

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 5: Definitions (Proposed
Waikato District Plan) submissions and further
submissions

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

DATED 18 NOVEMBER 2019

1. INTRODUCTION

- 1.1 My name is Tanya Running. I am a Principal Environmental Consultant with WSP Opus 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 the 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.
- 1.4 As I will not be attending this hearing in person, I request that the Hearings Panel accept this evidence as tabled. Should the Hearings Panel have any questions, I am happy to provide further information regarding the matters addressed in my evidence.

2. THE TRANSPORT AGENCY'S SUBMISSIONS ON STAGE 1 OF THE PWDP

- 2.1 The Transport Agency lodged eighteen submissions points and one further submission point in relation to Chapter 13: Definitions of the PWDP. Ten of these submission points have been allocated to Hearing 24A: Infrastructure 1. Submission point 742.83 in relation to the definition of 'vehicle movement' has been allocated to both Hearing 5 and Hearing 25A because the matters that they raise need to be addressed in more than one hearing. However, it has not been addressed in the Hearing 5 Section 42A report (s42A report).

3. THE SECTION 42A REPORT

- 3.1 I have reviewed the s42A report and its recommendations in relation to the Transport Agency's submissions and further submission. Of the eight submission points, I concur with six of the s42A report's recommendations and depart from the views of the s42A report in relation to two submission points. The one further submission point by the Transport Agency (1202.135) to the Ministry of Education's submission point 781.1 is also discussed below. For clarity, **Annexure A** provides a table of the Transport Agency's submissions and further submissions, and states whether the s42A report's recommendation is agreed or disagreed with.

¹ Submission #742

² Further Submission # 1202

4. SCOPE OF EVIDENCE

4.1 This evidence addresses the following:

- a. Submission Point 742.77: Definition of reverse sensitivity
- b. Submission Point 742.84: Definition of watercourse
- c. Submission point 742.83: Definition of vehicle movement
- d. Further submission Point 1202.135

5. SUBMISSION POINT 742.77: DEFINITION OF REVERSE SENSITIVITY (SECTION 3.36 / PAGE 137 OF S42A REPORT)

5.1 The Transport Agency's submission point 742.77 requests that the definition of the term 'reverse sensitivity' be included in the PWDP as it is defined in the Waikato Regional Policy Statement (RPS). The s42A report did not support this approach for the reasons stated in paragraph 571 of s42A report. I do not agree with deferring the inclusion of a definition of reverse sensitivity; the term reverse sensitivity is well established in case law and planning documents (notably the Waikato Regional Policy Statement). Furthermore, the PWDP contains a large number of policies (and corresponding rules) which use and apply this term; accordingly it would be of benefit to plan users to have this term defined.

5.2 The following definition of reverse sensitivity (as defined by the Waikato Regional Policy Statement) is requested for inclusion in the PWDP, as follows:

***Reverse sensitivity** – is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.*

6. SUBMISSION POINT 742.84: DEFINITION OF WATERCOURSE (SECTION 3.104 /PAGE 323 OF S42A REPORT)

6.1 The Transport Agency's submission sought to add a definition of the term 'watercourse' to the definitions in Chapter 13 that excludes artificial waterways such as stormwater swales. The s42A report notes that the term 'watercourse' is not defined in the PWDP or the National Planning Standards³, although it appears in a number of other definitions and rules of the PWDP. The s42A report concludes that: *because such a definition is closely tied to the interpretation of this rule [14.3.1.3] and others, I consider that this is a matter which is more appropriately dealt with by the s42A author for the Infrastructure hearing. It may also need to be given consideration in relation to the rules in the Industrial, Industrial Heavy and Rural Zones.*

³ Ministry for the Environment. 2019. National Planning Standards. Wellington: Ministry for the Environment.

6.2 I have further considered the Transport Agency's submission and consider that for consistency, a definition of 'waterbody' is not required; rather a new definition (and correspondingly Rule 14.3.1.3) should refer to 'waterbody'. This is consistent with the National Planning Standards, Section 2 of the Resource Management Act 1991 and is a term also used in the Waikato Regional Plan.

7. SUBMISSION POINT 742.83: DEFINITION OF VEHICLE MOVEMENT

7.1 The Transport Agency's submission point 742.83 supported the definition as notified in the PWDP. There appears to be no other submissions or further submissions in relation to this definition, and Appendix 2 of the S42A report retains the definition as notified in the PWDP.

8. FURTHER SUBMISSION POINT 1202.135: DEFINITION OF EDUCATION FACILITY (SECTION 3.68 /PAGE 251 OF S42A REPORT)

7.1 The s42A report refers to the Transport Agency submission (FS1202.135) under the definition of 'education facility'. The Transport Agency's further submission point should have been assigned to the Ministry of Education primary submission point 781.10 which relates to matters of discretion when assessing education facilities. A copy of this submission extracted from the WDC website is attached as Annexure B. The Transport Agency requests that their further submission is reassigned accordingly for the hearing addressing this matter (I understand this will be Hearing 10).

Tanya Running

18 November 2019

ANNEXURE A

Definition	The Transport Agency's Submission or Further Submission Number	S42A report's recommendation	The Transport Agency's Comment
Contiguous	S742.68	Accept	Agree
Heavy Vehicle	S742.70	Accept	Agree
Rural activities and productive rural activities	S742.80	Accept	Agree
Sign	S742.81	Accept	Agree
Watercourse	S742.84	Requires further consideration in the Infrastructure Hearing 25	Disagree
Noise-sensitive activity	S742.75	Accept	Agree
Reverse sensitivity	S742.77	Reject	Disagree
Miscellaneous matters	D742.64	Accept	Agree
Education Facility	FS1202.135 to S781.1	N/A	The Transport Agency's further submission point should have been assigned to the Ministry of Education primary submission point 781.10. Therefore requires consideration in Hearing 10.

ANNEXURE B

Submitter Number:	781	Submitter:	Ministry of Education
Point Number	781.10		
Plan chapter	Section C Rules > Chapter 16: Residential Zone > 16.1 Land Use - Activities > 16.1.3 Restricted Discretionary Activities		
Summary of Decision Requested	<p>Add a new activity for Education Facilities in Rule 16.1.3 Restricted Discretionary Activities as follows:</p> <p>Activity</p> <p><u>RD2 Education Facilities</u></p> <p>Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none">a. <u>The extent to which the location, bulk, scale and built form of building(s) impacts on natural, ecological, landscape and/or historic heritage values.</u>b. <u>The extent to which the activity may adversely impact on the transport network.</u>c. <u>Ability to soften the visual impact of buildings from adjoining residential properties.</u>d. <u>The extent to which the activity may adversely impact on the streetscape.</u>e. <u>The extent to which the activity may adversely impact on the noise environment.</u>		
Decision Reasons:	<ul style="list-style-type: none">• Education facilities are not listed in the Residential Zone and are therefore a non-complying activity in terms of Rule 16.1.5. However, the majority of education facilities including community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments located within residential areas are essential social infrastructure that supports these areas.		