

**BEFORE HEARINGS COMMISSIONERS APPOINTED
BY THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on the Proposed
Far North District Plan

SUBMITTER Waipapa Pine Limited and Adrian Broughton Trust
[Novated to Fletcher Building Limited]

HEARING TOPIC: Hearing 11 – Energy Infrastructure and Transport

STATEMENT OF PLANNING EVIDENCE OF ANDREW CHRISTOPHER MCPHEE

14 April 2025

INTRODUCTION

1. My name is Andrew Christopher McPhee. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning (2022) Limited.
2. I have been engaged by Waipapa Pine Limited¹ (**WPL**) to provide evidence in support of its submission to the Proposed Far North District Plan (**PDP**). WPL is a wholly owned subsidiary of Fletcher Building Limited.
3. WPL transferred representation rights to Fletcher Building in a letter to Council on 4 September 2024, following a sale and purchase of the business agreement (see Attachment 1).
4. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

QUALIFICATIONS AND EXPERIENCE

5. I graduated from The University of Auckland in 2007 with a Bachelor of Planning (Honours).
6. I began my planning career with Boffa Miskell, where I was a graduate planner until 2009. The same year I joined the Auckland Regional Council in the Policy Implementation Team. When the Auckland Councils amalgamated in 2010, I worked in a number of planning roles, leaving in 2015 as a Principal Planner in the Central and Island Planning Team.
7. I joined the Far North District Council (**FNDC**) in 2015 as a Senior Policy Planner working principally on the review of the district plan. I left FNDC in December 2023 and joined Sanson and Associates Limited and Bay of Islands Planning (2022) Limited with my co-director Steven Sanson.
8. I have been involved in a number of plan change and resource consent hearing processes in my time at Auckland Council, including as the planning lead for a number of topics for the Auckland Unitary Plan process. At FNDC I project managed private plan change 22 and was the portfolio lead for a number of topics for the PDP.
9. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. In February 2024, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme.

¹ Submission 342 was originally lodged by Waipapa Pine Limited

SCOPE OF EVIDENCE

10. Hearing 11 addresses submission points relating to the PDP – Energy, Infrastructure and Transport topics. The s42A reports splits these matters into four reports and include:
 - Infrastructure
 - Renewable Energy
 - Transport
 - Designations
11. I have been asked by WPL to provide expert planning evidence arising from their submission points seeking amendments to Rules TRAN-R5 and TRAN-R9 within the Transport chapter in the PDP.
12. I note that the WPL site is located south of the existing Industrial zone in Waipapa and is currently zoned Rural Production. Through the notified PDP the WPL site is proposed to be rezoned Heavy Industrial. The WPL site gains direct access from State Highway 10.
13. In preparing this evidence, I have reviewed the s42A report for the Transport chapter. I have adhered to the instructions of hearing Minute 1 ‘take a lead from the s42A Report in terms of content of evidence, specifically that evidence highlights areas of agreement and disagreement with the s42A Report, outlines any changes in Plan wording proposed (along with the rationale for these changes) together with an assessment pursuant to S32AA of the Resource management Act 1991 (**RMA**)’.

ROLE OF NZTA AND COUNCIL

14. State Highways and Limited Access Roads (**LAR**) are controlled by NZTA. Their authority to do so comes from the Land Transport Management Act 2003 and the Land Transport Act 1998. Since the responsibilities to manage State Highways and LAR fall under NZTAs national jurisdiction, there is no need for a district plan to duplicate these controls.
15. Recommendations in the s42A Report have markedly changed the way the Transportation chapter now works for private accessways. As notified, the provisions in the Transportation chapter only controlled standards of private accessways to a quantum of sites where it related to residential units². In other words, the PDP did not have requirements for private accessways for zones where residential units were not provided for, such as the Heavy Industrial zone.
16. Recommendations through the s42A Report now support controls over private accessways for the number of receiving allotments, as opposed to just residential units in TRAN-TABLE 9³. I note that the requirements within TRAN-Table 9 applies solely within

² PDP Transport Chapter: TRAN-TABLE 9

³ S42A Report Appendix 1.1 – Officers Recommended Amendments to the Transport Chapter

TRAN-R2 for a 'new or altered vehicle crossing and access, including private accessways (excluding access from a State Highway or Limited Access Road)'.

17. While not specifically within the scope of the WPL submission, I concur with the recommendations in the s42A Report in relation to changes to TRAN-R2 and TRAN-TABLE 9. These changes support the relief sought by WPL, where Council need not have a role in the access and vehicle crossing arrangements from a State Highway or LAR.

SUBMISSION AND RELIEF SOUGHT

18. The provisions within the Transportation chapter PDP continue to enter the realm of the managing those activities which fall within the domain of NZTA, specifically through TRAN R9.
19. WPL gain access to their site from State Highway 10 for their consented activities, and that access is approved by NZTA. There is no direct access to or from the site onto Council infrastructure.
20. WPL seeks amendments to TRAN-R5 and TRAN-R9 to ensure they do not apply to sites or activities which have direct access onto a State Highway or LAR, which have been previously approved by NZTA. In terms of scope of the relief sought, the submission also seeks any other relief to achieve the outcomes sought by this submission. I consider there is scope to propose the changes sought in my evidence.

SECTION 42A RECOMMENDATIONS

21. The s42A Report writer correctly points out in paragraph 181 that “...whether a section of road is a Limited Access Road is a matter under the control of NZTA and can change over time. NZTA holds the most up to date information about the extent of Limited Access Roads in a district and it is more appropriate for landowners to contact NZTA for information on Limited Access Roads than to have that information included in the PDP.” In other words, LAR along with State Highways are NZTA jurisdiction, not Far North District Council.
22. I acknowledge Note 3 in the Transport Chapter making it clear that any changes to existing or new accesses to the State Highway network, (or changes to land use activities or subdivisions relying on existing access to the State Highway Network) require the approval of NZTA.
23. In respect of TRAN-R5 and corresponding TRAN-TABLE 11, the issues relating to the duplication of functions has been largely addressed by the increase of GFA attributed to Industrial activities in TRAN-TABLE 11. I therefore concur with the recommendations made in the Abley Report and subsequently the s42A Report to amend the GFA for industrial activities to 4,000m²⁴.

⁴ s42A Report [para 153]

24. I do not however agree with the s42A Report in paragraph 189 where it states that there is no duplication of NZTA functions in respect of TRAN-R5 and TRAN-R9. While there are land use considerations that may apply to any resource consent application, any consideration of new or altered vehicle crossings accessed from a State Highway or LAR should be a resolution made by NZTA, not the PDP.
25. By way of example, the trigger for resource consent in relation to trip generation (TRAN-R5 and TRAN TABLE 11) for an industrial activity is now recommended to be 4,000m²⁵. This quantum of GFA is now deemed appropriate for industrial activities, subsequently there is no need for resource consent where the GFA is less than 4,000m².
26. If an existing industrial activity alters or changes but does not exceed the 4,000m² GFA, then those activities are permitted and can continue without the need for resource consent or additional permissions from NZTA. I consider this a pragmatic outcome as the effects of any permitted threshold for the activity should be well understood by Council. However, if the GFA increases to a quantum greater than 4,000m² then consent is triggered along with further consideration of environmental effects. In the instance where the site gains access from a State Highway or LAR, any consideration of effects attributed to access and the vehicle crossing needs to be that of the NZTA. Keeping in mind that zones have their own chapters and control bulk and location.
27. If a new industrial activity is proposed on a vacant site regardless of GFA, then TRAN-R9 is triggered, and consent will be required for a new crossing. This only needs to be a consideration for NZTA in respect of the vehicle crossing. The Far North District Council need only be concerned with the land use provisions for the zone and provide the trigger for NZTA consideration of the vehicle crossing.
28. By providing a matter of discretion in TRAN-R5 for trip generation it gives NZTA the power to provide approval based on their needs or requirements for the State Highway or LAR. Because these road typologies are not within Councils jurisdiction there is no need for further consideration by Council over and above any consenting requirements that may be required by land use. It is acknowledged that this matter of discretion may also trigger consent under TRAN-R9 for an altered vehicle crossing where there is an existing activity that has increased in size or scale to exceed the threshold in TRAN Table 11.
29. I consider that TRAN-R9 needs to be better drafted to reflect the appropriate consideration of the vehicle crossings for new or altered crossings accessed from a State Highway or LAR. While restricted discretionary consent can be applied with that matter of discretion relating to approval from NZTA, I consider that it could also be by way of a controlled activity consent. As already discussed through my evidence, in relation to this rule, NZTA is the only authority that needs to approve the new or altered vehicle crossing. This can be done through a controlled activity, with the matter of control being limited to

⁵ S42A Report Appendix 1.1 – Officers Recommended Amendments to the Transport Chapter [TRAN TABLE 11]

NZTA approval of the vehicle crossing. A condition under section 108 of the RMA can be applied detailing the vehicle crossing requirements as a controlled activity.

RECOMMENDED CHANGES

30. I consider that the following changes are made to TRAN-R9. The amendments are shown in ~~strike through~~ and underline.

TRAN-R9	New or altered vehicle crossings accessed from a State Highway or a Limited Access Road	
All zones	<p>Activity status: Restricted <u>Discretionary</u> Controlled</p> <p>Where:</p> <p>RDISCON-1</p> <p>The new or altered vehicle crossing is constructed, designed and located so that it complies with <u>NZTA standards</u>:</p> <p>TRAN-S2 Requirements for vehicle crossings:</p> <p>Note: Altered includes, but is not limited to, any widening, narrowing, gradient changing, redesigning, change in use, and relocating of a vehicle crossing, but excludes resurfacing.</p> <p>Matters of discretion <u>control</u> are restricted <u>limited</u> to:</p> <p>a. <u>approval from NZTA, including an approved vehicle crossing design to be applied as a condition of consent. the use, location, design, and number of vehicle crossings;</u></p> <p>b. <u>the ability to obtain alternative access;</u></p> <p>c. <u>any adverse effects on the safe, efficient, and effective operation of the state highway;</u></p> <p>d. <u>whether the vehicle crossing has sufficient sight distances;</u></p> <p>e. <u>whether there are sufficient separation distances from other vehicle crossings and intersections;</u></p> <p>f. <u>the design and construction is sufficient to allow appropriate manoeuvring, acceleration or deceleration due to the volume and speed of vehicles on the road; and</u></p>	<p>Activity status where compliance not achieved with RDISCON-1 <u>Discretionary</u></p>

	<p>g. the types of vehicles serving the site, their intensity, the time of day the site is frequented and likely trip.</p> <p>Note: Minimum vehicle crossing widths to the State Highway network may be greater than those above. All access to the State Highway network requires the approval of NZTA under the Government Roadway Powers Act 1989.</p>	
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TRAN-R5	Trip generation	
All zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The use or development is no greater than the thresholds in TRAN-Table 11 - Trip generation.</p> <p>PER-2</p> <p>The subdivision does not create lots (including balance lots) that enable use or development greater than the thresholds in TRAN-Table 11 - Trip generation.</p> <p>Notes:</p> <p>Where there is an existing activity and an extension or alteration to that activity is proposed, the thresholds in TRAN-Table 11 should be applied to the GFA of the extension, or to the increase in the number of people or units compared to the existing activity.</p> <p>Where there are multiple activities on a site, the trip generation is calculated separately for each activity, then added together.</p> <p>For multiple on site uses and other activities not listed within TRAN-Table 11 - Trip generation, equivalent car movements (ECM) should be incorporated into the 200 trips per day or 40 trips per hour trip generation threshold as per below:</p> <p>1 car trip (to or from the property) = 1 equivalent car movement</p> <p>1 truck trip (to or from the property) = 3 equivalent car movements</p>	<p>Activity status where compliance not achieved with PER-1: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p><u>1. Access is not from a State Highway or Limited Access Road</u></p> <p>a. any recommendations in an Integrated Transport Assessment approved by a suitably qualified and experienced transport professional;</p> <p>b. whether the use or development compromises the safety and efficiency of the transport network, including future transport connections and the impact of parking demand on the road corridor;</p> <p>c. the extent to which vehicle access, parking and manoeuvring areas associated with the activity are provided;</p> <p>d. the nature of the activity and compatibility with the function and purpose of the underlying zone;</p> <p>e. the extent to which the design and layout of the site maximise opportunities for alternative transport modes; and .</p> <p>f. whether utilising alternative transport modes can reduce</p>

	1 truck and trailer trip (to or from the property) = 5 equivalent car movements	trip generation and mitigate potential impacts on the transport network. Or <u>2. Access is from a State Highway or Limited Access Road</u> <u>a. approval from NZTA, including an approved vehicle crossing design to be applied as a condition of consent.</u>
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SECTION 32AA EVALUATION

Effectiveness and Efficiency

31. Clarifying roles and responsibilities of Council and the NZTA through the Transport chapter provisions in the PDP is an effective and efficient method in achieving the purpose of the RMA.
32. The amendments improve the effectiveness of the Transport Chapter by clearly stating who has decision-making authority over key matters such as State Highways and LARs. This helps ensure that transport-related outcomes are managed by the appropriate agency.
33. The change avoids duplication of regulatory processes and reduces applicant uncertainty, making the consenting process more efficient.

Costs/Benefits

34. The benefits include providing clearer roles, facilitating more efficient processing, and ensuring better coordination with NZTA. A clearer more streamlined process will help to reduce time and cost for the applicant when applying for consent.

Risk of Acting or not Acting

35. Implementing the changes will clarify existing statutory responsibilities and improve plan usability.
36. Not acting will incur the potential risk of misunderstandings between parties and applying additional administration when addressing the considerations across two agencies.

CONCLUSION

37. I am of the opinion that there needs to be clear delineation of roles and responsibilities in the Transport Chapter in respect of State Highways and LARs.

38. All new or altered vehicle crossings to State Highways and Limited Access Roads require approval from NZTA. As such it is more efficient to attain that approval at the resource consent stage through NZTA and apply the approved design as a condition of the consent granted. Similarly, any increase in the GFA for an industrial activity above the threshold identified in the PDP will trigger the need for vehicle crossing consent from NZTA.
39. The District Plan still retains control over land use in any given zone and through the Transport Chapter also controls a number of matters, including trip generation applying to landholdings that gain access from roads other than State Highways and LARs.
40. The proposed amendments to the Transport Chapter are considered a minor but important clarification that will enhance the workability and transparency of the plan. They achieve the purpose of the RMA in an efficient and effective way and reflect the respective jurisdictions and statutory roles of the Council and NZTA.

Attachment 1 - Representation Transfer

4 September 2023

Far North District Council

5 Memorial Avenue

Private Bag 752

Kaikohe 0440

Re: Waipapa Pine Limited and Adrian Broughton Trust Submission No 342"

Waipapa Pine Ltd entered into a sale and purchased agreement with Fletcher Building Ltd, for the sale of 100% of Waipapa Pine Ltd shares to Fletcher Building Ltd. The sales transaction, and share transfer, was completed on the 9th of June 2023

This letter serves to notify FNDC that the previous Directors of Waipapa Pine Ltd are transferring representation rights to Fletcher Building Ltd, with regards to submission No 342

A handwritten signature in black ink, appearing to read 'Grant Arnold'.

Grant Arnold

Previous Director

Waipapa Pine Ltd

4 September 2023

Far North District Council

5 Memorial Avenue

Private Bag 752

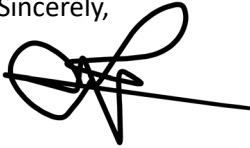
Kaikohe 0440

Re: Waipapa Pine Limited and Adrian Broughton Trust Submission No 342"

The Adrian Broughton Trust entered into a sale and purchase agreement with Fletcher Building Ltd for the sale of land & buildings related to submission No 342. The purchase was completed on the 9th of June 2023.

This letter serves to notify FNDC that the trustees of The Adrian Broughton Trust are transferring representation rights to Fletcher Building Ltd, with regards to submission No 342

Yours Sincerely,

A handwritten signature in black ink, consisting of a large loop followed by a horizontal line and a vertical stroke.

Adrian Broughton

The Adrian Broughton Trust