce the safety and efficiency of state highways (and roads in general).

6.3 As the Transport Agency has the role of providing safe and efficient state highways that meet the needs of road users and communities, any such possible effects should be avoided. It is therefore requested that there is a slight amendment to clause (b) of this policy to confine it to adverse safety effects on road users as outlined in the Table 1 below (insertions underlined):

(b) Signs that generate adverse safety effects from illumination, light spill, flashing, moving or reflection on road users are avoided.

³ Paragraph 374 of the s42A report

7. Submission Point 742.129: Rules 16.3.9.1 P1 and Building setbacks – All boundaries

7.1 In relation to this submission point to Rule 16.3.9.1 P1 and P2, the Transport Agency does not wish to pursue this submission point; the Transport Agency's concerns relates to building setbacks for habitable buildings (for sensitive land use).

8. Submission Point 742.131: Rule 16.3.9.2 P1 Building setbacks – Sensitive land use

8.1 This submission point sought to amend Rule 16.3.9.2 P1 (a)(iii) as follows (insertions underlined and deletions struckthrough):

~~25m~~ 35m from the designated boundary of the Waikato Expressway.

8.2 The s42A report rejects this submission point at paragraph 86 and states: *it would appear that the only part of the new Waikato Expressway (due to the existing state highway network being revoked) that adjoins a Residential Zone will be at Pokeno (refer to Planning Map 7.5).* This is not correct.

8.3 The Waikato Expressway, will include all of State Highway 1 (SH1) and its interchanges in the Waikato District once current construction projects are completed. I have reviewed the PWDP planning maps and have determined that Waikato Expressway and SH1 is adjacent to land zoned Residential as follows:

- Pokeno Town Centre 7.7 - Designation J24 Waikato Expressway
- Pokeno West 7.5 - Designation J24 SH1 Waikato Expressway
- Meremere 8.1 - Designation J11a SH1 Waikato Expressway
- Rangiriri 14.5 - Designation J11a SH1
- Taupiri 20.5 - Designation J16- SH1
- Horotiu 26.1 – Designation J16 SH1

8.4 Therefore, the setback required under Rule 16.3.9.2 P1 (a)(iii) will apply to the above locations. For the benefit of the Hearing Panel the above planning maps are appended as Annexure B.

8.5 The s42A report also states that: *No information, analysis has been provided to justify the increase in setback required.* Therefore, in support of this submission point, the evidence of Acoustician; Dr Stephen Chiles provides information to justify the increase to 35m. The evidence of Dr Chiles concludes that:

to increase the set-back distance to 35 metres is a pragmatic and appropriate approach, supported by my acoustics analysis, that would manage the most significant adverse effects on new and altered sensitive activities near the Waikato Expressway. In my opinion the notified rule with a set-back of 25 metres would not be adequate to manage the most significant noise effects.

8.6 Therefore, taking into account the evidence of Dr Chiles, I reiterate that the proposed amendments the Transport Agency sought to Rule 16.3.9.2 P1 (a)(iii) as outlined in paragraph 8.1 of my evidence.

8.7 The PWDP as notified does not specify acoustic treatment requirements for sensitive land uses in proximity to state highways. The relief sought by the Transport Agency under submission point 742.153 assumes that the Transport Agency submission points (742.182 and 742.244)⁴ are accepted. For clarity these submission points seek the insertion of a more comprehensive response (which would include acoustic treatment requirements) for the management of sensitive land uses in proximity to the state highway network. The s42A report does not mention these submission points.

8.8 I understand that these submission points have been allocated to Hearing 25D Infrastructure 4. If these amendments are accepted through this hearing, there would be consequential changes required to Rule 16.3.9.2.

9. Table 14.12.5.5 - Functions of roads within the Road Hierarchy provides definitions of these road

9.1 While outside the scope of the Transport Agency's submissions and further submissions, but in relation to Rule 16.3.9.2 P1 (a)(ii) and (a)(iii) is that Table 14.12.5.5 of the PWDP provides the function of the Roding Hierarchy in the district. What could provide confusion is that clause (ii) requires a 15m setback from the boundary of a **national route** or **regional arterial** [emphasis added].

9.2 National Routes are defined in Table 14.12.5.5 as having the following function:

Motorways, expressways and state highways that:

- a) *form a strategic network of national importance*
- b) *provide for the collection and distribution of goods significant to the national economy*
- c) *the through traffic function predominates.*

9.3 Regional arterial roads are defined in Table 14.12.5.5 as having the following category:

- a) *state highways not included in National Routes category*
- b) *roads giving access to important tourist areas or centres of large populations*
- c) *roads linking different transport modes*
- d) *roads providing significant intra-urban links.*

The function of Regional arterial roads are defined in Table 14.12.5.5

State highways and roads that:

- a) *form a strategic network of regional importance*
- b) *provide for the collection and distribution of goods significant to the regional economy*
- c) *rural roads that typically provide for more than 6,000 vehicle movements per day (vmpd)*
- d) *include rest areas*
- e) *the through-traffic function predominates.*

⁴ These submission points collectively seek to include new rules to Section Chapter 14: Infrastructure and Energy which would manage noise sensitive land uses within 100 metres of a state highway.

9.4 Therefore, clause (ii) actually captures the Waikato Expressway and all state highways within the Waikato District. To avoid potential confusion as to which clause would apply, the Hearings Panel may wish to amend components of Table 14.12.5.5.

10. Submission point 742.20: Objective 4.2.16(b) – Housing options

10.1 The Transport Agency submission supported the development of accessible, liveable and resilient communities and the intent of Objective 4.2.16(b) as it supports a mode shift (for trips in urban areas) from private vehicles to a focus on a more accessible transport system with a variety of modes such as walking, cycling and public transport. However, the Transport Agency considered that the introduction of a higher density residential in locations close to the Business Town Centre Zone and transport networks would provide a clear and robust (regulatory) signal of Council's expectations for a higher density of development.

10.2 The s42A report at paragraph 219 did not agree with the relief sought as the submission did not provide information or analysis to support the change. Further the s42A report explains that the approach adopted in the PWDP was to provide for multi-unit development as a restricted discretionary activity in the Residential Zone rather than provide specific higher density residential zoned areas.

10.3 In the absence of a zoning approach which supports the outcomes sought by Objective 4.2.16(b), I retain the concern that the PWDP does not provide a strong enough signal to ensure that higher density housing occurs in locations where they can integrate effectively with public transport and alternative modes of transport. If the Council is wanting to signal that higher density developments should locate in these locations, it should support this objective and equivalent Policy 4.2.18 with a spatial zoning approach. This approach is typical of second-generation district plans; most notably the Auckland Unitary Plan, which I note has zoned for higher density residential living in key public transport locations in urban areas such as Pukekohe (e.g. adjacent to the rail line).

11 Submission point 742.21: Policy 4.2.18 (a)(iv) – Multi-unit development

11.1 This submission point sought the following change to clause(a)(iv) of Policy 4.2.18 as follows (insertions underlined and deletions struckthrough):

(iv) ~~Supports an integrated~~ Integrates with the transport network, including access to walking and cycling connections to and the public open space network; and

11.2 The s42A report disagreed with these amendments and considers that this matter is dealt with adequately by Policy 4.1.5 - Density and Policy 4.1.8 - Integration and connectivity.

11.3 As stated in the Transport Agency's submission it is unclear exactly what this clause seeks. For example, how would subdivision or development support an integrated transport network. I am of the opinion that the proposed changes provides a directive statement that a developer of a multi-unit development must ensure that the development integrates with the surrounding transport network, including access to walking and cycling connections and the public open space network.

11.4 I support the Transport Agency's proposed amendments to Policy 4.2.18 as shown in paragraph 11.1 of my evidence. It is my opinion the proposed changes will provide greater clarity to users of the District Plan.

12. Submission point 742.120: Rule 16.1.2 P3 Permitted Activities – Retirement villages

12.1 The permitted activity-specific conditions (g)(i) and (i)(i) to Rule 16.1.2 P3 as written provide that a new retirement village or alterations to an existing retirement village are exempt from compliance with rules related to signs (Rule 16.2.7) and the traffic generation Rule 14.12.1 P4(1)(a). The Transport Agency's submission opposed these exclusions and requested that they be deleted as these matters should not be excluded from this type of activity.

12.2 The s42A report in rejecting this submission point stated at paragraph 404 that:

the potential for a large retirement village to include signs that could have an adverse traffic effect is considered to be minimal.

With respect to vehicle movements, the nature of large retirement villages is there is one main vehicle entrance which is located and designed to ensure the safety of residents and other road users.

In relation to signage, I am unsure how the s42a report author has come to this conclusion as retirement villages or any other type of activity could erect a sign that does have traffic effect. It is the ability of Council to assess any proposed signage to make certain it does not.

12.3 The statement in relation to access is very generalised and I do not consider that this reason alone is sufficient to permit the establishment of a retirement village with no consideration of the likely traffic generation rates and its associated impacts on the residential area. Further any other activity establishing in the residential zone is limited to 100 vehicle movements per day as a permitted activity⁵ so I am uncertain why a distinction is warranted in this case.

12.4 It is my opinion that an inappropriately located, scaled or designed retirement village could adversely affect people's health and safety. A retirement village with any volume of traffic generation as a permitted activity, removes the ability of Council to assess and determine the level of effect of the activity and that it is suitable for its proposed location. Council appear to be providing for retirement villages above all else in the residential zone. This is reflected in paragraph 397 of the s42A report where in response to Ports of Auckland Limited submission point [578.27] to amend the rules to make a retirement village a restricted discretionary activity, rather than a permitted activity, where it states [my emphasis added]:

Given the purpose of the Residential Zone is to provide housing capacity and to accommodate an aging population (thereby giving effect to the National Policy Statement on Urban Development Capacity), in my opinion retirement villages should be enabled as much as possible. It is recognised

⁵ Rule 14.12.1 P4(1)(a)

that there are potential effects arising from retirement villages (such as traffic effects). However, given the imperative to provide for residential capacity, in my opinion, those effects will need to be managed.

- 12.5 Therefore, it is my opinion that the proposed permitted activity rules are enabling retirement villages to the potential detriment of the amenity and the traffic safety and efficiency in the Residential Zone and as such the conditions (g)(i) and (i)(i) to Rule 16.1.2 P3 should be deleted.

13. Submission point 742.121: Rule 16.1.2 P4 Permitted Activities – Home occupations

- 13.1 The Transport Agency's submission point considered that the activity of 'Home Occupations' in the Residential Zone should not involve heavy vehicles and requested a new condition to the permitted activity rule and a new Restricted Discretionary rule should heavy vehicles be involved. The s42A report at paragraph rejected the submission point. This submission matter was also addressed in Hearing 6: Village Zone⁶ where the s42A report rejected the submission point and invited the Transport Agency to provide evidence and/or reasoning as to why the amendment is required. For consistency purposes I reiterate my evidence in paragraphs 13.2 and 13.3 below on this matter which is directly applicable to the Residential Zone.

- 13.2 I consider that the District Plan should provide restrictions in relation to vehicle movements for home occupations in the Residential Zone. I recognise that many home occupations can have no adverse effects on the environment and there are benefits to home occupations such as providing employment to local people. However, some home occupations have the potential to cause adverse environmental effects on the site of the home occupation, on neighbours and on the wider environment. Increased vehicle movements to and from a home occupation site can pose traffic safety issues and generate noise problems.

- 13.3 For simplicity and clarity of the District Plan, in my opinion, it would be appropriate to add a new condition to Rule 16.1.2 P4 limiting vehicle movements in relation to home occupations. It may be appropriate for the Hearing Panel to revisit this provision and ensure that any threshold is not at the scale provided for by Rule 14.12.1.4 P4 (1)(a) which allows for a scale of traffic generation in the Residential Zone in excess of what I would consider a typical home occupation would generate. For the benefit of the Hearing Panel this permitted activity rule is reproduced below:

(1) Any activity must comply with the following traffic generation conditions:

(a) Within the Residential, Village or Country Living Zones there is a maximum of 100 vehicle movements per day, and no more than 15% of these vehicle movements are heavy vehicle movements;

Tanya Running 30 January 2020

⁶ Submission point 742.145

ANNEXURE A

	Matter	The Transport Agency's Submission or Further Submission Number	S42A report's recommendation	The Transport Agency's Comment
1	Policy 4.2.15 - Earthworks	S742.19	Accept	Agree
2	Objective 4.2.16 (b) – Housing options	S742.20	Reject	Disagree
3	Policy 4.2.18 (a) – Multi-unit development	S742.21	Accept	Agree
4	Policy 4.2.18 (a)(iii) – Multi-unit development		Accept	Agree
5	Policy 4.2.18 (a)(iv) – Multi-unit development		Reject	Disagree
6	Amend the PWDP for smaller section sizes	FS1202.8 to S251.2	Reject	Agree
7	Policy 4.2.23 (a)(iv) – Non-residential activities	S742.22	Accept	Agree
8	Policy 4.4.2 – Noise	S742.23	Accept	Agree
9	Policy 4.4.3 – Artificial outdoor lighting	S742.24	Accept	Agree
10	Rule 16.2.3 P1 and RD1 - Glare and artificial light spill	S742.125	Accept	Agree
11	Policy 4.4.7 – Managing the adverse effects of signs	S742.25	Accept in part	Agree in part
12	Rule 16.2.7.1 P1, P2, P3 and RD1 - Signs – general	S742.126	Accept in part	Agree
13	Rule 16.2.7.2 (v) Signs – Effects on traffic	S742.127	Accept	Disagree as it was only accepted in part
14	Rule 16.2.7.2 D1 Signs – Effects on traffic	S742.128	Accept	Agree
15	Rule 16.3.9.1 P1(a) Building setbacks – All boundaries	S742.129	Reject	Agree
16	Rule 16.3.9.1 RD1 (b)(i) Building setbacks – All boundaries	S742.130	Accept	Agree

17	Rule 16.3.9.2 P1 (a)(iii) Building setback – Sensitive land use	S742.131	Reject	Disagree
18	Rule 16.3.9.2 D1 Building setback – Sensitive land use	S742.132 and S742.191	Accept	Agree, but note submission point 742.191 appears to be an error as it is a double up on 742.132.
19	Rule 16.4.11 RD1 Subdivision - Road frontage	S742.133	Accept	Agree
20	Rule 16.1.2 P3 Permitted Activities – Retirement villages	S742.120	Reject	Disagree
21	Rule 16.1.2 P4 Permitted Activities – Home occupations	S742.121	Reject	Disagree
22	Rule 16.1.2 P5 Permitted Activities – Temporary events	S742.122	Accept	Agree
23	Rule 16.1.3 Restricted Discretionary Activities – A Multi-Unit development	S742.123	Accept	Agree
24	Rule 16.1.4 D1 – Discretionary Activities	S742.123	Accept	Agree
25	Rule 16.1.2 Permitted Activities	FS1202.75 to S746.28	Reject	Agree
26	Rule 16.1.3 RD1 – Restricted Discretionary Activities – A Multi-Unit development	FS1202.76 to S81.149	Reject	Agree
27	Rule 16.1.3 RD1 – Restricted Discretionary Activities – A Multi-Unit development	FS1202.77 to S372.16	Reject	Agree
28	Rule 16.4.1 Subdivision - General	FS1202.78 to S81.151	Reject	Agree
29	Create a new chapter for medium density zone	FS1202.53 to S749.107	Reject	Disagree

ANNEXURE B

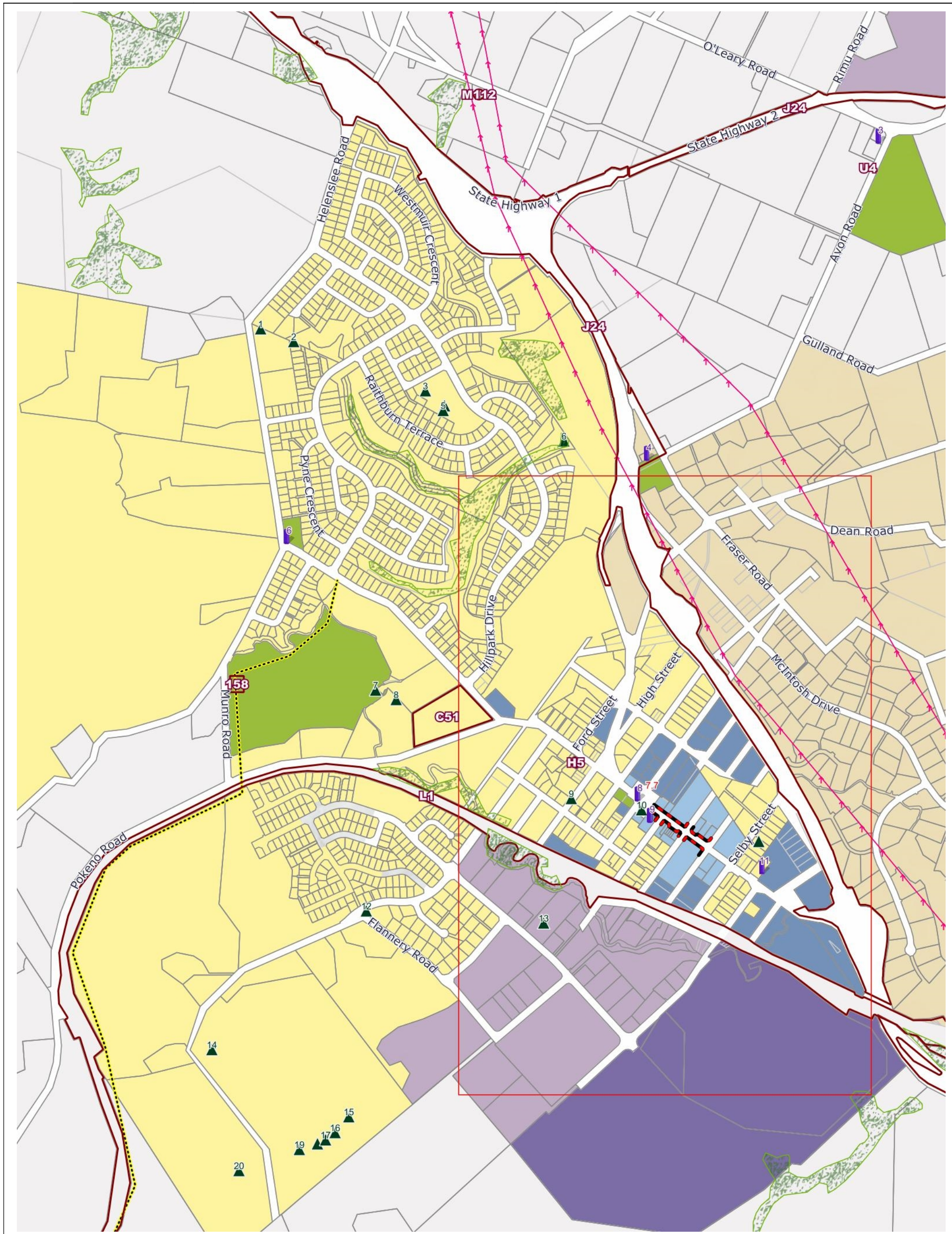
Proposed Waikato District Planning Maps

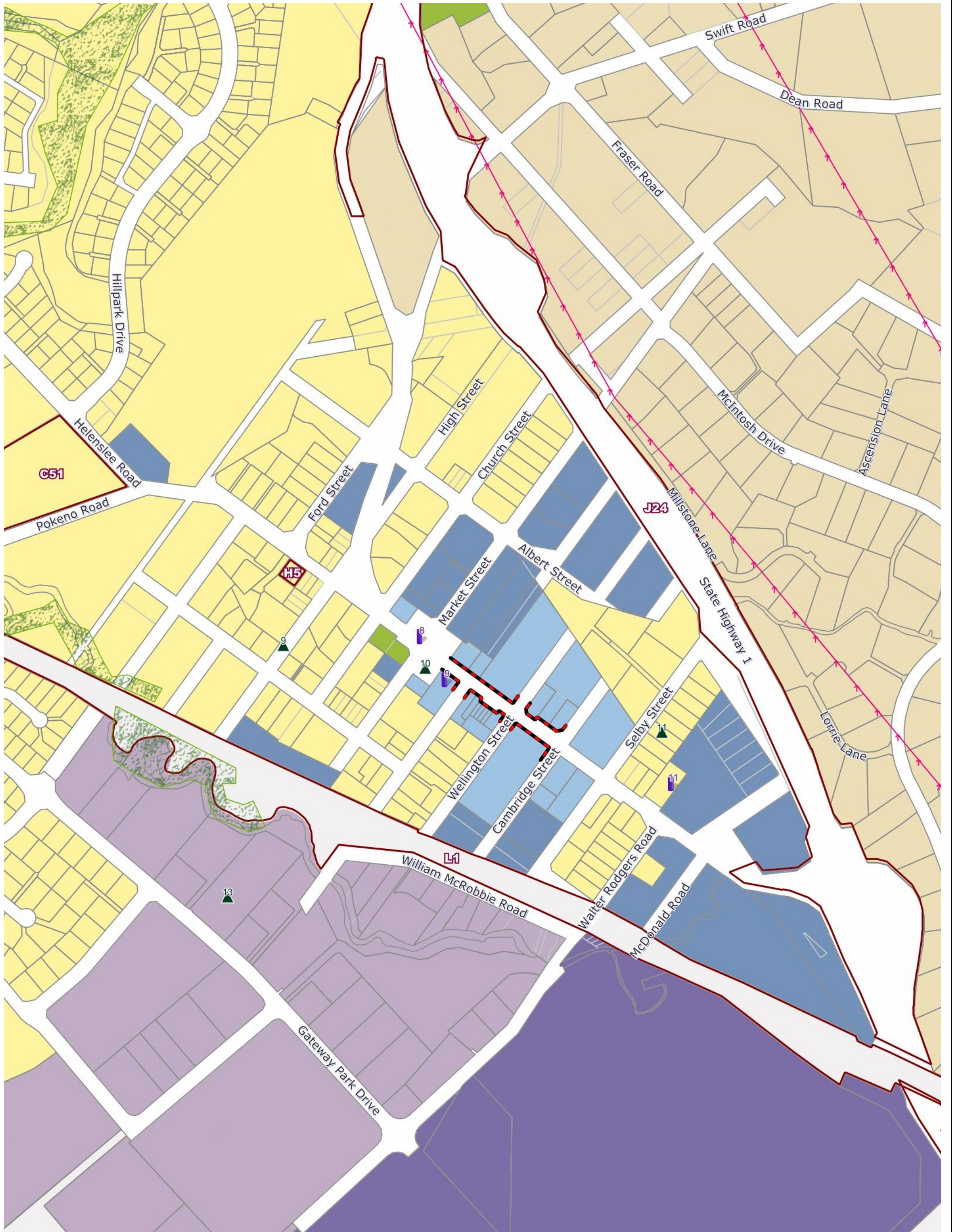
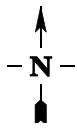
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- Taupiri 20.5 - Designation J16- SH1
- Horotiu 26.1 – Designation J16 SH1

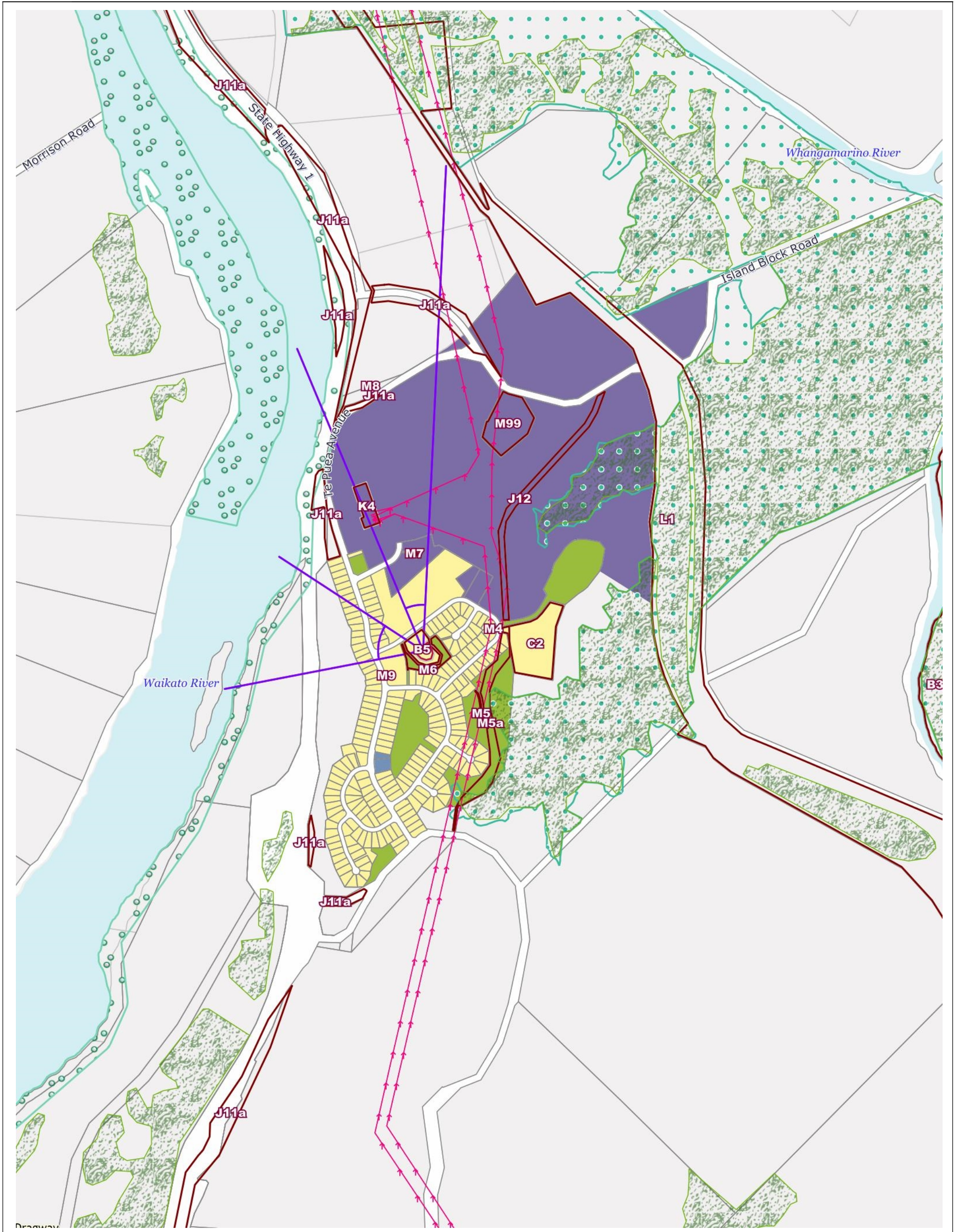
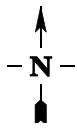


Proposed Waikato District Plan (Stage 1)

Pokeno West 7.5









Rangiriri 14.5

