

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's Preliminary Response to written questions on Rangawaka-
Transport (TRAN) on behalf of Waimakariri District Council**

Date: 18 August 2023

INTRODUCTION:

1 My full name is Andrew Maclennan. My role in preparing this report is that of an expert planner contracted to the Waimakariri District Council.

2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42 report.

3 In preparing these responses, I note that I have not had the benefit of hearing evidence presented to the panel at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.

4 I also note that given the timing of these questions, my preliminary responses in some instances have not been informed by consideration of evidence or legal submissions lodged with the Council following the issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answers below.

5 Following the conclusion of this hearing, a final right of reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.

6 The format of these responses in the table below follows the format of questions identified in within the Commissioner's minute.

7 I am authorised to provide this evidence on behalf of the District Council.

8 Following the publication of my TRAN s42A report it was highlighted to me by Shane Binder, Councils Senior Transportation Engineer that there were some recommendations made by the WDC Engineering Team that were not incorporated into the s42A report. I have since adopted these additional recommendations. Attached to this response is an updated s42A report with the changes shown in red tracked changes. The changes relate to the following provisions:

8.1 Table TRAN-2

8.2 TRAN – S3

8.3 Table TRAN-7

8.4 TRAN-MD6

8.5 Table TRAN-19

Date: 18 August 2023



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Andrew MacLennan

Paragraph or Plan reference	Question	Officer's preliminary reply pre hearing
General	<p>Your approach to including a s32AA evaluation, in a generic way, in Appendix C of the Report differs to how some other s42A report authors such as NOISE have done this (i.e. they have included a short s32AA evaluation after each sub-section).</p> <p>Therefore we may ask you some questions regarding s32AA justification for some specific changes you are recommending.</p>	<p>Yes I understand the approach to the s32AA assessment is different to other reports.</p> <p>This report was originally drafted using a different template style by another author which I have picked up and mid-way through the submission analysis process. I am happy to answer any s32AA questions at the hearing or as part of the reply report.</p>
Para 59	<p>How is your recommended inclusion of micro-mobility implemented through the policies, rules and standards of this Chapter?</p>	<p>There is no explicit recognition of micro-mobility within the policies, rules and standards of TRAN chapter.</p> <p>This suggested change to the objective was supported by the WDC transport engineering team as it acknowledges that micro-mobility is a form of transport that is rapidly growing and is reducing dependency on motor vehicles.</p> <p>In practice, the use of micro-mobility devices occurs on infrastructure that is created for pedestrian or cycle use. In this sense, wherever infrastructure for active transport is prioritised (i.e., new shared pathways), this will also be prioritising infrastructure for micro-mobility. Therefore, I consider that provisions that implement walking and cycling will also implement micro-mobility.</p>
Para 95	<p>Did you consider whether the objective could be re-worded given that it's focus is on the transport system?</p>	<p>The objective could be re-worded to place a greater focus on the 'safety, efficiency and resilience' of the transport system.</p> <p>However, I consider the focus of the objective is on 'adverse effects on the transport system' rather than the transport system itself.</p>

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		Therefore, I continue to support the s42A version.
Para 109	Please explain how biodiversity offsetting is relevant to greenhouse gas emissions.	<p>Biodiversity offsetting involves compensating for development-related biodiversity loss by restoring or creating habitats elsewhere.</p> <p>Offsetting greenhouse gas emissions involves compensating for the release of greenhouse gases by investing in activities or projects that remove an equivalent amount of emissions from the atmosphere.</p> <p>They are similar but are used to mitigate different effects, i.e. the loss of biodiversity vs the release of greenhouse gases.</p> <p>Biodiversity offsetting projects could contribute to offsetting greenhouse gas emissions through increased carbon storage.</p>
Para 110 & 111	<p>Can you expand on the reasons why you consider clauses (6), (7) and (8) specifically relate to Transport, and how will these matters be considered and implemented from a transportation perspective (e.g. is the "planting of carbon sequestering trees" a feasible outcome for transportation providers?).</p> <p>Has the (potentially enormous) costs for roading providers to offset greenhouse gas emissions from vehicles, for example, been examined in the section 32 evaluation?</p>	<p>Clauses (6), (7) and (8) relate to transport as transport is one of New Zealand's largest sources of greenhouse gas emissions and is responsible for 17 per cent of gross emissions.¹ The matters listed in Clauses (6), (7) and (8) would equally relate to many other activities and industries as well.</p> <p>It is important to read this policy in the context of the chapeau. This is an aspirational policy that 'Promotes' certain outcomes rather than requiring them.</p> <p>I consider the drafting of the policy is such that outcomes listed within clauses (6), (7) and (8) would need to be offered by an</p>

¹ <https://environment.govt.nz/assets/Emissions-reduction-plan-chapter-10-transport.pdf>

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		applicant rather than being required by the Council. Therefore, I do not think this policy will result in a requirement that roading providers to offset greenhouse gas emissions from vehicles.
Para 118	Typo in (1) – reinsert the word 'to'.	Agree
Para 120	There does not seem to be a definition of "high traffic generating activities". Will this cause any uncertainties with Plan implementation, or could this be assisted by a cross reference to TRAN-R20 which has a table of thresholds for high traffic generators?	Yes, a cross reference to TRAN-R20 would be appropriate. I prefer a cross-reference to a definition as I consider a definition would essentially be a cross reference to TRAN-R20 anyway.
Para 136	Please advise whether runoff from parking areas (the discharge of contaminants) is managed through the CRLWP. If it is, why is this clause necessary under s31 of the RMA.	<p>Yes, the discharge of contaminants would likely require a resource consent from ECAN for the discharge of contaminants. However, I consider WDC has a role in the integrated management of water quality. Clause 3.5(4)² of the NPSFW highlights this.</p> <p>In practice, often resource consent conditions on land use consents that provide mitigation - e.g., locating oil/grit separators, rain gardens, etc.</p> <p>I consider the intention of the subclause is to manage the water quality effects through the design of the carparking area, which is consistent with section 31(1)(a) of the RMA.</p>

² Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

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Para 171	Please provide your assessment of Kainga Ora's submission point 325.81	<p>I do not support the suggested amendment. I consider the notification assessment required under s95 of the RMA is the appropriate tool to determine the relevant affected parties.</p> <p>This assessment was included within the table in Appendix B but not in the body of the report.</p>
Para 182	<p>You are attributing your recommended change to be made to the Advisory Notes to a submission by Sports and Education Corporation – this seems to be discussed later, in para 233 & 234, in relation to TRAN-R20.</p> <p>Can you please explain how deleting these words will assist a reader to understand the point you are making here?</p>	<p>Yes, the recommendation to remove the advice notes in TRAN-R5 and TRAN-R20 and the removal of TRAN-APP6 was a result of the assessment within para 233 & 234. I appreciate that the link between these two recommendations in the report is not clear.</p> <p>The intention of the advice notes within TRAN-R5 and TRAN-R20 and TRAN-APP6 was to provide guidance to plan users so they could attempt to estimate whether they could comply with the rule, without needing to go to the expense of engaging a traffic consultant. This approach emerged from a review of the high traffic generator rule in the operative District Plan.</p> <p>However, the submission from Sports and Education Corporation (416.8 and 416.9) raised a number of valid points as to application of APP6:</p> <ul style="list-style-type: none"> - will the Council rely on the rates specified in TRAN-APP6 for listed activities, or whether they will instead request that applicants provide them with greater certainty and require an activity specific analysis of anticipated traffic movements, regardless of

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		<p>whether an activity has a listed rate or not.</p> <ul style="list-style-type: none"> - Will an activity not on the list will need to do a basic ITA to determine their estimated traffic movements unless they are clearly well under the thresholds in Table TRAN-1. - TRANAPP6 contains an incomplete list of activities which is problematic as it excludes a number of activities defined in the Proposed District Plan. - Either the rates set in TRAN-APP6 are given the same status as rules (rather than guidance), or they are deleted from the Transport Chapter. <p>Given the potential confusion created by APP6 and the associated advice notes, I have recommended their deletion.</p>
Section 7.8 and 7.9	What is the RMA justification for including any mandatory provisions and or design standards for cycle parks and end of trip cycle facilities within the District Plan?	<p>Section 5 of the RMA outlines the purpose and principles of the Act, which includes enabling people and communities to provide for their social wellbeing.</p> <p>The mandatory provisions and design standards for cycle parks and end of trip cycle facilities within the District Plan encourage active transport in the district. I consider encouraging active transport achieves the purpose of the RMA as it enables people and communities to provide for their social wellbeing as active transport encourages physical activity, promotes public health, and creates safer and more enjoyable public spaces.</p>

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		<p>In addition, encouraging active transport reduces reliance on private vehicles, decreases traffic congestion, and lowers carbon emissions, which contributes to safeguarding the life-supporting capacity of the environment.</p> <p>This is highlighted by Objective 6.2.4 of the RPS (my emphasis added) which states:</p> <p><i>Integration of transport infrastructure and land use</i></p> <p><i>Prioritise the planning of transport infrastructure so that it maximises integration with the priority areas and new settlement patterns and facilitates the movement of people and goods and provision of services in Greater Christchurch, while:</i></p> <ul style="list-style-type: none"> <i>(1) <u>managing network congestion;</u></i> <i>(2) <u>reducing dependency on private motor vehicles;</u></i> <i>(3) <u>reducing emission of contaminants to air and energy use;</u></i> <i>(4) <u>promoting the use of active and public transport modes;</u></i> <i>(5) <u>optimising use of existing capacity within the network;</u></i> <i>and</i> <i>(6) <u>enhancing transport safety.</u></i>
Para 211	Is the Sports and Education Corp submission not a 'reject'?	Yes, it is incorrect in para 211 but correct in Appendix B.
Para 232	<p>You state:</p> <p>"I also disagree with the request to amend the type of ITA required for an activity that is a restricted discretionary activity under all other applicable rules, from a Full ITA to a Basic ITA"</p>	This an error that has been picked up by the Transport Engineer. As part of the s42A errata I have corrected this error. An updated s42A report is attached to this response.

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	Please explain how and where a basic ITA would ever apply to TRAN-R20, which is a listed RDIS?	
Para 244	Are roads and the rail designated? Would someone wanting to install a new stock underpass also require requiring authority approval?	Yes roads and rail lines in the district are proposed to be designated within the PDP. Given road and rail underpass would occur within a designation, any new stock underpass would require requiring authority approval.
Para 267 & Table TRAN-3, and TRAN-4	<p>Is there really a need for these Tables with its extremely detailed standards for new road design. Is it not the case that road controlling authorities can operate in terms of their designated roads without needing to rely on District Plan standards?</p> <p>Does Council currently utilise NZS 4404:2010 Land development and subdivision infrastructure, the Austroads guideline and the like, in the RC process? If so, are these standards necessary in the plan when the matter is already controlled by these documents?</p>	<p>I have received the following advice from Shane Binder Councils Senior Transportation Engineer:</p> <p><i>The specific elements and cross-sections in the design standards tables provide the functional requirements expected of roading upgrades and new roads constructed both by the Council and applicants as part of new development.</i></p> <p><i>They are informed by the Council's long-term safety, maintenance, and operations requirements as the network owner, which may not otherwise be accounted for when applicants are developing both new land use and supporting infrastructure to be vested with Council.</i></p> <p><i>If an applicant would like to propose a design standard that does not meet these detailed requirements due to the specific context of their activity, they can apply for a resource consent and have their proposed design standard evaluated by the Council.</i></p> <p><i>When applicants propose alternate design standards, the Council has regard for other design</i></p>

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		<p><i>guidance, including NZS 4404, the Austroads Guides, and neighbouring design standards (e.g., Christchurch IDS and CCC). However, these alternate standards are still subservient to the Council's suite of Waimakariri specific standards (i.e., the District Plan and the Engineering Code of Practice). Specifically, the Austroads Guides are considered to be the industry-wide authority for overarching topics but tend to leave design specifics up to the member organisations.</i></p> <p><i>NZS 4404 provides considerably more detail, but it is a 13-year-old document that dates from a time when there was a different balance between safety and efficiency, and between accommodating/prioritising private motor vehicles against other users of the road network.</i></p> <p><i>Thus, while it provides a valuable design reference, I have found that in many instances, the standards in 4404 may not lead to designs that align with present-day best practices or result in appropriate long-term maintenance or operations outcomes.</i></p>
Para 277	Clarify that these amendments have already been made to the table on the DP online. Can these changes be justified under clause 16? (for example, an increase from 4m to 5m is reasonably significant)	<p>Yes these have been updated on the website. These changes were made under clause 16(2) of Schedule 1 of the RMA.³</p> <p>I understand the background to the Clause 16 amendment was that the standard included within the PDP differed from the technical recommendation in error and would have caused considerable implementation</p>

³ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0023/133763/Memo-re-Proposed-Clause-16-Amendments-v3.pdf

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		<p>issues as almost every new dwelling would have required a resource consent.</p> <p>I acknowledge that these amendments do have a tangible effect on the way the rule is applied, and arguably these errors should have been resolved through the hearing process rather than the Clause 16 process. I also note that there are submissions on these provisions and therefore this is scope available to the panel to amend these provisions through the hearing process.</p>
Para 281	Please explain how this amendment would fall under clause 16 of Schedule 1 as a minor error.	<p>I consider it is a correction to clarify the way the PDP is interpreted. Scope for this amendment could also come from the submission of George Jason Smith [270.15] who seeks an amendment to Table TRAN-7 to delete reference to ">6".</p> <p>Following the publication of the s42A report, I have been in contact with the WDC transport engineer has expressed concern over this recommendation. As part of the s42A errata I have recommended an amendment to this section of the report.</p>
Para 290	In respect to Kāinga Ora's concern about the use of "future", have you considered whether there is another term than future that may provide more certainty and address their submission point?	As noted in para 290, I consider 'future' includes consented and anticipated crossings (as crossings could be permitted under the Vehicle Crossing Bylaw, but not yet constructed). Therefore 'future' could be replaced by 'consented' and 'anticipated'.
Para 317	It seems a concern that there is a difference of opinion from Waka Kotahi and Council's	Yes, Shane Binder Councils Senior Transportation Engineer will be

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	<p>independent traffic adviser, on important matters such as this.</p> <p>Can you please arrange for the traffic consultant to be available to advise where the information was sourced from; why the standards in Waka Kotahi's Planning Policy Manual are not suitable; and to answer questions the Panel may have.</p>	<p>available answer questions the Panel may have.</p> <p>I note that this is another area of the s42A report where WDC transport engineer has expressed concern over this recommendation. As part of the s42A errata I have recommended an amendment to this section of the report.</p>
Appendix A	Please explain where the additional text in the Introduction attributed to CIAL is discussed, as this is the only reference the Panel could find to 254.32.	<p>This was a submission point that was originally coded to the TRAN chapter and so was assessed as part of the TRAN report. However, given there is now going to be a CIAL specific hearing stream, this submission point was transferred to the CIAL hearing stream but the recommended amendment was not removed from Appendix A.</p> <p>For the purposes of the TRAN hearing the suggested amendment to the introduction is an error that should be deleted and will be re-considered in the CIAL hearing.</p>