

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 9: Business Zone and Business Town Centre Zone (Proposed
Waikato District Plan) submissions and further submissions

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

DATED 23 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 Business and Business Town Centre Zones

- 2.1 The Transport Agency lodged submissions and further submission to Chapter 17 Business Zone and Chapter 18 Business Town Centre Zone of the PWDP.

3. The section 42A report

- 3.1 I have reviewed the Hearing 9: Business and Business Town Centre Zones, section 42A report (s42A report) dated 18 December 2019 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 reports recommendation is agreed or disagreed with.

4. Scope of evidence

- 4.1 My evidence addresses the following submissions and a further submission made by the Transport Agency:
- Submission Point 742.135: Business Zone: Rule 17.1.3 RD1(a): Restricted Discretionary Activity- multi unit development.
 - Submission Point 742.193: Business Town Centre Zone: Rule 18.1.3 RD1(a): Restricted Discretionary Activity- multi unit development.
 - Submission Point 742.137: Business Zone: Rule 17.2.7.1 P1 and RD1 Signs – General.

¹ Submission #742

² Further Submission # 1202

- Submission Point 742.138: Business Zone: Rule 17.2.7.1 P2 Signs – General.
- Submission Point 742.139: Business Zone: Rule 17.2.7.2 P1 Signs - Effects on traffic.
- Submission Point 742.141: Business Zone: Rule 17.3.4.1 Building setbacks - Zone boundaries.
- Submission point S742.142: Business Zone: Rule 17.3.6 Dwelling.
- Submission Point 742.197: Business Town Centre Zone: Rule 18.2.7.2 P1 Signs - Effects on traffic.

**5. Submission Point 742.135: Business Zone: Rule 17.1.3 RD1(a): Restricted Discretionary Activity- multi unit development; and
Submission Point 742.193: Business Town Centre Zone: Rule 18.1.3 RD1(a): Restricted Discretionary Activity- multi unit development**

5.1 The Transport Agency submissions considered that the potential adverse effects on the transport network from a multi-unit development should be a matter of discretion and sought that the following be included in Rule 17.1.3 RD(a) and Rule 18.1.3 RD1(a) as follows (insertions underlined):

(x) *Onsite parking and manoeuvring.*

(xi) *Safety and efficiency of the land transport network*

The s42A report rejected these submission points as it states that these matters are already addressed in the Town Centre Guidelines at Appendix 3.3 of the PWDP and the Multi-Unit Design Guidelines at Appendix 3.4 of the PWDP.

5.2 I have reviewed these guidelines. They state they are intended to assist in the planning process by providing landowners and developers with a clear understanding of the design outcomes sought for multi-unit developments throughout the Waikato district. In my mind these guidelines appear to be more directed on the development of the site in relation to the character sought for an area rather than the wider environmental effects.

5.3 In my opinion, the effects of a multi-unit development on the land transport network are matters of discretion that should be considered as part of the resource consent process. Multi-unit developments are an intense form of development and it is noted that areas of Business Zone (e.g. Pokeno and Horotiu) are located in close proximity to the state highway network as such, consideration of the effects of a multi-unit development is therefore warranted. Therefore, I reiterate the Transport Agency's submission as outlined in paragraph 5.1 of my evidence.

6. Submission Point 742.137: Business Zone: Rule 17.2.7.1 P1 and RD1 Signs - General

6.1 The Transport Agency's submission sought the retention of Rule 17.2.7.1 P1 and RD1 as notified. Paragraph 387 of the s42A report references this submission number. However, the acceptance of submission point 742.137 is not mentioned in paragraph 400 of the s42A report. It is assumed that this is an oversight and that this matter will be corrected. However, the Transport Agency reserves the right to provide further comment on this submission point should this not be the case.

7. Submission Point 742.138: Business Zone: Rule 17.2.7.1 P2 Signs - General

7.1 The Transport Agency's submission supported Rule 17.2.7.1 P2, but considered that amendments were required to Rule 17.2.7.1 P2(a)(v) to ensure that adverse effects on the state highway network are avoided. The amendments sought in the submission are as follows (deletions struckthrough and insertions underlined):

(v) Where the sign is a freestanding sign, it must:

- A. Not exceed an area of 3m² for one sign per site, and 1m² for ~~any other~~ one additional freestanding sign on the site; and*
- B. Be set back at least 5m from the boundary of the Residential Zone; and*
- C. Be set back at least 15m from the boundary of a state highway:*

7.2 In relation to this submission point; paragraph 393 of the s42A report stated:

As the size of the additional signs is restricted to 1m², it is not considered necessary to restrict the number of signs. The setback of signs from the state highway is not needed in the Business Zones, as the location of these zones within towns with lower speed limits means that such a restriction is not required. The only location it would be required in is the zone alongside SH23 between Greenslade Road and Hills Road, Raglan.

7.3 I have reviewed the PWDP planning maps and have determined that state highways are adjacent to (or where signs would be visible from) a state highway within the Business Zone as follows:

- Pokeno Town Centre map 7.7: Designation J24/SH1
- Mercer map 7.8: Designation J24/SH1
- Te Kauwhata West map 14.1: Designation J11/SH1
- Rangiriri map 14.5: Designation J11/SH1
- Huntly East map 20.2: Designation J14/SH1
- Huntly South map 20.3: Designation J14/SH1
- Gordonton map 21.3: SH1B
- Raglan East map 23.4: SH23
- Horotiu map 26.1: Designation J16 and J20/SH1
- Te Kowhai map 26.2: SH39
- Whatawhata map 26.3: SH23

For the benefit of the Hearing Panel the above planning maps are appended as Annexure B.

7.4 Therefore, in my opinion this submission point should be accepted; as the Business Zone is adjacent to state highways in numerous locations with 100km/hour speed limits, and that the amendments are made to Rule 17.2.7.1 P2(a)(v) as requested in paragraph 7.1 of my evidence. Paragraph 400 of the s42A report stated that this submission point is accepted. However, it should be corrected to accepted

in part. The Transport Agency reserves the right to provide further comment on this submission point should this not be the case.

8. Submission Point 742.139: Business Zone: Rule 17.2.7.2 P1 Signs - Effects on traffic

8.1 The Transport Agency's submission point supported this rule and sought the inclusion of the following words to Rule 17.2.7.2 P1(iv) as follows (insertions underlined):

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

The s42A report³ considered that the inclusion of the word 'graphic' was helpful and accepted the submission point at paragraph 400 of the s42A report. However, the amendments shown to this rule under paragraph 402 of the s42A report are not what was requested by the Transport Agency as the amendment only included the word 'graphics'.

8.2 The Transport Agency requests the same amendment for all zones in the PWDP and this was recently addressed in Hearing 6: Village Zone and Hearing 7: Industrial and Heavy Industrial 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.

8.3 In preparing my summary statement for Hearing 7, I noted that the Transport Agency's original submission to alter the wording of Rule 17.2.7.2 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

8.4 The PWDP wording is:

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

8.5 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 (addition underlined):

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

8.6 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 17.2.7.2 P1 (iv) be amended as outlined in paragraph 8.5 of my evidence.

³ At paragraph 393

9. Submission Point 742.141: Business Zone: Rule 17.3.4 Building setbacks - Zone boundaries

- 9.1 The Transport Agency's submission noted that there was no rule specifying building setbacks from state highways in the Business Zone in the PWDP. Rule 23.47.1 of the Operative Waikato District Plan provides a 15m setback from national/regional arterials at clause (c) and a 25m setback from the Waikato Expressway at clause(d). The submission sought to add a new rule to Rule 17.3.4 as follows (additions underlined):

Rule 17.3.4.3 Building setbacks —State highways in the Business Zone

P1 (a) Any building must be setback a minimum of:

(i) 15 m from a national route or regional arterial;

(ii) 25 m from the designated boundary of the Waikato Expressway.

D I Any building that does not comply with Rule 17.3.4.3 P1.

- 9.2 In relation to this submission, paragraph 429 of the s42A report stated:

The submissions from KiwiRail Holdings Limited [986.63 and 986.57] and New Zealand Transport Agency [742.141] seek to include setbacks from the railway corridor and the state highway. In my opinion, the issues of reverse sensitivity have been addressed by the requirement that multi-unit development is a restricted discretionary activity. Where the Business zone is within an urban area, there should be no need to set back from the state highway, as the function of the state highway has changed. The only situation where a setback could be justified would be alongside SH23 near Raglan between Greenslade Road and Hills Road.

- 9.3 My response to this paragraph is as follows. Firstly, that the issue of reverse sensitivity is addressed as a multi-unit development is a restricted discretionary activity⁴; the Transport Agency's submission sought this rule to apply to all buildings not just multi-unit developments. Secondly, business zoned land is adjacent to state highways in numerous locations, as such there is a need for a building setback from a state highway. Thirdly, the fact that a multi-unit development is a restricted discretionary activity in the PWDP, does not address the building setback matter (or the reverse sensitivity issue). Furthermore, reverse sensitivity is not a matter of discretion in Rule 17.1.3.

- 9.4 For clarification I provide further reasoning to support this request. The Transport Agency seeks to minimise adverse effects of growth and development on the transport network using a variety of methods. One of these methods is building setbacks. The primary reason for building setbacks from state highways is to manage reverse sensitivity effects such as noise and vibration. However, they can be implemented for amenity, streetscape or road safety matters or as is stated in the Operative Waikato District Plan⁵ to allow for greater flexibility for road widening if necessary in the future.

⁴ Rule 17.1.3 RD1

⁵ Section 29 Explanations and Reasons - Building Setbacks of the Operative Waikato District Plan

- 9.5 Vehicles on state highways can produce adverse effects that extend beyond the state highway boundary, such as:
- noise and vibration
 - vehicle generated emissions, especially to air
 - lighting/glare
 - dust
 - non-point source pollution e.g. stormwater run-off, spray-drift and litter.
- 9.6 These effects could cause annoyance to activities such as a residential, education or childcare facility all of which are permitted activities in the Business Zone in the PWDP. This in turn, can cause reverse sensitivity effects on the state highway network.
- 9.7 As stated in my evidence, the PWDP has reduced the building setback from a road to 5m and removed the setback from the Waikato Expressway. The section 32 report is silent on the reason for these changes and therefore has not given consideration to the effects outlined above as a result of the reduction and removal of these building setback.
- 9.8 Therefore, I reiterate that the proposed amendments to Rule 17.3.4, sought by the Transport Agency, as set out in paragraph 9.1 above be accepted.
- 9.9 Also noted is the wording of paragraph 429 of the s42A report. It leads to the conclusion that this submission point was rejected. However, paragraph 430 of the s42A report stated that the submission point is accepted, it should be corrected to rejected. The Transport Agency reserves the right to provide further comment on this submission point should this not be the case.
- 10. Submission point S742.142: Business Zone: Rule 17.3.6 P1, D1 and NC1 Dwelling**
- 10.1 This submission point sought to retain the above rules as notified subject to the relief sought in relation to acoustic treatment for dwellings in the Business Zone. The s42A reports accepted this submission point, but was silent on the matter of acoustic treatment of dwellings.
- 10.2 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 742.142 assumes that the Transport Agency submission points 742.182 and 742.244 are accepted. For clarity these submission points sought 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. 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 17.3.6 P1(a)(ii).

11. Further Submission point 1202.81 to submission 749.132 by Housing New Zealand: Rule 17.4.1.1 RD1 Subdivision- Multi-unit Development

11.1 The Housing New Zealand submission (HNZ) sought changes to the Rule 17.4.1.1 RD1. Of concern to the Transport Agency is HNZ's proposed deletion of the following matter of discretion:

(ix) Safety, function and efficiency of road network and any internal roads or accessways

11.2 The s42A report at paragraph 467 stated that:

I concur that the suggested matter of discretion negates the need to consider the other matters of discretion which would be considered as part of the land use anyway. I disagree with this recommendation.

11.3 This subject matter also relates to a submission by the Transport Agency on Rule 17.1.3 RD1(a)⁶ as outlined in section 5 of my evidence above. For consistency, I am of the opinion that this matter of discretion be retained.

12. Submission Point 742.197: Business Town Centre Zone: Rule 18.2.7.2 P1 Signs - Effects on traffic

12.1 The Transport Agency's submission point supported this rule and sought the inclusion of the following words to Rule 18.2.7.2 P1 (insertions underlined):

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

and consequently renumber the two clauses that follow.

12.2 The s42A report considered that the inclusion of the word 'graphic' is helpful and accepted the submission point at paragraph 601. However, the amendment sought to this rule under paragraph 603 of the s42A report is not shown. In addition, the renumbering of Rule 18.2.7.2 P1 is incorrect.

12.3 The Transport Agency requests the same amendment for all zones in the PWDP and this was recently addressed in Hearing 6: Village Zone and Hearing 7: Industrial and Heavy Industrial 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.

12.4 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 outlined in paragraph 8.3 above and the PWDP wording is outlined in paragraph 8.4 above.

⁶ Rule 17.1.3 RD1(a): Restricted Discretionary Activity- multi unit development

- 12.5 Given the similarity of the wording in the PWDP and Transport Agency Brochure, I respectfully requested a minor amendment to Rule 18.2.7.2 P1(iv) as follows (addition underlined):

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

- 12.6 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 18.2.7.2 P1 as shown in paragraph 603 of the s42A report be amended as follows:

(The changes proposed by the s42A report are shown in red, the changes proposed by my evidence are shown in blue: with additions underlined and deletion struckthrough):

18.2.7.2 Signs – Effects on traffic P1

~~(e)~~ (a) Any sign directed at road land transport users must meet all of the following conditions:

~~(vii)~~ (i) Not imitate the content, colour or appearance of any traffic control sign;

~~(viii)~~ (ii) Be located at least 60m from controlled intersections or at a level crossing, pedestrian crossings and any other sign;

~~(ix)~~ (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections;

~~(x)~~ (iv) Contain no more than 40 characters and no more than 6 words and/or symbols;

~~(xi)~~ (v) Have lettering that is at least 150mm high; and

~~(xii) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.~~

~~(i)~~ (vi) Rule P1(a) does not apply to site identification signs.

Tanya Running

23 January 2020

ANNEXURE A

		The Transport Agency's Submission or Further Submission Number	S42A report's recommendation	The Transport Agency's Comment
1	Policy - Managing the adverse effects of signs 4.5.37(a)	S742.26	Accept	Agree
2	Policy - Artificial outdoor lighting 4.5.38(a)(iii)	S742.27	Accept	Agree
3	Rule 17.1.2 P17-Temporary Activity	S742.134	Accept	Agree
4	Rule 17.1.3 RD1-Restricted Discretionary Activities - multi-unit development	S742.135	Reject	Disagree
		FS1202.80 to S81.156	Reject	Agree
5	17.2.7.1 P1 and RD1- Signs - General	S742.137	Paragraph 387 of the s42A report appears to support this submission point. However, this is not clear in Paragraph 400 of the s42A report which does not refer to this specific submission point.	It is assumed that this is an oversight and that this will be corrected. The Transport Agency reserves the right to provide further comment on this matter.
6	Rule 17.2.7.1 P2 Signs – General	S742.138	<p>Interpreted from Paragraph 393 of the S42A report:</p> <p>17.2.7.1 P2 - Accepted</p> <p>17.2.7.1 P2(a)(v)(A)- Rejected</p> <p>17.2.7.1 P2(a)(v)(C)- Rejected - but makes a change, which is incorrect.</p> <p>However, this is not clear in Paragraph 400 of the s42A report which states this submission point is accepted.</p>	It is assumed that this is an oversight and that this will be corrected. The Transport Agency reserves the right to provide further comment on this matter.
7		S742.139	Accept	Agree

	Rule Signs - Effects on traffic 17.2.7.2 P1 17.2.7.2 P1(iv)		Accepted in part	Disagree
8	Rule 17.2.7.2 D1 Signs – Effects on traffic	S742.140	Accept	Agree
9	Rule 17.3.4 Building setbacks	S742.141	See discussion in paragraph 9 of my evidence	
10	Rule 17.3.6 P1, D1 and NC1 Dwelling	S742.142	Accept	Agree, subject to the acceptance of submission points (742.182 and 742.244
11	Rule 17.4.1.1 RD1 Subdivision- Multi-unit Development	FS1202.81 To 749.132 oppose	Accept	Disagree
12	Rule 17.4.1.6 RD1 Subdivision- Road frontage	S742.143	Accept	Agree
13	Rule 18.1.2 P10 Permitted activities- a temporary event	S742.192	Accept	Agree
14	Rule 18.1.3 RD1 - Restricted Discretionary activities - multi-unit development	S742.193	Reject	Disagree
15	Rule 18.2.3 P1 and RD1 - Glare and artificial light spill	S742.194	Accept	Agree
16	Rule 18.2.7.1 P1 and RD1 Signs General	S742.195	Accept	Agree
17	Rule 18.2.7.2 P2 (a)(v) A and C Signs General	S742.196	Reject	Agree A review of the District Plan maps shown there are no Business Town Centre Zones adjacent to or in close proximity to a state highway.
18	Rule 18.2.7.2 P1 (a)(v) A and C Signs effects on traffic	S742.197	Accept but does not makes the requested change.	Agree, subject to the acceptance of the requested change in section 12 of my evidence. The Transport Agency reserves the right to provide further comment on this matter.

19	Rule 18.2.7.2 D1 Signs effects on traffic	S742.198	Accept	Agree
20	Rule 18.3.7 Building setbacks - railway corridor and state highways (new rule)	S742.199	Reject	Agree A review of the District Plan maps shown there are no Business Town Centre Zones adjacent to or in close proximity to a state highway.

ANNEXURE B

Proposed Waikato District Planning Maps

- Pokeno Town Centre map 7.7: Designation J24/SH1
- Mercer map 7.8: Designation J24/SH1
- Te Kauwhata West map 14.1: Designation J11/SH1
- Rangiriri map 14.5: Designation J11/SH1
- Huntly East map 20.2: Designation J14/SH1
- Huntly South map 20.3: Designation J14/SH1
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