

Before Central Otago District Council

Under the Resource Management Act 1991 (the Act)

In the matter of Proposed Plan Change 14 to the Central Otago's District Plan

between NZ Cherry Farm Corp
Requestor

and Central Otago District Council
Local Authority

and Waka Kotahi New Zealand Transport Agency
Submitter 65

STATEMENT OF EVIDENCE OF JULIE ANNE MCMINN

Dated: 20 May 2020



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1 Qualifications and Experience

- 1.1 My name is Julie McMinn. I am a Consultant Planner with the Dunedin Regional Office of the NZ Transport Agency. I am on secondment from and am employed by WSP as a Senior Planner.
- 1.2 I hold the qualifications of Diploma of Regional and Resource Planning from Otago University a Bachelor of Science and Post Graduate Diploma in Engineering Geology from Canterbury University. I have over 25 years planning experience and am a full member of the New Zealand Planning Institute. I am also a member of the Resource Management Law Association.
- 1.3 Whilst I accept that this is not an Environment Court hearing, I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. Unless I state otherwise, this evidence is within my scope of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express here.

2. Scope of Evidence

- 2.1 My statement will address the following matters:
- a the Transport Agency – its statutory objective and role and the reason for its involvement in this process;
 - b the strategic significance of the State highway system;
 - c the Transport Agency's submission.
- 2.2 I also have Matthew Gatenby with me today who will present transportation evidence.

3. Executive Summary

- 3.1 SH6 in this location is a Regional Route providing a major connection between regions and urban areas. SH6 in this location is also a Limited Access Road where access to the highway is restricted for safety reasons.

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- 3.2 I consider if developed PC14 is likely to be more residential than rural or rural residential in nature due to the proposed lot sizes and proximity to Cromwell. In this regard I concur with Mr Whitney's assessment of this matter in the Section 42A report.
- 3.3 The Transport Agency's submission raised their support for the Spatial Framework where urbanisation is shown as being consolidated to the east of the highway. This support encapsulates their concerns around the potential effects on the highway from PC14. That is, the demand for growth around Cromwell should avoid developments like PC14, in this location, which could potentially eventuate in Cromwell being bisected by SH6 leading to severance, connectivity and potential safety effects as the demand to cross the highway increases.
- 3.4 I note the Mr Gatenby considers the proposal could result in a significant level of additional development related trips on the road network. He also considers the development will create a demand for cyclists and pedestrians wanting to cross SH6. He raises concerns around the applicant's assessment and evidence in that it does not demonstrate that the intersections with SH6 can accommodate the additional traffic related to PC14. In addition, a Safe System assessment is required. I concur with his assessment.
- 3.5 A Safe System assessment requirement comes from the Strategic Priority: Safety (Section 2.2.) as part of the Government Policy Statement (GPS) which has the following key safety objective:
- "A land transport system that is a safe system, free of death and injury"*
- 3.6 The Transport Agency must carry out its functions in accordance with GPS among other government policy under the functions outlined in the Land Transport Management Act. Therefore, the Transport Agency has submitted that the requestor considers Safe System upgrades/approach in assessing whether intersection improvements are required.
- 3.7 This lack of Safe System assessment by the requestor has meant there is also a lack of clarity around what if any mitigation measures may be required resulting from effects on the highway from PC14. Mr Whitney's suggestion in the Section 42A report based on Mr Facey recommendation

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to provide a shared path adjacent to the highway and a formal crossing point of SH6 at the Ripponvale Hospital /Lifestyle Village as part of the Plan Change rules in the District Plan is also not supported because of this lack of assessment by the requestor.

- 3.8 The lack of assessment also creates potential inconsistencies around key objectives in the district plan i.e. objectives 12.3.1; 16.3 and 4.3.9. As a result, I also consider that PC14 could result in the inefficient use and development of the State highway and therefore does not meet Section 7 (b) of the Act.

4. Waka Kotahi NZ Transport Agency

- 4.1 The Land Transport Management Act (LTMA) defines the objective of the Transport Agency as “..to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest.” (section 94).
- 4.2 The functions of the Transport Agency are defined in section 95 of the LTMA, and include among other things:
- a. to contribute to an effective, efficient, and safe land transport system in the public interest;
 - b. to manage the State highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Roadway Powers Act 1989;
 - c. to assist, advise, and co-operate with approved organisations.
- 4.3 When carrying out its functions, the Transport Agency must exhibit a sense of social and environmental responsibility, and when managing the planning and funding of transport activities, the Transport Agency must give effect to the Government Policy Statement (GPS). The Transport Agency also has a role in contributing to the objectives of the GPS through investing to achieve strategic priorities of safety, access environment and value for money.

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- 4.4 In carrying out its functions the Transport Agency must also have regard to other policy documents and legislation such as the Government Rooding Powers Act 1989, the Resource Management Act 1991, the Safer Journeys Road Safety Strategy 2010-2020 and the New Zealand Energy Efficiency and Conservation Strategy 2017-2022.

5. Strategic Significance of the State Highway System

- 5.1 In a national context, State highways form an integrated national network of inter-regional and inter-district routes, and major urban arterials. While State highways form part of a wider roading network in New Zealand, the distinguishing functions of State highways among others are to:
- a. Connect major centres of population;
 - b. Provide access to ports, airports, major industrial areas, major primary production areas and major tourist areas; and
 - c. Service major urban corridors
- 5.2 State Highway 6 in this location is classified as Regional Road in accordance with the Transport Agency One Network Road Classification. This means it is a major connection between regions and urban areas. Further details on the function and significance is provided in the evidence from Mr Gatenby.
- 5.3 State highway 6 in this location is also a limited access road. A limited access road is created in the interests of road user safety. This is because they are often in areas with the potential for development – which brings with it more vehicles needing access and higher safety risks.
- 5.4 When a road is declared a limited-access road, crossing places are authorised via notices to the landowners. The notices specify where the crossing places are in relation to the title boundaries

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5.5 I am also aware that caselaw has affirmed that the State highway network is a physical resource of national importance under the Resource Management Act 1991.¹

6. NZ Transport Agency Submission

6.1 The Transport Agency's submission did not support proposed Plan Change 14 (PC14) and highlighted concerns around potential for residential development (160 lots) on the opposite side of SH6 from Cromwell creating connectivity issues. These concerns included, safety of the Ripponvale Road intersections with SH6, pedestrian and cyclist safety and concerns around the effects the proposal will have on the State highway network.

6.2 I have read the Section 42A Report and am satisfied that the Transport Agency's submission has been accurately discussed and agree with the Council Planner, Mr Whitney's overall recommendation to decline PC14. I have also read the requestor transportation evidence by Mr Carr. I propose to highlight matters of interest to the Transport Agency, that are important to the deliberations on this matter.

7. Demand for Growth in Cromwell: PC14 Location

7.1 The key Transport Agency concern is PC14 if granted potentially will have significant adverse effects on the State Highway and these effects have not been appropriately assessed to date.

7.2 The Transport Agency consider the proximity of the site to Cromwell and the size of the proposed lots (lot sizes 2000m² to 3 ha) means the area could become more residential in nature rather than the rural/residential or the rural lifestyle block envisaged by the requestor. Under this scenario there will be an increase in demand for vehicles, pedestrians and cyclists wanting to enter, leave and cross SH6 to gain access to Cromwell with severance and associated connectivity issues for the community.

7.3 I note the Council planner, Mr Whitney in the Section 42A report considers PC14 represents an enclave of larger lot residential rather than the

¹ *Auckland Volcanic Cones Society Inc v Transit New Zealand* [2003] NZRMA 316 (HC) 327-328.

establishment rural/residential or rural lifestyle blocks. He then goes on to outline examples of lot sizes in surrounding residential zones to support his conclusions. I concur with this assessment.

- 7.4 The Transport Agency has previously signalled its support of consolidating Cromwell urban development to the east of the highway by supporting the Cromwell 'Eye to the Future' Spatial Framework. I note Mr Whitney has stated that the Cromwell Master Plan Spatial Framework has not been tested under the RMA and as such can be given little weight in this process and I concur with this statement.
- 7.5 However, I think it is important to note the Transport Agency's support for the Spatial Framework and concerns around the effects of PC14 on the highway are similar in nature. That is, the demand for growth around Cromwell should avoid developments like PC14 which could potentially eventuate in Cromwell being bisected by SH6 leading to severance, connectivity and potential safety effects as the demand to cross the highway increases.
- 7.6 Neither the District Plan or the Spatial Framework has signalled changes to the PC14 area rural zoning. These documents are important as the Transport Agency rely on these in part to assess the future location of significant developments, given the overall capital investment and planning window (30 years) required to maintain and upgrade the State Highway network. Hence the assessment of effects for proposals in unexpected locations that may affect the State Highway network is particularly important.

8. Safe System Approach: Safety Concerns

- 8.1 Mr Whitney raises a question in his report within section 8.3.6 intersections, which is: what is meant by a Safe System upgrade?
- 8.2 In Mr Gatenby opinion PC14 would result in a significant level of additional development related trips on the road network. He has noted that the requestors traffic assessment and evidence has not satisfactorily demonstrated that the Ripponvale Road (west)/Pearson Road intersection with SH6 can accommodate the additional traffic related to the Plan Change. In addition, a Safe System assessment is required to help identify

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whether layout improvements are required at the intersections with SH6 to result in an appropriate level of operational safety for all modes, and if so, the scale of such interventions. I concur with this assessment.

- 8.3 I would like to add background to this discussion as why the Agency is seeking a Safe System approach as part of the assessment of the effects of the proposal on SH6. The Safe System approach is based on the Austroads Safe System Assessment Framework (Research Report AP-R509-16) and Towards Safe System Infrastructure (Research Report AP – R560-18).
- 8.4 I understand a Safe System aims for a more forgiving road system that takes human fallibility and vulnerability into account. Under a Safe System design the whole transport system is designed to protect people from death and serious injury. The Transport Agency supports a Safe System approach as it is directed to do so under the Government Policy Statement on Land Transport (GPS).
- 8.5 In 2018 the GPS, Strategic Priority: Safety (Section 2.2.) has the following key safety objective:
- “A land transport system that is a safe system, free of death and injury”*
- 8.6 A Safe System approach means the GPS safety priority is striving for a land transport system designed for people considering their safety as the top priority. This means a shift for traffic assessment and design from prioritising equally several matters including safety, capacity and efficiencies on the roading network to prioritising safety.
- 8.7 The Transport Agency must carry out its functions in accordance with GPS among other government policy under the functions outlined in the Land Transport Management Act. The Transport Agency has therefore submitted that the requestor considers Safe System upgrades/approach in assessing whether intersection improvements are required. Mr Gatenby has also highlighted the necessity of a Safe System approach. To date the requestor has not provided this assessment.
- 8.8 Therefore, as the effects of the proposal on the highway have not been assessed appropriately the Transport Agency does not support either the requestor or Council traffic assessments in their entirety.

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Pedestrian/cyclist - SH6 Crossing_SH6/Ripponvale Road (west)/Pearson Road

8.9 Mr Gatenby discusses active modes in his evidence and I agree with his statement:

Although set within a rural environment, the Plan Change area is close enough to Cromwell for walking and, in particular, cycle trips to be an attractive alternative mode to the private car. Currently, there is no dedicated facility for either walk or cycle trips on Ripponvale Road (east), which would be the obvious route for these trips to and from Cromwell

8.10 Mr Gatenby also agrees that a dedicated footpath along the east-west limb of Ripponvale Road is required as suggested by the Section 42A report. He also goes on to say consideration of the provision of a safe and efficient pedestrian and cycle crossing to Cromwell is required and is an important component of a Safe System assessment of the effects from PC14 on the highway. I concur with this opinion.

8.11 At this point I would like to clarify the Transport Agency further submission raised in Mr Carr's evidence where he considers the Transport Agency does not support a pedestrian under pass. This is not the case at all. To clarify, the intent of the further submission was that the transportation assessment of PC14 should be considered in an integrated manner. A pedestrian underpass may be an appropriate mitigation for pedestrian and cyclists crossing the highway. However, this has not yet been assessed as being the appropriate mitigation. Also, this is only one matter in an overall transportation assessment and should not be considered in isolation or as the only mitigation for the transportation effects arising from this proposal

8.12 In the Section 42A report Mr Whitney, based on the Council transportation expert, Mr Facey recommends, if PC14 is approved, a rule should be added to the District Plan for a footpath between the Ripponvale Road intersection with SH6 and the Ripponvale Hospital /Lifestyle Village where a formal crossing point of SH6 would be constructed. This crossing point would then connect with the sealed footpath from Waenga Drive into Cromwell. Mr Carr rightly observes the pathway adjacent to SH6 and suggested crossing point will be on highway land and this is correct and is not under the influence of the requestor. Mr Gatenby notes the assessment of pedestrian and cyclists

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crossing the highway should be an important component of the requestors Safe System assessment.

8.13 The Transport Agency generally supports and encourages multi-modal transport solutions and recreational activities. However, in Mr Gatenby's opinion in the absence of a Safe System assessment of the potential effects on the highway it is difficult to assess what the safety effects and infrastructure requirements for a non-car crossing of the highway would be.

8.14 Therefore, Mr Whitney's suggestion, in my opinion, does not necessarily resolve the safety issue of pedestrian and cyclist wanting to cross the highway. Mr Gatenby also states:

As a Regional road under the ONRC, it is not expected that an at-grade crossing would be suitable in safety terms, without a significant reduction in the current operating speed of 100kph. This therefore suggests that either the crossing is provided at a Safe System-compliant intersection (where the speed of vehicles is lowered to below 30kph to minimise the risk of serious injury or death to any pedestrian or cycle crossing movements) or via a grade-separated solution.

8.15 Also, based on Mr Gatenby's opinion that a Safe System assessment is required I do not agree with Mr Whitney comparison of PC14 with the nearby Wooing Tree Plan Change that as PC14 is at a lesser scale a pedestrian underpass under SH6 is not required. If assessed as an appropriate mitigation as a result of the PC14 Safe System assessment the Transport Agency would consider this mitigation option.

9. Section 32 Analysis

9.1 The assessment of effects carried out to date in my opinion has been primarily for a standalone project in a rural environment. The assessment therefore does not adequately address the severance, connectivity and safety issues resulting from SH6 bisecting the site and Cromwell, and the potential effects of the proposal on the highway network. Also, by not carrying out a Safe System assessment any safety issues resulting from the proposal on the highway have not been adequately addressed.

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9.2 As a result, I consider the Section 32 analysis and assessment of the objectives of the District Plan are deficient. In particular, the following objectives can be assessed as follows:

9.3 Section 12: District Wide Matters objective 12.3.1 which states:

to promote the safe and efficient operation of the District's roading network

9.4 Mr Gatenby is clear that the applicant's assessment particularly for SH6/Ripponvale Road (west)/Pearson Road intersection and subsequent evidence provided has not satisfactorily demonstrated that the intersection can accommodate the additional traffic related to PC14. In addition, a Safe System assessment is required to help identify whether layout improvements are required at the other intersections with SH6 to result in an appropriate level of operational safety for all modes.

9.5 Hence, I do not consider PC14 can be considered as being consistent with objective 12.3.1.

9.6 Section 16: Subdivision; 16.3 Transportation objective 16.3.1 which states:

Adverse Effects on the Roding Network: To ensure that subdivision avoids, remedies or mitigates adverse effects on the safe and efficient operation of the District's roading network.

9.7 For the reasons discussed above under objective 12.3.1. I also consider that PC14 is not consistent with objective 16.3.

9.8 Section 4: Rural objective 4.3.9 Mixed use and Development which states:

To recognise and provide for an appropriately located development which integrates farming, horticulture, recreational, visitor, residential and lifestyle development and supporting infrastructure in a sustainable manner, but

avoids, remedies or mitigates potential adverse effects on:

- *landscape and amenity values of the rural environment;*
- *natural and physical resources including soils, water and*
- *groundwater resources, and existing viticultural areas;*
- *existing lifestyle amenities;*
- *core infrastructural resources;*
- *the functioning of urban areas.*

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9.9 The current assessment lacks recognition of potential severance, connectivity and safety effects relating to the highway bisecting the site from Cromwell that PC14 may create. There is also a lack of clarity around what if any mitigation measures are required. When I consider these matters together it casts doubt on whether PC14 is in the appropriate location and/or if the proposal can avoid, remedy or mitigate potential adverse effects on core infrastructural resources (the highway) and the functioning of Cromwell (if considered an urban area).

9.10 For these reasons, I consider that PC14 is also not consistent with objective 4.3.9.

9.11 As a result, when considering Part 2 of the Act and particularly Section 7 Other Matters 7 (b) which states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(b) the efficient use and development of natural and physical resources:

9.12 I consider given the uncertainty introduced by the lack of appropriate assessment and lack of clarity around mitigation the proposal could result in the inefficient use and development of the State highway. Hence in my opinion the proposal does not meet Section 7 (b) of the Act.

10. Conclusion

10.1 The Transport Agency's does not support proposed PC14 and has concerns around potential for residential development (160 lots) on the opposite side of SH6 from Cromwell creating severance, connectivity and safety issues as a result of the highway bisecting the site and Cromwell.

10.2 The Transport Agency considers a Safe System assessment is required under the GPS to adequately address the potential effects on the highway. Mr Gatenby in his evidence also notes a Safe System approach is required and there are gaps in the assessment and transportation evidence provided by the requestor to date. Mr Gatenby's concerns relate to:

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- *the requestors traffic assessment and evidence has not satisfactorily demonstrated that the Ripponvale Road (west)/Pearson Road intersection with SH6 can accommodate the additional traffic related to PC14;*
- *a Safe System assessment is required to help identify whether layout improvements are required at the intersections with SH6 to result in an appropriate level of operational safety for all modes, and if so, the scale of such interventions.*
- *the Plan Change should allow an assessment of how to link this facility into the wider Cromwell walk and cycle network, and specifically address the need for a dedicated safe and convenient crossing point across the State Highway*

10.3 By not carrying out the appropriate Safe System assessment there remains uncertainty around the potential effects on the highway from PC14 and in particular around the safety of the intersections with SH6 and the safety of pedestrians and cyclists crossing the highway. As a result, there is a lack of clarity around what if any mitigation measures may be required.

10.4 This lack of assessment has meant the proposal cannot be assessed as consistent with key objectives in the District Plan and also means the proposal could result in the inefficient use and development of the State highway. Thereby not meeting Section 7 (b) of the Act.

10.5 For the reasons that I have stated, I consider that the Committee should have appropriate regard to the matters raised in the Transport Agency's submission and in this Brief of Evidence.

Julie McMinn
20 May 2020

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