

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Waikato District Plan

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

**29 SEPTEMBER 2020**

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## EXECUTIVE SUMMARY

- A. This statement of evidence addresses the submissions and further submissions made by Ports of Auckland Limited ("**POAL**") in relation to 'Hearing 22: Infrastructure' of the Proposed Waikato District Plan ("**Proposed Plan**").
- B. In its primary submission (578.39), POAL sought amendments to Rule 14.12.1.4(P4) to reinstate the permitted traffic generation thresholds of the Operative District Plan as they relate to the Horotiu Industrial Park.
- C. POAL's relief is recommended to be accepted by the section 42A report and I agree with the changes that are proposed to Rule 14.12.1.4(P4).
- D. POAL also sought an amendment to Policy 6.4.4 (Road and rail network) to include a new clause to "encourage subdivision, use and development that makes efficient use of the road and rail network" (primary submission 578.103).
- E. While POAL's relief has not been accepted by the section 42A report, Objective 4.6.12 and Policy 4.6.13 (recommended by Council at Hearing 7) adequately addresses the relief that has been sought by POAL. As such, I can confirm that POAL does not intend to pursue this submission point further.
- F. I can also confirm that POAL accepts the recommendations of the section 42A report in respect of the balance of its submission points that have been allocated to Hearing 22.

## 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.

### **Qualifications and experience**

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.

## 2. SCOPE OF EVIDENCE

2.1 Hearing 22 addresses the submissions and further submissions that have been made on the Infrastructure provisions of the Proposed Plan.

2.2 My evidence relates to POAL's primary<sup>1</sup> and further<sup>2</sup> submission points that have been allocated to Hearing 22 of the Proposed Plan.

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<sup>1</sup> 578.32; 578.33; 578.34; 578.35, 578.36, 578.37, 578.38, 578.39, 578.40, 578.41, 578.46, 578.55, 578.56, 578.77, 578.78, 578.81, 578.87, 578.88, 578.89, 578.90, 578.91, 578.92, 578.93, 578.94, 578.95, 578.96, 578.97, 578.98, 578.99, 578.100, 578.101, 578.102, 578.103, 578.104, 578.105, 578.106, 578.107, 578.108, 578.109, 578.114, 578.115

<sup>2</sup> 1087.27.

### **3. STATUTORY FRAMEWORK**

3.1 The provisions that are the subject of this hearing are district plan provisions. The purpose of a district plan is set out in section 72 of the RMA. It is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.

3.2 Section 75(1) of the RMA requires that a district plan must state:

- (a) the objectives for the district; and
- (b) the policies to implement the objectives; and
- (c) the rules (if any) to implement the policies.

3.3 Additionally, section 75(3) of the RMA requires that a district plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (ba) a national planning standard;
- (c) any regional policy statement.

3.4 For the purposes of carrying out its functions under the RMA and achieving the objectives and policies of the plan, section 76(1) of the RMA enables a territorial authority to include rules in a district plan.

3.5 In preparing this evidence, I have had regard to:

- (a) POAL's primary and further submissions, and the primary and further submissions made by other parties;
- (b) the section 32 reports, dated July 2018;
- (c) the section 42A report prepared by Mr Mackie, dated 14 September 2020.

3.6 I have had regard to section 32 of the RMA, which requires an evaluation of the objectives and policies and rules of the Proposed Plan that are relevant to POAL's primary and further submissions. I have also had regard to section 32AA of the RMA, which requires a further

evaluation for any changes that have been proposed since the original evaluation report under section 32 of the RMA was completed.

#### **4. MATTERS THAT ARE ACCEPTED BY POAL**

*Primary submissions of POAL (578.32; 578.33; 578.34; 578.35; 578.36; 578.37; 578.38; 578.40; 578.41; 578.46; 578.55; 578.56; 578.77; 578.78; 578.81; 578.87; 578.88; 578.89; 578.90; 578.91; 578.92; 578.93; 578.94; 578.95; 578.96; 578.97; 578.98; 578.99; 578.100; 578.101; 578.102; 578.104; 578.105; 578.106; 578.107; 578.108; 578.109; 578.114; and 578.115)*

4.1 I can confirm that POAL accepts the recommendations of the section 42A report in respect of its submission points on the following matters:

- (a) the amendments to Rules 14.2.1 to 14.2.3 inclusive, as they relate to general infrastructure activities;
- (b) the amendments to Rules 14.7.1 and 14.7.2, as they relate to liquid fuels and gas activities;
- (c) the amendments to Rules 14.11.1 to 14.11.4 inclusive, as they relate to water, wastewater and stormwater activities;
- (d) the amendments to Rule 14.12.2 as it relates to restricted discretionary transportation activities;
- (e) the parking requirements for industrial activities contained in Rule 14.12.5.7;
- (f) the amendments to the definitions;
- (g) the amendments to the objectives and policies contained in Section 6.1 as they relate to general infrastructure; and
- (h) the amendments to the objectives and policies contained in Section 6.5 as they relate to transport.

4.2 However, POAL does not wish to withdraw these submission points at this stage. This is to ensure POAL has scope should any changes be pursued by other submitters and/or recommended by the Panel which might adversely affect POAL's interests. Should any further changes be sought in the evidence of other submitters, POAL will address those changes in its rebuttal evidence, if necessary.

**5. RULE 14.12.1.4 – TRAFFIC GENERATION**

*Primary submission of POAL (578.39)*

5.1 In its primary submission (578.39), POAL sought amendments to Rule 14.12.1.4(P4) to reinstate the permitted traffic generation thresholds of the Operative District Plan as they relate to the Horotiu Industrial Park and to clarify the application of Table 14.12.5.13, as follows:

Activity		Activity specific conditions
P4	Traffic generation	14.12.1.4 1) Any activity must comply with the following traffic generation conditions: ... (j) <u>from the Horotiu Industrial Park: does not exceed 15.4 trips/ha gross land area/peak hour.</u> Note: <u>Where the likely traffic generation rates of the actual activity are unknown, Table 14.12.5.13 provides indicative traffic generation rates for various activities.</u>

5.2 The reasons stated by POAL for the relief can be summarised as follows:

- (a) Without the retention of Schedule 24B – Horotiu Industrial Park, the Proposed Plan will significantly alter the maximum permitted traffic generation from the Industrial Park.
- (b) The Proposed Plan would result in the maximum permitted traffic generation being reduced to 250 vehicle movements per day, which has significant implications on the operation of the Horotiu Industrial Park (including POAL’s operations), without

a corresponding benefit to the receiving road network and does not recognise the regional significance of the Horotiu Industrial Park.

- (c) Given the indicative nature of Table 14.12.5.13 in respect of the traffic generation rates for various activities, clarification is required to the 'Note' that Table 14.12.5.13 only applies where the likely traffic generation of the actual activity is unknown.

5.3 POAL's relief is recommended to be accepted by the section 42A report<sup>3</sup> on the basis that:

[190] The submitter draws attention to the fact that the Operative Waikato District Plan requires trip generation from the Horotiu Industrial Park not to exceed 15.4 trips per gross hectare of land during the peak hour, whereas the Proposed District Plan would result in the maximum permitted traffic generation being reduced to 250 vehicle movements per day. The submitter states that this will have implications on the operation of the Horotiu Industrial Park; and considers that such a control does not recognise the regional significance of the Horotiu Industrial Park. POAL considers clarification is required to the note that table 14.12.5.13 only applies where the likely traffic generation of the activity is unknown.

[191] The PWDP alters the way in which traffic generation is controlled, from 15.4 trips per gross hectare of land during the peak hour (Operative District Plan), to P4 14.12.1.4(1)(i) Maximum 250 vehicle movements per day and no more than 15% of these vehicle movements are heavy vehicle movements (Proposed District Plan). This would result in the maximum permitted traffic generation being reduced from potentially 1650 vehicle movements at the peak hour to 250 vehicle movements per day. The current trip generation is not known. However, the Industrial Park does not appear to be fully developed. As an exception to the general industrial activity, the Industrial Park inland port is to be a logistics and transport regional hub, and requires a significantly higher traffic generation limit. The trip generation Table 14.12.5.13 is indicative only, applying to generic industrial activity, and does not reflect the characteristics of an inland port. I recommend accepting POAL [578.39], and the Industrial Park trip generation limit be returned to the Operative District Plan limit, to enable operation of the Industrial Park.

5.4 I agree with the recommendations of the s.42A report. With reference to section 32AA of the RMA, I am of the opinion that the amendments to Rule 14.12.1.4(P4):

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<sup>3</sup>

Paragraphs 190 – 191; Infrastructure Section D12.



- (a) are the most appropriate way to achieve Policy 6.3 and Policy 6.14 of the WRPS in respect of maintaining the efficient and effective functioning of infrastructure (including transport corridors), and directing industrial development to the Horotiu Strategic Industrial Node;
- (b) are the most appropriate way to achieve Objective 6.5.1 and Policy 6.5.2 of the Proposed Plan to promote an efficient, effective, integrated, safe, resilient and sustainable land transport, as well as Objective 4.6.8 and Policy 4.6.9 (as recommended by Council) to develop the Horotiu Industrial Park as a strategic industrial node in a manner which enables industrial activities to locate and function efficiently;
- (c) are an efficient and effective way of achieving the above objectives and policies as it appropriately enables the development of the Horotiu Industrial Park in a manner that does not place unnecessarily onerous additional assessment requirements on applicants; and
- (d) will better enable opportunities for economic growth and employment.

## **6. POLICY 6.4.4 – ROAD AND RAIL NETWORK**

*Primary submission of POAL (578.103)*

- 6.1 The primary submission of POAL (578.103) has sought the inclusion of a new clause to Policy 6.4.4 (Road and rail network) to “encourage subdivision, use and development that makes efficient use of the road and rail network”.
- 6.2 The following reasons were provided by POAL for the submission:

POAL supports this policy as notified, however considers that provision needs to be made for the efficient operation of the road and rail network. This is necessary to ensure that such infrastructure can integrate efficiently with subdivision use and development.

6.3 The submission of POAL is recommended to be rejected by the section 42A report<sup>4</sup> on the basis that:

This is a protective policy, as Objective 6.4.1 and Policy 6.4.2 enable subdivision, land use and development that supports efficient use of the land transport network. That objective and policy should ensure a cascade to zonings and rules for integration of subdivision, land use and development with infrastructure, including the land transport network. The submitter appears to be seeking support for zoning for or locating high traffic generating activities (possibly inland port) close to the land transport networks and their nodes. I consider the change is not needed as that is a zoning matter rather than a reverse sensitivity infrastructure matter, and recommend rejecting POAL [578.103] and [FS1273.23] Auckland Transport.

6.4 At Hearing 7, Council recommended the following additional objective and policy to the provisions of the Industrial and Heavy Industrial Zone in respect of this matter:

**4.6.12 Objective – Servicing of Horotiu Industrial Park by road and rail**

The Horotiu Industrial Park is serviced by efficient road and rail network connections.

**4.6.13 Policy – Use of road and rail network connections in Horotiu Industrial Park**

Industrial development in the Horotiu Industrial Park is encouraged to make use of both road and rail network connections to enable the efficient use of the industrial land resource.

6.5 On this basis that Objective 4.6.12 and Policy 4.6.13 adequately addresses the relief that has been sought by POAL, I can confirm that POAL does not intend to pursue submission point 578.103 further.

**Mark Nicholas Arbuthnot**

**29 September 2020**