

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF MARK NICHOLAS
ARBUTHNOT FOR PORTS OF AUCKLAND LIMITED IN RELATION TO
HEARING 22 – INFRASTRUCTURE**

6 OCTOBER 2020

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1. INTRODUCTION

1.1 My full name is Mark Nicholas Arbuthnot. I am a Director at Bentley & Co. Limited ("**Bentley & Co.**"), an independent planning consultancy practice based in Auckland.

1.2 My qualifications and experience are set out within my statement of evidence dated 16 September 2019 (Hearing 1 – Chapter 1 Introduction).

Code of conduct

1.3 I confirm I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note 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, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

1.4 My rebuttal evidence will address the following primary evidence:

(a) NZ Transport Agency (Waka Kotahi) – Mr Michael Wood.

2. NZ TRANSPORT AGENCY (WAKA KOTAHI) – MR MICHAEL WOOD

Rule 14.12.1.4 P4 Traffic generation

2.1 Mr Wood's primary evidence for the NZ Transport Agency (Waka Kotahi) ("**NZTA**") (at section 6) seeks to establish the following new rule that would have the effect of altering the permitted activity traffic generation "thresholds" of Rule 14.12.1.4 P4:

Proposed New Integrated Transport Assessment Rule

(i) Any activity shall comply with the following table:

Type of Assessment of Effects on the Transport Network				
Vehicle Trip Generation	Road Hierarchy			
	Local	Collector	Arterial	Regional Arterial (including all State Highways)
Low (51-100 ECM per day)	n/a	n/a	Simple ITA	Simple ITA
Medium (101-250 ECM per day)	n/a	Simple ITA	Simple ITA	Broad ITA
High (>250 ECM per day)	Broad ITA	Broad ITA	Broad ITA	Broad ITA

Notes

1. Equivalent car movements (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.
2. See Table 14.12.5.13 provides indicative traffic generation rates for various activities.
3. A Simple ITA Checklist shall contain the following information:

- 2.2 Under this proposed rule, any activity that does not comply with the vehicle trip generation thresholds would require resource consent as a restricted discretionary activity. Associated with this restricted discretionary activity status is a list of information requirements for the preparation of an “Integrated Traffic Assessment” (“ITA”).
- 2.3 The evidence of Mr Woods goes on to state that (at paragraph 6.9) “...a consequential amendment to Rule 14.12.1.4 P4 of the PWDP would be required as having two sets of traffic generation rules would be confusing for the Plan user”, but has not provided any detail of the consequential change.
- 2.4 Of direct relevance to POAL’s inland freight hub activity, the rule that has been proposed by NZTA prescribes that 1 truck movement is the equivalent of three car movements. This will have the effect of reducing each of the proposed thresholds by one third, as follows:
- (a) “Low” trip generation would equate to 17 – 33 truck movements from the entire inland freight hub per day.

- (b) “Medium” trip generation would equate to 33 – 83 truck movements from the entire freight hub per day.
 - (c) “High” trip generation would equate to more than 83 truck movements from the entire freight hub per day.
- 2.5 As discussed within my primary statement of evidence, Schedule 24B – Horotiu Industrial Park provides for a maximum permitted traffic generation of 15.4 trips/ha gross land area during the peak hour. This rule was derived from the analysis that was undertaken as part of the promulgation of the Operative District Plan and associated Environment Court appeal (which rezoned the land from Rural to Industrial in April 2011).
- 2.6 The relief that has been sought by NZTA will significantly lower the maximum permitted traffic generation from the Horotiu Industrial Park and in my opinion is not appropriate or justified. Given the significance of the change, it is important that the proposed rule is thoroughly assessed with reference to section 32 of the RMA.
- 2.7 I am concerned that the “one size fits all” approach that has been proposed by NZTA does not appropriately acknowledge or take the local context of the Waikato District into consideration, particularly in respect of the effect that it will have on the ongoing development of the Horotiu Industrial Park as a strategic industrial node.
- 2.8 I am also concerned that NZTA has not considered how a requirement to prepare an ITA could be incorporated into the existing rule framework of the Proposed District Plan.
- 2.9 No analysis has been provided by Mr Woods with reference to section 32 of the RMA to determine whether the proposed rule is the most appropriate way to achieve the objectives, particularly in respect of:
 - (a) identifying other reasonably practicable options for achieving the objective; and

- (b) assessing the efficiency and effectiveness of the provisions in achieving the objectives.

2.10 In my opinion, Rule 14.12.1.4 P4 of the Proposed District Plan already provides the mechanism to enable the traffic effects of a development to be considered by the territorial authority, noting that the associated matters of discretion that are contained within Rule 14.12.2 RD4 (as recommended by the section 42A report) are comprehensive and require the following matters to be addressed:

- (a) The trip characteristics associated with the proposed activity.
- (b) 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.
- (c) Land transport network safety and efficiency, particularly at peak traffic times (of both the activity and road network).
- (d) Mitigation to address adverse effects, such as:
 - (i) Travel planning.
 - (ii) Providing alternatives to private vehicle trips, including accessibility to public transport.
 - (iii) Staging development.
 - (iv) Contributing to improvements to the road network.

2.11 No evidence has been provided by Mr Woods as to why this existing rule framework is deficient, or why such a level of prescription is required in terms of the information that is required to be provided within an application for resource consent under this rule.

2.12 My experience is that that matters of discretion of the type detailed above are typically addressed through transportation assessments that are prepared in sufficient detail to satisfy the purpose for which it is

required and to correspond with the scale and significance of the effects that the activity may have on the environment.

- 2.13 I consider the matters of discretion contained within Rule 14.12.2 RD4 to be 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.
- 2.14 I also consider 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 proposed by NZTA.
- 2.15 While the evidence of Mr Woods goes on to identify Method 6.3.1 of the WRPS as being relevant to the consideration of the traffic generation rule, it has not undertaken a full assessment of the proposal against the relevant objectives and policies of the Proposed District Plan or the WRPS, particularly as they relate to the economic growth of industry, the efficient location and functioning of industrial activities within the Horotiu strategic industrial node, and the effect on regionally significant industry.¹
- 2.16 Similarly, no analysis has been provided by Mr Woods in respect of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposed rule, including the opportunities for:
- (a) economic growth that is anticipated to be provided or reduced; and
 - (b) employment that is anticipated to be provided or reduced.
- 2.17 For the reasons set out above, I am of the opinion that the rule framework for traffic generation as recommended in the section 42A

¹ The section 42A report for Hearing 7 (at paragraph 1017) acknowledges that the WRPS definition of "regionally significant industry" applies to POAL's inland freight operations.

report (Rule 14.12.1.4 P4 and Rule 14.12.2 RD4) is an efficient and effective way to achieve the objectives of the Proposed District Plan in respect of this matter.

- 2.18 I do not consider NZTA's proposed "Integrated Traffic Assessment" rule to be an efficient or effective rule. Relative to the provisions of the Operative District Plan as they relate to the Horotiu Industrial Park, I consider the rule to be unnecessarily onerous and will increase the burden for applicants to obtain resource consents without a corresponding benefit to the environment.

Mark Nicholas Arbuthnot

6 October 2020