

Pursuant to Clause 6 of the first Schedule of the Resource Management Act 1991

**Submission on Bupa New Zealand Retirement village 25 and 35
Ulyatt Road, Napier.**

- To establish a retirement village and care home complex-

To: City Strategy
Napier City Council
Private Bag 6010
Napier 4142
Attention: Shane Lambert

From: NZ Transport Agency
Private Bag 11777
Palmerston North 4440

1 The NZ Transport Agency (Transport Agency) *supports* the Retirement Village and care home complex comprising of 99 Retirement villas, 19 retirement apartments, 49 care home rooms, and associated care facilities.

2 The specific provisions of the Retirement Village and care complex that the Transport Agency's submission relates to are as follows:

In particular, the Transport Agency is not opposed to the retirement village, and would like to commend Bupa for their Assessment of Noise Effects which incorporates noise provisions. The New Zealand Transport Agency have considered the reverse sensitivity provisions as being consistent with the Transport Agency's guidelines '*Guide to the management of effects on noise sensitive land use near to the state highway network*' and considered the implications of the development which is within 80 metres of the Napier-Hastings expressway.

3 The Transport Agency's submission is that:

3.1 Role of the Transport Agency

The Transport Agency's objective, functions, powers and responsibilities are derived from the Land Transport Management Act 2003 ("LTMA"), and the Government Roding 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 safe land transport system in the public interest.”¹. The Transport Agency’s functions that are relevant to the retirement village include:

- “to contribute to an effective, efficient, and safe land transport system in the public interest”² and
- “management of the state highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Roding Powers Act 1989”³.

The Transport Agency is a Crown entity⁴, with “*sole powers of control and management for all purposes of all state highways*”⁵. The Transport Agency is also an investor in the Napier City’s local road network. As an investor, we therefore have a significant interest in seeing that land use planning for the City is integrated with the transport system.

The Transport Agency is also a requiring authority and a network utility operator in terms of the Resource Management Act 1991⁶. In managing the Napier networks the Transport Agency must promote the safe, efficient and effective function of the land transport system and ensure the land transport system is not adversely affected in a significant manner.

The Government Policy Statement (GPS) 2015/16 – 2024/25 on Land Transport Funding issued by the Minister of Transport came into effect on 1 July 2015, and sets out the Government’s objectives and funding priorities for the land transport sector for a six-year period, with further indicative information for the following four years. The Transport Agency must give effect to the GPS when performing its functions in respect of land transport planning and funding⁷. The current GPS confirms that economic growth and productivity remains the primary objective for land transport expenditure, and extends this to include value for money and road safety as additional priorities. All of these areas of focus are directly relevant to Napier City’s transport network and the relationship between land use planning, network management, and transport investment.

3.2 Specific comments applying to Proposed Bupa New Zealand Retirement village.

The Transport Agency supports the overall intent and direction of Proposed Bupa New Zealand Retirement village. The Transport Agency’s specific comments on Bupa New Zealand Retirement village are as follows:

¹ Section 94 LTMA.

² Section 95(1)(a) LTMA.

³ Section 95(1)(c) LTMA.

⁴ Section 93(2) LTMA.

⁵ Section 61 GRPA.

⁶ Section 167 RMA.

⁷ Section 70(1) LTMA.

Reverse Sensitivity Provisions

The Transport Agency request that the noise provisions that have been incorporated in the Assessment of Noise Effects be required as a condition of any approval for this activity; with the inclusion of the following amendments 1 through 4 set out below.

The Transport Agency has a statutory duty to be environmentally and socially responsible and is required to avoid, reduce or remedy any adverse effects resulting from state highways. Where incompatible land uses are located near each other, conflict between the activities often results, typically through complaints from the more sensitive activity. There is a risk that new sensitive activities (such as houses and offices) that choose to locate near established state highways in areas which encroach on the separation distances between the land uses may object to the effects of the state highway. Therefore, traffic noise and vibration is a major environmental concern and accordingly the Transport Agency recommends including reverse sensitivity provisions within the Assessment of Noise Effects. Please find below a model provision for reserve sensitivity:

- 1) *New buildings containing noise sensitive activities, in or partly within 80 metres from the state highway edgeline must be designed, constructed and maintained to achieve road-traffic vibration levels complying with class C of NS 8176E:2005.*
- 2) *Within 80 metres of the edge of the nearest traffic lane of any state highway or within 80 metres of any state highway designation that does not contain an existing state highway, any new protected premises and facilities (PPFs) or any alteration to a PPF beyond 10% of the existing gross floor area, shall be designed and constructed to comply with the following design sound levels:*
 - a) *Road-traffic noise inside all habitable spaces: 40 dB $L_{Aeq(24h)}$*
 - b) *Road-traffic noise in all other PPFs: No greater than the recommended maximum design guidelines in AS/NZS 2107:2000*
- 3) *If windows to habitable spaces are required to be closed to achieve the design sound levels in rule 2, the building shall be designed and constructed with a ventilation system to achieve the following:*
 - a) *A quantity of air shall be provided to achieve the requirements of Clause G4 of the New Zealand Building Code. At the same time as meeting this requirement, the sound of the system shall not exceed 30 dB $L_{Aeq(30s)}$ when measured 1 m away from any grille or diffuser.*
 - b) *Either: air conditioning shall be provided; or a high air flow rate setting shall provide at least 15 air changes per hour (ACH) in the principal living space and at least 5 ACH in all other habitable spaces.*
 - c) *At the same time as meeting the above requirement in b), the sound of the system shall not exceed 40 dB $L_{Aeq(30s)}$ in the principal living space and 35 dB $L_{Aeq(30s)}$ in all other habitable spaces, when measured 1m away from any grille or diffuser.*

- d) *The internal air pressure shall be no more than 10 Pa above ambient air pressure due to the mechanical ventilation.*
 - e) *Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal stages up to the high setting.*
- 4) *A design report prepared by an acoustics specialist shall be submitted to the [manager/officer], City Council, demonstrating compliance with Rules 2 and 3, prior to construction of any PPF or alteration to a PPF beyond 10% of the existing gross floor area, within 80 metres of the edge of the nearest traffic lane of any state highway or within 80 metres of any state highway designation that does not contain an existing state highway. The design shall take into account future permitted use of the state highway; for existing roads by the addition of 3 dB to existing measured or predicted levels.*

[PPF to be in defined in plan as per NZS 6806]

3.3 The Transport Agency seeks the following decision from the Napier City Council:

Should Proposed Bupa New Zealand Retirement village be approved, the Transport Agency requests that it is subject to the above amendments (or amendments to the same effect).

The Transport Agency looks forward to working further with the Napier City Council through the process.

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

Dated at Palmerston North the 1st day of February 2018.

Letitia Jarrett

Principal Planner

Pursuant to a delegation from the Chief Executive of the NZ Transport Agency.

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