

BEFORE INDEPENDENT HEARINGS COMMISSIONERS

UNDER	the Resource Management Act 1991 (RMA)
IN THE MATTER	of notices of requirement under section 168 of the RMA for the construction, operation, maintenance and improvement of approximately 11.5km of new State Highway between Ashhurst and Woodville.
BY	NZ TRANSPORT AGENCY Requiring Authority

**ADDENDUM TO EVIDENCE OF DAVID RICHARD MURPHY
ON BEHALF OF PALMERSTON NORTH CITY COUNCIL**

1 APRIL 2019

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1. QUALIFICATIONS AND EXPERIENCE

1.1 These are unchanged from my evidence in chief dated 15 March 2019.

1.2 I repeat the confirmation that I have read the Code of Conduct for expert witnesses and that my evidence has been prepared in compliance with that Code.

2. INTRODUCTION

2.1 My addendum includes:

- (a) A brief summary of my evidence dated 15 March 2019.
- (b) An update in respect of matters covered at the hearing in the NZTA case and submissions relevant to the PNCC submission and my evidence.
- (c) A response to the addendum evidence of Sarah Downs and Ainsley McLeod.
- (d) Consideration of the Joint Statement of Planning Experts dated 21 March 2019
- (e) Recommended conditions relevant to the PNCC submission.

3. FURTHER SUMMARY OF EVIDENCE IN CHIEF

3.1 My evidence dated 15 March 2019 can be summarised as follows:

- (a) Te Āpiti and the Manawatū River are highly valued by the local community and this is reflected in a suite of policy and planning documents.
- (b) The risk posed to the safety of vulnerable road users is an RMA effect that needs to be addressed.
- (c) There is significant policy and planning direction regarding walking and cycling and the recreational and tourism potential of Te Āpiti and the Manawatū River.

- (d) I support the section 42A report's recommended conditions requiring separated walking and cycling facilities.

4. UPDATE ON MATTERS COVERED AT THE HEARING

- 4.1** I have attended parts of the hearing and listened to the NZTA case, primarily as it relates to the issue of walking and cycling. I have also listened to a range of submitters interested in this topic.

- 4.2** During questioning Jonathan Kennett indicated that the Saddle Road, Pahiatua Track and the new highway, as proposed in the NoR, would largely be used by "strong and fearless" cyclists. The PNCC 2018 Long Term Plan commits funds to complete the Manawatu River Shared Path that will deliver a range of cyclists to the base of the project. If a similar shared path was provided as part of the project it would act as a direct extension to the existing and planned walking and cycling network. This network would allow users to utilise the Manawatu River Shared Path and then continue to further explore Te Āpiti. The existing and planned walking and cycling network does not direct cyclists to the Saddle Road or Pahiatua Track.

- 4.3** A condition requiring a separate shared path would be an appropriate and justified recommendation for the following reasons:
 - (a) It addresses safety effects on vulnerable users, which are effects on the environment.

 - (b) The provision of walking and cycling facilities is a matter addressed in the NoR and supporting information, albeit it in a limited manner.

 - (c) It is a reasonable response given the traffic and transport evidence of Mark Read and Harriet Fraser and the policy and planning framework summarised in my evidence.

 - (d) The condition recommended by the section 42A report provides flexibility in the way in which a separate shared path can be provided within the designation corridor as notified. It could be provided alongside the new

highway or a further distance from the new highway, but still within the designation corridor.

- (e) Should a minor alteration to the designation be required to accommodate the shared path, section 181 of the RMA enables this to occur on a non-notified basis, provided that it involves minor effects on the environment and the affected landowners, territorial authority and requiring agree to the change.
- (f) I understand that because detailed design is not complete NZTA has elected to designate a wider corridor than it otherwise would have if detailed design was complete. This provides NZTA with greater flexibility to the way in which it can respond to the condition.

4.4 The Hearings Panel have queried various witnesses and submitters on whether they can or should consider opportunities. In my opinion the RMA and notice of requirement processes provide for opportunities and the Hearings Panel are required to consider opportunities under section 171 of the RMA because the definition of environmental effects includes positive effects. The whole project could be considered an opportunity. During the hearing we have heard about the significant benefits the project provides for traditional modes of transport and the economy. As noted in my evidence in chief, I agree that these benefits are significant and should inform the Hearing Panel's recommendation to NZTA. I am also of the view that the benefits (opportunities) of walking and cycling can and should be considered by the Hearings Panel under section 171 of the RMA, just like the benefits for traditional modes of transport should be considered.

4.5 If the Hearings Panel were of a mind to increase the shoulder widths from 2m to provide for safe walking and cycling, it is my understanding based on the answers from Jonathan Kennett, that a wider shoulder would be required on both sides of the highway. The transport evidence of Mark Read identifies that in order for the project to be safe, a separate cycle facility should be provided for the length of the Project including bridges¹. As demonstrated in the evidence of Jonathan Kennett and Shane Vuletich, a separate facility alongside the highway or further removed

¹ Paragraph 6.5 of Evidence of Mark Read

from the highway would result in greater benefits than wider shoulders. I accept that a separate facility will also result in greater costs and potential effects. As noted above, the recommended condition provides flexibility in the way in which it is delivered.

4.6 Future proofing each end of the new highway and addressing walking and cycling at a later date does not address the safety effects on vulnerable users in the intervening period. From a planning perspective it will also be more difficult to deliver a separated pathway at a later date as it is likely to require collaboration by various agencies, most likely without the benefit of the designation process.

4.7 I understand from listening to the Meridian submission that they are generally comfortable with the idea of a shared path running alongside the Te Āpiti wind farm, but have some residual concerns about reverse sensitivity effects. North Range Road, a popular mountain biking, running and 4x4 route, runs along the top of the Tararua Ranges and tracks immediately adjacent to a significant portion of the Tararua and Te Rere Hau wind farms. In my capacity as City Planning Manager at PNCC I have not been made aware of any reverse sensitivity effects on wind farms resulting from the recreational use of North Range Road. PNCC has recently completed a sectional review of its District Plan that included a suite of new wind farm and landscape provisions. This matter was not raised by wind farm operators during that review.

5. ADDENDUM OF SARAH DOWNS

5.1 At paragraph 7 and 8 Sarah Downs records that I was a member of a joint working party to consider wider economic benefits of the project and that recreational benefits were not raised by PNCC.

5.2 The main focus of the joint working party was the way in which the four shortlisted options integrated with the proposed regional freight ring road and city's urban growth planning. I recall expressing concern at a workshop that the MCA shortlisting process was primarily or almost exclusively focusing on effects rather than considering how each option could achieve strategic planning documents and the overall project outcome.

- 5.3** I record that the joint working group was not responsible for the MCA shortlisting process and was only provided snippets of technical information.

6. ADDENDUM OF AINSLEY MCLEOD

- 6.1** At paragraph 56 Ainsley McLeod records that I have not considered the potential effects of a separated shared path. As noted above, I consider reverse sensitivity effects of cycleways on wind farms a low risk given the current situation at North Range Road.

- 6.2** I have no technical evidence to determine the potential effects of a shared path on the Ballantrae grazing trial and QE II areas. Having observed the consenting process for components of the Manawatu River Shared Pathway, in my view the scale of potential effects of a 3m shared path are likely to be significantly less than a four lane highway and any mitigation measures are likely to be able to be encapsulated within the broader project mitigation, particularly if the shared path is located adjacent to the new highway. As I have noted earlier, the width of the designation corridor provides flexibility in how a separated path is provided, so it should not be assumed that the corridor (and the footprint of the overall sealed area) would necessarily be wider if a separated path is provided.

- 6.3** At paragraph 57 Ms McLeod reiterates that her understanding is that the business case process is confined to the adequacy of the process of considering alternatives, as opposed to the ultimate choice of a preferred alternative. I agree with this statement. My evidence does not challenge the selection of the preferred route for the new highway, but does question the process followed in:

- (a) Defining and understanding the receiving environment;
- (b) Understanding the local policy and planning context; and
- (c) Assessing the benefits and costs of alternative methods for providing for walking and cycling.

- 6.4** Ms McLeod discusses the RLTP objectives in paragraphs 59 – 61 and concludes that the relevant strategic priority that identifies the project delivers on certain objectives. I note that the Horizons Regional Council and Regional Transport Committee submissions tabled at the hearing records that the RLTP is a *strategy*

and project funding plan and that *the six objectives have equal weighting*². I also note that section 14 of the LTMA requires the objectives of a RLTP to contribute to the purpose of the Act. I maintain my view that the RLTP objectives should not only inform what projects are completed, they also should inform the way in which a project is delivered. In this case, safe walking and cycling should not be considered a separate project given the nature of the receiving environment, the policy and planning context and effects on vulnerable users.

7. JOINT PLANNING STATEMENT

7.1 The statement records that I agree that no assessment of alternative methods for providing for walking and cycling was provided within the business case or the Notice of Requirement. While I retain this view, I acknowledge that a completed traffic safety audit was tabled by NZTA on day 1 of the hearing.

8. RECOMMENDED CONDITIONS

8.1 For the reasons outlined in my evidence in chief, I support recommended conditions 26B, 26C and 26D within the section 42A planning report.

David Richard Murphy

1 April 2019

² Page 3 of Horizons Regional Council and Regional Transport Committee submissions