

**Before a Panel of Independent Hearing Commissioners  
appointed by Kaipara District Council**

**IN THE MATTER OF** the Resource Management Act 1991 (**RMA**)

**IN THE MATTER OF** a submission by the New Zealand Transport Agency on a request by  
Dargaville Racing Club Inc for Private Plan Change 81 (Dargaville  
Racecourse) to the Kaipara District Council

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**STATEMENT OF EVIDENCE OF TESSA CHRISTINE ROBINS FOR WAKA KOTAHI NZ  
TRANSPORT AGENCY**

**PLANNING**

**Dated: 17 March 2023**

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## 1. EXECUTIVE SUMMARY

- 1.1 My full name is Tessa Christine Robins. I am a Senior Planner at Waka Kotahi NZ Transport Agency (“**Waka Kotahi**”) in Auckland and am presenting planning evidence on Private Plan Change 81 (“**PPC81**” or the “**Plan Change**”).
- 1.2 Waka Kotahi is responsible for managing the state highway system, including planning, funding, designing, constructing, maintaining, and operating the system. State Highway 14 is located along the western boundary of the Private Plan Change 81 area and will be directly affected by the development proposed in the Plan Change. As a result, Waka Kotahi has a direct interest in the Plan Change.
- 1.3 After reviewing the s42A report and the evidence submitted on behalf of the applicant, a number of concerns remain unaddressed in relation to the form and timing of the State Highway 14 (“**SH14**”)/Awakino Point North Road intersection (“**the intersection**”) upgrade, infrastructure implementation provisions and active mode outcomes for the wider transport network. I discuss these elements in detail in this evidence and propose additional relief in the form of amended planning provisions.
- 1.4 The key outcomes sought by Waka Kotahi in relation to the Plan Change are to:
  - (a) Appropriately manage potential adverse effects on the state highway system, including integrating development with transport infrastructure upgrades in a safe and efficient manner;
  - (b) Promote integration of development with active transport modes; and
  - (c) Ensure that future activities requiring resource consent once the plan change is operative receive the appropriate level of scrutiny and assessment, and in particular as they may have impacts on the safe functioning of the roading network.

## 2. QUALIFICATIONS AND EXPERIENCE

- 2.1 I am in my fifth year of practice as a planner. I have been employed as a planner at Waka Kotahi since September 2020, and a Senior Planner since October 2022. Previously, I was a planner with a private consultancy specialising in infrastructure planning between 2018 and 2020.
- 2.2 My role within Waka Kotahi ranges from being the internal consenting lead for Waka Kotahi projects, managing planning processes relating to obtaining Resource Management Act 1991 (“**RMA**”) approvals for infrastructure projects, assessing plan

changes and third-party land use applications and providing Section 95E affected party and Section 176 approvals.

- 2.3 My qualifications include a Master of Urban Planning from the University of Auckland in Auckland in 2018. I am an Intermediate Member of the New Zealand Planning Institute.

### **3. INVOLVEMENT WITH THE PLAN CHANGE**

- 3.1 I have reviewed the Plan Change request, the application documents provided by the applicant, including the Assessment of Environmental Effects, Section 32 Report and all other supporting technical documentation, including the Integrated Traffic Assessment (ITA) prepared by Stantec, dated 15 February 2022. I have also considered the proposal in light of the Operative Kaipara District Plan as well as the Kaipara District Spatial Plan 2050 (“**Spatial Plan**”).

- 3.2 I prepared the Waka Kotahi submission and further submission on the Plan Change and have co-ordinated the overall response with support from Mat Collins, transportation planner and engineer who was engaged to assist with the submission on the Plan Change and is providing technical evidence for Waka Kotahi at this hearing.

- 3.3 I have been involved in several meetings and conversations with the Applicant’s planning and transport advisors since Waka Kotahi became involved in the Plan Change in 2021. Whilst those meetings have been useful for us each to understand the other’s perspective, they have not resulted in the concerns held by Waka Kotahi being addressed to its satisfaction.

### **4. CODE OF CONDUCT**

- 4.1 I have read the Environment Court’s Code of Conduct for Expert Witnesses contained in the Environment Court Practice Notes 2023, and I agree to comply with it. My qualifications as an expert are set out above.

- 4.2 I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I have no conflict of interest to declare.

### **5. SCOPE OF EVIDENCE**

- 5.1 The purpose of my evidence is to provide an analysis of the planning provisions proposed by the applicant in the context of the relevant Statutory Framework, along with the Planning Officer’s s42A report and relevant evidence briefs, and to provide evaluative

planning evidence to assist the Commissioners understanding of the Waka Kotahi submission, and make their recommendations on PPC81.

5.2 In preparing this evidence I have reviewed the following documents:

- (a) The Section 42A report prepared by Ms Louise Cowan;
- (b) Evidence of Ms Venessa Anich, Mr Don McKenzie, Mr Simon Cocker, and Mr Hendrik de Wet on behalf of the Applicant;
- (c) Evidence of Mr Mat Collins, Mr Mark Newsome and Mr James Hughes on behalf of Waka Kotahi.

5.3 In this statement of evidence, I address the following:

- (a) Key matters raised in the submission from Waka Kotahi on PPC81.
- (b) A summary of discussions with the applicant and other submitters regarding the Plan Change which have occurred to date;
- (c) Response to the Section 42A report and the Applicant's evidence in relation to the matters raised by Waka Kotahi; and
- (d) My recommendations for further amendments to PPC81 to account for the matters Waka Kotahi considers need to be addressed to deliver good transport outcomes.

5.4 In its submissions, Waka Kotahi addressed a number of matters in relation to the transport effects of the Plan Change on the state highway network. The technical, expert aspects of those matters are addressed in the Statement of Evidence provided by Mat Collins. I have read Mr Collins statement and, from a planning perspective, support his views on these transport-related submission points. To the extent noted, I rely upon his evidence in support of my own conclusions.

## **6. WAKA KOTAHI SUBMISSION**

6.1 Waka Kotahi generally supported the Plan Change as notified.

6.2 Notwithstanding this, Waka Kotahi lodged a submission and further submission on the Plan Change to ensure that any effects resulting from its approval will be appropriately addressed by the Applicant, so as to ensure the activities it provides for will be safely and efficiently integrated with the existing transport network.

6.3 Key aspects noted in the Waka Kotahi submissions include the need to ensure that:

- (a) land use planning and transport are integrated to support emissions reduction, modal shift and ensure the safe and efficient operation of the state highway network. This can be achieved by giving regard to the Emissions Reduction Plan and the Spatial Plan.
- (b) minor amendments and additions to the Trifecta Development Area (“**TDA**”) chapter are applied to ensure the wider transport network improvements are implemented at the appropriate stage of development, and that effects on the state highway are managed appropriately;
- (c) the intersection upgrade is safe, efficient and appropriately mitigates the effects generated by this plan change;
- (d) a precinct plan is appended to the TDA chapter to clearly identify the relevant transport infrastructure required;
- (e) the signage rules in the TDA chapter refer to the Kaipara District Plan, Rule 14.10.24 Signage (including signs on and adjacent to roads) rather than the provision of an additional rule in the precinct; and
- (f) Waka Kotahi is recognised as a road controlling authority where artificial lighting is required along the state highway network.

## **7. SUMMARY OF DISCUSSIONS HELD WITH APPLICANT AND OTHER SUBMITTERS TO DATE**

- 7.1 Waka Kotahi has been engaging with the Applicant since March 2021 when the Applicant first presented the Plan Change to Waka Kotahi and Northland Transport Alliance (“**NTA**”). Since the notification of the Plan Change and lodgement of submissions, I have also been involved in one meeting with the Applicant and Kaipara District Council’s (“**KDC**”) transportation consultants and corresponded with NTA regarding their submission.
- 7.2 Waka Kotahi has discussed provisions necessary to properly mitigate the effects of the Plan Change with the Applicant. The Applicant has agreed to provide an upgrade to the intersection and to construct a pedestrian and cycle connection to the Dargaville township.
- 7.3 The Applicant and Waka Kotahi are in general agreement regarding the required transport infrastructure triggers, but are not aligned on the transport infrastructure form required to mitigate the transport effects of the Plan Change. This particular issue is covered in detail in Mr Collins transportation evidence.

7.4 Notwithstanding this, the Applicant has engaged constructively with Waka Kotahi regarding an effort to address the wider Waka Kotahi submission points. Waka Kotahi has received concept designs for the pedestrian and cycle connection and Ms Anich has given support to Waka Kotahi submission points in a meeting held on 24 February 2023. These submission points include:

- (a) That the following District Plan signs rule applies to the Light Industrial Area: Business Zone Rule 14.10.24 Signage (including signs on and adjacent to roads);
- (b) That proposed provision TRA-LIGHT-S5-Subdivision be amended;
- (c) That an additional objective and policy be included to support integrated planning and the provision of necessary transport infrastructure; and
- (d) That enabling provisions for educational facilities should not be provided for without the appropriate transport infrastructure upgrades first being in place.

7.5 These points are elaborated on in the subsequent sections of this Statement of Evidence.

## **8. RESPONSE TO SECTION 42A REPORT & APPLICANT'S EVIDENCE**

8.1 This section summaries and responds to the comments in the section 42A report and the Applicant's evidence in relation to the Waka Kotahi submission. It addresses the following issues:

- (a) The existing environment;
- (b) The provisions of the TDA chapter;
- (c) Transport infrastructure form; and
- (d) The Emissions Reduction Plan and Spatial Plan.

8.2 The Reporting Officer recommends the Plan Change is declined until such time that sufficient information is provided to address particular issues. They have not made specific recommendations to amend the Plan Change provisions as they consider the provisions, in their entirety, should be updated by the Applicant.

8.3 As an updated set of provisions is not available at the time of the writing of this Statement of Evidence, the responses below are based on the existing set of provisions and minor amendments proposed in Ms Anich's evidence. Depending upon the extent of revisions

made to those provisions, it may be appropriate to consider re-notifying the Plan Change so that affected and interested parties are able to consider them in a holistic fashion.

### **Existing Environment**

- 8.4 Following discussions with the Applicant and upon review of the s42A report, Waka Kotahi has considered a request to comment on the potential to reduce the posted speed limits on SH14 in the vicinity of the intersection. The Waka Kotahi Speed Management Programme, and the related assessment of the state highway corridor in Dargaville are detailed in Mr Newsome's evidence. To avoid duplication, I will not repeat that evidence here but summarise the key points below.
- 8.5 As discussed in Mr Newsome's evidence, the Waka Kotahi Speed Management Programme undertook an assessment of the state highway corridor in Dargaville in 2020. The outcome was that the section of road containing Awakino Point Road is not being progressed further as part of the speed management programme.
- 8.6 The s42A report states "*Commute Transportation Consultants ("CTC") on behalf of KDC has noted in their opinion that both an upgraded priority-controlled T-intersection option (with speed calming / reductions) or a roundabout option at the SH14 / Awakino Point North Road intersection could mitigate the effects of PPC81*".
- 8.7 I note that the effects of the proposed Plan Change need to be assessed against the existing environment and the reasonable future state of the environment as it might be modified by the carrying out of a permitted activity under a plan or consents that have been granted but not yet given effect to. The existing environment includes the existing speed environment.
- 8.8 The posted speed limit of SH14 is 100km/h from Tangiteroria to the intersection of SH14 and Awakino Point East Road.
- 8.9 The intersection form needs to mitigate the effects of activities covered by the plan change. In evaluating the nature and scale of the effects, and identifying the appropriate transport management response must occur in the context of the existing environment and the reasonable future environment. As Mr Collins explains, Waka Kotahi does not consider an intersection upgrade in the form of a T-intersection to be appropriate to mitigate the transport effects of the Plan Change, and in particular Waka Kotahi has no plan to alter the posted speed limit in this locality.
- 8.10 A speed limit reduction therefore cannot reasonably form part of the future state of the environment as the speed management review process involves a technical assessment

of the existing speed limits, engagement with various stakeholders, such as local communities, councils, and road user representative groups, this is then followed by formal consultation. As Mr Newsome notes in his evidence, that process has recently been completed, and no speed change is being taken forward. The outcome of any future process cannot be predicted in advance, but is in any event some years distant.

- 8.11 In light of this, Mr Hughes has made it clear that there is not likely to be a speed limit reduction for SH14 in Dargaville in the foreseeable future. He also notes that the process to consider any future proposal to change in the local speed limit will be governed by an entirely separate process (which is explained in Mr Hughes' and Mr Newsome's evidence).

### **TDA Chapter Provisions**

- 8.12 Ms Anich has noted support for a number of Waka Kotahi submission points in her evidence, as follows:

- (a) That the following District Plan signs rule applies to the Light Industrial Area: Business Zone Rule 14.10.24 Signage (including signs on and adjacent to roads);
- (b) That proposed provision TRA-LIGHT-S5-Subdivision be amended to include Waka Kotahi as a roading authority;
- (c) That an additional objective and policy be included to support integrated planning and the provision of necessary transport infrastructure, specifically related to multi-modal connections to the Dargaville town centre and the intersection of Awakino Point North Road and SH14; and
- (d) That enabling provisions for educational facilities should not be provided for without the appropriate transport infrastructure upgrades being provided for.

- 8.13 Ms Anich considers the following Waka Kotahi submissions point should not be accepted by the Panel, and upon review of her Evidence I agree with her reasoning and am comfortable withdrawing the following request:

- (a) That the definitions should be consistent with the Kaipara District Plan (Ms Anich has confirmed that the proposed definitions are consistent with the National Planning Standards).

- 8.14 The following Waka Kotahi requests are not resolved, and key infrastructure related requests are covered in more detail in the below sections:

- (a) That notes to state the relevant provisions of the Government Roding Powers Act 1989 should be added to the front end of the Trifecta Development Area Chapter.



Notes to this effect have been included in Chapter 12 – Rural; Chapter 13 – Residential; Chapter 14 – Business Commercial and Industrial; and Chapter 15B – Maori Purposes Treaty Settlement Land, in regard to requiring approval from Waka Kotahi for any change in land use and restrictions associated with a limited access road. In my opinion, these references will adequately address requested Note i, but will not address requested Note ii: “*Works within the state highway boundaries will require the approval of the NZ Transport Agency pursuant to Section 51 of the Government Rounding Powers Act 1989.*” I consider that a note to this effect needs to be retained given there are anticipated works within the state highway boundaries to construct the pedestrian and cycle link.

- (b) The relevant transport infrastructure form is covered in greater detail in Mr Collins Evidence. To summarise, a roundabout is the appropriate solution to mitigate the effects of the Plan Change as it will reduce the operating speed at the intersection, is effective at managing speed and a roundabouts ability to mitigate transport related effects does not hinge on a posted speed limit reduction.
- (c) The relevant transport infrastructure trigger for construction related activities. I support the Waka Kotahi request to amend the TDA chapter to identify that activity that generates more than 10 heavy vehicle movements per day should not commence within the site, prior to the commencement of the upgrade to the intersection. Ms Anich has asserted that construction effects can be managed in a standard manner through an appropriate temporary traffic management plan during the construction phase. Given the existing standard of the intersection, it would not be appropriate for construction activities to occur without appropriate mitigation measures being considered and provided for in the TDA chapter provisions. This is covered further in Mr Collins evidence.

### **Transport Infrastructure Form**

8.15 The s42A report makes a number of comments on the form of the intersection upgrade and the form of the pedestrian and cycle link. Of particular concern to Waka Kotahi is the Planning Officer’s opinion that the form of the intersection upgrade does not need to be decided prior to determining whether the Plan Change can be accepted. I do not agree for the following reasons:

- (a) The s42A report has concluded that “effects in relation to transport and roading infrastructure can be appropriately managed, providing the inclusion of specific mitigation and planning controls are imposed. I accept that the final form of the

SH14 and Awakino Point North Road can be resolved through the next stages of detailed site design.”<sup>1</sup>

- (b) As elaborated in Mr Collins evidence, a roundabout will need to be implemented in order to mitigate the effects of the Plan Change. If the form of the intersection is not clarified prior to a determination, it can not be concluded that the transport effects will be mitigated adequately.
- (c) In my opinion, in order to mitigate the additional development and activities that the Plan Change will enable, the final form of the intersection needs to be determined and incorporated as a rule in the TDA chapter. The form of the intersection is a fundamental issue related to the Plan Change and must be resolved prior to accepting that the Plan Change into the Kaipara District Plan. Deferring the decision to be managed as part of the resource consent process is not appropriate. It does not reflect integrated planning, and is likely result in poor resource management and safety outcomes for the transport system.

### **The Emissions Reduction Plan and Spatial Plan**

- 8.16 The Commissioners have invited comment on the applicability of, and the weight the Panel should put on the Emissions Reduction Plan and the Kaipara District Spatial Plan.
- 8.17 The Waka Kotahi submission addresses the importance of the Plan Change supporting emissions reduction via the following:
  - (a) Delivery of secure and easy to access cycle parking.
  - (b) Delivery of electric vehicle charging spaces / infrastructure to support and encourage the use of electric vehicle use.
  - (c) Clear provisions to ensure safe and efficient walking and cycling networks are established within the development site and that they connect to the wider existing pedestrian network.
- 8.18 Ms Anich’s evidence notes that “*amendments to the provisions can achieve the outcomes of delivery of secure and easy to access cycle parking within both the residential and light industrial development areas, and delivery of electric vehicle charging spaces and infrastructure to support and encourage the use of electric vehicle use.*” Waka Kotahi considers this to be an appropriate effort to have regard to the Emissions Reduction Plan,

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<sup>1</sup> Paragraph 381 of the s42A report released 4 March 2023

provided the amended provisions include the relevant triggers to achieve the intended outcomes.

- 8.19 The Commissioners are able to have regard to the Emissions Reduction Plan and Spatial Plan. The Commissioners will need to determine the weight they place on each plan but in my opinion, the Plan Change adequately gives regard to the Emissions Reduction Plan.

## **9. RELIEF SOUGHT BY WAKA KOTAHI**

- 9.1 After considering the s42A Report and the recommendations contained within it, as well as the evidence presented by the applicant and their experts, I consider there are a number of key issues that have not been addressed appropriately as elaborated on in the above sections and I summarise these below.

- 9.2 That the intersection upgrade should be a roundabout and not a T intersection as proposed by the Applicant. Mr Collins has concluded that a roundabout is the appropriate intersection upgrade as a *“roundabout is not dependent on a reduction of the speed limit, as the geometry of the roundabout encourages a lower approach speed, provided drivers have sufficient time to observe the roundabout and adjust their speed when approaching SH14 from the north and south of Awakino Point North Road. In essence, the roundabout is “self-explaining” to drivers.”*<sup>2</sup>

- 9.3 The following planning provisions should be amended to reference the intersection upgrade as a roundabout:

- (a) TDA-SUB-S10 Transport (3)
- (b) TDA-SUB-S10 Transport (4)
- (c) TDA-LU-S4 Transport (1)
- (d) TDA-LU-S4 Transport (2)

- 9.4 The following planning provisions (in addition to the requests in the original Waka Kotahi submission except those excluded in Section 8.12 above) should be adopted into the final planning provisions set:

TDA-LU-S4 Transport

1. Prior to establishment of any activity other than Farming in the Light Industrial Area:

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<sup>2</sup> Section 9.4 of the Evidence Statement of Mat Collins (Transport)

- a. ...
- 2. Prior to occupation of any residential unit in the General Residential Area:
  - a. ...
- 3. Prior to any construction works that will generate more than 10 heavy vehicle movements per day:
  - a. The intersection of State Highway 14 and Awakino Point North Road is upgraded to a roundabout; or
  - b. A Temporary Traffic Management Plan (TTMP) is submitted to NZ Transport Agency and approved no less than 20 working days prior to the construction works taking place.
- 4. ~~3.~~ The resource consent proposing the transportation upgrades and Access Plan/s may be submitted in advance of or together with any subdivision or land use consent application.

**10. CONCLUSION**

10.1 In conclusion, I consider that the plan change could be approved subject to several outstanding matters which need to be properly addressed in order to sufficiently manage the adverse effects resulting from the Plan Change on the transport network. I have outlined the required provision amendments above which in my opinion are necessary to manage these effects, and request that they be adopted into the Plan Change.

17 March 2023

Tessa Christine Robins



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