



**Submission from Waka Kotahi on Variation 3 – Enabling Housing Supply by Waikato District Council in response to the National Policy Statement on Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) amendment Act 2021**

27<sup>th</sup> October 2022

Waikato District Council

Attn: Variation 3 submission

Email: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

**Name of submitter: The New Zealand Transport Agency (Waka Kotahi)**

This is feedback/submission on Waikato District Councils (**Council**) Variation 3 to implementing the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the Medium Density Residential Standards (**MDRS**) under the Resource Management (Enabling Housing Supply and Other Matters) amendment Act 2021 (**HSAA**).

Waka Kotahi wishes to be heard in support of this submission.

If others make a similar submission, Waka Kotahi may consider submitting a joint case.

Waka Kotahi does not gain a trade advantage through this submission.

**Waka Kotahi role and responsibilities**

Waka Kotahi is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (**LTMA**). The objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

Waka Kotahi interest in this proposal stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.
- A planner of the land transport network to integrate one effective and resilient network for customers.
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.
- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.

## Government Policy Statement on Land Transport

Waka Kotahi also has a role in giving effect to the Government Policy Statement on Land Transport (GPS). The GPS is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years. The four strategic priorities of the GPS 2021 are safety, better travel options, climate change and improving freight connections. A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management. For these reasons, Waka Kotahi seeks full utilisation of the tools available to Council to enable development in the most accessible urban areas.

## Waka Kotahi view on the Proposal

Waka Kotahi supports the intent and content of the National Policy Statement on Urban Development 2020 (NPS-UD). This Policy Statement recognises the national significance of having well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being and for their health and safety. The NPS-UD has a strong focus on ensuring that increased densities are provided in the most accessible parts of urban areas, where communities are able to access jobs, services and recreation by active and public transport modes.

Waka Kotahi also supports the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. It seeks the full implementation of these requirements, including the introduction of the Medium Density Residential Standards (MDRS) and related provisions in eligible zones. These standards should only be modified to accommodate qualifying matters and should be modified only to the extent required to accommodate these matters. Qualifying matters should be supported by a strong evidence base to ensure a robust application.

Waka Kotahi supports in part the following aspects of Variation 3:

- The extent of the walkable catchment for the Medium Density Residential 2 Zone which will apply to Pookeno, Tuakau, Huntly and Ngaaruawaahia (the four towns); and
- The application (except as stated below), of the NPS-UD/MDRS provisions to Pookeno, Tuakau, Huntly and Ngaaruawaahia (the four towns); and

Waka retains concerns over the following aspects of Variation 3:

### Application of MDRS provisions

- The application of the Urban Fringe as a Qualifying Matter (QM). The Urban Fringe QM applies beyond the 800 metre walkable catchment within these four towns. As noted in the s32 report –

*“ the effect of the Urban Fringe QM is that the MDRS [provisions] do not apply to the General residential zones within the four towns. Instead, the General residential zone in those four towns has been retained unmodified from the decisions version of the Waikato Proposed District Plan (PDP), except where specified sites in that zone have been up zoned to Medium density residential zone 2 (a total of 444) though further refinement of the 800m walkable catchment area”*

- We understand that the Council has applied the Urban Fringe QM to encourage intensive residential development to areas within the 800m walkable catchments of the four towns to support the development of an efficient public transport network and active modes of transport, vibrancy and economic viability of the town centres and commercial activity while retaining housing choice in the General residential zone. It also enables people to live in close proximity to employment opportunities. The greater density provided for by the MDRS provisions outside of this walkable catchment would in Council's view work against that outcome.
- The Council has relied on section 77I (j) in conjunction with section 77L of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 to apply the Urban Fringe QM. On the face of it, it would appear that this approach is open for the Council to consider. However, we question whether:
  - Section 77(j) was intended to allow an additional QM matter that would prevent the application of MDRS provisions in totality across generic residential areas. We consider it more likely that this was intended to relate to a specific area with specific characteristics that warranted an

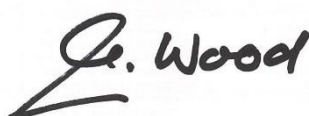
exclusion. The Council s32 report (Volume 2, Section 11.13) acknowledges that this approach does not give full effect to the RMA amendments; and

- The Council has adequately addressed Section 77L (c) (iii) which requires an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by policy 3 while managing the specific characteristics. In the event, that an argument can successfully be made under section 77I (j), we consider that the Council needs to evaluate (through the s32 reporting) whether greater density (through greater heights) are required within the walkable catchment areas of these four towns to balance out the potential loss in additional capacity that arises from the application of the Urban Fringe QM.
- Waka Kotahi supports the outcome that the QM (Section 10.1, Version 2 Section 32) relating to protecting the “Safe or efficient operation of national significant infrastructure” is trying to achieve in relation to the State Highway network. However, we consider that the building setback (Rule MRZ2-S14) that implements this QM should ultimately be replaced with a more comprehensive policy and rule framework that Waka Kotahi has been seeking through the Proposed Waikato District Plan (PWDP). This framework and the Environment Court process associated with it is outlined further under submission point 4 (see Table 1).
- Waka Kotahi supports the traffic generation standards applying to the Medium Density Residential 2 Zone (Rule TRPT-R4). However, we consider that the matters of discretion need to place more direct emphasis on traffic assessments demonstrating how operational greenhouse gas effects will be mitigated. This approach is consistent with the strategic direction of Variation 3 which places an emphasis on achieving a zoning approach for the four towns which supports reductions in greenhouse gas emissions by limiting the dependence on private vehicles.

Table 1 also sets out submission points on specific provisions in Variation 3.

Waka Kotahi thanks Waikato District Council for the opportunity to make a submission on Variation 3. To discuss this submission please contact me directly, my details are below.

Signature:



Mike Wood ([mike.wood@nzta.govt.nz](mailto:mike.wood@nzta.govt.nz))

Principal Planner – Poutiaki Taiao / Environmental Planning

System Design, Transport Services

Pursuant to an authority delegated by Waka Kotahi NZ Transport Agency

Address for service:

Waka Kotahi NZ Transport Agency

PO Box 973

Waikato Mail Centre

Hamilton 3240

New Zealand

Table 1 – Submission points

Point #	Topic	Plan Provision	Support/Support in Part/Oppose	Reason for Comment	Change(s) sought
1	Medium Density Residential 2 Zone extent	Medium Density Residential 2 Zone (general).	Support	Waka Kotahi supports the application of a 800m walkable catchment for the Medium Density Residential 2 Zone which will apply to Pookeno, Tuakau, Huntly and Ngaaruawaahia (the four towns). The extent of this Zone as defined by the walkable catchment is consistent with the national guidance provided by the Ministry for the Environment <sup>1</sup> . In addition, the extent of the walkable catchment to support a medium density typology was well canvassed as part of the Proposed Waikato District Plan hearings.	No change
2	MDRS objectives and policies	Strategic Objective SD-O14, Policy SD-P2, Objective MRZ2-O1, O3, Policies MRZ2-P1-P4.	Support in Part	The application of the MDRS objectives and policies in the Strategic Directions and Medium Density Residential 2 Zone Chapters is supported.	No change
3	Urban Fringe Qualifying Matter	Medium Density Residential 2 Zone (extent)	Oppose	<p>Waka Kotahi considers that the application of the Urban Fringe QM may be over-extending the qualifying matter exceptions contained the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and Policy 3(d) of the NPS UD. The legislation would appear to provide for this approach to be considered, however, as noted it is unlikely that the legislation intended to apply a QM in totality across generic residential areas.</p> <p>Irrespective, of the merits of this argument, we consider that at the very least, the Council needs to adequately address the requirements of Section 77L (c) (iii). This clause requires the Council (as part of assessing any other matter as a qualifying matter under section 77I (j)) to evaluate an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by policy 3. We consider that the Council needs to evaluate an additional option of whether greater density (through the application of greater heights) are required within the walkable catchment</p>	Evaluate the additional option of providing for increased density in the four towns and make any consequential changes.

<sup>1</sup> Ministry for the Environment, Understanding and implementing intensification provisions for the National Policy Statement on Urban Development, September 2020.

Point #	Topic	Plan Provision	Support/Support in Part/Oppose	Reason for Comment	Change(s) sought
				areas of these four towns to balance out the potential loss in additional capacity that arises from the application of the Urban Fringe QM. An assessment of this additional option is required in order to assess the merits (or otherwise) of applying such an extensive QM across these four towns.	
4	Qualifying Matter Safe or efficient operation of nationally significant infrastructure - Building setbacks	Qualifying Matter 10.1 and Rule MRZ2-S14	Oppose in part	<p>Waka Kotahi supports the outcome that the building setbacks (Section 10.1, Version 2 Section 32) QM “Safe or efficient operation of national significant infrastructure” is trying to achieve in relation to the State Highway network. While we accept managing reverse sensitivity effects is a legitimate planning consideration, we prefer to emphasise the need to manage the effects of road traffic noise on human health.</p> <p>Waka Kotahi provided evidence during Hearing 22 (Infrastructure) of the PWDP on the need to replace the current building setback rules in the PWDP and replace them with a more comprehensive policy and rule framework for noise and vibration<sup>2</sup>. This approach does not rely on a no-build setback rather it is predicated around the use of noise contours (currently being finalised) in which sensitive activities can locate in the vicinity of the State Highway network subject to noise attenuation mitigation achieving an acceptable noise environment.</p> <p>Under the proposed PWDP approach (and now Rule MRZ2-S14), only the most significant adverse effects arising from road traffic noise would be addressed. The setback distance does not address the full extent of road traffic noise that can be experienced by sensitive land uses up to 100 metres (and sometimes more) from the state highway carriageway.</p> <p>This approach advocated by Waka Kotahi was not supported by the Independent Hearing Panel and is currently tracking towards Environment Court mediation in the first quarter of 2023. Waka Kotahi strong preference is for the management of state highway traffic noise on sensitive receivers to be settled</p>	<p>Defer any decision on Rule MRZ2-S14 to the Environment Court mediated process assigned for Proposed Waikato District Plan Appeals: Topic 5: Infrastructure.</p> <p>In the alternative, remove Rule MRZ2-S14 and replace with Waka Kotahi Preferred (Noise) Provisions.</p>

<sup>2</sup> See Attachment 2 Waka Kotahi Preferred Provisions, Statement of evidence of Michael Wood for Waka Kotahi - Planning and Corporate.

Point #	Topic	Plan Provision	Support/Support in Part/Oppose	Reason for Comment	Change(s) sought
				through the Court mediated process if timing allows for this. In the alternative, Waka Kotahi preference is for Rule MRZ2-S14 to be replaced with Waka Kotahi Preferred (Noise) Provisions.	
5	Transportation	TRPT-R4 (2) Assessment Criteria	Support in Part	Waka Kotahi supports the traffic generation standards applying to the Medium Density Residential 2 Zone. However, we consider that the matters of discretion need to place more direct emphasis on traffic assessments demonstrating how operational greenhouse gas effects will be mitigated. This approach is consistent with the strategic direction of Variation 3 (plus the soon to be reintroduced RMA requirements around climate change) which places an emphasis on achieving a zoning approach for the four towns which supports reductions in greenhouse gas emissions by limiting the dependence on private vehicles (Section 32 report Volume 2, Section 11.5)	Amend the assessment criteria under TRPT-R4(2) to include a specific requirement for traffic assessments to demonstrate how the proposal mitigates operational greenhouse gas effects.