

Before the Hearings Panel in Dunedin

Under the Resource Management Act 1991 (the Act)

In the matter of Submissions on the Proposed Otago Regional Policy Statement
2021

Between **Otago Regional Council**
Local Authority

And **Waka Kotahi NZ Transport Agency**
Submitter 305

**Evidence in chief of Sarah Lai Kwun Ho for Waka Kotahi NZ Transport
Agency on Coastal Environment (Planning)**

Dated 23 November 2022

1 **Executive Summary**

- 1.1 Waka Kotahi accepts the recommendations of the reporting officer for CE-01, CE-02, CE-03, CE-P1, CE-P8, CE-P12, CE-M1, and CE-AER2.
- 1.2 Waka Kotahi seeks recognition that infrastructure such as state highways already exist in the coastal environment and need to be appropriately provided for. In doing so Waka Kotahi seeks to amend to CE-05 *Activities in the Coastal Environment* to provide for infrastructure where there is a functional or operational need.
- 1.3 The reporting officer has recommended a new clause (2A) within CE-P9 *Activities on land within the Coastal Environment* to recognise and provide for the functional and operational needs of nationally and regionally significant infrastructure. Waka Kotahi accepts the intent of this, however seeks the words “where appropriate” be deleted. This is in line with the NZCPS and provides sufficient certainty that infrastructure is appropriately provided for.

2 **Qualifications and Experience**

- 2.1 My full name is Sarah Lai Kwun Ho. I hold a Bachelor of Planning degree (Hons) and Masters of Planning Degree (Hons) completed in 1999 and 2001, both from the University of Auckland.
- 2.2 My work experience includes over 20 years in planning positions mostly in the public sector in Auckland and in London. This includes policy plan making under the Local Development Framework in the United Kingdom for the London Borough of Brent, PC35:Puhinui Gateway and PC26:Mangere Town Centre and Neighbourhood District Plan Change for Auckland Council (Manukau Section), and involvement as submitter to the Auckland Unitary Plan, Whangarei District Plan Rural Plan Changes, and various plan changes on behalf of the NZ Transport Agency (“**Waka Kotahi**”).
- 2.3 I have been employed by Waka Kotahi since June 2014 and hold the position of Principal Planner.
- 2.4 My key responsibilities involve advising and leading on planning and resource management related matters, including responding to councils on regional and district plan reviews and plan changes, as well as planning for the delivery of capital works projects for Waka Kotahi through business cases and the statutory consenting process (reviewing notices of requirements, outline plan of works and resource consent applications). To a lesser extent I also assess land use development applications and sign-off on affected party and s176 approvals.

2.5 My evidence relates to Waka Kotahi's submission points on Chapter 8 (Coastal Environment) of the Proposed Otago Regional Policy Statement 2021 ('pORPS').

2.6 I attended the pre-hearing meeting for Coastal matters on 14 June 2022.

3 **Code of Conduct**

3.1 While I am employed by Waka Kotahi, I am giving certain parts of my evidence in the capacity of an independent expert and Waka Kotahi has authorised me to do so. I understand that this requires me to give these parts of my evidence from an independent view and not as an advocate for Waka Kotahi. The parts of my evidence which I am giving as an independent planning expert are:

a Sections 7-9

3.2 While these proceedings are not before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court's Consolidated Practice Note 2014. I have complied with the Practice Note when preparing my written statement of evidence, and my qualifications as an expert are set out above.

3.3 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

3.4 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

4 **Scope of evidence**

4.1 My evidence will address the following:

- a Relevance of the Coastal Environment Chapter to Waka Kotahi;
- b Summary of Waka Kotahi's Coastal Environment Chapter submission points;

4.2 I have considered the following documents when preparing my evidence:

- a The Resource Management Act 1991 (the Act)
- b New Zealand Coastal Policy Statement
- c Proposed Otago Regional Policy Statement 2021 (PORPS)

- d Council's s32 report
- e Submissions and further submissions of other parties
- f Section 42A report prepared by Andrew MacLennan
- g Supplementary evidence prepared by Andrew MacLennan
- h Evidence of Peter Robinson, Helen Dempster, Aileen Crow, Julie McMinn and Leticia Jarret on behalf of Waka Kotahi.

5 Relevance of Coastal Environment Chapter to Waka Kotahi

- 5.1 As described in the Evidence in Chief of **Mr Peter Robinson**, Waka Kotahi manages the national state highway route, which is a nationally significant route for freight and tourism in the Otago Region, of which parts of this network traverses the coastal environment. This includes parts of State Highway 1 (SH1) along Katiki Strait, Waikouti River, Blueskin Bay and Kaikorai Lagoon, as well as State Highway 88 (SH88) from Dunedin Centre to Port Chalmers.
- 5.2 **Mr Robinson** describes the importance of the transport infrastructure, which includes the operational and functional need for roads to traverse the coastal environment to service certain parts of the region. A recent example of new infrastructure in the coastal environment is the new walking and cycling path which is being constructed from Dunedin City Centre to Port Chalmers.
- 5.3 As well as the provision of new or upgraded infrastructure, Waka Kotahi is responsible for maintaining and operating its existing network, and this includes parts of the network already existing within the coastal environment. SH 1 adjacent to Katiki Beach for example is continuously subject to coastal erosion and holds consents to 2044 to ensure the state highway can still remain open and safe for people and freight to travel through¹. Mr Robinson refers to this in his evidence, illustrating the difficulty in alternative routes should this road need to close.
- 5.4 Waka Kotahi also has a number of regionwide consents that apply to regular maintenance and operations in the coastal environment. These are listed in Peter Robinsons evidence but includes consents to:
- Place, extend, alter, replace, reconstruct, demolish or remove structures fixed in, on, under or over any foreshore or seabed, and to remove and deposit sand, shell, shingle or

¹ Consent number 2008.200.v2 To deposit, erect and maintain erosion protection on Katiki Beach for the purpose of erosion protection; Consent number 2008.201 To disturb Katiki Beach embankment for the purpose of erosion protection; Consent number 2008.202 to occupy the Katiki Beach embankment for the purpose of erosion protection; and Consent number 2008.515 To discharge contaminants to the coastal marine area for the purpose of depositing and maintaining erosion protection.

other natural material from the coastal marine area, or to redistribute alluvium, and to disturb the foreshore and seabed of the coastal marine area for the purpose of maintaining state highway bridges, culverts and other structures throughout the Otago Region.

- To occupy the coastal marine area, temporarily divert coastal water, and discharge contaminants to coastal waters throughout the Otago Region for the purpose of maintaining state highway bridges, culverts and other structures.

5.5 As described by **Mr Robinson**, Waka Kotahi relies on provisions which allow it to effectively and efficiently manage its infrastructure across the network, as well as upgrade and develop future transport assets where required. This includes parts of the coastal environment.

6 Summary of Waka Kotahi's Coastal Environment submission points

6.1 Waka Kotahi had 7 submission and 17 further submission points on the Coastal Environment Chapter. Of these 24 submission points, I either accept or support the Section 42A Report recommendations on 15 of the points.

6.2 I accept the recommendations of the reporting officer for CE-01, CE-02, CE-03, CE-P1, CE-P8, CE-P12, CE-M1, and CE-AER2.

6.3 The key outstanding submission points relate to the recognition and provision for infrastructure (CE-P4,² CE-P5,³ CE-P6,⁴ CE-P9,⁵ CE-O5);⁶ which are outlined below.

7 CE-P4 Natural Character, CE-P5 Coastal Indigenous Biodiversity, CE-P6 Natural Features, and landscapes (including seascapes)

7.1 The Section 42A Report recommended rejecting the Waka Kotahi submission points seeking to amend directive environmental policies (CE-P4,⁷ CE-P5,⁸ CE-P6⁹) to 'recognise' the functional and operational needs of nationally/ regionally significant infrastructure. Instead, the Section 42A Report recommended that this recognition be added in a policy relating to activities on land within the coastal environment (CE-P9¹⁰).¹¹

² Waka Kotahi 305.013.

³ Waka Kotahi 305.014.

⁴ Waka Kotahi 305.015.

⁵ Waka Kotahi 305.016.

⁶ Aurora 315.021.

⁷ Waka Kotahi 305.013.

⁸ Waka Kotahi 305.014.

⁹ Waka Kotahi 305.015.

¹⁰ Waka Kotahi 305.016. Waka Kotahi sought that CE-P9 be 'retained as notified' in its submission.

¹¹ Section 42A Report – Chapter 8, para 21.

7.2 I support the addition of clause 2A to policy CE-P9, which largely addresses this concern, however, the words “appropriate” add an element of uncertainty as it is unclear how this will be applied amongst the other protective policies of the CE chapter, and EIT-INF-P13A refers to this chapter. As such it is recommended that “appropriate” is deleted” as per below:

‘recognising and providing for the functional needs and operational needs of nationally significant infrastructure and regionally significant infrastructure ~~appropriate~~’.

7.3 The clause below in CE-P9 (3) that Waka Kotahi has sought to be retained as notified, expresses the more general recognition for all infrastructure, and that the qualifier “as appropriate” is not needed when this applies to the “social, economic and cultural well-being of people and communities”.

8 CE-05 Activities in the Coastal Environment

8.2 Waka Kotahi supported a submission point raised by Aurora¹² which sought to amend CE-O5 to add “recognition and provision for” the functional and operational needs of nationally/ regionally significant infrastructure. This was rejected by the reporting officer on the basis that clause 3 of the provision is sufficiently broad to include “functional and operational needs”¹³ and the NZCPS only applies to the CMA not the entire coastal environment¹⁴.

8.3 I disagree with the officer’s report, and it is my view that objective CE-O5, which relates to ‘Activities in the coastal environment’ is too narrow in its focus and does not appropriately recognise and enable infrastructure in the coastal environment. Objective 6 and Policy 6 of the NZCPS enables infrastructure in the coastal environment, which has not been sufficiently provided for and CE-05 should be re-worded to better align with those NZCPS provisions.

8.4 The officers report argued that “functional and operational needs” only apply to the CMA and not the entire coastal environment, presumably in reference to Policy 6(1)(a) and 6(2)(c) of the NZCPS. However, CE-05 makes no provision for Policy 6(1)(a) of the NZCPS and the wording sought by Aurora only applies to infrastructure which is likely to have an operational or functional need to be located in the coastal environment in any case. I therefore do not consider this to be a valid reason for not including.

¹² Aurora Energy 315.021.

¹³ Pg 26, para 102 s42A Report 8: CE Coastal Environment

¹⁴ Pg 27, para 104 s42A Report 8: CE Coastal Environment

8.5 State highways are nationally significant infrastructure and lifeline utilities that currently exist in coastal environments supporting economic growth and access to communities. These networks have a functional or operational need to be in the coastal environment and appropriate recognition should be given. In my view, recognition at the objective level is necessary, so that there is a clear objective-policy linkage to infrastructure. It is insufficient to only address the provision of infrastructure in the coastal environment through policies CE-P9 and CE-P10 when there is no clear objective.

8.6 As such this matter is still unresolved and the following wording is sought:

(3) are only provided for within appropriate locations ~~and limits,~~ or, in the case of infrastructure where there is a functional or operational need, and

9 Conclusions

9.1 Given that parts of the existing State highway network already exist within the coastal environment, Waka Kotahi seek to amend to CE-05 *Activities in the Coastal Environment* to provide for infrastructure where there is a functional or operational need.

9.2 Waka Kotahi supports the new clause within CE-09 *Activities on land within the Coastal Environment* provided that there is deletion of the words “where appropriate”. This would resolve primary submission points on CEP4, CEP5, and CEP6.

Sarah Lai Kwun Ho

23 November 2022