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**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

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**MEMORANDUM OF COUNSEL FOR THE NEW ZEALAND TRANSPORT  
AGENCY  
IN RESPONSE TO QUESTIONS FROM THE HEARING PANEL**

**Dated: 5 December 2019**

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## 1. INTRODUCTION

- 1.1 This memorandum is filed on behalf of the New Zealand Transport Agency (**Transport Agency**) and provides a response to the questions raised by the Independent Hearings Panel (the **Panel**) by email on 29 November 2019 relating to its evidence on the Proposed Plan Changes Urban and Services to the Whangarei District Plan (**Plan Changes**).
- 1.2 The Panel's questions were directed to specific experts but rather than file further supplementary evidence, the Transport Agency considered it would be more efficient to provide a consolidated memorandum of counsel. The Panel's questions are set out in full followed by the response from the relevant expert. Counsel has sought to distinguish expert advice and information from the position of the Transport Agency and submissions from counsel where necessary. In addition, the Transport Agency and its experts have answered some of the outstanding questions the Panel asked during the hearing on 26 November 2019.
- 1.3 Ms Chhagan, Mr Collins and Ms Heppelthwaite will be attending the hearing on 6 December 2019 to answer any questions. Due to other commitments Mr Muir, Mr Elliott and Dr Chiles are not able to attend the hearing on this day.
- 1.4 The memorandum is structured to address the following topics:
- (a) Signs and Lighting;
  - (b) Transport Matters;
  - (c) Amenity Noise Provisions;
  - (d) Zoning;
  - (e) Urban Growth and Development Policies; and
  - (f) Hospital Zone.

## 2. SIGNS AND LIGHTING

### **Richard Landon-Lane**

*Mr Landon-Lane's evidence at paragraphs 4.5 and 4.7 refers to several studies, can you supply copies of these to the Panel?*

- 2.1 Appendices A and B contain copies of the New Zealand study titled, "*The impact on road safety of digital billboards*" (Frith & Trotter, 2015), and the trans-national European CEDR report, "*The safety effects of (digital) roadside advertising: an overview of the literature*" (May 2018), referred to in Mr Landon-Lane's evidence.

**Stephen Muir**

*Based on the discussion at the hearing, the concern appears to be with digital billboards. We note 'digital sign' is not defined, but is referenced in the new definition for illuminated sign recommended in the s42A report. Can you clarify if the rules proposed are intended to apply to 'digital billboards', or is the concern also with any other digital sign e.g. variable pricing/information signs such as petrol prices, car parks available and real estate for sale signs (displaying images of property) etc. which may be 'digital signs'?*

- 2.2 Mr Muir's concern is in relation to all illuminated signs and in his expert view all such signage should comply with AS/NZS4282: 2019. Digital signs are a sub-set of illuminated signs and that includes 'digital billboards'.
- 2.3 In practice, as outlined in Mr Landon-Lane's evidence the primary concern of the Transport Agency is in relation to digital billboards and that due to their ability to distract drivers they need a higher level of management. A variable price sign such as a petrol sign should have appropriate illumination to the context, but the images on such a sign are not changing regularly and so are not as much of a distraction to the driver. The Transport Agency acknowledges that there may be circumstances when strict compliance with AS/NZS4282: 2019 is not possible and that is best assessed through a resource consent process.

*Is there potential for confusion about which rules apply? For example, if the illuminated signs definition is amended as recommended in Ms Heppelthwaite's evidence, it will exclude signs that are flashing, animated or variable message signs. Are there any unintended consequences of this exclusion?*

- 2.4 The change to the definition is suggested in Mr Muir's evidence (paragraph 9.2(a)). Ms Heppelthwaite accepted the s42A version of the definition of *illuminated sign*. Further discussions between Mr Muir and Ms Heppelthwaite indicate that the Councils provision with the words *visible area* (and consequential deletion of *face*) is supported.

*illuminated sign means any sign with a specifically designed means of illumination of the whole or any portion of its visible area face. Includes internally illuminated and externally illuminated (floodlit) signs, reflective signs, digital signs, and signs that incorporate flashing, animation and variable message displays.*

*How would such signs be classified as a result of this change? Can you suggest any further refinements to either the definitions or rules?*

2.5 Mr Muir does not believe further refinements are required.

*Your evidence at paragraph 1.4 refers to the Christchurch City Council LED Billboard research project. Are you able to supply a copy of this to the Panel?*

2.6 Appendix C contains a copy of the Christchurch City Council LED Billboard Research dated 14 October 2016.

*At paragraph 5.1(b) changes are set out to SI-R2(1)(b). Please clarify what is visible – is it the sign which is to have an unrestricted view; or is it intended that the sign does not block views of the road?*

2.7 Mr Muir advises that it is intended that the sign does not restrict the view of the road by the motorist.

### **3. TRANSPORT MATTERS**

#### **Integrated transport assessment (ITA) triggers**

*Is there scope to further refine the GFA triggers for an ITA to address the activities mentioned in Mr Collins' evidence at paragraph 2.7 e.g. drive through etc.*

3.1 The scope of the Transport Agency's submission on TRA15 and TRA16 was addressed in the opening legal submissions and the same principles and application would apply to any further amendments to address the activities discussed in paragraph 2.7 if Mr Collins evidence (and in Mr Elliot's evidence). The key amendment requested by the Transport Agency was to include triggers based on GFA rather than just parking numbers as they do not necessarily reflect actual vehicle generation. This was clearly outlined as the reason for the changes.

3.2 A number of specific triggers were provided, largely by way of example, but similar changes to other specific activities that require a more nuanced approach (like child care or drive through activities), is fairly and reasonably within the scope of the original submission taken as a whole.

*What refinements can you suggest to the GFA triggers for the activities listed in paragraph 2.7 of Mr Elliott's summary statement?*

3.3 The Panel has asked whether the examples listed in paragraph 2.7 of Mr Elliott's Hearing Summary would be captured by the additional triggers sought by the Transport

Agency (and outlined at paragraph 2.2 of the Hearing Summary). Mr Elliott stated that examples of land use activities that may not be captured by reliance on a car parking trigger includes logistics activities, fuel stations, drive through activities, schools and childcare centres. He has considered what appropriate triggers might be for those types of activities and those are outlined below.

- 3.1 The Transport Agency submission opposed the use of car park spaces as an ITA trigger in R15 and R16 and proposed to replace car park numbers with GFA/ Occupancy numbers. Mr Elliott's evidence proposed a further refinement to this which proposed a combination of parking spaces, GFA/Occupancy numbers, daily trip generation and hourly generation as ITA triggers (i.e. four potential trigger points for an ITA). This could have been more clearly explained in our combined evidence.
- 3.2 Mr Elliott's examples (paragraph 2.7) were based on trip generation (daily and hourly) figures rather than GFA/Occupancy triggers.
- 3.3 The Transport Agency have reconsidered the complexity of the controls proposed and, whilst Mr Elliott continues to support the 'four pronged' approach to ITA triggers, the Transport Agency acknowledged that this may be complicated for plan users.
- 3.4 In this instance, the Transport Agency proposes reverting to including ITA triggers for TRA16 being similar to those in its primary submission i.e. based on GFA/Occupancy.
- 3.5 On the basis of additional input from Mr Elliot the Transport Agency seeks the following triggers:

Activity			R15	R16
1	Residential	Dwellings	20	50
2	Education Facilities	Primary	2,500m <sup>2</sup>	
3		Secondary	2,500m <sup>2</sup>	
4		Tertiary	2,500m <sup>2</sup>	
5		Child Care	40	60
6	Office		2,500m <sup>2</sup>	
7	Retail	Fast Food / Drive Through	500m <sup>2</sup>	
8		Fuel Station	2,000m <sup>2</sup>	
9		Shopping Centres	1,000m <sup>2</sup>	
10	Industrial	Office/ Industrial	5,000m <sup>2</sup>	
11		Warehousing and Storage	10,000m <sup>2</sup>	

## **Marsden Technology Park Precinct – Mathew Collins**

*At paragraph 6.15 you identify the need for appropriate mechanisms/ triggers for a roundabout at McCathie Rd/ One Tree Point Rd/ SH 15A intersection and to provide complying sightlines. Can you be specific about what these mechanisms/ triggers should be?*

- 3.6 Mr Collins considers that the Marsden Technology Park Precinct (MTPP)<sup>1</sup> provisions should include an appropriate trigger to upgrade the McCathie Road/ One Tree Point Road/ State Highway 15A intersection to a roundabout, as well as an appropriate mechanism to provide a complying sightline from the McCathie Road/ State Highway 15A intersection towards the northeast. The upgrade will enable the intersection to operate in a safe and efficient manner with the additional traffic generated by the MTPP and nearby Marsden City development.
- 3.7 Mr Collins has concerns about the methodology of the assessment of traffic effects prepared by Engineering Outcomes Ltd (**Traffic Assessment Report**) and included in the original submission by Advance Developments Ltd (**ADL**).<sup>2</sup> In particular, the assessment did not consider the potential number of vehicle trips generated at full buildout. Instead, it assessed approximately 10% of the potential additional traffic movements through the McCathie Road/ One Tree Point Road/ State Highway 15 intersection. It only assessed a Year 2030 scenario, with 48 vehicle movements through the McCathie/ State Highway 15A intersection during the peak hour, whereas the full buildout is predicted to generate 450 veh/hr through this intersection in the peak hour (as per Table 2 in Appendix A of the Traffic Assessment Report).
- 3.8 Without further assessment of the staged development of the MTPP, Mr Collins is unable to comment on the exact timing of when the roundabout would be required, as the submitter has only assessed the anticipated growth at 2030 (approximately 10% of the predicted traffic at full buildout).
- 3.9 In the absence of further assessment by the submitter, Mr Collins' recommendation is that a precinct provision is included requiring a resource consent for consideration of intersection performance when the site generates more than 48 vehicle movements per hour through the SH15/ McCathie Road intersection.
- 3.10 Ms Heppelthwaite has proposed the following drafting to assist the Commissioners:

*MTPP R24: Transport Provisions*  
*Activity Status: Restricted Discretionary*

<sup>1</sup> Evidence of Mathew Collins, paragraphs 6.4-6.9.

<sup>2</sup> Evidence of Mathew Collins, paragraphs 6.4-6.6.

Where:

1. Any development within the MTPP generates more than 48 vehicle movements per hour through the SH15/ McCathie Road intersection.

Matters of discretion:

1. Intersection improvements at McCathie Road;
2. Travel demand management

- 3.11 It is acknowledged that this is a 'blunt' tool, however the applicant's assessment provides insufficient information to enable a more refined approach.
- 3.12 The MTPP submission identifies that the complying sightline from the Port Marsden Highway/ McCathie Road intersection, towards the northeast, crosses part of the MTPP site. The submission (as set out below) recommends that this be addressed either with a suitable covenant over the land between the sightline and existing boundary or its vesting as road.

*It would also be desirable to address a minor sight distance issue – the complying sightline from the Port Marsden Highway/McCathie Road intersection, towards the northeast, while clear, crosses part of the site. This would be addressed either with a suitable covenant over the land between the sightline and existing boundary or its vesting as road.*

- 3.13 The Traffic Assessment Report does not provide further detail on this issue. A complicating factor is the fact that sight distance requirements are dictated by the speed environment and intersection type. For example, a "Give Way" controlled T-intersection on a 100km/hr road will have a much greater sight distance requirement compared with a roundabout controlled intersection on a 50km/hr road.
- 3.14 Mr Collins recommends that a provision is included in the Precinct Plan which requires demonstration that the Safe Intersection Sight Distance (**SISD**) for the McCathie Road/SH15 intersection is not compromised by any built form, fencing, vegetation or other obstruction.
- 3.15 For a 100km/hr operating speed a 254m SISD is needed. This is measured along the direction of travel (not a direct line). It is measured from a point on the side street set 7m back from the centre of the travel lane on the main street, to a point in the centre of the travel lane on the main street (see Appendix D).
- 3.16 The SISD requirement should be in accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, Section 3.2.2, Equation 2, or other applicable standards should this document be superseded. A copy of Equation 2 is attached as Appendix E for the Commissioners reference, however, Mr Collins would not recommend that this equation be included in the Precinct Plan.

- 3.17 Proposed MTPP R3 requires a building setback of 10m from State Highway 14 (in Sub-area A). Sub-area A extends along the full frontage of State Highway 15.



- 3.18 This provision is supported with some amendments to ensure vegetation, fencing, signage or other structures do not obscure sight lines and that the correct state highway is referenced.

*MTPP-R3 Building Setbacks*

*Activity Status: P*

*Where: In sub Area A:*

1. *The minimum building setback from SH15 44 and McCathie Road is 10m. Landscaping, fencing, signage or other structures within the building setback on the northern boundary (SH15) within 250m of the SH15 and McCathie Road intersection shall not exceed a height of 1.2m*
2. *The minimum setback from new internal road boundaries is 5m.*
3. *The minimum setback from side boundaries is 3m*

**Port Nikau**

- 3.19 Mr Collins primary evidence outlined his expert view that the Port Nikau Development Area (PNDA) should not be exempt from the requirements of TRA15 and TRA16. Partly this was on the basis that no transport assessment was provided by the submitter.



3.20 Mr Collins has reviewed again the evidence of Mr Hood on behalf of the submitters. While not specifically referenced in his evidence, Mr Hood has provided several Exhibits attached to his evidence that may be relevant including:

- (a) Exhibit 6: Integrated Transport Assessment (July 2008);
- (b) Exhibit 7: Traffic Design Group Memo (2009);
- (c) Exhibit 8: Traffic Design Group Master Plan Transportation Report (2011);
- (d) Exhibit 9: Commute Revised Assessment Addendum Report (2016); and
- (e) Exhibit 10: Commute Revised Port Nikau Traffic Generation Report (2019).

3.21 Mr Collins considers exhibits 6 to 10 present an evolving expectation of the potential development form of Port Nikau, as defined by the landowner, with each successive assessment reducing the expected intensity of development:

- (a) Exhibit 6 anticipates 4,650 residents and 5,530 employees and estimates a total of 4,477 vehicles per hour (vph) in the morning peak and 4,663 vph in the evening peak;
- (b) Exhibit 7 anticipates 4,650 residents and 5,530 employees and estimates a total of 3,939 vph in the morning peak and 4,008 vph in the evening peak;
- (c) Exhibit 8 does not identify the expected yield or peak hour vehicle trips;
- (d) Exhibit 9 anticipates 3,100 residents and 2,944 employees and does not identify the expected peak hour vehicle trips; and
- (e) Exhibit 10 anticipates 2,488 residents and 1,603 employees and estimates a total of 1,428 vph in the morning peak and 1,571 vph in the evening peak.

3.22 Exhibit 6 estimated that the “baseline” development yield enabled by the Business 4 zoning (which applied to Port Nikau prior to 2008) was no residents and 3,609 employees, with an estimated total of 1,595 vph in the morning peak and 1,678 vph in the evening peak.

3.23 Exhibit 10 states that the anticipated traffic effects of the 2019 Port Nikau Development Plan are lower than those that could have been generated by the Business 4 zoning.

3.24 While not stated in his evidence, Mr Hood appears to use the traffic predicted to be generated by the Business 4 zoning as a “permitted baseline”, and Mr Collins assumes

that Mr Hood relies on this as justification for his request for Port Nikau to be exempted from Rules TRA-R15 and TRA-R16.

- 3.25 However, Business 4 Rule 42.3.5 identifies that any activity that generates more than 200 vehicle movements in any 24-hour period is a controlled activity, with control reserved over the efficiency and safety of the road network.<sup>3</sup> Therefore, the traffic effects predicted by the Business 4 zoning, as presented in Exhibit 6, cannot be considered a “permitted baseline”.
- 3.26 Further, Exhibits 6 to 9 identify that off-site mitigations are needed to support the intensity of development anticipated by these assessments.
- 3.27 The proposed PNDA does not place a cap on the development potential of Port Nikau to reflect the traffic assessment presented in Exhibit 10. Therefore, while the submitter currently anticipates fewer vehicle movements compared with the Business 4 zoning, the traffic effects may be higher depending on the level of development that is actually delivered in Port Nikau.
- 3.28 Mr Collins therefore continues to oppose Mr Hoods’ request that Port Nikau be exempted from Rules TRA-R15 and TRA-R16.

*At paragraph 10.2 of Catherine Heppelthwaite's evidence she refers to proposed text not yet provided. Where can we find this text?*

- 3.29 The hearing statement of Ms Chhagan discusses the terms transport system and transport network, and suggests that it could be included in the Transport Chapter Overview. The proposed text is contained within Attachment A to the Legal Submissions.

#### **4. TRA-XX NEW AMENITY NOISE PROVISION**

##### **Dr Stephen Chiles**

*Is the purpose of clause 1 of this rule to ensure the outdoor areas are too noisy? If so, are some outdoor areas more important than others? Should this be restricted to just the main outdoor*

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<sup>3</sup> This Rule can be viewed at: <http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/DistrictPlan/Documents/District-Plan-Part-G-Environments/42-Business-4-Environment-Rules.pdf>.

*living area that can be accessed from the lounge for example? Otherwise would the rule apply to any outdoor space, even though infrequently used?*

4.1 Clause 1 provides a degree of protection of outdoor amenity (albeit above WHO guidelines) and reduces the need for sound insulation/ventilation to comply with clause 2.

4.2 In terms of the outdoor amenity aspect alone, Dr Chiles agrees that there is an argument to limit the application of the rule to the main outdoor living areas and to exclude infrequently used spaces and service spaces such as driveways.

4.3 Based on Dr Chiles' expert opinion, and if the Panel was minded to amend the proposed provisions, the Transport Agency would accept the rule being restricted to just the principal outdoor living area, however that is defined in the District Plan.

*How many roads in Whangarei are likely to result in external road noise levels 57dB or higher? Can you give an idea of the average road noise for a local road, collector road, arterial; or an indication of how many vehicle movements per day would typically result in 57dB LAeq(25h)?*

4.4 The proposed rule is intended primarily to apply to state highways (and rail) and not to all roads. 57 dB LAeq(24h) is likely to be exceeded within adjacent land to all state highways in the Whangarei District. In 2019, the Transport Agency commissioned AECOM to conduct noise modelling for all state highways and arterial roads in New Zealand. This modelling was for strategic purposes so weight should not be placed on the exact location of the contours in a specific location.

4.5 However, they can provide a guide to typical extents of noise exposure. Appendix F references two examples from the 2019 noise maps showing the location of the 57 dB LAeq(24h) contours near a range of different roads. At 100 km/h with a chipseal surface the contour extends beyond 100 metres from SH1, whereas in urban areas the distance can reduce in places to in the order of 25 metres. The Transport Agency has an online tool that allows an estimate to be made of the sound level for different combinations of traffic and road characteristics.<sup>4</sup>

*Ms Heppelthwaite has identified other plans with this rule. Has subsequent development chosen to erect 3m barriers to comply and what are the effects of this from an amenity perspective?*

4.6 While this question was addressed to Ms Heppelthwaite, Dr Chiles also has experience in this matter.

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<sup>4</sup> This tool can be accessed at: <https://nzta.govt.nz/roads-and-rail/highways-information-portal/tools/road-traffic-noise-calculator/>.

- 4.7 He advises that where such controls have been in place, often through consent conditions where plan rules were not already in place, barriers in the order of 3 metres high are common where there is not individual access to the state highway. While these are often resisted by developers, in Dr Chiles' experience they are sought after by the ultimate residents.
- 4.8 Barriers are often a combination of bunds and fences, often not visible from the road due to screen planting. Examples include numerous developments in Rolleston beside SH1, Papamoa beside SH2 (Tauranga Eastern Link), Tauranga by SH36, West Melton by SH73 and Aidanfield by SH76. Dr Chiles is also familiar with locations where individual rural residents appear to have built bunds by state highways regardless of any district plan requirements, presumably for noise and visual screening. Counsel is aware of similar bunds being erected in Cambridge for new subdivision adjacent to State Highway 1. Ms Heppelthwaite would expect a noise wall/ bund response only where there is a larger scale development and understands such a bund has been constructed at Hingia adjacent to State Highway 1.
- 4.9 Ms Heppelthwaite's view is that noise wall amenity effects are site specific (e.g. orientation and setback) and need to be balanced (e.g. some shading/ potential visual dominance vs better acoustic environment). So while there would be an impact on some aspects of amenity from the fences/ barriers, this needs to be balanced with the improvements in acoustic amenity (and health benefits).

*Where is the proposed 'notional boundary' referenced in clause 1(a) of the rule? Can you respond to the issues raised by Mr Styles in relation to rural areas and the efficacy of such a rule?*

- 4.10 The operative Definitions National Planning Standard specifies that notional boundary means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building.
- 4.11 In terms of the issues Mr Styles has raised in relation to rural areas, Dr Chiles considers these may be based on the false premise that barriers have to be at site boundaries. Firstly, on a large rural section, if the house is further than 100m from the road then the rule would not be triggered. If a house is close to the state highway, a barrier would only need to extend slightly past each side of the house. For a house further away at 80m from the state highway, the most efficient approach would be to construct the barrier near the house. In that instance, the barrier would generally only be as long as the notional boundary.

4.12 The situation Mr Styles describes would only occur if attempting to screen a house at 80m, with a barrier on the state highway boundary. In that case, Dr Chiles agrees that a barrier would need to be relatively long, but that can be avoided by building it closer to the house as described above.

4.13 On rural sections, access through a barrier is generally straightforward, either passing round the end of the barrier or through a staggered opening between two overlapping sections of barrier.

*At paragraph 1.5 of Dr Chiles' evidence he refers to draft National Planning Standards. Is what has been recommended in accordance with the work on the draft to date? What stage is the draft at?*

4.14 The submissions by the Transport Agency and KiwiRail on the Whangarei District Plan are generally in accordance with the work to date on the draft National Planning Standard.

4.15 As set out in paragraph 6.5 of Dr Chiles' evidence dated 7 November 2019, the KiwiRail submission includes an additional compliance pathway, which was a later refinement to the draft National Planning Standard but did not alter the performance standards. Dr Chiles' understanding is that the draft National Planning Standard is still under development.

4.16 The Transport Agency understands that the Ministry for the Environment, while supportive of the draft infrastructure standards, have not officially endorsed them and it is not on their current work programme as a result of existing workstream commitments.

*What are the key differences in opinion between Dr Chiles and Mr Styles?*

4.17 During the Transport Agency's hearing, the Panel asked whether Dr Chiles and Mr Styles, the District Council's noise consultant, could confer and attempt to define the areas of disagreement between them. Some limited discussions have occurred but unfortunately have not as yet resulted in any greater definition or reduction in the areas of dispute. It is unclear to Dr Chiles whether the lack of progress is due to a lack of time or reflects firm differences in expert opinion. If there is any further progress, the Transport Agency will update the Panel accordingly.

## 5. ZONING

### Industrial Land on Rewa Rewa Road

- 5.1 The Transport Agency opposed a proposal by Whangarei District Council (**WDC**) who sought to rezone several large land parcels near Rewa Rewa Road to Light Industrial and Heavy Industrial on the basis of potential transportation effects. The reasons for the opposition were outlined in the evidence of Mr Collins.
- 5.2 During discussions at the hearing, Ms McCarthy, one of the senior council officers, advised that the rezoning was consistent with the Otaika, Raumanga and Toe Toe Structure Plan (**Structure Plan**).
- 5.3 Mr Collins has reviewed the details of the Structure Plan and comments as follows. The District Council completed the Structure Plan<sup>5</sup> in 2009, which includes some of the relevant parcels. Section 2.2.4(a) of the Structure Plan identified transportation constraints for the area:

The roading network is generally considered inadequate to meet present functional needs, as concern has been expressed during consultation regarding traffic safety in some areas, particularly at the state highway intersections in Otaika and Raumanga shopping centres.

- 5.4 Section 5.2 of the Structure Plan identified multiple projects needed to support the implementation, and this included the transport projects reproduced below:

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<sup>5</sup> <http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/UrbanPlanning/StructurePlans/Documents/Otaika-Raumanga-Toe-Toe-Structure-Plan-2009.pdf>.

Method – Specific Implementation Measures	Priority	Responsibility
Create an indicative roading network <ul style="list-style-type: none"> <li>Map a network of local roads to link to Raumanga, State Highway 14 and State Highway 1</li> <li>Ensure these roads are created as development occurs by including them in the District Plan through the plan change process</li> </ul>	High	Roading, Policy, Resource Consent Departments
Continue to liaise with Transit NZ on improvements to State Highway 1 through the study area <ul style="list-style-type: none"> <li>Take part in the State Highway study currently underway</li> <li>Raise the issue regarding the safety of the pedestrian crossing at Otaika shops, and intersections with the State Highway, such as Toe Toe Rd intersection</li> </ul>	Ongoing	Roading, Policy Departments
Implement School Traffic Zones <ul style="list-style-type: none"> <li>Raumanga Primary School</li> <li>Raumanga Middle school</li> <li>Northland Polytechnic</li> </ul>	Medium	Roading Department
Upgrade rural roads where subdivision to small lots has occurred, changing the nature of the area <ul style="list-style-type: none"> <li>Investigate widening roads, adding centre lines and footpaths, improving intersections, reviewing speed limits, removing ditches</li> <li>Consider upgrades to Toe Toe Rd</li> </ul>	Ongoing	Roading Department
Increase and upgrade cycleways <ul style="list-style-type: none"> <li>Investigate routes in and around the study area</li> <li>Complete the Cycle Strategy</li> </ul>	Ongoing	Parks, Rooding Department
Increase and upgrade footpaths <ul style="list-style-type: none"> <li>Investigate and place on the Footpath Needs programme</li> <li>In particular, consider upgrading the footpath along the State Highway</li> </ul>	Ongoing	Roading Department
between the Gull Service Station and the Otaika shops		
Investigate methods to improve pedestrian safety and slow vehicle speeds <ul style="list-style-type: none"> <li>In particular, consider Tauroa St, Smeatons Drive and Fairburn St.</li> </ul>	Ongoing	Roading Department
Create a safe and efficient roading network <ul style="list-style-type: none"> <li>Continue to plan for and undertake network upgrades, as required.</li> </ul>	Ongoing	Roading Department

5.5 It is not clear to Mr Collins whether the final bullet point “*Continue to plan for and undertake network upgrades, as required*” has been undertaken. He considers that this planning should be undertaken as part of any plan change process to rezone land. It should include:

- (a) An update to the District Traffic Model with the proposed zoning, to forecast the potential vehicle trip generation and distribution that may result; and
- (b) Mesoscopic traffic modelling using outputs from the District Traffic Model, to understand the potential traffic effects on the surrounding network.

5.6 The Transport Agency is not aware the section 32 analysis of the proposed rezoning was accompanied by an assessment of transport effects addressing these matters.

5.7 Although the individual parcels would be subject to an assessment of effects via TRA-R15/R16 as part of future resource consent applications, Mr Collins considers that the cumulative effects from all parcels should be considered prior to rezoning due to the

extent and quantum that the effects may have on a sensitive part of the state highway network.

### **Kainga Ora - Nita Chhagan**

*Is all of the rezoning proposed by Kāinga Ora opposed?*

- 5.8 The Transport Agency is in the process of carefully considering Kāinga Ora's evidence. In accordance with the Direction provided by the Chair dated 2 December 2019 regarding the provision of evidence, the Transport Agency welcomes the extra time allowed to review this evidence and will file a memorandum of counsel outlining the Transport Agency's response to this question and further aspects of Kāinga Ora's evidence by 10 December 2019.

## **6. URBAN GROWTH AND DEVELOPMENT POLICIES**

### **Catherine Heppelthwaite**

*Is your suggested amendment to SD-013 (UFD-03) potentially unclear? What is 'anticipated'? Permitted activities and controlled activities only, or also restricted discretionary and discretionary? Is there a way to be more specific?*

- 6.1 The reason for the change was that a road could be considered an "unanticipated use" within a zone. The suggested amendment will capture activities that are anticipated by the objectives and policies for the zone. Certain zones might contemplate a change to more density and this would be an anticipated activity rather than an existing one. As a result, the amendment was intended to focus on the policy direction of the zone rather than activity status of a particular activity.
- 6.2 During the hearing, Commissioner Dimery requested that Ms Heppelthwaite consider if the Regionally Significant Infrastructure (RSI) Policies 16 and 17 could be amended to summarise the matters from the Northland Regional Policy Statement rather than cross reference to the RPS. In light of that request, Ms Heppelthwaite's amended version of Policy 16 is as follows:

**SD-P33 (SD-P16) Adverse Effects of New Regionally Significant Infrastructure:** To manage adverse effects created by new or Upgraded network utilities and Regionally Significant Infrastructure by:

1. Allowing adverse effects that have been avoided, remedied and mitigated to the extent that they are no more than minor and for other effects take into account the following matters listed in the Northland Regional Policy Statement 5.3.3(3) including:
  - a. benefits of the activity;



- b. any recognition within a national policy statement;
- c. constraints that limit the design and location of the activity, including any alternatives assessed;
- d. whether the proposal is a regionally significant infrastructure lifeline utility which meets the foreseeable needs of Northland;
- e. the extent to which the adverse effects of the activity can be practicably reduced including any positive effects on the subject site or elsewhere (provided that the positive effects accrue to the community of interest and / or resource affected); and
- f. any monitoring programme for identified significant adverse effects with uncertain outcomes which can be addressed by an adaptive management regime where the infrastructure assists in achieving efficient land use.

2. Ensuring damage to or loss of the relationship of iwi [...]

6.3 A similar amendment would need to be made to Policy 17 relating to upgrading RSI.

## 7. HOSPITAL ZONE

7.1 The Transport Agency and the District Health Board have been involved in a number of direct discussions over the past few weeks. At the time of filing this memorandum, draft provisions have been circulated between parties and are generally agreed upon in principle. Discussions were continuing at the time of filing.

**DATED** this 5<sup>th</sup> day of December 2019



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**M G Gribben / G M Lintott**  
Counsel for New Zealand Transport Agency

## **List of Appendices**

**Appendix A:** New Zealand Study: *"The impact on road safety of digital billboards"* (Frith & Trotter, 2015).

**Appendix B:** Trans-national European CEDR Report: *"The safety effects of (digital) roadside advertising: an overview of the literature"* (May 2018).

**Appendix C:** Christchurch City Council LED Billboard Research (October 2016).

**Appendix D:** Safe Intersection Sight Distance (SISD) Sketch.

**Appendix E:** Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections Section 3.2.2 Equation 2.

**Appendix F:** AECOM Noise Modelling 2019: Noise Maps - Example 57 dB contour.