

**NZ TRANSPORT AGENCY SUBMISSION ON PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ  
RIVER CATCHMENTS**

In accordance with Schedule 1 of the Resource Management Act 1991

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## **Introduction**

This submission relates to **Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments** (Plan Change 1 / PC1). Plan Change 1 addresses the management of discharges of the contaminants nitrogen, phosphorus, sediment and microbial pathogens within (parts of) the Waikato and Waipā River catchments.

## **The NZ Transport Agency's Role**

The NZ Transport Agency (the Transport Agency) is a Crown entity with the sole powers of control for all purposes of all state highways. The Transport Agency's objective, functions, powers and responsibilities are derived from the Land Transport Management Act 2003 (LTMA), and the Government Roadway Powers Act 1989 (GRPA). The statutory objective of the Transport Agency is to undertake its functions in a way that contributes to an effective, efficient and

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safe land transport system in the public interest<sup>1</sup>. The Transport Agency is also a requiring authority and a network utility operator in terms of the Resource Management Act 1991<sup>2</sup>.

The Transport Agency is potentially affected by PC1 in three key ways – as a land owner; as operator of the state highway network; and as co-investor in the local road network.

Section 96(1)(a) of the LTMA requires that the Transport Agency exhibit a sense of social and environmental responsibility. The Transport Agency takes this responsibility, along with relevant requirements of the Resource Management Act, seriously. This is reflected in external and internal strategy and policy documents that the Transport Agency is required to implement, including the SH Environmental Plan.<sup>3</sup>

In all our activities we have a duty to avoid, remedy or mitigate adverse environmental effects. Similarly we are committed to protecting and enhancing the natural, cultural and built environment. The Transport Agency is also subject to a number of other statutes which influence how we meet our social and environmental responsibility (including the Historic Places Act 1993, Biosecurity Act 1993 and Conservation Act 1987). To ensure our environmental statutory requirements are managed in a robust, user friendly and transparent manner, a system has been developed to manage consent compliance (CS-Vue).

We recognise that we have a significant responsibility to communities throughout New Zealand, and work closely with people and organisations affected by our work.

The Transport Agency employs high standards in relation to sediment control measures and stormwater management for new projects. The state highway network, however, is fixed linear infrastructure that in most cases has been *in situ* for decades and was designed to meet the standards in effect at the time of construction. All new stormwater treatment devices are designed in accordance with NZTA's Stormwater Treatment Standard for State Highway Infrastructure (May 2010) as a minimum standard.

### **The Transport Agency's Submission**

The purpose of proposed PC1 is to give effect to the National Policy Statement on Freshwater Management (NPSFM) and the Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy). Significant investment has been made in developing PC1 and striking an appropriate balance between improving water quality to meet community aspirations and enabling sufficient time for practical transition and development of technologies.

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<sup>1</sup> LTMA Section 94.

<sup>2</sup> Section 167 RMA.

<sup>3</sup> State Highway environmental plan improving environmental sustainability and public health in New Zealand, June 2008.

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The primary focus of PC1 rules are on agricultural land uses, while objectives, policies and other implementation methods have a broader focus. The Transport Agency is concerned to ensure there are no unintended consequences by capturing other land uses, such as the transport network.

The Transport Agency's comments on specific provisions are outlined below.

*Policy 1*

Policy 1 relates to reducing diffuse discharges. Clauses b) and c) specifically refer to farming activities, while clause a) does not specify particular activities. The Transport Agency considers that for clarity the head-note should refer to farming activities (similar to Policy 2) to avoid capturing other activities unintentionally.

*Policy 10*

The Transport Agency supports Policy 10 which identifies that the continued operation of regionally significant infrastructure is to be provided for. Not all state highways in the catchment are defined as regionally significant however, for example State Highway 31. While not regionally significant, SH31 is critical to the communities it serves, as is the transport network generally. Transport plays an important role in connecting communities and enabling economic growth. Currently regionally significant roading infrastructure is as mapped in the Regional Policy Statement (Map 6.1) and new significant infrastructure such as the Waikato Expressway where it has a new alignment would arguably not meet the definition. The Transport Agency seeks that existing and future regionally significant roading infrastructure is also provided for under Policy 10. The Transport Agency also considers that providing for the "continued operation" of such infrastructure is too narrow as this does not provide for factors such as safety, efficiency and resilience.

*Policy 11*

Policy 11 requires adoption of the Best Practicable Option and provides for offset of effects. The Transport Agency supports the provision for offset measures as this gives flexibility to target mitigation in a strategic way that can ultimately result in better environmental outcomes. It will also allow for mitigation to be targeted to priority areas.

*Policies 14 & 15 and Implementation Method 3.11.4.4*

Policies 14 and 15, and Implementation Method 3.11.4.4 set out the intention to develop Lake Catchment Plans. The Transport Agency supports a tailored approach which takes into account the specific context and aspirations for each lake. As the state highway network will be within the catchments of some lakes, the Transport Agency seeks to ensure that it has opportunity to be involved in the development of relevant Lake Catchment Plans. Method 3.11.4.4 specifies there will be community involvement in plan development but does not specify engagement with key stakeholders.

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*Schedule A*

A number of rules refer to Schedule A which requires properties greater than 2 ha to be registered with the Waikato Regional Council. The Transport Agency seeks clarification on whether this registration is to be undertaken by the land owner or the land user. While the Transport Agency owns a variety of properties, the land is often leased and used by other parties. The Transport Agency also seeks clarification on what is considered to be an “urban property”.

**Conclusion**

The Transport Agency acknowledges that future changes are signalled which will likely be more far-reaching; and that these changes are fundamental to achieving community aspirations for water quality. The Transport Agency expects to play its part through the adoption of best practice measures as the state highway network is progressively upgraded/constructed; as well as through co-investment in the local road network. While recognising the importance of water quality for all New Zealanders, the Transport Agency also notes the nature of the transport network in scale and use, and the reliance of the economy and community on it. The Transport Agency considers that careful consideration will need to be given to ensure the costs of compliance are manageable and balanced with the positive effects and enabling nature of the transport network.

**Decision sought**

That the Waikato Regional Council adopt Plan Change 1 with the following amendments (or amendments to similar effect):

1. Amend Policy 1 as follows:

*“Manage and require reductions in sub-catchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens from farming activities, by...”*

2. Amend Policy 10 as follows:

*“When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:*

*aa) Safe and efficient functioning of the existing and planned state highway network;...”*

3. Amend Implementation Method 3.11.4.4 as follows:

*“...b) Prepare and implement Lake Catchment Plans with community and stakeholder involvement...”*

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4. Amend Schedule A to clarify who is responsible for registration of properties and define what is meant by “urban properties”.

The Transport Agency **does** wish to be heard in support of this submission.

The Transport Agency **does not** wish to present joint evidence.



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Signed by Jenni Fitzgerald

Under delegated authority for

The NZ Transport Agency

8 March 2017

Date