

**BEFORE the Kapiti Coast District Council Hearings Panel**  
**The Proposed District Plan; Kapiti Coast District Council**

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**Under:** of the Resource Management Act 1991 (**RMA**)

**In the matter of** a submission by the **NZ Transport Agency** (submitter number 457) on the Proposed Kapiti Coast District Plan

**And In the matter of** Chapter 7: Rural Environment

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**Primary Statement of Evidence of Angela Kim Penfold for the NZ Transport Agency regarding Chapter 7: Rural Environment**

Dated 13 May 2016

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## **Introduction**

1. My full name is Angela Kim Penfold. I am a Senior Resource Planner within the Planning and Investment Group for the NZ Transport Agency (**'Transport Agency'**).
2. I hold a Bachelor of Resource and Environmental Planning (hons.) from Massey University. I have 15 years' experience in the planning field in New Zealand.
3. Previously, I worked for a traffic engineering consultancy and various councils providing expert traffic advice and processing resource consents respectively.
4. For the past six years I have worked at the Transport Agency as a Senior Resource Planner– where one of my roles has been to promote the effective integration of land-use and transport, strategic planning processes, and in the preparation of RMA statutory plans.
5. I confirm that I have authority to give evidence on behalf of the Transport Agency.

## **Code of Conduct**

- 6 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I understand that the Code of Conduct requires me to assist the Hearings Panel impartially on matters within my expertise, and not to advocate for the Transport Agency.

## **Scope of Evidence**

- 7 My evidence addresses the following matters:
  - a. Policy 7.10 Growth Management;

- b. Policy 7.12 Household Units and Buildings and Policy 7.17 Rural Eco Hamlet Zone;
- c. Appendix 7.4 Waikanae North Eco Hamlet Zone Structure Plan; and
- d. Policy 7.19 Future Urban Development Zone.

### **Matters Considered**

- 8 When considering Chapter 7: Rural Environment, I have specifically considered the following statutory matters;
- a. The purpose and principles of the RMA (sections 5-8);
  - b. The functions of territorial authorities (section 31, of the RMA); and
  - c. Section 42A report – Part B – Chapter 7: Rural Environment.

### **Policy 7.10: Growth Management**

- 9 The Transport Agency made a primary submission<sup>1</sup> supporting Policy 7.10. No specific relief was sought by the Transport Agency.
- 10 This support has been accepted by Ms Kydd-Smith<sup>2</sup>.
- 11 There were a number of further submissions<sup>3</sup> opposing the Transport Agency's primary submission of support for this policy.
- 12 For the purpose of my evidence, I will consider all the submissions together, as they have been drafted by Land Matters Ltd and have the same content.
- 13 The further submitters have made a blanket opposition to any support or proposed amendments in relation to a number of objectives and policies (in this instance growth management), that in their view restrict their ability to develop their land. The further submitters are of the view that Council's approach is inappropriate.

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<sup>1</sup> Submission summary 457.32

<sup>2</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Chapter 7 Rural Environment, paragraphs 197 and 213

<sup>3</sup> Further submitter numbers are: 042, 057, 058, 059, 060, 061, 102, 153, 178, 179, 180, 181, 182, 183, 184, 185, 186, and 187

14 In my opinion, the approach outlined by the Council is entirely appropriate as it allows for the integration of transport and land use activities. Furthermore, the policy provides that development shall not occur if such a proposal would:

“g) Increase pressure for public services and infrastructure (including transport and community infrastructure) beyond existing capacity”

15 Given this is in the rural environment, in my opinion, it is acceptable to avoid development where it will exacerbate or create capacity issues. Furthermore, the policy draws the attention of developers and land owners to consider the implications of development on the surrounding transport environment. This is something the Transport Agency encourages and is consistent with good integrated planning.

### **Policy 7.12 Household Units and Buildings and Policy 7.17 Rural Eco Hamlet Zone**

16 Ms Kydd-Smith identifies that the Transport Agency has a submission point summary 457.29 allocated to Policy 7.12. Ms Kydd-Smith believes this is a coding error in the submission summary<sup>4</sup>.

17 I agree with Ms Kydd-Smith to an extent. The submission has been incorrectly coded to Policy 7.12 when it should have been allocated to Policy 7.17 as per the Transport Agency’s primary submission<sup>5</sup>.

18 The Transport Agency commented on clause (j) and requested the following relief<sup>6</sup>:

- a. The structure plan retain a 40 metre no build buffer and noise attenuation for 40-100 metres from the road edge; and
- b. New performance criteria to capture all noise activities.

19 Given the confusion of the submission coding, the Council Officer has not addressed the Transport Agency’s request.

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<sup>4</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Chapter 7 Rural Environment, paragraph 227.

<sup>5</sup> NZ Transport Agency Primary submission, 1 March 2013, Pages 14-15.

<sup>6</sup> Ibid.

- 20 However, upon review of the Transport Agency's primary submission on Policy 7.17, it is my view that the relief the Transport Agency sought would be more appropriately captured in Chapter 12, subject to the amendments outlined in my primary statement of evidence for Chapter 12.
- 21 Accordingly, the Transport Agency withdraws its submission<sup>7</sup> on Policy 7.17.
- 22 Given the Transport Agency has withdrawn its submission<sup>8</sup>, the further submissions<sup>9</sup> made on the withdrawn submissions are no longer within scope. Therefore, I will not address them in my evidence.

#### **Appendix 7.4: Waikanae North Eco Hamlet Zone Structure Plan**

- 23 The Transport Agency made a primary submission<sup>10</sup> on Appendix 7.4 requesting that:
- a. The structure plan retain a 40 metre no build buffer and noise attenuation for 40-100 metres from the road edge; and
  - b. New performance criteria to capture all noise activities.
- 24 Ms Kydd-Smith sought the advice of Malcolm Hunt; who advised that the issues were captured in Chapter 12: General and District-wide<sup>11</sup>.
- 25 Upon review of the Transport Agency's primary submission on Appendix 7.4, it is my view that the relief the Transport Agency sought would be more appropriately captured in Chapter 12, subject to the amendments outlined in my primary statement of evidence for Chapter 12.
- 26 Accordingly, the Transport Agency withdraws its submission<sup>12</sup> on Appendix 7.4.
- 27 There were no further submissions on the Transport Agency's primary submission.

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<sup>7</sup> Submission Summary 457.29

<sup>8</sup> Ibid

<sup>9</sup> Further submitter numbers are: 042, 057, 058, 059, 060, 061, 102, 153, 178, 179, 180, 181, 182, 183, 184, 185, 186, and 187

<sup>10</sup> Submission Summary 457.64

<sup>11</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Chapter 7 Rural Environment, paragraphs 10194, 10195 and 10205

<sup>12</sup> Submission Summary 457.64

## Policy 7.19 Future Urban Development Zone

- 28 The Transport Agency made a primary submission<sup>13</sup> on Policy 7.19 requesting that the policy is reinforced to specifically consider reverse sensitivity.
- 29 The Transport Agency also requested that following Policy 7.19 an additional paragraph be added in the explanation to further heighten reverse sensitivity<sup>14</sup>.
- 30 Upon review of the Transport Agency's primary submissions on Policy 7.19 it is my view that the relief the Transport Agency sought can be appropriately captured in Chapter 12, subject to the amendments outlined in my primary statement of evidence for Chapter 12.
- 31 Accordingly, the Transport Agency withdraws its submissions<sup>15</sup> on Policy 7.19.
- 32 Given the Transport Agency has withdrawn its submissions<sup>16</sup>, the further submissions<sup>17</sup> made on the withdrawn submissions are no longer within scope. Therefore, I will not address them in my evidence.
- 33 Ms Kydd-Smith also highlights that the Transport Agency made a submission<sup>18</sup> seeking the definition of *structure plan* be relocated. The Transport Agency also sought that it includes reference to roads.
- 34 Ms Kydd-Smith has addressed this request in paragraph 10239 of her evidence and I support her approach. For ease of reference I have quoted directly from the section 42A report below:

10239 The definition of 'Structure Plan' in the PDP repeats a lot of information already set out in Section 1.3 of the PDP about the process for determining what to include in structure plans and the features that must be represented in, and

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<sup>13</sup> Submission Summary 457.31

<sup>14</sup> Submission Summary 457.30

<sup>15</sup> Submission Summary 457.30 and 457.31

<sup>16</sup> Ibid.

<sup>17</sup> Further submitter numbers are: 057, 058, 059, 060, 061, 102, 153, 178, 179, 180, 181, 182, 183, 184, 185, 186, and 187

<sup>18</sup> Submission summary 457.5 and 457.6

managed through, structure plans. Submission 457.6 New Zealand Transport Agency opposes the inclusion of a definition of 'structure plan' and I understand that the Chapter Lead for Chapter 1 of the PDP will be recommending that the detail under the definition is deleted and that a new Section 1.3A Structure Plans be included in Chapter 1. This new section will separate out the information about Structure Plans from other information about subdivision in Section 1.3.3 of the PDP. Furthermore, in response to Submission 457.5 New Zealand Transport Agency, I understand that it is also intended to include in new Section 1.3A, the following feature that must be included in structure plans:

“protection, safety and access requirements of existing Network Utility Infrastructure, including consideration of potential reverse sensitivity effects.”

10240. I consider that amending the definition of structure plan, and including a new Section 1.3A on Structure Plans (amended as set out above) is the appropriate place to address the issue raised by the Submitter, as this is where the requirements for structure plans are outlined. Therefore, I recommend that there be no change to the wording of Policy 7.19 in response to the submissions. With respect to the requested amendment to the Explanation to the policy, as I have mentioned previously, there is a recommendation in the General / Whole-of-plan section 42A report on the PDP to delete the explanations to all of the policies in the PDP.

35 I consider the approach outlined in the section 42A report <sup>19</sup>(above), in relation the definition and location of *structure plans*, appropriate. To clarify, I support the proposed position of the Council; that the location for the explanation of structure plans is more appropriately captured in Chapter 1, sections 1.3 and 1.3A.

36 In addition, it is my opinion that having consideration given to reverse sensitivity in the development of structure plans complements the Transport Agency's position in Chapter 12.

### **Appearance at hearing**

37 It is not my intention to appear before the Panel in support of this evidence.

**Angela Kim Penfold**  
13 May 2016

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<sup>19</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Chapter 7 Rural Environment, paragraphs 10239 and 10240