

IN THE MATTER of the Resource Management Act 1991(RMA)

AND

**IN THE MATTER Resource Consent Applications by Northport Ltd –
Port Expansion Project at Marsden Point.**

Application Numbers:

Whangarei District Council: LU2200107

Northland Regional Council: APP.040976.01.01

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

TRANSPORT and PLANNING

5 September 2023

Expert Conferencing Held on: 5 September 2023

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Emma Cairncross

1 Attendance:

1.1 The list of participants is included in the schedule at the end of this Statement.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 Utilisation of Marsden Rail Link

Nerissa Harrison advised that the traffic impact assessment did include some use of rail in the future, however the draft conditions including the traffic volume trigger levels are based solely on road traffic volumes and the proposal does not rely on the use of rail.

Angie Crafer noted that intersection modelling that is referred to in the documentation does not include 100% of traffic should the rail link not be available. Therefore the comparison of scenarios with and without port expansion traffic does not necessarily identify where port traffic would cause an intersection to exceed its theoretical capacity.

Nerissa Harrison notes that in paragraph 21 of her evidence that if the rail link is not installed the traffic volume trigger levels would occur earlier than forecast by the TIA. Angie Crafer agrees with this statement.

The version of proposed conditions being used in expert conferencing is that attached to Brett Hood’s evidence dated 28 August 2023. That version of the conditions does not include any proposed condition referring to the rail service. **All experts agree** that the proposed conditions should not include reference to the rail service for a particular rail link being available.

3.2 Crash monitoring, traffic monitoring and intersection upgrade triggers (Conditions 61-67 version dated 28 August 2023)

All experts agree that the conditions be amended so that crash monitoring occurs along the length of SH15 from SH1 to Ralph Trimmer Drive, including at all intersections. This is to be recorded in a crash monitoring assessment to be carried out biannually for twenty years.

All experts agree that the conditions be amended so that the operational performance of critical intersections includes SH15/SH1, and a means of investigating when assessments are required has been agreed will be based on when traffic volumes on SH15 exceed specific hourly volumes.

The agreed amendments to the conditions affect Conditions 61-67A (as drafted below, noting that this is different to the Applicant version dated 28 August 2023) and the amended wording is shown below (some consequential renumbering may be required).

Notes:

- Stacey Sharp advised that the definition of “Expansion/Container Terminal Project Port Activities” and “Expansion Project Port Activities” is a topic to be discussed in the planning expert conference. Stacey Sharp and Brett Hood agree that if there are any changes to this definition it does not have significant follow-on effects for Conditions 61-67A as below.
- All experts agree that some further editing of the transport related conditions being discussed in this expert conference will be required to provide consistency with a standard language and architecture throughout the whole suite of conditions.

Conditions 61-64 (amalgamated into one condition)

Crash Monitoring Assessment

Not later than 12 months following commencement of Expansion/Container Terminal Project Port Activities, the consent holder must engage an independent Suitably Qualified and Experienced safety engineer to undertake a “Crash Monitoring Assessment Report”, utilising Waka Kotahi’s Crash Analysis System (CAS). Thereafter, the consent holder must undertake a Crash Monitoring

Assessment biannually for ~~three~~ twenty years. A copy of the Crash Monitoring Assessment is to be submitted to Council's Compliance Manager and Waka Kotahi NZ Transport Agency within 1 month of its completion.

The purpose of the Crash Monitoring Assessment is to determine a trend in accidents to identify any change in safety concerns (based on 7-days (Monday-Sunday), measured over a 12-month period) along SH15 from SH1 to Ralph Trimmer Drive, including at all intersections.

The Crash Monitoring Assessment shall include details of:

(a) The number of crashes, identifying those involving speed, such as loss of control and turning crashes, including where sight lines are only just met, with a focus on fatal and serious crashes;

(b) Any mitigation recommended to address safety concerns.

Condition 65

Within three (3) months of satisfying condition 64 above, the consent holder must provide written evidence to Council's Compliance Manager to demonstrate how any recommendations of the Crash Monitoring Assessment have been or are in the process of being implemented.

Condition 66

Traffic Monitoring Report

No later than 18 months following commencement of Expansion Project Port Activities, the consent holder must undertake a traffic monitoring report, utilising the telemetry traffic data collected continuously on SH15 by Waka Kotahi, if available. Thereafter, the consent holder must undertake a traffic monitoring report either:

(i) Annually for the duration of these consents, or until upgrading of all the below intersections has occurred, if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or

(ii) Once every three years for the duration of these consents, or until upgrading of all the below intersections has occurred, if the consent holder is required to collect traffic data.

A copy of the Traffic Monitoring Report is to be submitted to Council's Compliance Manager and Waka Kotahi NZ Transport Agency within 1 month of its completion.

The purpose of the traffic monitoring report is to identify increased traffic volumes so that safety and operational performance of the following critical intersections can be investigated if trigger volumes per Condition 67 are exceeded:

- *SH15/Marsden Bay Drive/Rama Road;*
- *SH15/Marsden Point Road;*
- *SH15/One Tree Point Road/McCathie Road; and*
- *SH15/SH1.*

Condition 67

Exceedance of traffic volumes as reported under Condition 66 above

If traffic volumes on SH15 at the telemetry site exceeds either one of the following:

- (i) 970 vph two-way; or
- (ii) 670 vph one-way.

the consent holder must immediately take steps to reduce port traffic so that traffic volumes at the SH15 telemetry sites are lower than the traffic volumes listed in (i) and (ii) above.

Within six months of the initial exceedance of the traffic volume triggers, the consent holder shall provide a report to Council and Waka Kotahi NZ Transport Agency that identifies either that:

1. Traffic volumes are compliant with the limits specified within (i) and (ii) above; or
2. Traffic volumes remain in excess of the limits specified within (i) and (ii) above

Condition 67A

Intersection Assessment Report

If after 6 months of attempting to reduce port traffic, one or both of the traffic volumes identified in condition 67 above are still exceeded, then the consent holder must engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report. A copy of the Intersection Assessment Report is to be submitted to Council's Compliance Manager and Waka Kotahi NZ Transport Agency within 1 month of its completion.

The purpose of the intersection assessment report is to identify mitigation measures to address safety and operational concerns at the critical intersections identified in Condition 66.

This report must include:

- (i) *Traffic data collected at the critical intersections identified in Condition 66, including traffic movements during peak and interpeak periods*
- (ii) *Intersection modelling methodologies and expected operation of these intersections, including LOS, queueing, and delays for 3 traffic volume scenarios:*
 - (a) *using the observed data*
 - (b) *2 future scenarios (eg 2033 and 2040), that include expected Northport traffic growth and other traffic growth*
- (iii) *Safe system assessments (excluding SH1/SH15)*
- (iv) *Recommended mitigation to address safety and operational concerns, including achieving an overall intersection LOS-D or better and a degree of saturation for turning movements no higher than 95% (excluding SH1/SH15).*

Excluding SH1/SH15 from sub-paragraphs (iii) and (iv) above confirms that mitigation/upgrading of this intersection is not intended to be a requirement on the activities included in this consent application. Refer also to Conditions 68-72 below on funding.

Condition 67B (is this required given Condition 68?)

Within three (3) months of satisfying condition 67A above, the consent holder must provide written evidence to Council's Compliance Manager to demonstrate how any recommendations of the Intersection Assessment Report have been or are in the process of being implemented.

3.3 Local road intersections on SH15 – mitigation/upgrades and consent holder contribution

Brett Hood and Nerissa Harrison advised that the Applicant’s proposed Conditions 67(b) – 72 (dated 28 August 2023) address this topic.

Sarah Ho, Hannah Thompson and Angie Crafer advised for Waka Kotahi that they have drafted alternate conditions to those proposed by the Applicant.

As traffic experts Angie Crafer and Nerissa Harrison noted that they are familiar with contributions being provided to mitigate transport effects; however, the determination of the level of contribution is a matter (in part) outside of their area of expertise. However, they note that in the Applicant’s proposed conditions (dated 28 August 2023):

- The level of 'Contribution' is unclear in draft condition 66.
- The operation of SH15 is affected by both Northport traffic growth and other forecast growth in the area.

All experts agree that this topic be deferred to the future expert conferencing session on transport and planning conditions. In the meantime, the experts suggest that the Parties involved in this expert conference consider the two versions of the draft conditions (the Applicant’s and Waka Kotahi). The outcome of this consideration will assist in preparing the draft agendas for the future expert conferences.

3.4 Future expert conferencing

The agenda proposed for this expert conference (5 September 2023) has not been completed and the experts have agreed to schedule a further expert conference on transport & planning on 20 September 2023.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise; and
- (d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed online: 5 September 2023

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1
Stacey Sharp – Reporting Officer (Planner)	Whāngarei District Council	Yes
Blair Masfield – Reporting Officer (Planner)	Northland Regional Council	Yes – attended for agenda item 3.1 only.

Robert Inman – Transport Specialist	Whāngarei District Council	Yes
Nick Marshall – Transport Specialist	Whāngarei District Council (Northern Transport Alliance)	Yes
Brett Hood – Planner	Northport	Yes
Nerissa Harrison – Transport Specialist	Northport	Yes
Sarah Ho – Planner	Waka Kotahi NZ Transport Agency	Yes
Hannah Thompson – Planner	Waka Kotahi NZ Transport Agency	Yes
Angie Crafer – Transport Specialist	Waka Kotahi NZ Transport Agency	Yes
Christine Niblock – Planner and Landscape Architect	Whāngarei District Council Parks	Yes
Sarah Irwin – Parks Specialist	Whāngarei District Council Parks	Yes