

Form 6

Waka Kotahi NZ Transport Agency further submission on notified proposal for the Proposed Timaru District Plan under Clause 8 of Schedule 1 of the Resource Management Act 1991

4 August November 2023

To: Timaru District Council
Via online submission tool

Name of Submitter: Waka Kotahi NZ Transport Agency
PO Box 1479
Christchurch 8011

Address for Service: Attention: Stuart Pearson
Phone: (021) 052 5917
Email: stuart.pearson@nzta.govt.nz

This is a further submission on a change proposed to the following plan:

Proposed Timaru District Plan.

The Waka Kotahi further submission is:

1. Waka Kotahi NZ Transport Agency (Waka Kotahi) is a Crown entity that takes an integrated approach to transport planning, investment and delivery. The statutory objectives of Waka Kotahi are to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest. Our vision is for a sustainable, multi-modal land transport system where public transport, active or shared modes are the first choice for most daily transport needs.
2. Waka Kotahi has a mandate under the Land Transport Management Act 2003 (LTMA), the Government Rooding Powers Act 1989 (GRPA), and the Government Policy Statement on Land Transport 2021/22-2030/31 (GPS) to carry out its functions in a way that delivers on the transport outcomes set by the government.
3. In the 2021-2024 National Land Transport Programme, Waka Kotahi has allocated significant investment in the Canterbury Region (including Timaru District) to the improvement, operation and maintenance of the state highway network, including public transport investment, walking and cycling and transport planning. In addition, Waka Kotahi is a co-funder of the local roading network. Waka Kotahi is therefore a significant investor in the infrastructure required to achieve the land use change and growth anticipated in the Proposed Timaru District Plan.

4. Overall, Waka Kotahi has an interest in the Proposed Timaru District Plan as a result of its role as a:
 - Transport investor – to maximise effective, efficient and strategic returns for New Zealand;
 - Planner of land transport networks – to ensure the integration of infrastructure and land use so as to support liveable communities and the development of an effective and resilient land transport network for customers;
 - Provide for access to and the use of the land transport system – to shape smart, efficient, safe and responsible transport choices; and
 - Manager of the state highway network – to deliver efficient, safe and responsible highway solutions for customers.
5. For these reasons it is considered that Waka Kotahi has an interest which is greater than the general public.
6. Further points are summarised in Table 1, which form the bulk of our submission.
7. Waka Kotahi could not gain an advantage in trade competition through this submission.
8. Waka Kotahi has serviced a copy of the further submission on the original submitter.

We seek the following decision from the local authority:

Amend the provisions of the Proposed Timaru District Plan as detailed in Table 1 (attached) including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this further submission.

Waka Kotahi would like to be heard in support of its submission. If others make a similar submission, Waka Kotahi will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:



Stuart Pearson

Senior Planner – Environmental Planning

Waka Kotahi NZ Transport Agency

Table 1: Decisions Sought on the Proposed Timaru District Plan

Submitter Name/Contact	Submission Number	Chapter/ Provision	Support or oppose	The particular parts of the submission I support or oppose are:	The reasons for my/our support or opposition are:	I seek that the whole or part (describe part) of the submission be accepted or rejected:
Interpretation						
Definitions						
Opuha Water Limited	181.15	Definitions (new) Natural Hazards Areas	Support	The submitter seeks to include a new definition for "Natural Hazards Areas" as it is used throughout the Natural Hazards chapter.	Waka Kotahi considers including the definition for "Natural Hazard Areas" to be beneficial in providing clarity to the Natural Hazards chapter and will be helpful to understand what standards Waka Kotahi may be subject to.	The submission should be accepted.
Timaru District Council	42.7	(new) Well Functioning Urban Environment	Support	The submitter seeks to include a definition for "well-functioning urban environment".	Waka Kotahi considers that it is appropriate to include a definition for well-functioning urban environment that is consistent with the National Policy Statement on Urban Development	The submission should be accepted.
Energy, Infrastructure and Transport						
EI – Energy and Infrastructure						
Timaru District Council	42.18	EI-P1	Support	The relief sought to recognise that infrastructure may not always need to be removed during emergency works, but may need to be relocated, repaired, upgraded, maintained, or require other necessary works.	Waka Kotahi supports the relief sought by the submitter as it allows the policy to consider alternate methods during emergency works where 'removal' may not be the most appropriate method.	The submission point be allowed.
BP Oil, Mobil Oil New Zealand, Z Energy	196.24	EI-P3	Support	The relief sought to include modified incompatible activities.	Waka Kotahi supports the requested amendments as it is agreed that both new and modified sensitive activities should be considered under this policy to ensure the effects are appropriately considered.	The submission point be allowed.
TRAN – Transport						
Royal Forest and Bird Protection Society	156.79	TRAN-P4	Oppose	The amendment to include TRAN-P4.1.c, which seeks to ensure that the policies in the Natural Environment Chapter can be achieved.	It is considered that if new transport infrastructure is subject to the Natural Environment Chapter, then the appropriate policies will be considered at that stage, so no repetition is required to include it into TRAN-P4.	The submission point be rejected.
Hazards and Risks						
NH – Natural Hazards						
Transpower New Zealand Limited	159.60	NH-O2	Support	Relief to amend the objective as follows: <i>Risk from natural hazards to Regionally Significant Infrastructure</i>	Waka Kotahi supports the relief sought as the proposed amendments focus on managing risk and will recognise the adverse effects of locating regionally significant infrastructure in high hazard areas while providing	The submission point be allowed.

Submitter Name/Contact	Submission Number	Chapter/ Provision	Support or oppose	The particular parts of the submission I support or oppose are:	The reasons for my/our support or opposition are:	I seek that the whole or part (describe part) of the submission be accepted or rejected:
				is managed by locating located outside of high hazard areas where practicable.	increased flexibility to locate such infrastructure where practicable.	
Opuha Water Limited	181.46	NO-O2	Support	Relief sought to change “high hazard areas” to defined term in the PDP i.e. “High Hazard Areas”	Waka Kotahi supports the submission point as it adds clarity to the terms referenced in the Objective.	The submission should be accepted.
Royal Forest and Bird Protection Society	156.88	New Policy	Oppose	Submitter has sought that a new policy be included in the Natural Hazards Chapter to provide guidance for the development of Regionally Significant Infrastructure in High Hazard Areas.	There is sufficient guidance for the development of RSI in high hazard areas, additional policy guidance is considered unnecessary.	The submission point be rejected.
Transpower New Zealand Ltd.	159.63	NH-P11	Support	Seeks amendment to change wording of “Natural Hazard Areas” to “High Hazard Areas” further confining policy.	Waka Kotahi supports the submission point as is provides increased flexibility to locate infrastructure in high hazard areas where appropriate.	The submission should be accepted.
Te Runanga o Ngai Tahu	185.67	NH-P9	Oppose	Seeks to remove clause 1 and amend clause 2 remove provision for the Crown and Council to undertake Natural Hazard protection where effects are appropriately mitigated.	Waka Kotahi considers that the amendments would result in onerous requirements that will restrict the ability of Waka Kotahi to respond and protect its infrastructure against natural hazards.	The submission should be rejected.
Historical and Cultural Values						
TREES – Notable Trees						
The Tree Council	220.1	TREE-R3	Oppose	Submitter seeks to create a prohibited activity status for the storage of materials in the root zone of a protected tree.	The proposed prohibited activity status could place overly restrictive restrictions for the storage of materials. It is considered that if the effects of storing material in the root protection zone are minor or can be mitigated, then a consenting pathway should be provided for this.	The submission should be rejected.
Natural Environment Values						
ECO – Ecosystems and Indigenous Biodiversity						
Royal Forest and Bird Protection Society	156.10	ECO-P2	Oppose	The submitter seeks to delete that indigenous vegetation clearance in significant natural areas shall not be provided for in relation to public roads.	The proposed policy currently provides for clearance of indigenous vegetation in significant natural areas for roads when it is for health and wellbeing of people and communities. There are many instances where the safety of the state highway requires vegetation clearance to avoid potential risks to road users or it is required to get the road re-opened. By excluding public roads from this policy, it could result in onerous requirements to ensure	The submission point be rejected.

Submitter Name/Contact	Submission Number	Chapter/ Provision	Support or oppose	The particular parts of the submission I support or oppose are:	The reasons for my/our support or opposition are:	I seek that the whole or part (describe part) of the submission be accepted or rejected:
					the safety of the roading network can be maintained. Therefore, Waka Kotahi opposes the submission.	
NATC – Natural Character						
Road Metals Company Limited	169.23	NATC-R1	Support	The submitter seeks to amend the rule to include a wider range of activities associated with roads by including 'their associated bridges, stormwater infrastructure and signage'.	Waka Kotahi supports the amendment sought as it will provide for the ongoing maintenance of the state highway network in relation to vegetation clearance in riparian margins.	The submission should be accepted.
Subdivision						
SUB - Subdivision						
Kāinga Ora	229.52	New SUB-RX	Support	The submitter seeks a new permitted activity rule for subdivision in accordance with an existing land use consent.	Waka Kotahi is generally supportive of this new SUB-R but seeks that an amendment is made to the notification clause as follows: SUB-R(NEW-A) Notification: Any application arising from SUB-R (NEW-A) shall not be subject to public or limited notification and shall be processed on a non-notified basis. <u>Where a subdivision requires access to a State Highway, limited notification shall only be to the New Zealand Transport Agency (absent its written approval).</u>	Accept submission point with amendments.
Kāinga Ora	229.53	New SUB-R	Support	The submitter seeks a new permitted activity for vacant lot subdivision where it can be demonstrated that the proposed lots are able to accommodate a residential unit that is of the size, scale and location that is anticipated for the zone	Waka Kotahi is generally supportive of this new SUB-R but considers that it should only be permitted only in circumstances where access would be from the local road and not the state highway. It is also recommended that the following notification clause be included in these instances: <u>Where a subdivision seeks access to a State Highway, limited notification shall only be to the New Zealand Transport Agency (absent its written approval).</u>	Accept submission point with amendments.
KiwiRail Holdings Limited	187.66	SUB-R3	Support	The submitter is seeking relief to SUB-R3.13 to recognize reverse sensitivity effects on existing land uses.	Waka Kotahi supports the inclusion of reverse sensitivity as a matter of discretion, as this will recognise reverse sensitivity effects on land use, such as existing critical infrastructure.	The submission should be accepted.
Rooney Holdings Limited	174.57	SUB-S6	Oppose	Submitter seeks an amendment to SUB-S6 Vehicular Access so that clause 2 does not apply to existing vehicular crossings, and instead only new or additional crossings.	The submission is opposed by Waka Kotahi as it is considered important that existing vehicle access is considered to ensure that it is appropriate for the subdivision. There are many instances where existing vehicle crossings have deficiencies that do not meet the	The submission point be rejected.

Submitter Name/Contact	Submission Number	Chapter/ Provision	Support or oppose	The particular parts of the submission I support or oppose are:	The reasons for my/our support or opposition are:	I seek that the whole or part (describe part) of the submission be accepted or rejected:
					standards subject to TRAN-R4. The subdivision process may be the only appropriate mechanism to ensure that safe and efficient vehicle access can be provided.	
General District-Wide Matters						
NOISE – Noise						
Rooney Holdings Limited	174.72	NOISE-R9	Oppose	The submitter is seeking that alterations to existing buildings should not be considered under NOISE-R9.	Alterations to buildings can result in noise sensitive areas being exposed to noise effects, which can have an adverse effect on human health. To ensure that any alteration or extension to a building appropriately addresses the effects related to noise, it should be subject to NOISE-R9. Therefore, Waka Kotahi opposes the submission.	The submission should be rejected.
Kāinga Ora	229.59	NOISE-R9	Oppose	The submitter is seeking the deletion of the 40m and 80m distances in relation to the state highway, which require new buildings or alterations to existing buildings used by noise sensitive activities to address noise effects.	Waka Kotahi considers that NOISE-R9 and associated NOISE-S3 are the appropriate mechanism within the District Plan to address and manage human health effects related to noise which can occur from long-term exposure to noise from the state highway. If the rule is deleted, then there is no current reasonable alternative to address noise from the state highway for new buildings or alterations to existing buildings.	The submission should be rejected.
Kāinga Ora	229.60	NOISE-S3	Oppose	The submitter is seeking the deletion of the 40m and 80m distances in relation to the state highway where acoustic insulation is required for new buildings or alterations to existing buildings used by noise sensitive activities to address noise effects.	Waka Kotahi considers that NOISE-S3 and associated NOISE-R9 are the appropriate mechanism within the District Plan to address and manage human health effects related to noise which can occur from long-term exposure to noise from the state highway. If the standard is deleted, then there is no current reasonable alternative to address noise from the state highway for new buildings or alterations to existing buildings.	The submission should be rejected.
SIGN – Signs						
Go Media Ltd	18.2	SIGN-P2	Oppose	The submitter is seeking to remove reference to digital signs from this policy.	Waka Kotahi considers that digital signs include a number of elements that are not shared by static signs, such as changing of images, transition times, etc, that are broadly captured through the current proposed wording in this policy. Therefore, the policy should be retained as notified to ensure it appropriately captures digital signs.	The submission should be rejected.
Out of Home Media Association of Aotearoa	188.6	SIGN-P3	Oppose	The submitter is seeking amendments to the off-site signage policy so that they are provided for rather than avoided, while ensuring they manage effects.	It is considered that avoiding off-site commercial signs should be recognised in this policy. The subsequent rules that relate to this policy appropriately manage off-site signs within the district as a non-complying activity. Therefore, Waka Kotahi opposes the submission.	The submission should be rejected.

Submitter Name/Contact	Submission Number	Chapter/ Provision	Support or oppose	The particular parts of the submission I support or oppose are:	The reasons for my/our support or opposition are:	I seek that the whole or part (describe part) of the submission be accepted or rejected:
Go Media Ltd	18.5	SIGN-S2	Oppose	The submitter is seeking that dwell times should be reduced to 8 seconds, illumination levels shall not exceed 5000 candelas per square metre, and the deletion of SIGN-S2.8.	<p>Waka Kotahi considers that the dwell times for any illuminated, moving, flashing and digital sign should not be reduced to 8 seconds for a permitted activity. Setting a higher threshold for dwell time, such as 30 seconds, is appropriate and if any reduction of dwell time is sought then it should be subject to a resource consent to ensure adverse effects are addressed.</p> <p>For similar reasons above, illumination should be set at a lower maximum threshold as a permitted activity. Any request to increase the illumination levels should be subject to a resource consent to ensure adverse effects are addressed.</p> <p>Lastly, Waka Kotahi is not opposed to illuminated or digital signs adjacent to the state highway if they are in urban environments with appropriate controls and where the effects are appropriately addressed. However, Waka Kotahi is not supportive of moving or flashing signs as these can have adverse safety effects to motorists and should not be provided for adjacent to the state highway.</p>	The submission should be rejected.
TEMP – Temporary Activities						
New Zealand Defense Force	151.5	TEMP-P2	Oppose	Submitter seeks the deletion of temporary activities adversely affecting the transport network. Seeks transport effects to be addressed through the transport chapter.	Waka Kotahi opposes the submission point, as clause 2 and 3 control the nature and scale of temporary activities. Consideration within the TEMP chapter helps improve clarity of the considerations such activities should be subject to.	The submission point be rejected.
Part 3 – Area specific matters						
Zones						
RURZ – Rural Zones						
GRUZ – General Rural Zone						
Federated Farmers	182.200	GRUZ-R12 Rural produce retail	Oppose	Submitter seeks relief to amend the rule to reduce the set back area for rural produce retail from 10m down to 8m, where it is deemed safe.	Waka Kotahi considers that the proposed amended wording of 'where deemed safe' is open to interpretation and is not direct enough as a rule to manage this activity. The current proposed setback of 10m is sufficient and any reduction to this should be subject to the resource consent process where safety is then considered.	The submission should be rejected.
Rezone						
George and Rachel Harper	109.1	Planning Maps	Oppose	The submitter seeks to rezone land in Geraldine to the west and east of	Waka Kotahi considers that the rezoning request would result in sprawl, does not provide for a consolidated	The submission should be rejected.

Submitter Name/Contact	Submission Number	Chapter/ Provision	Support or oppose	The particular parts of the submission I support or oppose are:	The reasons for my/our support or opposition are:	I seek that the whole or part (describe part) of the submission be accepted or rejected:
				Main North Road / State Highway 79 from General Rural Zone to General Residential Zone.	urban form and would not achieve positive transport outcomes that promote walking and cycling. If the request for rezoning was to proceed, then assessments and supporting documents should be provided to determine whether the land is appropriate for the rezoning along with any mitigation that may need to be provided, such as upgrades to the transport system.	