

**Before the Independent Hearing Commissioners
At Whangarei**

Under the Resource Management Act 1991 (the Act)

In the matter of 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

And in the matter of 21 Ralph Trimmer Drive Marsden Point (Northport)

**Supplementary Statement of Evidence of Stephen John Mutton on
behalf of Waka Kotahi New Zealand Transport Agency**

Dated 20 November 2023

大成 DENTONS KENSINGTON SWAN

18 Viaduct Harbour Avenue P +64 9 379 4196
Private Bag 92101 F +64 9 309 4276
Auckland 1142 DX CP22001

Solicitor: Christina Sheard
Email: christina.sheard@dentons.com

1 Introduction

- 1.1 Waka Kotahi, the NZ Transport Agency ('**Waka Kotahi**') lodged submissions on Northport's applications for the port expansion project at Marsden Point. The Waka Kotahi submission supported the applications, but sought some changes to the proposed conditions to address traffic effects.
- 1.2 My full name is Stephen John Mutton. I am the Director Regional Relationships Te Tai Tokerau me Tāmaki Makaurau for the Auckland and Northland region. I prepared a primary statement of evidence for Waka Kotahi dated 22 September 2023. I have qualifications and experience as set out in my primary statement of evidence.

2 Further discussions and expert conferencing

- 2.1 The purpose of this statement is to provide an update following expert conferencing and further discussions with Northport regarding the transportation conditions. The planning experts conferenced on 9 November 2023 and produced a joint witness statement (JWS) also dated 9 November 2023. A number of matters remained outstanding in relation to the transportation conditions following that conferencing (see Attachment 1 of the JWS).
- 2.2 Representatives from Northport and Waka Kotahi (including myself) met on 14 November 2023 with a view to determining if there was a practical way to resolve the outstanding matters between the parties regarding the wording of the conditions.

3 Agreement reached regarding conditions

- 3.1 Waka Kotahi and Northport have reached agreement regarding the following amendments to the conditions (using the condition numbering from the JWS):
- a Conditions 64A to 64C requested by Waka Kotahi – crash monitoring assessment – Waka Kotahi agrees to the deletion of these conditions. While the Waka Kotahi experts considered that crash monitoring is needed, Waka Kotahi acknowledges the difficulties in determining the cause of crashes and the contribution of non-port traffic. Waka Kotahi and Northport have agreed to work collaboratively together to address any safety issues that arise.
 - b Conditions 70A and 70B – intersection mitigation requested by Waka Kotahi – the parties have agreed to insert the wording requested by Waka Kotahi subject to the following amendment:

Until the recommended mitigation detailed within the Intersection Assessment Report (required by condition 69) is implemented at the intersection(s) or as otherwise agreed by Council, Waka Kotahi NZ Transport Agency and the road controlling authority, all port traffic at peak times must be kept below the volumes outlined in Condition [67] Table 2: Northport Peak Traffic Volumes.

This amendment will provide the parties with some flexibility to implement an effective alternative solution should such an alternative be identified at the time that, or after, the Assessment Report is completed.

- c Conditions 71 and 72 – funding requested by Northport – Northport has agreed that the funding and contributions are more appropriately addressed outside the conditions and that the funding conditions can be deleted.
 - d Clarification was also made to the conditions 65-71, as to how this would be carried out in practice to enable all parties to better follow and implement the steps needed to manage the effects on the State highway.
- 3.2 Waka Kotahi confirms that the conditions attached to Northport's closing reflect the agreed changes..

Steve Mutton

20 November 2023

Northport and Waka Kotahi Changes from Council's JWS.

Condition No.	
63	<p><u>Crash monitoring assessment</u></p> <p>No later than 12 months following Practical Completion, the consent holder must engage an independent Suitably Qualified and Experienced Person to undertake a “Crash Monitoring Assessment”, utilising Waka Kotahi’s Crash Analysis System (CAS).</p> <p>Thereafter the consent holder must undertake a Crash Monitoring Assessment biennially (every two years) for twenty years. The purpose of the Crash Monitoring Assessment is to determine a trend in crashes to identify any safety concerns (based on 7-days (Monday-Sunday), measured over 5- year periods) along SH15 from SH1 to Ralph Trimmer Drive, including at all intersections.</p> <p>The “Crash Monitoring Assessment” shall include details of:</p> <p>(a) The number and type 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;</p> <p>(b) Vehicle type, weather, date/time of the crash (where such information is available); and</p> <p>(c) Any mitigation recommended to address safety concerns.</p>
64	<p>The consent holder must provide a copy of the Crash Monitoring Assessment to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of its completion.</p>
65	<p><u>SH15 Traffic monitoring report</u></p> <p>No later than 18 months following commencement of Practical Completion, the consent holder must prepare a SH15 Traffic Monitoring Report, utilising the telemetry traffic data collected continuously on SH15 by Waka Kotahi, if available.</p> <p><i>Advice Note: The telemetry station site is located on SH15, just north-east of Bens View Road.</i></p> <p>Thereafter, the consent holder must undertake a SH15 Traffic Monitoring Report either:</p> <p>(a) Annually until replaced by the Northport Traffic Monitoring Report if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or</p> <p>(b) Once every three years until replaced by the Northport Traffic Monitoring Report, if the consent holder is required to collect traffic data (which is to be collected at the same location as the Waka Kotahi Telemetry site).</p> <p>The purpose of the SH15 Traffic Monitoring Report is to identify if traffic volumes on SH15 at the telemetry site exceed either one of the following:</p>

	<p>(i) 970 vph two-way; or</p> <p>(ii) 670 vph one way;</p> <p>for three or more days in any calendar month.</p> <p>The consent holder must submit a copy of each SH15 Traffic Monitoring Report to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within one month of its completion.</p>																																
66	<p><u>Northport Traffic Monitoring Report</u></p> <p>If the SH15 Traffic Monitoring Report required by Condition 65 shows that either of the traffic volumes on SH15 at the telemetry site are exceeded, the consent holder must continuously measure the volume of all port traffic at or near all the Northport entry and exit points during peak times as specified in Condition [67] Table Two: <i>Northport Peak Traffic Volumes</i>, and report on these volumes in the Northport Traffic Monitoring Report.</p> <p>The Northport Traffic Monitoring Report is to be prepared six monthly or until all the intersections listed in Condition [67] Table Two: <i>Northport Peak Traffic Volumes</i> have received the recommended mitigation, as detailed within the Intersection Assessment Reports required by Condition [69].</p> <p>The consent holder must submit a copy of each Northport Traffic Monitoring Report to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within one month of its completion.</p>																																
67	<p><u>Northport Traffic at Peak Times</u></p> <p>Table Two: <u>Northport Peak Traffic Volumes</u></p> <table border="1" data-bbox="322 1290 1168 1744"> <thead> <tr> <th>Intersection</th> <th>Northport Inbound Peak Trigger Volumes</th> <th>AM Hour Trigger Volumes</th> <th>Northport Outbound Peak Trigger Volumes</th> <th>AM Hour Trigger Volumes</th> <th>Northport Inbound Peak Trigger Volumes</th> <th>PM Hour Trigger Volumes</th> <th>Northport Outbound Peak Trigger Volumes</th> </tr> </thead> <tbody> <tr> <td>SH15/Marsden Bay Drive / Rama Road</td> <td>700</td> <td></td> <td>200</td> <td></td> <td>300</td> <td></td> <td>600</td> </tr> <tr> <td>SH15/Marsden Point Road</td> <td>700</td> <td></td> <td>200</td> <td></td> <td>200</td> <td></td> <td>700</td> </tr> <tr> <td>SH15/One Tree Point Road / McCathie</td> <td>300</td> <td></td> <td>200</td> <td></td> <td>200</td> <td></td> <td>300</td> </tr> </tbody> </table> <p>Advice Note: For the purpose of these consents, the AM Peak hours are between the hours of 0630-0830 and the PM peak hours are between the hours of 1600-1800, weekdays excluding public holidays.</p> <p>If the Northport Traffic Monitoring Report identifies that port traffic exceeds the volumes set out in Table two: Northport Peak Traffic Volumes, the consent holder must, within ten working days, advise the Council and Waka Kotahi NZ Transport</p>	Intersection	Northport Inbound Peak Trigger Volumes	AM Hour Trigger Volumes	Northport Outbound Peak Trigger Volumes	AM Hour Trigger Volumes	Northport Inbound Peak Trigger Volumes	PM Hour Trigger Volumes	Northport Outbound Peak Trigger Volumes	SH15/Marsden Bay Drive / Rama Road	700		200		300		600	SH15/Marsden Point Road	700		200		200		700	SH15/One Tree Point Road / McCathie	300		200		200		300
Intersection	Northport Inbound Peak Trigger Volumes	AM Hour Trigger Volumes	Northport Outbound Peak Trigger Volumes	AM Hour Trigger Volumes	Northport Inbound Peak Trigger Volumes	PM Hour Trigger Volumes	Northport Outbound Peak Trigger Volumes																										
SH15/Marsden Bay Drive / Rama Road	700		200		300		600																										
SH15/Marsden Point Road	700		200		200		700																										
SH15/One Tree Point Road / McCathie	300		200		200		300																										

	<p>Agency and the road controlling authority of the exceedance and which of the following options it is proceeding with:</p> <p>(a) Reduce and maintain all port traffic below the Peak Trigger Volumes in Table 2; or</p> <p>(b) Engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report as per Condition [69].</p>
68	<p>If the Consent Holder has elected to reduce and maintain all port traffic below the levels set out in Condition [67] Table 2: <i>Northport Peak Traffic Volumes</i>, then within two months of the initial exceedance, the consent holder shall provide written notice to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority that identifies either that:</p> <ul style="list-style-type: none"> i. Traffic volumes are compliant with the limits specified in Table 2 above; or ii. Traffic volumes remain in excess of the limits specified within Table 2 above measured during a continuous five-day weekday count. <p>If, within six months, the Consent Holder cannot reduce and maintain traffic volumes to the limits specified in Table 2 then it must action condition [69].</p>
69	<p><u>Intersection assessment report</u></p> <p>If required by condition [67 or 68], the consent holder shall engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report.</p> <p>The purpose of the Intersection Assessment Report is to investigate safety and operational concerns and identify mitigation measures to address those safety and operational concerns at the intersection(s) for which the trigger volumes in Condition [67] Table 2: <i>Northport Peak Traffic Volumes</i> have been exceeded.</p> <p>The report must include:</p> <ul style="list-style-type: none"> (a) Traffic data collected at the relevant intersection(s) including traffic movements during peak and interpeak periods. (b) Intersection modelling methodologies and expected operation of these intersections, including Level of Service (LOS), queueing, and delays for 3 traffic volume scenarios: <ul style="list-style-type: none"> (i) Using the observed data; and (ii) Two future scenarios (reflecting appropriate design years reflecting port expansion timing), that include expected Northport traffic growth and other traffic growth. (c) Safe System assessments for the relevant intersection(s) listed in Table 2. (d) Recommended mitigation to address safety and operational concerns to achieve:

	<p>(i) LOS-D or better on each approach to the intersection (for scenarios that include existing traffic conditions and future scenarios that include all existing and anticipated port traffic generated by activities authorised by these consents); and</p> <p>(ii) A degree of saturation for turning movements no higher than 95%</p>
70	<p>A copy of the Intersection Assessment Report is to be submitted to the Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within three months of:</p> <p>(i) Condition [67(b)] being notified to the Council, Waka Kotahi NZ Transport Agency and the road controlling authority as the selected option; or</p> <p>(ii) Condition [68] being activated.</p>
71	<p>Until the recommended mitigation detailed within the Intersection Assessment Report (required by condition 69) is implemented at the intersection(s), or as otherwise agreed by Council, Waka Kotahi NZ Transport Agency and the road controlling authority, all port traffic at peak times must be kept below the volumes outlined in Condition [67] Table 2: <i>Northport Peak Traffic Volumes</i>.</p>

Northport and Waka Kotahi Changes from Council's JWS. Track changed version.

Condition No.	
63	<p><u>Crash monitoring assessment</u></p> <p>No later than 12 months following Practical Completion, the consent holder must engage an independent Suitably Qualified and Experienced Person to undertake a “Crash Monitoring Assessment”, utilising Waka Kotahi’s Crash Analysis System (CAS).</p> <p>Thereafter the consent holder must undertake a Crash Monitoring Assessment biennially(every two years) for twenty years. The purpose of the Crash Monitoring Assessment is to determine a trend in crashes to identify any safety concerns (based on 7-days (Monday-Sunday), measured over 5- year periods) along SH15 from SH1 to Ralph Trimmer Drive, including at all intersections.</p> <p>The “Crash Monitoring Assessment” shall include details of:</p> <p>(a) The number and type 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;</p> <p>(b) Vehicle type, weather, date/time of the crash (where such information is available); and</p> <p>(c) Any mitigation recommended to address safety concerns.</p>
64	<p>The consent holder must provide a copy of the Crash Monitoring Assessment to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of its completion.</p>
64A CH/AC	<p>Within three (3) months of submitting the Crash Monitoring Assessment under condition [64], provide written evidence to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority to demonstrate how any recommendations of the Crash Monitoring Report have been, or are in the process of being implemented.</p>
64B CH/AC	<p>Until any mitigation recommended in the Crash Monitoring Assessment is implemented, combined traffic volumes at all Northport entry and exit points must be kept below the volumes listed in Table 2 of Condition [67].</p>
64C CH/AC	<p>A Northport Traffic Monitoring Report shall be provided to Council, Waka Kotahi NZTA and the road controlling authority every four months that identifies the AM and PM peak hour volumes at the entry and exit points to Northport and if compliance with [64B] is not achieved, methods the consent holder will engage to reduce traffic volumes to a compliant level.</p>
65	<p><u>SH15 Traffic monitoring report</u></p> <p>No later than 18 months following commencement of Practical Completion, the consent holder must prepare a SH15 Traffic Monitoring Report, utilising the telemetry traffic data collected continuously on SH15 by Waka Kotahi, if available.</p>

	<p><i>Advice Note: The telemetry station site is located on SH15, just north-east of Bens View Road.</i></p> <p>Thereafter, the consent holder must undertake a SH15 Traffic Monitoring Report either:</p> <p>(a) Annually until replaced by the Northport Traffic Monitoring Report for the duration of these consents, or until the intersections in Condition 67 (Table 2) are upgraded to accommodate all Expansion Project Port Activities, if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or</p> <p>(b) Once every three years for the duration of these or until the intersections in Condition 67 (Table 2) are upgraded to accommodate all Expansion Project Port Activities, if the consent holder is required to collect traffic data (which is to be collected at the same location as the Waka Kotahi Telemetry site).</p> <p>The purpose of the SH15 Traffic Monitoring Report is to identify if traffic volumes on SH15 at the telemetry site exceed either one of the following:</p> <p>(i) 970 vph two-way; or</p> <p>(ii) 670 vph one way;</p> <p>for three or more days in any calendar month.</p> <p>The consent holder must submit a copy of each SH15 Traffic Monitoring Report to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within one month of its completion.</p>
66	<p><u>Assessment of Port Northport Traffic Monitoring Report</u></p> <p>If the SH15 Traffic Monitoring Report required by Condition 65 shows that either of the traffic volumes on SH15 at the telemetry site are exceeded, the consent holder must engage a Suitably Qualified and Experienced person to</p> <p>(a) conduct a survey of all port traffic, continuously measure the volume of all port traffic at or near all the Northport entry and exit points <u>during peak times as specified in Condition [67] Table 2: Northport Peak Traffic Volumes, and report on these volumes in the Northport Traffic Monitoring Report. (Port Traffic Survey),</u> and</p> <p>(b) determine the contribution that all port traffic makes to the total traffic volumes at the intersection(s) identified in Table Two (condition 67).</p> <p><u>The consent holder must submit the results of each traffic survey to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within three months of the SH15 Traffic Monitoring Report being provided to the listed agencies, as required by condition 65.</u></p> <p><u>The Northport Traffic Monitoring Report is to be prepared six monthly or until all the intersections listed in Condition [67] Table 2: Northport Peak Traffic Volumes have received the recommended mitigation, as detailed in the Intersection Reports required by Condition [69].</u></p>

The consent holder must submit a copy of each Northport Traffic Monitoring Report to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within one month of its completion.

67

Northport Traffic at Peak Times

Table 2 Two: Northport Peak Traffic Volumes ~~Port Traffic Peak Trigger Volumes~~

Intersection	Northport Inbound AM Peak Hour Trigger Volumes		Northport Outbound AM Peak Hour Trigger Volumes		Northport Inbound PM Peak Hour Trigger Volumes		Northport Outbound PM Peak Hour Trigger Volumes	
	Peak Hour	Trigger Volumes	Peak Hour	Trigger Volumes	Peak Hour	Trigger Volumes	Peak Hour	Trigger Volumes
SH15/Marsden Bay Drive / Rama Road	700		200		300		600	
SH15/Marsden Point Road	700		200		200		700	
SH15/One Tree Point Road / McCathie	300		200		200		300	

Advice Note: For the purpose of these consents, the AM Peak hours are between the hours of 0630-0830 and the PM peak hours are between the hours of 1600-1800, weekdays excluding public holidays.

If the survey of all port traffic, including Expansion Project traffic, Northport Traffic Monitoring Report demonstrates that all identifies that port traffic exceeds the volumes set out volumes are in excess of one or more of the Peak Trigger Volumes in Table 2 two :Northport Peak Traffic Volumes (Port Traffic Peak Trigger Volumes), the consent holder must, within seven ten working days, advise the Council and Waka Kotahi NZ Transport Agency and the road controlling authority of the exceedance and which of the following options it is proceeding with:

- (a) Reduce and maintain all port traffic below the Peak Trigger Volumes in Table two; or
- (b) Engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report as per Condition [69].

68

If the Consent Holder has elected to reduce and maintain all port traffic below the levels set out in Condition [67] Table 2: Northport Peak Traffic Volumes then within two months of the initial exceedance of the traffic volume triggers in Table 2, the consent holder shall provide a report written notice to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority that identifies either that:

- i. Traffic volumes are compliant with the limits specified in Table 2 above; or
- ii. Traffic volumes remain in excess of the limits specified within Table 2 above measured during a continuous five-day weekday count.

	<p>If, within six months, the Consent Holder cannot reduce and maintain traffic volumes to the limits specified in Table 2 then it must action condition [69].</p>
69	<p><u>Intersection assessment report</u></p> <p>If required by condition [67 or 68], the consent holder shall engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report.</p> <p>The purpose of the Intersection Assessment Report is to investigate safety and operational concerns and identify mitigation measures to address those safety and operational concerns at the intersection(s) where for which the trigger volumes in Condition 67 (Table 2) have been exceeded.</p> <p>The report must include:</p> <p>(a) Traffic data collected at the relevant intersection(s) including traffic movements during peak and interpeak periods.</p> <p>(b) Intersection modelling methodologies and expected operation of these intersections, including Level of Service (LOS), queueing, and delays for 3 traffic volume scenarios:</p> <ul style="list-style-type: none"> (i) Using the observed data; and (ii) Two future scenarios (reflecting appropriate design years reflecting port expansion timing), that include expected Northport traffic growth and other traffic growth. <p>(c) Safe System assessments for the relevant intersection(s) listed in Table 2.</p> <p>(d) Recommended mitigation to address safety and operational concerns to achieve:</p> <ul style="list-style-type: none"> (i) LOS-D or better on each approach to the intersection (for scenarios that include existing traffic conditions and future scenarios that include all existing and anticipated port traffic generated by activities authorised by these consents); and (ii) A degree of saturation for turning movements no higher than 95%
70	<p>A copy of the Intersection Assessment Report is to be submitted to the Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one three months of:</p> <ul style="list-style-type: none"> (i) Condition 67(b) being notified to the Council, Waka Kotahi NZ Transport Agency and the road controlling authority as the selected option; or (ii) Condition 68(ii) being activated.
71	<p>Until the recommended mitigation detailed within the Intersection Report (required by condition 69) is implemented at the intersection(s), or as otherwise agreed by Council, Waka Kotahi NZ Transport Agency and the road controlling authority traffic volumes for all port traffic at peak times as measured at the Northport entry and exit points must be kept below the peak trigger volumes</p>

	<p><u>outlined in listed in Condition [67] Table 2 Northport Peak Traffic Volumes outlined</u> in of Condition [67]. If compliance with 62B is not achieved, the consent holder will engage methods to reduce traffic volumes to a compliant level.</p> <p>[70B] <u>Until the recommended mitigation detailed within the Intersection Report (required by condition 69) is implemented at the intersection(s), a Northport Traffic Monitoring Report shall be provided to Council, Waka Kotahi NZTA and the road controlling authority every four months that identifies what the AM and PM peak hour volumes are at the entry and exit points to Northport.</u></p>
BH 71	<p><u>Funding contribution to upgrade of local road intersections</u></p> <p>If the Intersection Assessment Report submitted under Condition 69 [70] identifies the need to upgrade one or more of the three critical intersections, the Consent Holder must provide written notice to Waka Kotahi and/or other relevant road controlling authority of <u>the Consent Holders</u> its requirement to provide a contribution to intersection upgrade funding in accordance with Condition 69 [72] in conjunction with the report submitted under Condition 67 [70].</p>
BH72	<p>The funding required under Condition 71 must be calculated in accordance with the following process and formula:</p> <ul style="list-style-type: none"> (a) Determine the cost of the upgrading works necessary to achieve intersection LOS-D and degree of saturation for turning movements no higher than 95%. (b) Determine the proportion (%) of Expansion Project Port Activities traffic relative to general traffic that is resulting in the need to upgrade the intersection(s). (c) The Consent Holder contribution to the cost of upgrading the intersection(s) shall be in accordance with the proportion (%) determined in (b) above.
BH73	<p>A contribution required under Condition 71 must be paid within 3 months of Waka Kotahi confirming that is has secured the remaining funds necessary to complete the intersection upgrading.</p>