

**BEFORE the Kapiti Coast District Council Hearings Panel**  
**The Proposed District Plan; Kapiti Coast District Council**

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Under the Resource Management Act 1991 ('RMA')

In the matter of a submission by the New Zealand Transport Agency  
(submitter number 457) on the Proposed District Plan

and in the matter of Chapter 2 - Objectives

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**Primary statement of evidence of Angela Kim Penfold for the New  
Zealand Transport Agency**

Dated 24 March 2016

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## **Introduction**

1. My full name is Angela Kim Penfold. I am a Senior Resource Planner within the Planning and Investment Group for the NZ Transport Agency (**'Transport Agency'**).
2. I hold a Bachelor of Resource and Environmental Planning (hons.) from Massey University. I have 15 years' experience in the planning field in New Zealand.
3. Previously, I worked for a traffic engineering consultancy and various councils providing expert traffic advice and processing resource consents respectively.
4. For the past six years I have worked at the Transport Agency as a Senior Resource Planner– where one of my roles has been to promote the effective integration of land-use and transport, strategic planning processes, and in the preparation of RMA statutory plans.
5. I confirm that I have authority to give evidence on behalf of the Transport Agency.

## **Code of Conduct**

6. I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I understand that the Code of Conduct requires me to assist the Hearings Panel impartially on matters within my expertise, and not to advocate for the Transport Agency.

## **Background**

7. The Transport Agency is a Crown entity<sup>1</sup>. Its objective is to undertake its functions in a way that contributes to an effective, efficient and safe

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<sup>1</sup> Section 93(2) Land Transport Management Act 2003.

land transport system in the public interest. It provides an integrated approach to transport planning, funding and delivery. This includes investment in public transport, walking and cycling and local roads and the construction and operation of State highways.

8. Transport is a critical part of daily life for all New Zealanders, enabling a range of activities and making a significant contribution to the country's economic growth and productivity. Recognising this, over \$3 billion is invested in the land transport network through the National Land Transport Fund annually. Local government contributes another \$1 billion to the annual spend<sup>2</sup>.
9. While the transport system is owned and operated by various parties for users of that system, there is only one transport network. The Transport Agency and our investment partners (such as Kapiti Coast District Council) work together to provide integrated and seamless connections across networks, modes and services. This seamless connection is referred to as the 'one network' approach and ensures strong integration of transport decisions and land-use development and balances the needs of all network users.
10. A highly efficient, safe and sustainable transport network is vital to support the growth and prosperity of the Kapiti Coast and of the Greater Wellington Region. The Government Policy Statement on Land Transport (2015/16-2024/25) confirms that economic growth and productivity is the primary objective for land transport expenditure, and includes value for money and road safety as additional priorities.
11. The Transport Agency supports an integrated planning approach to provide planning and investment certainty and to enable the Transport Agency to fulfil its statutory purpose. Integrated land use and infrastructure planning will ensure that infrastructure investments contribute to and support economic growth and productivity and maintain a safe transport network. Without integrated planning, undesirable outcomes such as ribbon development, stressed

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<sup>2</sup> Government Policy Statement on Land Transport: 2015/16-2024/25.

infrastructure, inefficient use of infrastructure, community severance and car dependency, can occur.

## **Projects**

12. The Transport Agency is investing in an almost entirely new State highway network for Kapiti Coast as part of the Wellington Northern Corridor Road of National Significance. The work is intended to increase the efficiency of freight and people movements between Wellington and the North. It is anticipated to ease local trip congestion, and will assist in facilitating economic development in the area. In Kapiti there are three separate projects, which are briefly outlined below from north to south. Once completed the new route will have grade separated interchanges, two lanes of traffic in each direction and will separate local traffic from through traffic.
13. Peka Peka to Otaki: This project, which includes a bypass of Otaki, seeks to achieve an integrated network that also facilitates local trips and modal choice. The Transport Agency anticipates that it will spend in excess of \$100 million on this project. Construction is expected to commence mid to late 2016, and is likely to take four years to complete.
14. The alignment was developed over several phases of public consultation, prior to being approved by a Board of Inquiry ('BOI').
15. MacKays to Peka Peka: This project is due to open in early 2017. It will run from Peka Peka, west of Waikanae Township, providing a second crossing of the Waikanae River before entering Paraparaumu. To mitigate its impacts on urban areas, the Transport Agency has an environmental protection and enhancement programme which includes 140 hectares of new planting and landscaping, creation of 9.5 hectares of new or restored wetlands and 1.4 million locally eco sourced plants.
16. This project was also approved by a BOI. The Transport Agency will spend approximately \$630 million on it.
17. Transmission Gully: This project, while only partially in the Kapiti Coast District, has a strong connecting role for the District. It will be 27

kilometre long and is anticipated to provide a more resilient route to natural disasters than the existing coastal highway. The Transport Agency expects to spend \$850 million on this project.

18. Following another BOI approval, the Transport Agency has entered a Public Private Partnership for the construction and operation of Transmission Gully. It is expected that this project will be open for traffic in 2020.
19. With such a significant programme of infrastructure works underway it is important that the planning regime and the transport regime are aligned to ensure optimal outcomes.

### **Scope of Evidence**

20. My evidence addresses the following matters:
  - a. Objective 2.3 Development Management
  - b. Objective 2.8 Strong communities
  - c. Objective 2.13 Infrastructure and services
  - d. Objective 2.14 Access and transport
  - e. Objective 2.16 Economic Vitality
  - f. Objective 2.17 Centres
21. The principal purpose of my evidence is to consider the degree to which the Objectives establish a suitable planning framework for the provision of transport services to support the social, economic and cultural wellbeing of both Kapiti and Wellington Region.
22. My evidence notes a number of matters on which I consider that further amendments are required, or where I do not agree with the proposed wording put forward by the Council.
23. In my review of the Council Officers section 42A report, I note a number of administrative errors. I have included these in Appendix One attached to my evidence.

24. First, however, I will address the out of scope further submissions that have been coded against the Transport Agency's submission points on the Objectives section.

### **Scope of further submissions**

25. A number of further submissions raised issues with the Transport Agency's primary submission. These were general issues that included topics such as infrastructure and economic development, against which the Transport Agency had submitted in relation to the relevant Objectives.

26. The Council Officer's section 42A report states "... satisfied that these concerns of the Further Submitters are not specific to the Objectives section of the PDP, and they will be addressed within the s42a reports of the relevant PDP chapters"<sup>3</sup>.

27. The Transport Agency is of the same view as the Council Officer and requests that the Panel acknowledge that these submissions are incorrectly coded and as such are not within scope for the Objectives section.

### **Objective 2.3 Development Management**

28. The Transport Agency made a primary submission in general support on this Objective. The Transport Agency, in its primary submission were concerned that the Council has adopted a narrow view of the term *resilient communities*.

29. For clarity, I include the Objective, as notified in the Proposed District Plan below:

To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering: [...]

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<sup>3</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Objectives: paragraph 207, page 50.

[...] c) resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;

30. The Council, in the summary of submissions have coded this as two separate submission points. Our evidence will address the submission points as coded by the Council.

*g. 457.19 Generally support objective 2.3 'Development Management' and associated explanation*

*h. 457.13 (c) to capture a broader concept of resilience to include adapting to a changing environment more widely, including responding to changes in demographics and economic conditions, which in turn will have an impact on investment in transport infrastructure*

31. Submission point 457.19 covers the general support outlined in our primary submission. I am happy with the other amendments made by the Council Officer in the section 42A report<sup>4</sup>, and the form the Objective has taken.

32. With regard to submission point 457.13, I accept the explanation the Council Officer has given; that this Objective is intended to be narrow in nature. The Transport Agency is satisfied that their concerns are captured within other Objectives and as such do not wish to pursue their original submission point, subject to the Council Officer's proposed amendments being accepted.

## **Objective 2.8 Strong Communities**

33. The Transport Agency made a primary submission on this Objective, which sought a:

*"new clause j) be inserted to refer to the ability for a community to connect to a transport network that is capable of adapting over time."*

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<sup>4</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Objectives, paragraph 237, page 55.

34. The Council has identified this as submission point 457.14.
35. The Council Officer's section 42A report highlights that access is referred to directly in Objective 2.8, and is of the view that it is implicit that infrastructure will need to be sustained and adapted over time to achieve an adaptable, connected transport network<sup>5</sup>. I am happy with this explanation and accept that the relief sought in the Transport Agency's primary submission is no longer required.

### **Objective 2.13 Infrastructure and Services**

36. The Transport Agency requested that word '*minimise*' be replaced with "avoiding, remedying or mitigating". The Transport Agency is concerned that the use of minimise creates an unrealistic community expectations and imposes a high level of avoidance/mitigation on infrastructure providers that may not be consistent with RMA expectations.
37. The Council has identified this as submission point 457.15, with a general submission point of 457.12 which opposed Objectives 2.13, 2.14, and 2.16. The Department of Conservation (202.6) has requested the same relief as the Transport Agency.
38. The Council, in its section 42A report, has accepted the relief of replacing 'minimise' with 'avoiding, remedying or mitigating'<sup>6</sup>. I support the Council Officer's amendments to this objective.
39. I also support the Objective, as amended by the Council Officer's section 42A report.

### **Objective 2.14 Access and Transport**

40. The Transport Agency requested that word '*minimise*' be replaced with "avoiding, remedying or mitigating". The Transport Agency is concerned that the use of minimise creates an unrealistic community expectations and imposes a high level of avoidance/mitigation on

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<sup>5</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Objectives, paragraph 412, page 99.

<sup>6</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Objectives, paragraph 559, page 127

infrastructure providers that may not be consistent with RMA expectations.

41. The Council has identified this as submission point 457.16. The Department of Conservation (202.7) has requested the same relief as the Transport Agency. Kiwi Rail Holdings (447.2) has requested 'minimise' be deleted.

42. The Council Officer, in their section 42A report, has accepted the relief of replacing 'minimise' with 'avoiding, remedying or mitigating'<sup>7</sup>. I support the Council Officer's amendments to this Objective I also support the Objective, as amended by the Council Officer's section 42A report.

### **Objective 2.16 Economic Vitality**

43. The Transport Agency made a primary submission opposing this Objective. The Transport Agency sought the inclusion of text that recognises the pressure that may be created by the expressway in the explanation to the objective.

44. The Council Officer has identified this as submission point 457.17.

45. In reviewing the Council Officer's section 42A report I note that the Council Officer agrees with the Transport Agency's reasoning in its submission on this Objective. However, in the section 42A report, I note that this has been captured under 'Objective 2.17 Centres' opposed to the intended Objective of the Transport Agency's submission (Objective 2.16 Economic Vitality)<sup>8</sup>.

46. Given the explanation offered in the section 42A report at paragraph 701, I assume that the Council Officer has no objection to this relief being included in **Objective 2.16 Economic Vitality**, the objective in which the Transport Agency made its primary submission on providing scope for amendment<sup>9</sup>.

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<sup>7</sup> Proposed Kapiti Coast District Plan 2012, s42A report: Part B – Objectives, paragraph 594, page 133

<sup>8</sup> Proposed Kapiti Coast District Plan 2012, s42A report: Part B – Objectives, paragraph 701, page 153

<sup>9</sup> Ibid

47. I note that in the Transport Agency's primary submission no specific relief was suggested. I, therefore suggest the following text to be included in the Explanation text of **Objective 2.16 Economic Vitality**:

In relation to State Highway 1 expressway interchanges tend to attract commercial, particularly retail activities to locate around them. The Council has a clear policy of consolidation of such activity around its town centres as a way of reducing adverse environmental, social and economic effects. Clarification is needed that no vehicle access or road links will be provided by NZ Transport Agency within one kilometre of any Expressway access point to any land use activity other than as agreed with the Council, particularly at Te Moana Road, Peka Peka Road and Poplar Avenue. This is essential to prevent sporadic and unplanned commercial activity outside existing town centres.

48. This text has come from the Council's submission at the BOI hearing for MacKays to Peka Peka Expressway. I have made some minor changes at the beginning of the text to make it more compatible with the text of a District Plan, and the way it references the Transport Agency.

49. In addition to the reasoning outlined in the Transport Agency's primary submission, it is important that no development occurs at the base of any interchange. This was a primary assumption in the development and consenting of the Expressways and needs to be carried through to the District Plan.

50. If the Council Officer is not minded to include this amendment in the correct Objective then the Transport Agency would ask the Panel to consider the argument outlined on pages 10 – 11 of its primary submission.

## **Objective 2.17 Centres**

51. The Transport Agency has sought clarification as to what “a permeable transport environment” means.
52. The Council has identified this as submission point 457.18.
53. In the section 42A report, the Council Officer agrees that the phase ‘permeable transport environment’ requires clarification and is not meaningful. The Council Officer has proposed “a well-connected network offering a choice of direct routes”<sup>10</sup>.
54. I generally support the amendment proposed by the Council Officer, but seek one minor change to the wording. I seek the word ‘direct’; be replaced with ‘efficient’. This is because direct implies a linear approach. This is not always best route, and as such needs to be adequately captured. I otherwise support the proposed amended as I believe it provides clarity to the Objective.
55. For completeness, I revisit the Transport Agency submission point 457.17 (as addressed in paragraphs 43-50) as the section 42A report captures this submission point in Objective 2.17 Centres, when the Transport Agency’s primary submission concern regarding this point is detailed under Objective 2.16 Economic Vitality.
56. The Council Officer has accepted the validity of the argument outlined by the Transport Agency in its primary submission, I support this amendment insofar as it is included in the correct Objective (2.16 Economic Vitality).

## **Conclusion**

57. I support the intent and direction of the Objectives chapter on the grounds that it acknowledges the important contribution transport makes to Kapiti Coast’s social, cultural and economic wellbeing, and the need to integrate effectively; across modes, across providers, and

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<sup>10</sup> Proposed Kapiti Coast District Plan 2012, section 42A report: Part B – Objectives, paragraph 702, page 153

in planning for transport and land-use, in order to maximise the benefits to users and communities.

58. I support the Council Officer's proposed amendments, subject to the amendments outlined in the body of my evidence.

**ANGELA KIM PENFOLD**  
24 March 2016

## Appendix One

Error's noted in the Council Officer's section 42A report.

| Council paragraph number | Incorrect reference by council | Correct reference | Commentary (if required)  |
|--------------------------|--------------------------------|-------------------|---|
| 237                      | Objective 2.3 d)               | Objective 2.3 c)  |   |
| 559                      | 457.13                         | 457.15            |   |
| 571                      | 457.13                         | 457.15            |   |
| 594                      | 457.18                         | 457.16            |   |
| 597                      | 457.18                         | 457.16            | This paragraph also refers to protect and enable. The Transport Agency's primary submission did not include reference to this under this objective.                                   |
| 685                      | -                              | 457.17            | This is in the wrong Objective. The Transport Agency's primary submission requested this relief for Objective 2.16. Instead, the Council Officer has noted this under Objective 2.17. |
| 701                      | -                              | 457.17            | This is in the wrong Objective. The Transport Agency's primary submission requested this relief for Objective 2.16. Instead, the Council Officer has noted this under Objective 2.17. |
| 714                      | -                              | 457.17            | This is in the wrong Objective. The Transport Agency's primary submission requested this relief for Objective 2.16. Instead, the Council Officer has noted this under Objective 2.17. |