

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**MEMORANDUM FOR PORTS OF AUCKLAND LIMITED IN RELATION TO
HEARING 22 – INFRASTRUCTURE**

18 DECEMBER 2020

1. INTRODUCTION

1.1 This memorandum has been prepared in response to the Directions of the Hearings Commissioners¹ in respect of Hearing 22 (Infrastructure):

General Drafting

9. No later than **5pm on Friday 4 December 2020**, Council representatives are to provide a revised version of the all the objectives policies and rules of the proposed plan that apply to Infrastructure to all parties that presented evidence or submissions at the Infrastructure Hearing and to the Hearings Administrator. For the avoidance of doubt, that document need not address matters arising from Directions 5 – 8 above, but should address all other amendments that the Council considers either aid clarity and/or which address matters raised by the Hearings Panel during the Infrastructure Hearing.

10. No later than **5pm on Friday 18 December 2020**, any submitter who presented evidence or submissions at the Infrastructure Hearing who wishes to do so, is to provide the Hearings Administrator with any drafting amendments they propose, and to identify areas of agreement and disagreement.

11. **As soon as possible thereafter**, the Hearings Administrator is to provide the documents referred to in Directions 9 and 10 to the Hearings Panel and post them on the Council website.

1.2 Council provided the revised version of the recommended Infrastructure and Energy provisions on 4 November. The following response is provided on behalf of Ports of Auckland Limited (“**POAL**”) in respect of the general drafting revisions.

2. AMENDMENTS TO CHAPTER 14: INFRASTRUCTURE AND ENERGY

Rule 14.12.1.4 (P4) – Traffic Generation

2.1 The revised version of the recommended Infrastructure and Energy provisions prepared by Council proposes the following further amendments to Rule 14.12.1.4 (P4) – Traffic Generation:

[Recommended amendments from s42A report shown as **red additions underlined** and **deletions strikethrough**
Amendments proposed as Panel direction of 4 November shown as **green additions underlined** and **deletions strikethrough**]

¹ Dated 4th November 2020.

- (I) Where any site gains access from an arterial or regional arterial (including state highway) road, there is a maximum of 50 Equivalent Car Movements (ECM) per day.²²⁶
Note: ECM - 1 car movement is equivalent to 1 car movement / 1 truck movement is equivalent to 3 car movements / 1 truck and trailer movement is equivalent to 5 car movements.
Any activity Any other Each site²²⁷ must comply with the following traffic generation conditions:
- (a) Within the Residential, Village or Country Living Zones there is a maximum of 100 vehicle movements per site²²⁸ per day, and no more than 15% of these vehicle movements are heavy vehicle movements; or
 - (b) Within the Rangitahi Peninsula Zone there is a maximum of 200 vehicle movements per site²²⁹ per day, and no more than 5% of these vehicle movements are heavy vehicle movements; or
 - (c) Within the Business Zone Tamahere, Business Zone or Business Town Centre Zone there is a maximum of 300 vehicle movements per site²³⁰ per day, and no more than 15% of these vehicle movements are heavy vehicle movements; or
 - (d) Within the Rural Zone:
 - i. There is maximum 200 vehicle movements per site²³¹ per day and no more than 15% of these vehicle movements are heavy vehicle movements; or
 - ii. For activities directly associated with horticulture harvesting, a maximum of 300 vehicle movements per site per day for up to a month, once in a 12 month period and no more than 33% of these vehicle movements are heavy vehicle movements; or²³²

- iii. Within the Agricultural Research Centres identified on the planning maps as a Specific Area there is maximum 3000 vehicle movements per site²³³ per day; or
- (e) Within the Industrial and Heavy Industrial Zone (excluding the Huntly Power Station and Huntly Quarry site):
 - i. Maximum 250 vehicle movements per site²³⁴ per day and no more than 15% of these vehicle movements are heavy vehicle movements; or
- (f) From the Huntly Power Station site as shown as the Industrial Zone Heavy²³⁵ on the planning maps:
 - i. All traffic vehicle²³⁶ movements generated from all activities on the site combined (including those movements which were lawfully established prior to 5 December 2012), there is a maximum 750 vehicle movements per site²³⁷ per day; and
 - ii. Maximum 300 of these vehicle movements are heavy vehicle movements; or
- (g) From the Huntly Quarry site:
 - i. All traffic vehicle²³⁸ movements generated from all activities on the site combined (excluding those movements which were lawfully established prior to 5 December 2012), there is maximum 350 vehicle movements per site²³⁹ per day; and
 - ii. No more than 150 of these vehicle movements are heavy vehicle movements, increasing to 200 once the Huntly Bypass section of the Waikato Expressway is open for public use.
- (h) Within Precincts A and B of the Te Kowhai Airpark Zone²⁴⁰ there is a maximum 250 vehicle movements per site²⁴¹ per day and no more than 15% of these vehicle movements are heavy vehicle movements.
- (i) Within Precincts C and D of the Te Kowhai Airpark Zone²⁴² there is a maximum of 30 vehicle movements per site²⁴³ per day and no more than 4 of these vehicle movements are heavy vehicle movements except:
 - i. Movement restrictions do not apply if the activity is an event or promotion (including temporary events) in Precinct C or a community facility in Precinct C.
- (j) From the Horotiu Industrial Park does not exceed 15.4 trips/ha gross land area/peak hour.²⁴⁴

Note: Where the likely traffic-generation vehicle movement rates or the actual generation rates of the actual activity are unknown,²⁴⁵²⁴⁶

Table 14.12.5.13 provides indicative traffic generation rates for various activities.

- 2.2 POAL are opposed to the further amendments that are proposed by Council. There is no evidence to explain:
- (a) why the rule framework that was previously recommended within the section 42A report is now deficient;
 - (b) why such a low threshold of 50 Equivalent Car Movements per day is necessary; or
 - (c) precisely what effects that are of such concern that would justify such a low threshold.
- 2.3 No analysis has been provided with reference to section 32 of the RMA to determine whether the rule is the most appropriate way to achieve the objectives, particularly in respect of:
- (a) identifying other reasonably practicable options for achieving the objectives; and
 - (b) assessing the efficiency and effectiveness of the provisions in achieving the objectives.
- 2.4 The “50 Equivalent Car Movements threshold” would apply to all sites that “gain access” from an arterial road, including any site located within the “site specific” activity areas of the Huntly Power Station, Huntly Quarry, Te Kowhai Airpark Zone, and the Horotiu Industrial Estate (items (f) to (j) in the rule). These “site specific” activity areas either take direct access from an arterial or regional arterial road (for example Huntly Power Station and the Te Kowhai Airpark Zone), or indirectly “gain access” from an arterial road, meaning that the “site-specific” traffic generation thresholds will effectively cease to apply.
- 2.5 This will result in a significant reduction to the maximum permitted traffic generation and would have significant implications on the operation of the “site specific” activity areas, the economic growth of industry, and the efficient functioning of industrial activities, including regionally significant industry.

2.6 No analysis has been provided as to the implication of the “50 Equivalent Car Movements threshold” with reference to section 32(2) of the RMA, particularly in respect of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provision, including the opportunities for:

- (a) the opportunities for economic growth that are anticipated to be provided or reduced; and
- (b) the opportunities for employment that are anticipated to be provided or reduced.

2.7 The post-hearing amendment that has been proposed by Council is unnecessarily onerous and will increase the burden for applicants to obtain resource consents without a corresponding benefit to the environment. POAL therefore seeks the deletion of the further amendment, as follows: (changes are shown in ~~striketrough~~)

- (1) ~~Where any site gains access from an arterial or regional arterial (including state highway) road, there is a maximum of 50 Equivalent Car Movements (ECM) per day.~~

~~Note: ECM – 1 car movement is equivalent to 1 car movement / 1 truck movement is equivalent to 3 car movements / 1 truck and trailer movement is equivalent to 4 car movements.~~

~~Any activity Any other Each-Each site must comply with the following traffic generation conditions:~~

- (a) ...

2.8 Without derogating from the above, should the Hearings Commissioners consider it necessary to include a “50 Equivalent Car Movements threshold”, the rule should be amended such that:

- (a) it applies only to those sites that have a vehicle crossing across that part of a site boundary which has frontage to an arterial or regional arterial road; and
- (b) items (f) to (j) are dealt with by way of an exemption to ensure that the “site specific” activity areas are not implicated by the “50 Equivalent Car Movements threshold”.

Rule 14.12.2 (RD4) – Traffic generation that does not comply with one or more of the conditions of Rule 14.12.1.4

- 2.9 Council has proposed post-hearing amendments to Rule 14.12.2 (RD4), introducing a prescriptive list of information requirements for activities that do not comply with the conditions of Rule 14.12.1.4.
- 2.10 No evidence has been prepared as to why such a level of prescription is required. The matters of discretion contained within Rule 14.12.2 (RD4) (as previously recommended by the section 42A report) are comprehensive and enable all effects on the transportation network to be considered, noting that section 88(3) of the RMA enables the consent authority to return an application if it does not include an assessment of the activity's effects on the environment, as required by Schedule 4.
- 2.11 The requirements of Schedule 4 of the RMA to be sufficient to ensure that the necessary level of detail is provided within applications for resource consent, without the need for the level of prescription now proposed by Council.
- 2.12 POAL therefore seeks the deletion of the information requirements that have been proposed within Rule 14.12.2 (RD4), as follows: (changes are shown in ~~striketrough~~)

Discretion is restricted to:

- (a) The trip characteristics ~~of~~ associated with the proposed activity ~~on the site~~; ²⁸⁰
- (b) ~~Safety design for vehicles and pedestrians~~ The design of features intended to ensure safety for all users of the access site, and/or intersecting road including but not limited to vehicle occupants, vehicle riders and pedestrians; ²⁸¹
- (c) ~~Read Land transport~~ network safety and efficiency, particularly at peak traffic times (of both the activity and road network); ²⁸²
- (d) Mitigation to address adverse effects, such as:
- Travel planning;
 - Providing alternatives to private vehicle trips, including accessibility to public transport;
 - Staging development; and

- Contributing to improvements to the road network.

~~The following information shall be provided with an application for resource consent:²⁸³~~

~~(a) If a site gains access from a regional arterial (including state highway) road and generates 51 – 100 ECM per day a simple Integrated Transport Assessment (ITA), or more than 100 ECM per day a broad ITA~~

~~(b) If a site gains access from an arterial road and generates 51 – 250 ECM per day a simple ITA, or more than 250 ECM per day a broad ITA~~

~~(c) Any other site, if not complying with one or more of the conditions of Rule 14.12.1.4, a broad ITA~~

~~(d) A simple ITA shall contain:~~

~~[Delete associated table]~~

~~(e) A broad ITA shall contain:~~

~~[Delete associated table]~~

Mark Nicholas Arbuthnot

18 December 2020