

Before the Independent Hearings Panel

UNDER the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF a submission by the New Zealand Transport Agency (submitter 240, further submitter 331) on the Whangārei District Plan

AND

IN THE MATTER OF Proposed Plan Changes 82A&B, 88A-J, 109, 115, 136, 143, 144, 145, 147 & 148 – Urban and Services to the Whangārei District Plan

**SECOND MEMORANDUM OF COUNSEL FOR THE NEW ZEALAND TRANSPORT
AGENCY**

Dated: 10 December 2019

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1. INTRODUCTION

1.1 This is the second memorandum filed on behalf of the New Zealand Transport Agency (**Transport Agency**) which addresses a number of matters:

- (a) A response to the evidence filed by Kāinga Ora – Homes and Communities (**Kāinga Ora**) on the Proposed Plan Changes Urban and Services to the Whangarei District Plan (**Plan Changes**). This is in accordance with Direction #2 from the Chair of the Urban and Services Plan Changes hearings regarding the provision of evidence. The Transport Agency is appreciative of the extra time allowed in order to provide a considered response;
- (b) Issues agreed and still outstanding between the Northland District Health board and the Transport Agency; and
- (c) Answers a further question about the Transport Agency's proposed signage rules not addressed in our memorandum dated 5 December 2019.

1.2 The Independent Hearings Panel (the **Panel**) directed questions at specific experts both during and after the Council Hearing on 26 November 2019. A memorandum of counsel responding to these questions was filed on 5 December 2019, however, further comment is detailed in this memorandum where such questions concern Kāinga Ora.

2. KĀINGA ORA REZONING REQUESTS

2.1 By way of background, Kāinga Ora's submission sought numerous changes to the Plan Changes. The Transport Agency lodged further submissions opposing the entirety of the original submission, including the proposed upzoning of large parts of the city. This was largely due to concerns about potential effects on the transport network and the lack of information regarding the scale and potential effects.¹

2.2 During the Council Hearing the Panel asked Nita Chhagan to reconsider whether all of the rezoning proposed by Kāinga Ora was opposed by the Transport Agency. Ms Chhagan's response is detailed below.

2.3 In Ms Chhagan's Hearing Statement, she discusses the recommended principles for new zoning requests and the importance of integrated transport assessments (**ITAs**).²

¹ Legal Submissions on behalf of the New Zealand Transport Agency, paragraph 8.2.

² Hearing Statement of Nita Chhagan, paragraphs 4.1-4.5.

- 2.4 The Transport Agency opposed Kāinga Ora's zoning requests due to a lack of understanding of the potential effects on the transport network and the implications of the upzoning. In principle the Transport Agency supports greater intensification of residential development around centres and near public transport hubs and respective public transport corridors, however, greater intensification throughout the urban area needs to be supported by relevant and related infrastructure and services, particularly public transport.³
- 2.1 Ms Jones' urban design evidence for Kāinga Ora⁴ discusses consolidation/intensification opportunities around the services and amenities described in paragraphs 6.4 and 6.5 of her evidence.
- 2.2 The Transport Agency supports in principle intensification around centres and along frequent public transport routes. However, Ms Jones recommends intensification beyond 'centres' and public transport i.e. within 400m of playgrounds, local reserves and parks, local convenience stores and within 800m of primary schools, destination parks, sports facilities and other large open spaces. This covers a large proportion of the urban area. As these areas are unlikely to be well served by public transport, the Transport Agency has particular concerns with any upzoning in these areas without a thorough assessment of the effects on the transport network.
- 2.3 Kāinga Ora's proposed rezoning was not accompanied by an assessment of transport effects or an ITA. Although medium to large scale individual projects would be subject to an assessment of effects via TRA-R15/R16 (as proposed to be amended by Kāinga Ora and the Transport Agency) as part of future resource consent applications, this would not include cumulative effects for all zoning requests. Ideally, such cumulative effects should be considered prior to rezoning due to the extent and quantum that the effects may have on the transport network (as would be the case if this was a 'stand alone' plan change). The lack of an ITA means there are 'gaps' in the Transport Agency's ability to understand and plan for the proposal. In particular:
- (a) An assessment of the capacity of the existing roading network has not been considered at all, nor has there been any indication of the proportion of trips that might walk or cycle to key destinations. In an intensified area not all trips generated will be accommodated by public transport, walking or cycling and

³ Hearing Statement of Nita Chhagan, paragraph 4.1(b).

⁴ Primary evidence of Ms Annette Jones, paragraphs 6.4 and 6.5.

there would likely be an overall net increase in private vehicle trips as more households move into an area.

- (b) Preparation of site by site ITAs will not consider the cumulative implications of all of the zoning requests. However, if it does consider cumulative effects, there is a real risk that a single proposal that causes a tipping point becomes responsible for addressing the effects caused by a number of other proposals. Separating background growth in transport demand from the effects of specific proposals can be challenging.
- (c) An ITA for the proposed zoning request should take into account the Transport Agency Guidance on ITAs and be accompanied with a map of all of the potential walk up catchments (these could substantially overlap and cover most of the urban area) and a single map of Public Transport services (existing and proposed). More specifically, it is considered that transport modelling using the District Traffic Model should be undertaken to understand the effects of the increase in housing yield above the notified district plan.
- (d) While existing public transport connections and services have been identified by Kāinga Ora, an assessment on the capacity and accessibility of the existing public transport network to cater for the level of development intensification and public transport uptake assumed by Kāinga Ora has not been provided. Further, there has been no assessment of the ability of the wider transport network (roads, cycling and walking) to accommodate the proposed changes. Hence, it has not been demonstrated that transport infrastructure is in place or can be provided.

Capacity and accessibility

2.4 In the absence of an ITA or similar assessment to support the rezoning, Mr Elliott has considered the potential transport effects and has provided the following comments, based on his local knowledge and experience.

2.5 The urban network of State Highway 1 and State Highway 14 is already experiencing safety and efficiency issues. This is as a result of:

- (a) Slow moving traffic and congestion during peak periods;
- (b) The lack of access to multimodal choices for other users which continues to encourage private vehicle use;

- (c) The lack of real connectivity between communities; and
 - (d) An increase in speeds in off peak periods on State Highway 1 where 4 laning has been completed.
- 2.6 Given the significance of these safety issues, Mr Elliott and the Transport Agency have significant concerns about any additional access points or additional demand on existing intersections on State Highway 1 from Quarry Road north to Great North Road, and on State Highway 14 from the State Highway 1/ State Highway 14 intersection west to Austin Road. These are the most sensitive areas of the network and some already are near capacity. Additional investment and improvements will be required in the future to maintain the efficient and safe operation of the network. However, there is a lack of information about how these improvements will be funded, either by Kāinga Ora, other private developers, local authorities or the Transport Agency itself. The Transport Agency also recognises that funding is constrained and that the funding required to undertake such large-scale development in all of these zones in the next ten years is likely to be significant.
- 2.7 Without an ITA, the likely effects can only be 'best guess' and based on existing sensitivities on the transport network and 'possible' future requirements. Potential areas of concern to the Transport Agency include Kamo; Otangarei and Kensington/ Regent; Maunu and Raumanga; and Marsden and Ruakaka. For example:
- (a) Otangarei and Kensington/ Regent, where the local road network is unlikely to cope if wholesale development of this nature was to occur and the format of the existing intersections on State Highway 1 would likely need to be upgraded if significant development was enabled; and
 - (b) The section of State Highway 1 in Maunu and Raumanga has pinch points. The Rewa Rewa Road intersection has also been highlighted as having capacity issues which are likely to be compounded if the industrial zones are approved.
- 2.8 Ultimately, there is insufficient information available to confirm whether the areas identified above would be able to cope with development as no assessment has been provided.
- 2.9 Overall, the identified deficiencies in supporting information will not enable:
- (a) Identification of the scale and location of effects and for informing appropriate interventions to mitigate effects and appropriate district plan provisions; or

- (b) Forward planning (including the planning and delivery of supporting infrastructure and services, such as additional bus services).

Planning considerations

- 2.10 The evidence of Ms Heppelthwaite and the opening legal submissions of the Transport Agency highlighted the need to give effect to higher order policy documents such as the National Policy Statement on Urban Development Capacity Planning (**NPS-UDC**) and the Northland Regional Policy Statement. The NPS-UDC is a dominant planning document in the urban environment⁵ and requires the provision of sufficient, feasible housing and business capacity over the short, medium and long term.⁶ Importantly, capacity must either be serviced with development infrastructure (for short and medium term capacity) or have that development infrastructure identified in relation strategies (for long term capacity).
- 2.11 The lack of assessment of impacts on the transportation network from the proposed rezoning and therefore a lack of assessment of whether adequate infrastructure is provided or has been identified in relevant strategies, makes it difficult for the Transport Agency to fully support the proposed rezoning.
- 2.12 If an assessment of the Plan against the requirements of the NPS-UDC indicates that there is a shortage of capacity (for housing), then that would be a strong justification for adopting some of the proposed upzoning. However, if there is adequate capacity in the Plan Changes then a more cautious approach should be adopted. There should be time allowed for the potential transport effects of upzoning to be assessed and for suitable forward planning occur. Growth strategies and structure planning is the best method to undertake such a task, in conjunction with the transportation planning of the Northland Regional Land Transport Plan.
- 2.13 Ultimately, the Transport Agency continues to support the position of the District Council, as set out in the section 42A report, in relation to the rezoning. It has concerns about the transportation effects of the proposed rezoning but will rely on the assessments from the District Council of the additional housing capacity (if any) that needs to be enabled in the Plan Changes to meet the NPS-UDC requirements and whether the proposed locations for upzoning align with the infrastructure and services

⁵ See the Environment Court decisions of *Bunnings v Queenstown Lakes District Council and Summerset Villages (St Johns) Limited v Auckland Council* [2019] NZEnvC 173.

⁶ See in particular Policy PA1 to PA4.

planning underway and alignment with planning strategy i.e. the draft District Growth Strategy and the 30/50 Whangarei Growth Strategy.

3. NORTHLAND DISTRICT HEALTH BOARD

- 3.1 The Transport Agency and the District Health Board have continued discussions following their presentation to the Panel on 6 December 2019. Those discussions have included Mr McKenzie and Mr Burgoyne, but they have not been bound by the outcome of the discussions.
- 3.2 All but one issue have been agreed. The outstanding issue relate to whether the provisions should include an ITA requirement for the proposed controlled activity requiring an assessment of the peak hour performance (within any 24 hour period) of the State Highway 14 / Hospital Road intersection. This is proposed HOSZ-REQ1 – 1(g).
- 3.3 Based on expert advice from Mr Collins and Mr Elliot, the Transport Agency seeks HOSZ-REQ1–1(g) be included in the provisions for the Hospital Zone. The primary purposes of this requirement is to control activities at the Hospital that would otherwise result in the capacity of this intersection being exceeded and create a solid evidence base for the potential effects on this intersection from the activities at the Hospital. This will allow the Transport Agency and the Council to monitor progress regarding the performance of this intersection.
- 3.4 On a more technical level Mr Collins advises that the agreed controlled activity threshold is based on the anticipated traffic generation over a 24 hour period, as indicated through staff numbers. (The traffic experts consider that there is a good correlation between staff numbers and vehicles per day). However, there is a significantly less capacity in the morning and afternoon peak hours at the State Highway 14 / Hospital Road intersection. The ITA provided by the DHB indicates as little as 10% capacity remains during the PM peak.
- 3.5 There is risk that the capacity of the State Highway 14 / Hospital Road intersection may be exceeded in the peak hour prior to the threshold for HOSZ-R2 being triggered, either through growth in regional traffic volumes, growth in Hospital traffic, or a combination in both.
- 3.6 As the capacity of this intersection could be exceeded prior to Restricted Discretionary activity status (HOSZ-R2) being triggered, the Transport Agency seeks some requirement for effects on the intersection to be considered in the ITA for the Controlled

activity. The intent is that, should capacity issues at this intersection be identified, Council would have a mechanism to consider consent conditions about travel demand management measures at the Hospital in order to address effects at the intersection.

3.7 The Transport Agency’s preferred provisions are attached as Appendix A. With the assistance of Mr Burgoyne, the provisions have been formatted to match the balance of the District Plan.

4. PROPOSED LIGHTING RULES

4.1 Council officers requested that the Transport Agency align its proposed Table SI-R17(2)(e) regarding Lighting, with the relevant district plan zones. In consultation with Mr Muir and Ms Heppelthwaite, the Transport Agency suggests the following:

	Low Light Environment (Rural and Rural Residential)	Medium Light Environment (Suburban and Urban Areas)	High Light Environment (Town and City Centres)
Maximum candelas per m² (cd/m²)	150	300	350

4.2 For the purposes of Table SI-R17(2)(e) above, and with reference to Table 3.1 AS/NZS4282, the low light, medium light and high light zones are identified as follows:

Low Light:

- (i) Rural (urban expansion);
- (ii) Rural Living;
- (iii) Rural Production;
- (iv) Ruakaka Equine;
- (v) Conservation; and
- (vi) Low-density Residential.

Medium Light:

- (i) Rural Village Centre-Subzone;
- (ii) Strategic Rural Industries (these are three spot zones – in rural areas);
- (iii) Papakianga;
- (iv) Local Commercial;
- (v) Neighbourhood commercial;
- (vi) Residential;
- (vii) General Residential;
- (viii) Medium Density Residential; and
- (ix) Open Space.

High Light:

- (i) Rural Industry-Subzone;
- (ii) City Centre;
- (iii) Mixed Use;
- (iv) Waterfront;
- (v) Commercial;
- (vi) Shopping Centre;
- (vii) Light Industrial;

Heavy Industrial;

- (viii) Airport;
- (ix) Hospital;
- (x) Port;
- (xi) Sport and Active Recreation; and
- (xii) Marsden Primary Centre.

4.3 The Transport Agency thanks the Panel for its consideration of its submissions and wishes it well for its deliberations.

DATED this 10th day of December 2019



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Counsel for New Zealand Transport Agency

Appendix A: The New Zealand Transport Agency's Preferred Provisions

HOSZ-RXX	Controlled Activity Integrated Transport Assessments
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any new or modified vehicle entry or exit to West End Avenue is proposed. 2. Any new building activity or development that results in total Hospital staff numbers reaching or exceeding 2,930. <p>Matters of control:</p> <ol style="list-style-type: none"> 1. Effects on the safe and efficient operation of the transport network immediately adjacent to the Hospital Zone including vehicle access. 2. Methods to facilitate access to public transport and active modes. 3. Parking and travel demand management. 4. Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process. <p><i>Compliance Standard: HOSZ-RXX.2 does not apply where consent has previously been granted under HOSZ-RXX.2.</i></p> <p><i>Note: Any application shall comply with information requirement HOSZ-REQXX.</i></p>

HOSZ-RXX	Restricted Discretionary Activity Integrated Transport Assessments
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any new building activity or development that results in the total Hospital staff numbers reaching or exceeding 3,060 and thereafter increases by a multiple of 100 staff (i.e. at 3,160, 3,260, 3,360, etc.). <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Effects on the safe and efficient operation of the transport network adjacent to the Hospital Zone including vehicle access and operation of the State Highway 14 / Hospital Road intersection. 2. Methods to facilitate access to public transport and active modes. 3. Parking and travel demand management.

4. Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process.

Compliance Standard: HOSZ-RXX.1 does not apply where consent has previously been granted under HOSZ-RXX.1.

Note: Any application shall comply with information requirement HOSZ-REQXX.

HOSZ-REQ1

Information Requirement – Controlled Integrated Transport Assessments

1. Any application pursuant to HOSZ-RXX shall include an Integrated Transport Assessment prepared by a suitably qualified professional detailing and/or assessing the following:
 - a. A description of the site characteristics, existing development, total staff numbers, existing traffic conditions and trip generation, proposed activity and its intensity.
 - b. An assessment of the features of the existing transport network, including the following where relevant to the proposal:
 - i. Existing access arrangements, on-site car parking and crossing locations.
 - ii. Existing internal vehicle and pedestrian circulation.
 - iii. Existing walking and cycling networks.
 - iv. Existing public transport service routes and frequencies including bus stops and lanes.
 - c. The estimated number of trips which will be generated by the new activity
 - d. The accessibility to public transport and how the design of the development will encourage public transport use by considering the attractiveness, safety, distance and suitability of the walking routes to the nearest bus stop.
 - e. The accessibility for pedestrians and cyclists and how the design of the development will encourage walking and cycling to nearby destinations such as reserves, other public spaces and commercial or community facilities.
 - f. Evidence of consultation with the NZ Transport Agency and commentary on response to that consultation.
 - g. an assessment of the peak hour performance (within any 24 hour period) of the State Highway 14 / Hospital Road intersection.
- ...

HOSZ-REQ2

Information Requirement – Restricted Discretionary Integrated Transport Assessments

2. Any application pursuant to HOSZ-RXX shall include an Integrated Transport Assessment prepared by a suitably qualified professional detailing and/or assessing the following:

- a. A description of the site characteristics, existing development, total staff numbers, existing traffic conditions and trip generation, proposed activity and its intensity.
- b. An assessment of the features of the existing transport network, including the following where relevant to the proposal:
 - i. Existing access arrangements, on-site car parking and crossing locations.
 - ii. Existing internal vehicle and pedestrian circulation.
 - iii. Existing walking and cycling networks.
 - iv. Existing public transport service routes and frequencies including bus stops and lanes.
- c. The estimated number of trips which will be generated by the new activity
- d. The accessibility to public transport and how the design of the development will encourage public transport use by considering the attractiveness, safety, distance and suitability of the walking routes to the nearest bus stop.
- e. The accessibility for pedestrians and cyclists and how the design of the development will encourage walking and cycling to nearby destinations such as reserves, other public spaces and commercial or community facilities.
- f. The effects on the transport network adjacent to the Hospital Zone of average vehicles per day directly related to Hospital activities that exceed 8520 vehicles per day.
- g. The effects of peak traffic flows directly related to Hospital activities on the operation of the State Highway 14/Hospital Road intersection when the adjacent length of State Highway 14 is experiencing peak flows.
- h. Evidence of consultation with the NZ Transport Agency and commentary on response to that consultation.