

BEFORE THE INDEPENDENT HEARINGS COMMISSIONER

GNLC Ltd Private Plan Change 135: To change Noise and Vibration and Marsden Primary Centre Rules

under: The Resource Management Act 1991

in the matter of: A submission by the New Zealand Transport Agency
(submitter number PC135-06)

**STATEMENT OF EVIDENCE OF SARAH HO ON BEHALF OF
THE NEW ZEALAND TRANSPORT AGENCY**

**Dated: 24 May 2017
Hearing Date: 31 May 2017**

1 SUMMARY OF EVIDENCE

- 1.1 The NZ Transport Agency has concerns regarding the appropriateness of residential and other noise sensitive activities establishing immediately adjacent to SH15 (SH1 to Ralph Trimmer Drive).
- 1.2 The NZ Transport Agency made a submission in to the GNLC Private Plan Change 135 (PPC135) to the Whangarei District Plan. Specifically the proposed changes to the Rule NAV 6.5 regarding the removal of noise attenuation requirements from the Marsden Primary Centre Noise Zone 2 as it failed to consider potential reverse sensitivity noise effects on the adjacent SH15A.
- 1.3 Should the Council be inclined to accept the PPC135 as modified, the NZ Transport Agency considers itself to be an affected party to any resource consent application if any noise sensitive activities such as residential are proposed within 100m of the State highway.

2 QUALIFICATIONS AND EXPERIENCE

- 2.1 My full name is Sarah Lai Kwun Ho.
- 2.2 I hold a Bachelor of Planning degree (Hons) and Masters of Planning Degree (Hons), both from the University of Auckland. My work experience includes 16 years in planning positions mostly in local government in Auckland and in London.
- 2.3 I have been employed by the NZ Transport Agency since June 2014. I hold the position of Senior Planning Advisor in the Planning and Investment Team at the Auckland Regional Office of the Agency.
- 2.4 My key responsibilities include influencing Agency decisions to help deliver on an effective, efficient and safe land transport system that is well integrated with land use planning. This involves working with local councils on District Plan reviews and plan changes, assessing land use development applications and providing affected party and s176 approvals, and contributing to business cases for capital works.
- 2.5 I have also been involved in the delivery of the Agency's capital works programme through the statutory consenting process. This involves stakeholder engagement and reviewing notices of requirements and resource consents prepared on behalf of the Agency.
- 2.6 I am authorised to present this evidence on behalf of the Agency.

3 CODE OF CONDUCT

3.1 I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note. As I am employed by the NZ Transport Agency I acknowledge that I am not independent; however I have sought to comply with the Code of Conduct. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4 SCOPE OF EVIDENCE

4.1 This evidence is given in support of the NZ Transport Agency's submission to GNLC Ltd Private Plan Change 135: To change Noise and Vibration and Marsden Primary Centre Rules (PPC135).

4.2 I have reviewed the Council's s42A Hearings Report written by Alister Hartstone for this Plan Change and provide further commentary.

5 NZ TRANSPORT AGENCY'S OBJECTIVE AND FUNCTION

5.1 The NZ Transport Agency is the Crown entity responsible for the management, construction and maintenance of New Zealand's State highway network. The NZ Transport Agency's statutory objective under the Land Transport Management Act 2003 (LTMA) is:¹

To undertake its function in a way that contributes to an effective, efficient, and safe land transport system in the public interest...

5.2 The functions of the Agency include:²

(a) *to contribute to an effective, efficient, and safe land transport system in the public interest...*

(c) *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...*

5.3 The Government Policy Statement on Land Transport (the GPS) outlines the Government's strategy to guide land transport investment over the next 10 years. As

¹ LTMA, s94

² LTMA, s95(1)

outlined in the GPS 2015/16 – 2024/25 the overall strategic direction for land transport is:³

To drive improved performance from the land transport system by focussing on:

- *economic growth and productivity;*
- *road safety; and*
- *value for money.”*

5.4 The 2015 GPS also sets out 6 national land transport objectives⁴:

- *addresses current and future demand for access to economic and social opportunities;*
- *provides appropriate transport choices;*
- *is resilient;*
- *is a safe system, increasingly free of death and serious injury;*
- *mitigates the effects of land transport on the environment; and*
- *delivers the right infrastructure and services to the right level at the best cost.*

5.5 The Agency therefore has a statutory responsibility to ensure that the State highway is managed effectively, efficiently, and is safe for its users. There is also government direction to ensure the land transport system provides for economic growth and social opportunities and is a network that is resilient to meet future needs and avoid disruptions.

5.6 In the Whangarei District, State Highway 15 (SH1 to Ralph Trimmer Drive) is the key strategic route for servicing Whangarei Port (Northport Ltd and Marsden Maritime Holdings Ltd) and the Marsden Oil Refinery (NZ Refining Company) which links with State Highway 1. The Annual Average Daily Traffic (AADT) along this part of the network is 3705, with 22% heavy vehicles (Traffic Monitoring System: 2015).

5.7 The NZ Transport Agency recognises the significant role this part of SH15 plays in linking this key industry with Northland and Auckland enabling economic growth in the region. The NZ Transport Agency therefore seeks to maintain the network for future economic growth, and protect the network from reverse sensitivity issues.

6.0 NZ TRANSPORT AGENCY SUBMISSION

6.1 PPC 135 was notified on 20 December 2016 and the NZ Transport Agency made a submission to this on 8 February 2017.

³ GPS 2015/16 – 2024/15, para 84

⁴ GPS 2015/16 – 2024/25, para 95

- 6.2 The NZ Transport Agency's primary submission opposed the proposed change to rule NAV 6.5 regarding the removal of noise attenuation requirements from the Marsden Primary Centre Noise Zone 2 as it failed to consider potential reverse sensitivity noise effects on the adjacent SH15A.
- 6.3 The NZ Transport Agency considered that the proposed plan change gave rise to potential reverse sensitivity effects on the State highway, from the establishment of noise sensitive activities that do not contain appropriate noise attenuation measures.
- 6.4 The NZ Transport Agency sought that the proposed changes to NAV 6.5 regarding the removal of the noise attenuation requirements from the Marsden Primary Centre Noise Zone 2, be declined and for the operative provisions to remain.
- 6.5 This was further supported by Refining NZ and Kiwirail Ltd.

7 PROPOSED CHANGES BY GNLC

- 7.1 GNLC has proposed the introduction a new Noise Zone 2A, which will retain the existing noise provisions within a 100m buffer area from the State highway and rail corridor, as per Attachment 2 of the Whangarei District Council Section 42A Report.
- 7.2 In the s42A report the reporting planner Alister Hartstone in his response to submissions considers that the modified version of the Plan Change will address the NZ Transport Agency's relief sought, subject to the matter of scope.
- 7.3 I agree that this change will address the NZ Transport Agency's concerns as raised in its submission.

8 CONCLUSION

- 8.1 The NZ Transport Agency has a statutory requirement to ensure the effective, safe and efficient operation of the State highway network. In delivering this objective, it is considered that the protecting the State highway to support key industries in the area (Northport and Marsden Oil Refinery) is vital to economic growth in the Northland region and ensuring that an adequate level of noise amenity can be achieved for residential uses.
- 8.2 The NZ Transport Agency supports the remodified provisions by GNLC.

Sarah Ho

24 May 2017