

Before the Hearings Commissioners

Under the Resource Management Act 1991 (the **RMA**)

In the matter of a submission by the New Zealand Transport Agency –
Waka Kotahi (NZTA) (submitter s356)

and in the matter of Far North Proposed District Plan (**Proposed Plan**)

Tabled statement of evidence of Bruce William Hawkins regarding Hearing 11
and the Transportation Chapter of the Proposed Far North District Plan.

Tabled Planning Evidence.

Dated 14 April 2025

1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

- 1.0 My full name is Bruce William Hawkins. I am a senior planner for the New Zealand Transport Agency (NZTA). I am tabling this planning evidence on behalf of NZTA.
- 1.1 I hold a Bachelor of Arts Degree from the University of New South Wales, and a Post Graduate Diploma in Town Planning from the University of Auckland. I am a full member of the New Zealand Planning Institute. My work experience includes 35 years in planning positions in local and regional government, central government agencies and private consultancies in New Zealand and abroad.
- 1.2 I have extensive experience with preparing submissions and assessing district plans provisions under the Resource Management Act 1991 (RMA) and have worked as a senior planner in the Auckland Office of the NZ Transport Agency (NZTA) for the past 7 years.
- 1.3 I also have extensive experience managing applications to NZTA under the Government Roding Powers Act 1989 (GRPA) from third parties for access to the State Highway network and providing input to district councils regarding RMA consent applications for activities with access to the State Highway network.

2 CODE OF CONDUCT

I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) 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 areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3 SCOPE OF EVIDENCE

- 3.0 My evidence relates to the Transportation chapter of the Far North Proposed District Plan (PDP) and I note the following:
- a. I have reviewed the reporting officer's PDP section 42a (S42a) report and related appendices, and submissions and further submission points raised by NZTA. I consider that the S42a report satisfactorily addresses

concerns raised by NZTA within the submissions and further submissions process.

- b. However, the S42a report does address several submissions postulating a duplication of functions between that of Council and that of NZTA in relation to access to State Highways within the District as addressed within TranR2 and asking for amendments that would remove NZTA and State highway access considerations from these controls
- c. This evidence is tabled in support of the conclusions reached within the S42a report on this matter recommending retention of NZTA and State Highway access related considerations within these provisions.

3.1 In preparing my evidence, I have considered:

- a. NZTA submissions and further submissions in relation to transportation in the PDP.
- b. The S42a analysis of all submissions on Tran-R2 pertinent to the question of duplication of function
- c. The further amendments required on this point to the plan provisions recommended by the S42a report.

3.2 In preparing my evidence, I have also considered:

- a. the purpose and principles of the RMA (sections 5-8).
- b. provisions of the RMA relevant to plan-making and consenting.
- c. The provisions of the GRPA in relation to this matter.
- d. NZTA internal policy and procedural guidance addressing agency input nationwide into district and regional council RMA plan making and consenting

4 MANAGING STATE HIGHWAY ACCESS

Why does the approach to the management of access to the State Highway within the PDP Transportation chapter matter to NZTA?

4.0 NZTA is a Crown entity that takes an integrated approach to transport planning, investment and delivery.

- 4.1 The functions of NZTA are set out in s95(1) of the Land Transport Management Act 2003 (LTMA) and include requirements to:
- a. Contribute to an effective, efficient, and safe land transport system in the public interest; and
 - b. Manage the state highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with the LTMA and the Government Rounding Powers Act 1989.

- 4.2 Under the Government Policy Statement on Land Transport 2024/2025 – 2033/34 up to \$7billion per annum will be invested to deliver the transport outcomes set by government.

What is the role of NZTA in managing access to the state highway?

- 4.3 As the road controlling authority responsible for the state highway network, NZTA is charged with ensuring the safe and efficient movement of traffic on its highways.
- 4.4 Given the often high-speed environment and wide variety of users careful attention to design and placement of accessways onto the highway makes a significant contribution to the achievement of these objectives.
- 4.5 Furthermore, given the large investment inherent in its highway networks and the significant potential returns they deliver to the economic and social wellbeing of New Zealanders, NZTA takes the management of third-party access onto its highways very seriously.
- 4.6 However, like all specialist infrastructure operators NZTA has a limited range of powers pertaining to its core functions and in achieving its aims must operate in partnership with local authorities charged with administration of land use and environmental management under the RMA.
- 4.7 Hence the role of councils in managing the effects of new land uses proposed by landowners/developers, and changes of uses, on road traffic efficiency and safety is not one of a duplication in function with NZTA, but one of partnership.
- 4.8 And the profile transport-related matters are afforded in the PDP (a separate chapter – with specific reference to highway networks) are rather a function of

the more all-pervading influence of transport on the community than the other more static infrastructure networks (power, water, gas etc.)

5 NZTA SUBMISSIONS AND SUPPORT OF THE S42A RECOMMENDATION ON TRAN-R2.

5.0 NZTA submitted in support of Tran-R2 and is wholly supportive of the reasoning rejecting the notion of a duplication of functions raised in submissions. NZTA supports the recommended consequential refinements as set out in the S42a report, and pertaining to Tran-R2 as quoted below:

Duplication of NZTA functions

189. The Abley Report addresses the perceived duplication of function with NZTA in Section 1.4, primarily in relation to TRAN-R9 but the discussion is equally applicable to submissions relating to duplication of functions under TRAN-R2 and TRAN-R5. The Abley Report argues that there is no duplication of NZTA functions for the following reasons (my summary, refer to the Abley Report for full discussion):

- a. The TRAN chapter has been drafted in accordance with NZTA guidance on how district plan transport provisions should be prepared;
- b. A district council needs to retain the ability to assess the potential impact that a new land use activity may have on the State Highway network.

190. I agree with the Abley Report that separating out the land use component under the PDP from the access onto a State Highway or Limited Access Road could result in a situation where the resource consent cannot be actioned

because NZTA will not grant access and/or NZTA feel compelled to approve a more intensive use of an existing access because a resource consent has already been granted. Neither of these outcomes are desirable for Council, NZTA or an applicant (in the case of access being refused by NZTA).

191. In response to more specific submission points about NZTA jurisdictional overlap:

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- b. Note 3 above the TRAN rule table is very clear that NZTA approval is "*separate and additional to any land use or subdivision resource consent approval required*". The note does not indicate, as suggested by Haigh Workman Ltd, that the Council has no jurisdiction to manage land use or subdivision activities accessing a State Highway. However, I do recommend that Note 3 is reworded to be clearer with respect to the relationship between the role of NZTA under the Government Rounding Powers Act and any land use or subdivision consents required under the TRAN chapter, focusing on the particular changes to an access that would result in NZTA's involvement.
- c. I also disagree that TRAN-R5 and TRAN-R9 require amendments so that they do not apply to sites or activities with direct access to a State Highway or Limited Access Road where that access/vehicle crossing was previously approved by NZTA. A previous NZTA approval does not mean that future intensification or change of use at that site remains appropriate in perpetuity. I agree with the Abley Report that consideration of proposals involving access onto a State Highway are typically considered by both NZTA and Council together and that engagement with NZTA is often required by Council through the resource consent process due to the potential impacts on the State Highway Network.

Recommendation

- 193. For the reasons set out above, I recommend that the submissions relating to general transport matters, including definitions and requested maps are accepted, accepted in part and rejected as set out in **Appendix 2**.
- 194. Recommendations are as follows:
 - a. Amend the definition of 'Limited Access Road' as per the wording proposed by NZTA
 - b. Amend Note 3 to better clarify the relationship between NZTA's jurisdiction under the Government Rounding Powers Act and the role of the TRAN chapter
 - c. Insert new Transport Network Hierarchy map into the PDP and refer to the map in all TRAN chapter provisions that relied on the road classification descriptions in TRAN-Table 10
 - d. Delete references to regional and national routes from TRAN-Tables 6-8 and replace with a reference to State Highways
 - e. Delete TRAN-Table 10
 - f. Ensure that the word 'bed' is not hyperlinked in new TRAN-Table W

Rule Tran-R2 as recommended in the S42a Report.

TRAN-R2	<u>New or altered v</u>Vehicle crossings and access, including private accessways (excluding access from a State Highway or Limited Access Road)²⁵	
All zones	Activity status: Permitted <u>Note: Altered includes, but is not limited to, any widening, narrowing, gradient changing, redesigning, change in use, and relocating of a vehicle crossing or accessway, but excludes resurfacing.²⁶</u> Where:	Activity status where compliance not achieved with PER-1, PER-X²⁵, PER-2,²⁶ PER-3, PER-4, PER-5 or PER-6: Discretionary

<p>PER-1 A private accessway serves a maximum of 8 allotments. Where the private accessway serves a maximum of 8 household equivalents²⁷</p> <p>Note: 1 household equivalent is represented by 10 vehicle movements. One vehicle movement is a single movement to or from a property.²⁸</p> <p>PER-X <u>Where access is required for 9 or more allotments, access shall be by public road.²⁹</u></p> <p>PER-2 The vehicle crossing and access for fire appliances comply with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice.³⁰</p> <p>PER-3 The vehicle crossing is not off a State Highway, or off a road classified arterial or higher under the One Network Road Classification as shown on the Transport Network Hierarchy map.³¹</p> <p>PER-4 Any <u>unused</u> vehicle crossings <u>that are no longer required³² are must be</u> reinstated to match the existing footpath and kerbing, or the shoulder and berm are reinstated where there is no footpath or kerbing, with all works to be undertaken as per any required traffic management plan and corridor access request.</p> <p>PER-5 Private accessways shall be designed and constructed in accordance with TRAN-Table 9 - Requirements for private accessways.</p> <p>PER-Y <u>Vehicle crossings and private accessways shall be designed and constructed in accordance with TRAN-Table X – Sealing requirements for</u></p>	
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6 CONCLUSION AND RECOMMENDATIONS

6.0 In conclusion:

6.1 I have reviewed the reporting officer's S42a report and related submissions and further submission points raised by NZTA. I consider that the FNDC S42a report satisfactorily addresses concerns raised by NZTA within the submissions and further submissions process.

6.2 However, the S42a report does address several submissions postulating a duplication of functions between that of Council and that of NZTA in relation to access to State Highways within the District as addressed within Tran-R2 and asking for amendments that would remove NZTA and state highway access considerations from these controls.

6.3 NZTA seek the following relief:

- a. FNDC reject the notion of a duplication of functions between NZTA and Council; and
- b. Seek adoption of the amended TranR2 and consequential amendments as set out in the S42a report and Appendix 1.1 – Officers Recommended Amendments to the Transport Chapters pertaining to TranR2 as quoted in section 5.0 above.

14 April 2025