

# Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



Send your submission to [districtplan@waitomo.govt.nz](mailto:districtplan@waitomo.govt.nz) or post to :

Attn: Proposed District Plan  
Waitomo District Council  
15 Queen Street  
PO Box 404  
Te Kūiti 3941

For office use only Further Submission No:
Receipt Date:

## Further Submitter details

### Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Waka Kotahi New Zealand Transport Agency

### Organisation Name (if further submission is made on behalf of Organisation)

### Address for service of Further Submitter

PO Box 973, Waikato Mail Centre, Hamilton 3240

Telephone:

07 958 7884

Email:

emily.hunt@nzta.govt.nz

Contact Person: (Name and designation, if applicable)

## Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the Proposed Waitomo District Plan:

See attached document

I support :  Oppose  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number

Point-Number

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The reasons for my support / opposition are:

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Emily Hunt

28/07/2023

\_\_\_\_\_  
Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

\_\_\_\_\_  
Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Waka Kotahi NZ Transport Agency is a Crown Entity with statutory obligations of ensuring  
an integrated, safe and sustainable transport system.  
\_\_\_\_\_

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

Submitter Name/Contact	Submission Number	Chapter	Support or Oppose	The particular parts of the submission I support or oppose are:	The reasons for my support or opposition are:	I seek that the whole or part (describe part) of the submission be allowed or disallowed:
Kāinga Ora	36.06	9. Definitions	Oppose	Delete the definition for 'Noise sensitivity activities'.	Waka Kotahi does not support the deletion of a definition for noise sensitive activity. Objective 1 of the NPS-UD provides for a "well-functioning urban environment that enables all people and communities to provide for their health and safety, now and into the future." Noise effects impact the ability to sleep which can have significant impacts on people's health and wellbeing, as well as interrupting amenity and enjoyment. Waka Kotahi considers that the definition for noise sensitive activity is important to identify the buildings and structures which need to meet the health and well-being needs of people to ensure matters such as noise do not adversely affect their health.	Waka Kotahi seeks the submission point be disallowed.
Federated Farmers	46.23	19. Network Utilities	Oppose	Amend the rules for Network Utilities to reconsider the permitted activity classification for rules which allow network utility activities to occur which will adversely impact on existing rural activities and operations.  And  Add a new matter of discretion for restricted discretionary and discretionary activities in the Network Utilities chapter that reads (or with wording to similar effect):  <u>the potential adverse effects on the operation of existing farming and rural activities located in the general rural and rural production zones.</u>	Waka Kotahi considers that this submission point is very broad and not specific as to which network utilities may adversely affect existing farming and rural activities. Therefore, it is considered unreasonable to apply a blanket approach when not all network utilities may have adverse impacts on adjacent rural activities.	Waka Kotahi seeks the submission point be disallowed.
Federated Farmers	46.25	20. Transport	Oppose	Add a new policy to the Transport chapter to require adverse effects from transportation activities on adjacent environments to be avoided, remedied or mitigated.	Waka Kotahi does not consider that this policy is necessary as there are existing policies within the Proposed Waitomo District Plan (NU-P9 and NU-P10) that address adverse effects from network utilities (which includes the transport system).	Waka Kotahi seeks the submission point be disallowed.
KiwiRail	51.04	9. Definitions	Support	Amend as follows:  Noise sensitive activity;  means residential units and minor residential units, boarding houses, cohousing developments, compact housing developments, retirement villages, visitor accommodation, papakāinga units and papakāinga housing developments, residential based visitor accommodation, managed care facilities and other buildings used for residential activities;  <u>and</u> - <u>educational activities;</u>	Waka Kotahi supports this submission point as it is consistent with their primary submission.	Waka Kotahi seeks the submission point be allowed.

				<ul style="list-style-type: none"> <li>- <u>health care activities;</u></li> <li>- <u>indoor community activities including libraries and congregation spaces within any place of worship;</u></li> <li>- <u>Hospitals;</u></li> <li>- <u>Marae complex</u></li> </ul>		
Department of Conservation	53.06	9.Definitions	Oppose in part.	<p>Insert Bat Protection Areas as follows or with relief to like effect:</p> <p><u>Areas of significant habitat that provide the resources and conditions needed for long and/or short tailed bats to remain present, and will include, but may not be limited to areas that provide for breeding, roosting, foraging and commuting.</u></p>	Waka Kotahi considers that further clarification is required on the location of the new bat protection and light sensitive areas in relation to the state highway network. Waka Kotahi seeks to be included in any further correspondence regarding the identification of these areas.	Waka Kotahi seeks further consultation regarding the extent of the new areas.
Department of Conservation	53.07	9.Definitions	Oppose in part.	<p>Insert the following definition or relief to like effect:</p> <p><u>Light Sensitive Area:</u></p> <p><u>Includes land in the following areas:</u></p> <ul style="list-style-type: none"> <li>a) <u>Significant Areas Overlay</u></li> <li>b) <u>Outstanding Natural Landscapes Overlay</u></li> <li>c) <u>the Natural Open Space Zone.</u></li> <li>d) <u>d. Bat Protection Areas Overlay</u></li> </ul>	Waka Kotahi considers that further clarification is required on the location of the new bat protection and light sensitive areas in relation to the state highway network. Waka Kotahi seeks to be included in any further correspondence regarding the identification of these areas.	Waka Kotahi seeks further consultation regarding the extent of the new areas.
Department of Conservation	53.34	26. Ecosystems and indigenous biodiversity	Oppose in part.	<p><u>Insert a new policy with the following or words to like effect:</u></p> <p><u>ECO- Px Protection for bats</u></p> <p><u>Protect native bats by:</u></p> <ol style="list-style-type: none"> <li><u>1. Identifying important habitat for native bats as a Bat Protection Area overlay on the Planning Maps; and</u></li> <li><u>2. Protecting, the bats and their habitat within this overlay.</u></li> </ol>	Waka Kotahi considers that further clarification is required on the location of the new bat protection and light sensitive areas in relation to the state highway network. Waka Kotahi seeks to be included in any further correspondence regarding the identification of these areas.	Waka Kotahi seeks further consultation regarding the extent of the new areas.
Fire and Emergency	16.10	20.Transport	Oppose.	<p>TRAN-R8. Vehicle access on to State Highways</p> <p>Amend rule to a permitted activity.</p>	Waka Kotahi does not support a permitted activity status for access onto the state highway network. A restricted discretionary activity status provides a consenting pathway in which Waka Kotahi can be considered an affected party and will ensure that the effects on the state highway network are appropriately assessed.	Waka Kotahi seeks the submission point be disallowed.

Z Energy	22.01	20. Transport	Support in part.	Amend TRAN – Table 3 as it relates to service stations:  <u>New Service Stations</u> – All proposals require an ITA.	Waka Kotahi supports the intent of the submission point but seeks clarification on when an Integrated Transport Assessment (ITA) will be required if an existing service station were to increase vehicle movements as a result of any amendments to the site.	Waka Kotahi seeks the submission point be allowed but clarification provided as to when an ITA will be triggered for an existing service station activity that increases vehicle movements.
Waikato Regional Council	10.19	19.Network Utilities	Support in part.	Add objectives and policies that explicitly refer to mitigation of and adaptation to climate change.	Waka Kotahi supports the intent of the new objectives and policies. However, Waka Kotahi consider that insufficient detail is available to understand the implications of what is proposed and how it will be given effect to.	Waka Kotahi considers more information is required. Waka Kotahi seeks to be involved with the development of the policies due to the implications it may have to carry out their statutory obligations.
Waikato Regional Council	10.42	20. Transport	Support in part.	Add a new objective: <u>“A low carbon, energy efficient and environmentally sustainable transport system that supports emission reductions”</u> or wording to similar effect.	Waka Kotahi supports the intent of this objective but seeks clarification as to how this will be applied in practice noting the rural nature of the district.	Waka Kotahi seek clarification of how the submitter anticipates this will be implemented.
Waikato Regional Council	10.45	20. Transport	Oppose in part	Amend TRAN-P1.10 to read:  “Minimising energy consumption, environmental effects <u>and carbon emissions</u> , and whole of life costs <u>including embodied carbon</u> in construction, maintenance and operation.	The submitter seeks that policy be amended so that the adverse effects from the construction and maintenance and operation of the transport network, including embodied and operational greenhouse gas emissions, be minimised.  Waka Kotahi seeks clarification on how this policy would be applied in practice.	Waka Kotahi seeks that further clarification is provided by the submitter on how this policy approach would be applied in practice by roading authorities.
Waikato Regional Council	10.47	20. Transport	Support in part	Add new point in TRAN-P4 that requires an assessment of vehicle kilometres travelled (VKT) by light vehicles and demonstration of mitigation of the associated carbon emissions generated.	Waka Kotahi supports the direction to identify trip generation and provide opportunities to address VKT.  Waka Kotahi seeks clarification on how this policy would be applied in practice.	Waka Kotahi seek clarification of how the submitter anticipates this will be implemented.
Waikato Regional Council	10.53	20. Transport	Support in part	Add a new matter of discretion in TRAN-R6 that requires an assessment of vehicle kilometres travelled (vkt) by light vehicles and whether the applicant can demonstrate mitigation of the associated carbon emissions generated.	Waka Kotahi supports the direction to identify trip generation and provide opportunities to address Vehicle Kilometres Travelled (VKT) however query the methodology around this.  Waka Kotahi seeks clarification on how this policy would be applied in practice.	Waka Kotahi seek clarification of how the submitter anticipates this will be implemented.
Waikato Regional Council	10.139	41. Residential	Support	Amend the policy to direct new development to align with areas that in the future could be serviced by public transport, in alignment with the 2022-2032 Waikato Regional Public Transport Plan.	Waka Kotahi supports this submission point as it is consistent with the outcomes of the 2022-2032 Waikato Regional Public Transport Plan.	Waka Kotahi seeks the submission point be allowed.
Waka Kotahi	17.05	General Noise	Support in part	As per our primary submission, Waka Kotahi have finished creating the noise contour model previously identified to more accurately identify	Waka Kotahi seeks for our initial submission to be amended to include the now completed State Highway Noise Overlay map showing the 57 dBLAeq(24h) transport noise effects area.	That the submission is allowed in part subject to the adoption of the State Highway Noise Overlay Map and associated revised proposed

			<p>those sites that receive more than 57 dBLAeq(24h) transport noise.</p> <p>Waka Kotahi seeks that the State Highway Noise Overlay Map and amended proposed rule set be adopted.</p>	<p>The noise contour maps (and associated rule package) provide a more nuanced approach to defining and managing the extent of state highway noise. Further details on the proposed state highway noise overlay can be found below.</p> <p>Link to State Highway Noise Overlay for the Waitomo District:</p> <p><a href="https://nzta.maps.arcgis.com/home/item.html?id=c40d89f13390499c84c8b920bf350774">https://nzta.maps.arcgis.com/home/item.html?id=c40d89f13390499c84c8b920bf350774</a></p>	<p>rule and associated matters of discretion in Appendix One.</p>
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**Appendix One:**

**1. Permitted Activity Rule Indoor Noise**

Either:

a. Within the Noise Corridor Boundary Overlay, where:

a new building that contains a noise sensitive activity; or  
 an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or  
 a new noise sensitive activity is located in an existing building;

is proposed, it is to be:

- (i) Designed, constructed and maintained to achieve indoor design noise levels not exceeding the maximum values in Table 1; and
- (ii) If windows must be closed to achieve the design noise levels in (1)(a)(i), the building is designed, constructed and maintained with a mechanical ventilation system that:
  - a. For habitable rooms for a residential activity, achieves the following requirements:
    - i. Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
    - ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
    - iii. provides relief for equivalent volumes of spill air; and
    - iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 180C and 250C; and
    - v. does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser.
  - b. For other spaces, is as determined by a suitably qualified and experienced person.
- (iii) A report is submitted by a suitably qualified and experienced person to the council demonstrating compliance with clauses (1)(a)(i) and (ii) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise.

Or

b. Within the Noise Corridor Boundary Overlay where:

a new building that contains a noise sensitive activity; or  
 an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or  
 a new noise sensitive activity is located in an existing building;

Is at least 50 metres from the carriageway of any state highway and is designed so that a noise barrier entirely blocks line-of-sight from all parts of doors and windows to the road surface.

**Table 1**

<b>Occupancy/activity</b>	<b>Maximum road noise level Note 1 LAeq(24h)</b>
<i>Building type: Residential</i>	
Sleeping spaces	40 dB
All other habitable rooms	40 dB
<i>Building type: Education</i>	
Lecture rooms/theatres, music studios, assembly halls	35 dB
Teaching areas, conference rooms, drama studios, sleeping areas	40 dB
Libraries	45 dB
<i>Building type: Health</i>	
Overnight medical care, wards	40 dB
Clinics, consulting rooms, theatres, nurses' stations	45 dB
<i>Building type: Cultural</i>	

Places of worship, marae	35 B
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**Note 1:** The design road noise is to be based on measured or predicted external noise levels plus 3 dB.

## 2. Permitted Activity Rule Outdoor Living Area

Either:

- a. Where an outdoor living or outdoor activity space required by another rule in the Plan is within the Noise Corridor Boundary Overlay and the outdoor space is required for a noise sensitive activity, the required outdoor living space is to be designed and maintained to achieve noise levels not exceeding the maximum values in Table 2; and
- b. A report is submitted by a suitably qualified and experienced person to the council demonstrating compliance with clauses (2)(a) above prior to the construction or alteration of the any building to which the outdoor living space relates.

Or

- c. Is at least 50 metres from the carriageway of any state highway and is designed so that a noise barrier entirely blocks line-of-sight from all parts of the outdoor living space to the road surface.

**Table 2**

Activity	Maximum road noise level Note 1 LAeq(24h)
Required Outdoor Living Space	57 dB

## 3. Restricted Discretionary Activity Rule

Any new or altered noise sensitive activity which does not comply with Permitted Activity (1) or (2).

### Restricted Discretionary Activity – Matters of Discretion

Discretion is restricted to:

- (a) Location of the building and outdoor living space;
- (b) The effects of the non-compliance on the health and amenity of occupants; and
- (c) The outcome of any consultation with Waka Kotahi NZ Transport Agency.

### Restricted Discretionary Activity – Assessment Criteria

Discretion is restricted to:

- (a) Whether the location of the building minimises effects;
- (b) Alternative mitigation which manages the effects of the non-compliance on the health and amenity of occupants; and
- (c) The outcome of any consultation with Waka Kotahi NZ Transport Agency.