



**Submission from Waka Kotahi on Plan Change 26 by Waipā 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**

30<sup>th</sup> September 2022

Waipā District Council

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

This is a submission on Waipā District Council's (**Council**) Plan Change 26 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 (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.

Waipā District Council is identified as a Tier 1 Council under the NPS-UD. In respect of Plan Change 26, Waka Kotahi is **generally supportive** of the proposed changes and provisions put forward by Waipā District Council.

The Waka Kotahi view on specific topics are set out in the following paragraphs. These views are supported by the text in Table 1, which outlines the Waka Kotahi submission points where further information, clarification or a change in approach are sought. Table 1 also sets out submission points on specific provisions in the Plan Change.

## The application of 'walkable catchment' & application of commensurate densities

Policy 3 of the NPS-UD directs councils to amend other residential zones to enable building heights and densities of urban form commensurate with the level of commercial activity and community services in those zones.

Council has introduced the MDRS standards into the Operative Waipā District Plan (District Plan) in order to meet Policy 3 (d) of the NPS-UD. Waka Kotahi considers that Council needs to undertake further assessment to determine whether there are opportunities to provide for higher densities and increased building heights within the Cambridge and Te Awamutu townships.

Detailed feedback on Council's approach to Policy 3 is set out in Table 1 below.

## Other Qualifying matters

As set out in Appendix 2 (Assessment of Existing Qualifying Matters) and 3 (Assessment of New Qualifying Matters), the Council has identified those qualifying matters which it has applied to make the MDRS and the relevant building and density requirements less enabling of development in some areas.

Of particular interest to Waka Kotahi is the application of the infrastructure constraint/stormwater constraint overlays and the setback requirements for state highways.

## Infrastructure constraint and stormwater constraint overlays

The infrastructure constraint and stormwater constraint overlays are proposed as a planning mechanism to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River. These overlays, which is generally supported, would apply across much of the existing, urbanised area of the Te Awamutu, Cambridge and Kihikihi townships. Applications within these overlays would require

a resource consent and require infrastructure capacity assessments for developments that propose more than two dwellings.

Given the extent of the overlay, it will be important that there is a clear programme (including process/timeline) in parallel to Plan Change 26, which sets out when Council expects to uplift parts of the overlay due to infrastructure upgrades<sup>1</sup>. It is acknowledged that there is a considerable amount of work required by the Council to get to this point. Irrespective of this, it is considered that the establishment of a formal programme (if not already in train) would greatly assist with ensuring that these overlays are actively managed to ensure they don't end up providing too much of a constraint to development.

#### State Highway Qualifying Matter

The state highway network has been identified as a qualifying matter (ensuring the safe or efficient operation of nationally significant infrastructure). There are existing building setback provisions in the District Plan for the siting of buildings in relation to the state highway network. Plan Change 26 proposes to carry these provisions forward. Waka Kotahi considers that further justification is required from Council regarding how this setback will provide for the safe or efficient operation of nationally significant infrastructure. In addition, further justification is required in relation to the identification of the state highway network being a qualifying matter.

#### **Financial contributions**

The HSAA sets out that financial contribution provisions may be included or changed as part of the IPI process (s. 77t). As part of Plan Change 26, Council have amended the financial contribution provisions to improve the Council's ability to address any adverse effects on infrastructure. Waka Kotahi supports the use of financial contributions as a financial tool to contribute towards public realm improvement projects, and seeks that consideration be given to initiatives and/or infrastructure that supports mode shift.

Waka Kotahi thanks Waipā District Council for the opportunity to make a submission on Plan Change 26. To discuss this submission, please contact Claudia Jones at [claudia.jones@nzta.govt.nz](mailto:claudia.jones@nzta.govt.nz).



**Sam Le Heron, Environmental Planning Team Lead Waikato / Bay of Plenty**

Signature of the person authorised to sign on behalf of the submitter

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<sup>1</sup> To the extent that this is possible; it is acknowledged that this programme will be in part driven by demand/funding by applicants.

Table 1 – Submission points

Point #	Topic	Plan Provision	Support/Support in Part Oppose	Reason for Comment	Change(s) sought
1	Extent of proposed zoning / walkable catchments	General	<i>Oppose</i>	<p>Council considers that Plan Change 26 achieves the intent of the HSAA and Policy 3(d) of the NPS-UD through the incorporation of the MDRS standards into the Operative Waipā District Plan.</p> <p>Waka Kotahi acknowledges that the MDRS provisions have been incorporated into Plan Change 26. However, it is considered that the Section 32 Evaluation Report (s32 report) does not adequately assess whether there are opportunities to increase building heights and densities within and adjacent neighbourhood centre zones, local centre zones, and town centre zones (or equivalent).</p> <p>Waka Kotahi considers that further assessment is required by Council in order to determine whether there are opportunities within the Te Awamutu and Cambridge townships to provide for higher densities and increased building heights. This assessment should be supported by an accessibility study to determine the extent of the walkable catchments surrounding the neighbourhood centre zones, local centre zones and town centre zones (or equivalent). The catchment should be measured along pedestrian infrastructure rather than “as the crow flies”.</p>	<p>Undertake further assessment to determine whether there are opportunities within the Te Awamutu and Cambridge townships to provide for higher densities and increased building heights. This should include an accessibility study to assess/determine the extent of the walkable catchments. If supported by the accessibility assessment, Waka Kotahi seeks that Plan Change 26 incorporates high-density residential zones within the walkable catchments surrounding the neighbourhood centre zones, local centre zones and town centre zones (or equivalent).</p>
2	Qualifying Matters	State Highways	<i>Support in part</i>	<p>The state highway network has been identified as a qualifying matter for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (s771 (e) HSAA). As such, under Rule 2A.4.2.6 (a), a 7.5m setback from the boundaries of state highways is required under Plan</p>	<p>Provide further justification regarding how the 7.5m setback will ensure the safe or efficient operation of nationally significant</p>

				<p>Change 26. This differs to the MDRS provisions which requires a 1.5 front yard setback.</p> <p>It is advised within the Assessment of Existing Qualifying Matters (Appendix 2) that a 7.5m setback may impact on building density. However, no justification has been provided regarding how the setback will ensure the safe and efficient operation of nationally significant infrastructure. It is noted that there are existing provisions that require buildings to be appropriately insulated to meet specific noise levels. There are also specific provisions that address access onto the state highway and Integrated Transport Assessments (ITA's). Therefore, Waka Kotahi consider that further justification is required in relation to how the 7.5m setback will provide for the safe and efficient operation of nationally significant infrastructure. In addition, further justification is required in relation to the state highway network being a qualifying matter.</p>	<p>infrastructure. In addition, provide further justification for the state highway being identified as a qualifying matter.</p>
3	Qualifying matters	Infrastructure constraint and stormwater constraint	<i>Support in part</i>	<p>Waka Kotahi recognises the importance of Te Ture Whaimana o Te Awa Waikato and the need to restore and protect the health and wellbeing of the Waikato and Waipā Rivers. As part of Plan Change 26, Council have introduced infrastructure constraint and stormwater constraint overlays to ensure development within the district does not undermine Te Ture Whaimana o Te Awa Waikato. These overlays restrict the number of dwellings provided for as a permitted activity (2A.4.1.1 (c)).</p> <p>Given the extent of the overlays, it is recommended that a programme (including process/timeline) is established in parallel to Plan Change 26, which sets out when Council expects to uplift parts of the overlay due to infrastructure upgrades<sup>2</sup>. The establishment of a formal programme (if not already underway) would greatly assist with ensuring that these overlays are actively managed to ensure they don't end up overly constraining development.</p>	<p>No amendments sought to the provisions.</p>

<sup>2</sup> To the extent that this is possible; it is acknowledged that this programme will be in part driven by demand/funding by applicants.

<b>4</b>	Reverse sensitivity (noise and vibration)	Rules– Noise insulation: noise sensitive activities (2A.4.2.40 – 2A.4.2.41)	<i>Support</i>	Waka Kotahi supports the inclusion of noise insulation provisions within the Medium Density Residential Zone. This will ensure that undue restrictions are not placed on the operation of the state highway network and the health and wellbeing of those residing or otherwise occupying nearby sites is protected.	Retain as notified.
<b>5</b>	Financial Contributions	Section 18– Financial Contributions	<i>Support</i>	Waka Kotahi understands that the financial contribution provisions have been amended to updated to improve the Council's ability to address any adverse effects on infrastructure. Waka Kotahi supports the use of financial contributions to offset any adverse environmental effects or infrastructure upgrade that cannot otherwise be avoided, remedied or mitigated.	Retain as notified.
<b>6</b>	Section 2A– Medium Density Zone	Objectives 2A.3.1 and 2A.3.2	<i>Support</i>	Waka Kotahi supports the implementation of the objectives in accordance with the MDRS standards.	Retain as notified.
<b>7</b>	Section 2A– Medium Density Zone	Policies 2A.3.2.1, 2A.3.2.3, 2A.3.2.5, 2A.3.2.6 and 2A.3.2.7	<i>Support</i>	Waka Kotahi supports the implementation of the policies in accordance with the MDRS standards.	Retain as notified.
<b>8</b>	Section 2A– Medium Density Zone	Policy 2A.3.4.9	<i>Support</i>	Waka Kotahi supports this policy as it ensures that noise sensitive activities adjacent strategic roads will be acoustically treated. This will ensure that the function and operation of the transport network is not compromised by adverse effects, including reverse sensitivity effects.	Retain as notified.
<b>9</b>	Section 2A– Medium Density Zone	Rule 2A.4.1.1 (b)	<i>Support</i>	Waka Kotahi supports the implementation of the density standards in accordance with the MDRS standards.	Retain as notified.
<b>10</b>	Section 2A– Medium Density Zone	Rule 2A.4.2.1	<i>Support</i>	Waka Kotahi supports the maximum height for buildings located within the Medium Residential Zone as this is in accordance with the MDRS requirements.	Retain as notified.

11	Definitions	Transport Network	<i>New definition</i>	It is noted that the term “transport network” is referred to within the Plan Change 26 amendments but is not defined. Waka Kotahi considers that the term requires defining for plan user interpretation.	<p>Add a new definition to Part B: Definitions as follows:</p> <p><b><u>‘Transport Network’</u></b></p> <p><u>Means all public rail, public roads, public pedestrian and cycling facilities, public transport and associated public infrastructure. It includes:</u></p> <p><u>train stations;</u>  <u>bus stops;</u>  <u>bus shelters; and</u>  <u>park and ride areas serving train stations.</u></p>
12	Transportation	Objective 16.3.1	<i>Support in part</i>	Waka Kotahi supports this objective as it provides for a sustainable, safe, integrated, efficient and affordable multi-modal land transport system. However, Waka Kotahi seeks to include accessibility within the existing objective. This amendment will incorporate the element of well-functioning urban environment in accordance with NPS-UD Objective 1.	<p>Amend Objective 16.3.1 as follows:</p> <p>All new development, subdivision and transport infrastructure shall be designed and developed to contribute to a sustainable, safe, integrated, efficient (including energy efficient network design), <u>accessible</u> and affordable multi-modal land transport system.</p>
13	Transportation	Policy 16.3.1.1	<i>Support in part</i>	For the same reasons outlined within the submission point on Objective 16.3.1, Waka Kotahi seeks that this policy be amended to include accessibility. This will provide for a well-	Amend 16.3.1.1 as follows:

				functioning urban environment in accordance with NPS-US Objective 1.	<p>Development, subdivision and transport infrastructure shall be designed and located to:</p> <p>...</p> <p>(d) Contribute to:</p> <p>(i) Integrated transport and land use planning and a safe road system approach; and</p> <p>(ii) Reducing deaths and serious injuries on roads; and</p> <p>(iii) An effective and efficient road network; <del>and</del></p> <p>(iv) Efficient movement of freight; <u>and</u></p> <p><u>(v) Providing good accessibility for people.</u></p>
14	Transportation	Rule 16.4.2.22– Provision of an integrated transport assessment	<i>Support in part</i>	It is considered that any ITA required as part of subdivision, use and development should demonstrate how it will achieve government and regional transport goals of Vehicle Kilometres Travelled (VKT) reductions. The provision does not currently require an assessment on VKT reduction. As such, Waka Kotahi considers that the assessment criteria be amended to ensure that any subdivision, use and development achieves Objective 8 of the NPS-UD and the NZ Emissions Reduction Plan target 1.	<p>Amend 16.4.2.22 as follows:</p> <p>Assessment will be restricted to the following matters:</p> <p>...</p> <ul style="list-style-type: none"> <li>• Provision for multi-modal transport options <u>and</u></li> </ul>



					<u>identification of initiatives for reducing Vehicle Kilometres Travelled</u> (Broad ITA only); and
<b>15</b>	Subdivision	Rule 15.4.1.1 (l)	<i>Support</i>	Waka Kotahi supports the implementation of the subdivision provisions in accordance with the MDRS standards.	Retain as notified.