

SOUTHERN LINK INLAND PORT HEARING

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ATTENDEES: **PANEL:** Cindy Robinson, Ray O’Callaghan and Steve Abley

APPLICANT:

Stanec: Chris Rossiter and Mark Georgeson

Representatives: Sarah Scott, Joanne Dowd, Kevin
Kearney and Grant Driver

Planner: Megan Hankey

NZTA: Roy Johnston, Kelly Blackie and
Helen Dempster

DUNEDIN CITY

COUNCIL: John Sule, Helen Chapman and
Reese Martin

AUDIO NAME: Southern Link Inland Port Hearing - Transport

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C ROBINSON: Morena koutou. Thank you for joining us this morning for a hearing on transportation matters arising out of the Joint Witness Statement filed by the transportation engineers on the 8th of September.

Just looking around, I haven't got a list in front of me, Awesta, as to everybody present. Are all the parties satisfied that all the relevant people are in the room? Perhaps if I just get each of the transportation engineers just to identify themselves, I can see Chris Rossiter and other signatories to the JWS. Thank you.

M GEORGESON: Mark Georgeson here on behalf of the Applicant.

C ROBINSON: Thank you.

K BLACKIE: Kelly Blackie, NZTA is here. I'm full of a cold, so I might lose my voice, but I'll try and keep it working.

C ROBINSON: Thank you.

M GEORGESON: Hang in there, Kelly.

C ROBINSON: Okay. Yes.

R JOHNSON: Roy Johnston from the NZTA.

C ROBINSON: Thank you, Roy.

R JOHNSON: I might have to pop out occasionally. I've got a sick child.

C ROBINSON: Yeah, okay, and the Applicant team, Sarah, are you in the group there?

S SCOTT: Yes, good morning. Yes, so Joanne Dowd, Grant Driver, Kevin Kearney and Megan Hankey as planner rep, we are here in the room.

C ROBINSON: Okay, good morning.

S SCOTT: Good morning.

C ROBINSON: And the planners that we've got on hand that are attending, can you just identify yourselves?

J SULE: John Sule from DCC.

C ROBINSON: Thank you.

H DEMPSTER: Helen Dempster for NZTA.

C ROBINSON: Thank you. Okay, so in terms of this hearing, it has a level of informality, but really the purpose is for the Panel to be able to ask questions about the JWS and to test some of our thinking around the information that you've provided and also potential transportation related conditions.

The Panel circulated this morning through EPA a diagram or a graph that Steve Abley had put together relying on the information received from the Applicant that we understand has been inputted and addressed through the JWS. We accept that that's quite late notice. I just thought maybe to start, first confirm that all of the transportation engineers received a copy of that graph.

C ROSSITER: [Nods head to signal yes].

R JOHNSTON: [Nods head to signal yes].

C ROBINSON: Right, and I'll ask Steve to just explain it to everybody in terms of how he went about putting it together, and then Sarah and representatives for DCC and NZTA, it would be useful if we can get some clarity as to whether that's accepted as a reasonable representation of the data and if there are any problems with it to alert us to that. It may be you can't do that today, but as soon as possible after this hearing, that would be helpful. So, I'll hand over to Steve in the first instance.

S ABLEY: Thanks Cindy, and good morning everyone. There's a lot of material obviously for the Panel to get through, not only associated with transportation; there's also a lot of numbers with the transportation stuff, and I'd like to thank everyone for your hard work in terms of presenting all of that material. In terms of just being able to present that and quickly explain it, I put together a nomograph. A nomograph is just a simple figurative way to be able to do calculations on the fly, and this is a representation of that.

Simplistically, the X axis, which is the horizontal axis, has got gross floor area for the warehousing associated with the slip and the far Y axis, which is the vertical axis on the left-hand side, has heavy commercial movements, two-way movements per annum. On the right-hand side, there's a number of different vertical axes which have different metrics, just conversions of the yearly heavy commercial vehicle movements into different movements

per day, movements per hour and peak hour movements. They're just simple conversions that are inside the evidence to date and converting a year movement into a working day movement based on 260 days or movements per day based on 365 and a peak day movement, which is an uplift of the 365 day calculation with 20%. And then the same for the peak hour movements with an uplift of 14% for the peak hour. This is all inputs to the material that's been presented to us up to this point.

If that's okay, I'll move on to the actual content in the graph itself. Any questions up to this point?

[no dialogue or response].

S ABLE: Okay, so inside the body of the graph, there's a number of rays that's take off from the origin position. Each of the different rays represents either a different trip generation, which is the level of activity that the slip is expected to generate. On the bottom left-hand corner, it's either the blue, which is the 10,607 heavy commercial vehicle movements per 10,000 square metres, or it's the orange, which is the 11,114, which is the other alternative generation rates that are included in Appendix 1 to the Joint Witness Statement, or it's the higher generation of the green, which is the 15,556. Each of those different colours is represented by one of five rays, which depends on a different type of mode split between the road and the rail. Those mode splits are either 100% road, 0% rail at the very top end of the range, or the bottom end of the range is 10% road and 90% rail.

At 80,000 square metres of GFA, I've highlighted that the Applicant's expected generation per annum is 21,162 heavy vehicle movements per annum, and you can then convert that over onto the right-hand side into those different units that I talked about earlier.

I've put a band in an orange colour, which is the thresholds that have been talked about in the Joint Witness Statement that vary between the 50,000 and the 55,000 heavy commercial vehicle trips per annum. Above that is a dashed line that represents the traffic modelling that's been undertaken at the intersection of State Highway 87 and Dukes Road North.

Now, that's a lot of information to take in in a pretty short amount of time, but the objective here was to try and understand all of the inputs to the traffic assessment in terms of one particular image. A couple of times, the Panel's asked for sensitivity testing, and the objective of this image was to show that sensitivity testing has actually been undertaken and how the

sensitivity testing interacts with a number of the assumptions or the different types of inputs that the Applicant has put together.

Cindy, I think that's it.

C ROBINSON: Yeah, so just before we get underway, are there any questions about the graph?

[no dialogue or response].

C ROBINSON: The objective of the Panel is there's nothing in this graph that is new in terms of the information. It's really a representation of the Applicant's own information and a tool that the Panel and particularly the non-traffic expert members of the Panel have found useful to bring together in one place all of the inputs that have emerged throughout the RFI and the JWS process. Just so that we're not talking across purposes throughout this morning's session, certainly if you've got any questions of clarification for Steve, that would be helpful to ask those now.

S SCOTT: Yes, good morning, Sarah here. Look, I don't have questions of clarification, but my client does express surprise at receiving such a technical document essentially immediately before this hearing. The Applicant traffic engineers do have some observations on the material and how it has been set out, but they are not questions as to how this has been prepared, but I expect you'll be asking the experts that anyway.

C ROBINSON: Yeah, thank you, Sarah. And to the Applicant, certainly we're all operating under pressure here and the Panel asked an early RFI in relation to transportation matters and didn't receive all of the answers in enough detail that addressed those concerns as part of that process. We also have been under pressure in terms of the timetabling of this session, but traffic emerged early on as a potentially significant issue. We're not suggesting that we've arrived at that outcome right now, but it's really the way that we have found as a practical way through to get the information into one place rather than trawling through many, many pages of documentation. I take your point, your surprise is noted, but we are working in very tight time constraints with a huge volume of information that we have to grapple with in terms of the statutory timeline that's been set for us and the critical decision-making touch points in this application.

Are there any other immediate questions or can we move through some more direct questioning of the experts by the Panel?

K BLACKIE: Madam Chair, I do have a question. The 21,162, does that come from the SLPL's calculations that they did to calculate the different scenarios? Fair question.

S ABLEY: Yeah, all the information [inaudible distorted audio].

K BLACKIE: Sorry, I'm struggling to hear the answer to that.

S ABLEY: All of the information on the graphic comes from the application, including all of the sensitivity testing associated with it.

M GEORGESON: Yeah, that might be timely now for us to explain the interpretations and so on of that and our point of view, which will include just picking up that number as well, Kelly. If that's all right, if we just jump into that?

C ROBINSON: Yes, please do.

M GEORGESON: Yep, away you go, Chris.

C ROSSITER: I think my primary comment is that the graph and the drawing as shown is flawed to some extent because you've drawn all your rays from zero rather than from Stage 1.

Stage 1 will be the Dynes Icon consolidation activity. Any changes in forecast rates or any sensitivity testing should effectively display out or radiate out from the Stage 1 point, not from zero. For example, if we take our anticipated 75% rail scenario, which on your graph you've got that at probably ... I'm not sure of the number, but just beneath 10,000. Your rates, so if you were looking at the additional warehousing rates, so like 15,500 should actually radiate out from that point rather than from zero cos effectively you're saying that the first 32,7400 fourth slip is at a high rate when we know it won't be at that rate. The first part of the site will be Dynes Icon activity. It's not going to be at a higher rate.

S ABLEY: Okay, and given it's a transfer, do you still expect that to be a 75% rail transfer at that point?

C ROSSITER: At Stage 1, yes, that's the target, but even if you were to look at a sensitivity and at our lower end of sensitivity, which is the 60% transfer, even if you had rays coming out from the 60% transfer point, which you've probably got at 14/15,000 at Stage 1, effectively it moves all the rays to the right. It will make your figure more complex because you're looking at different start points and different radiating points.

- M GEORGESON: That wasn't an encouragement, Steve, to create a more complex graph.
- C ROSSITER: No, it was about just being aware that it will change where the lines go up from in terms of how you're looking at any of those sensitivities.
- S ABLEY: Chris and to the other reps, is a visual representation of the activity associated with the slip, can the Panel use a representation, if not this specific representation, potentially a representation of something like this that it could maybe refer to?
- C ROSSITER: I think you potentially could, but if you were going to do this, you also need to include ... particularly when you're referencing the threshold at which wherever it sits, cos we didn't agree an absolute threshold for assessment, you need to take account of the Mosgiel, the Fonterra activity, plus also the import-export activity because that goes into that threshold as well because the threshold that we were discussing for requiring further assessment was movements at the gate, which is not just warehouse. You've effectively got to lift the whole graph up as well to allow for all those movements.
- S ABLEY: Okay, well, the Panel is definitely keen to delve into the monitoring and the threshold for what might be monitoring appropriate, so we're definitely going to go there. Certainly, well, from my perspective, I've found it useful to present something graphically because of all of the associated inputs to all of the work that you guys have done. Could the Panel use something like this that maybe, Chris, that you would think would be more appropriate?
- C ROSSITER: You could generate something like this. I think I'd put on the full range of numbers that we've covered off if you wanted a full sensitivity, so where you've picked up two of the scenarios from SLPL within the information that's in the additional data that we provided as part of the JWS, two of the other sites that we've referenced that are existing Dynes Icon sites actually have lower generation rates. If you're looking at a true sensitivity test, not only should you be looking at your upper rates, you need to take account of the lower ones as well. You will get a wider range. The lower ones, I think the lowest one we had was about ... I'll just find the figure. It was only 5,900 per 10,000. Yeah, so it's a lot lower than the 15,000 case.
- S ABLEY: And to acknowledge that, the 15,000 was only applied to 5,000 square metres?

C ROSSITER: That's not the way I would've interpreted your graph, which shows the 15,000 going up continuously and therefore applied to the whole of all that. You've got a straight line.

S ABLE: Yes, and I acknowledge that, Chris, that associated with each of the lines, there's a certain level of probability.

C ROSSITER: Yeah, and I would say that the rate that we've tried to adopt, yeah, so the 10,600 is probably a balanced rate taken for all of the floor area, so therefore would be a straight line. Yeah, there will be some higher generating activities, but there'll equally be some lower generating activities. That 10,600, well, that's the highest rate of the three that we referenced.

S ABLE: I think you used the word that you've chosen that as being conservative.

C ROSSITER: Yeah.

M GEORGESON: As in generous.

C ROBINSON: Look, we're not wanting to delay the working through our other questions over the detail of the document. As I say, it was an good faith attempt to provide a representation for a reasonably complex amount of detail. I'm not convinced necessarily that any further graphic depiction of the data is going to help us, certainly not today, or even if it's needed. We might have to revert to some more old school techniques of simply providing a narration of the information that's been provided to us, but any assistance that the Applicant can offer to simplify the presentation of data for the purposes of our documenting decisions in this exercise would be greatly received.

Steve, shall we move on to some more specific questions in relation to the transportation issues?

S ABLE: Again, thanks very much for all of your inputs, Chris and the Applicant and the other experts in general. I probably want to just touch on the 25% road and the 75% rail. We've had a lot of information inside Appendix 1 associated with that scenario, and I suppose I'm looking to principally hear from the transport experts for the Applicant. Do you have an opinion about whether or not that scenario is realistic in terms of its likelihood? I think, Chris, you mentioned just in this dialogue that it being a target.

C ROSSITER: It is the target in scenario. I think part of it is driven just by the number of trains. I understand from conversation with the rest of the team, KiwiRail haven't indicated a specific cap on the number of trains that could operate, but you can run two trains a day in each direction quite comfortably. At that

level, I think you'd actually move all of the containers and potentially wouldn't need any road transport.

In practise, my understanding is we won't get two trains a day. You might have two trains on some days, one train most days on top of the existing movements that are there for Fonterra, so there's ample capacity to get to those levels.

S ABLEY: In our earlier dialogue, you said, and I just want to confirm, that you would expect that on operation of Stage 1, you will be hitting that 75% rail, and that percentage would remain static at Stage 2 and Stage 3.

C ROSSITER: That's my understanding is at a practical level, the 75% is probably where they will end up.

S ABLEY: Okay, thank you very much for that. I should also mention that if the other experts have an input or they want to have a voice, don't feel that you can't. Well, colloquially just jump on in and have a view.

Just in terms of the 50, and sorry, I'm going through in the order that the Panel has put together. It's Minute 9, so just in terms of the 50 or the 50,000 or whatever it is, I just want to clarify its unit of measurement because in one particular bit inside the statement, there's a talk about it just being arrivals, but I think it's a two-way movement, arrival and departures. Chris, you indicated earlier it's measured at the gate.

C ROSSITER: Yes, we all agreed that a threshold was an appropriate way to act as a control. I'm happy whether it's an arrivals measurement or a two-way measurement, but if it was an arrivals only, we'd probably be looking for a figure of a 30,000. If it's two-way, 60,000 to cover the numbers that are then consistent with the movement volumes that I originally assessed in the ITA.

K BLACKIE: I can jump in there, Steve, sorry. I don't know if you finished that question, but the 50,000 was based on the ITA addendum, which had 192 as an average daily rate, so we just times that by 260, and that was 49,920.

C ROSSITER: The addendum does have a mistake cos it missed some movements for containers, and the relevant table in terms of movements is actually in the ITA, Table 73.

M GEORGESON: Steve, if it helps ... of the original ITA.

S ABLEY: Yeah, and it's a light and heavy vehicle threshold?

- C ROSSITER: No, that's HCV.
- S ABLEY: Yeah, and how would that be counted at the gate?
- C ROSSITER: It's an operating matter, but I understand that every HCV movement in or out is logged automatically. It's part of the standard procedures. Happens now at the port.
- R O'CALLAGHAN: Excuse me. Would that also apply then, you've got a second exit to the west of the main exit, so that would include exits from there as well?
- C ROSSITER: Yes.
- S SCOTT: Madam Chair, if I can just clarify, that other exit just referred to as an emergency exit. It's not going to be used as part of standard operations or construction.
- R O'CALLAGHAN: Thank you for that. Thank you.
- S ABLEY: I suppose, Kelly, as part of that calculation, why was 260 days chosen?
- K BLACKIE: I think that's referenced quite a lot in the ITA document. I don't know if Chris has got anything else to add to that.
- C ROSSITER: It's 260 days, 52 working weeks. Five days a week is what I've been informed will be the normal working procedure for slip. It may be this. I probably should refer directly to the rest of the team, but that's my understanding.
- C ROBINSON: Happy for the Applicant to jump in and clarify. Sorry, happy for the Applicant to clarify that.
- S SCOTT: There's a nod saying that is correct in terms of the operating days, five day a week operation. Is it okay if Kevin speaks up?
- C ROBINSON: Absolutely.
- K KEARNEY: Yeah, if it extended beyond five days, it would lower the volume. It wouldn't increase the volume. The volume would be spread across. Occasionally, we work Saturdays at Port Chalmers, so it would extend that. It wouldn't increase the volume, it would extend the operating lower rate.
- S ABLEY: Simplistically, is the effect of that mean that there is another level of sensitivity test that's being undertaken by chance?

- C ROSSITER: Well, in terms of numbers of days, no, because if you go to more days, it reduces the volumes.
- M GEORGESON: Is that what you're saying, Steve, that we've got an in-built level of sensitivity on the basis that we've assumed 260 days rather than more?
- K KEARNEY: Yes.
- M GEORGESON: Correct.
- R O'CALLAGHAN: That makes it slightly conservative, correct?
- M GEORGESON: Correct, yes
- K KEARNEY: Yeah.
- S ABLEY: That threshold level, what effect is it looking to trigger?
- C ROSSITER: Probably a question more for NZTA, I would say at this stage. I think because of the various concerns that were raised around safety and efficiency, we agreed between us, it's my understanding, that it was inappropriate to have a threshold at which to try and trigger some further assessment, but it's a little less clear as to what that would drive in terms of mitigation, because a lot of the effects, depending on what you monitor, may not be directly slip related. The challenge will always be how do you distinguish activity from the slip with the industrial zone generally?
- S ABLEY: I wonder, Kelly, if now might be an appropriate time for you to offer an opinion.
- K BLACKIE: Yep, I can do that. I think where we'd got to when we'd spoken was that we could quantify the effects based on the numbers we were given, but I think because there is uncertainty still about the rail, that we did want a mechanism that would allow us to reassess the effects if there was a change in the future. I guess predominantly those are the safety impacts. Looking at both the Mosgiel microsimulation model and the central [? 33:20] modelling that's been done by the Applicant, doesn't appear that the intersection reaches capacity, but just having a mechanism that allows us to re-look at what the actual impacts are would be useful.
- S ABLEY: In this, are you collectively proposing that this threshold, whatever the number is, would it be monitored over a whole year or could a sample of the year represent that number or what's important?

- K BLACKIE: I think from an NZTA perspective, it would be across the year. I think if we did a sample, we might miss the peak.
- S ABLEY: Maybe that's a nice segue, Chris. When do you think that this activity would actually have a peak in terms of a month of the year or a week of the year?
- C ROSSITER: If I look at what's happening now in that area, probably the late summer autumn time is probably the busiest period of the year, and we've modelled that all along as about 20% above what the annual average would be. I think that's a little bit different with the one scenario that you've got, the second scenario that SLPL provided, the Applicant provided, where they talked about a six-month operating period and six months of very little, where obviously your average is quite different from the peak period. It's 20% for above the annual average through that late summer/autumn period.
- R O'CALLAGHAN: Just pause there for a moment, Steve. If it's come back, Kelly, if it's the annual number, then it'll capture those seasonal peaks?
- K BLACKIE: Yes.
- R O'CALLAGHAN: If there's a threshold level and it triggers a further assessment, so that's an NZTA/DCC assessment of level of service at the key intersections or looking at complaints of traffic or what do you actually do?
- K BLACKIE: I think there was a bit of a question. We did have a few questions about this when we were putting together the Joint Witness Statement around whether NZTA and DCC would be approving that work once it was completed or whether they would be the ones that were scoping it, but it would be on the Applicant, in my opinion, to do that assessment. I would be expecting them to look at the crash history, to look at how many vehicles ... to get some either My Vision Counts [? 36:39] at the intersection to look at how many turning vehicles there were over a time period so we could understand how that right turn bay was being used.
- Is there anything else, Roy, from a safety perspective that you would be wanting?
- R JOHNSON: I think it was generally to look at the safety performance of the network, and I think the monitoring referred to the wider network impacts and also the efficiency of the network, so levels of service would be part of it.
- R O'CALLAGHAN: And then taking that information and relating it back to what's happening at the slip in terms of the gross floor area, the number of truck movements, the

percentage of road rail, and what else has happened in the zone, the industrial zone in terms of other developments, and then that feeding into a collaborative plan of what needs to happen and who might be paying for it. Is that the sort of process where this would go?

K BLACKIE: Yes, that would be on my understanding. I would like to make sure that the effects were being attributed to the right place. I think you were getting at that before when you said, 'Take into account what their impact was'.

R O'CALLAGHAN: We might need some help of learning [overspeaking] of that conditions.

C ROBINSON: Yeah, I think we have a bit of work to do in that space, but just from a outcomes perspective, if the monitoring did identify that there was an effect and if it was attributable to the slip, what are the consequences? What are you envisaging that the outcome would be for the proposal?

K BLACKIE: I guess that's a question to talk through. It's not an area of my expertise, so I'm probably not best placed to answer that, but I can, I guess have a think about it and come back to you if that's useful.

C ROBINSON: Yeah. Well, I mean the Panel—

K BLACKIE: What's the mechanism to allow ... to ensure that the Applicant is addressing those effects?

C ROBINSON: Well, yeah, I guess from where I'm coming from is, yes, the Panel has powers to impose monitoring conditions, but it has to be for a purpose and it has to be for something that if it triggers a review, what are the outcomes? It may be Chris might want to comment, but what are the transport outcomes that would be a consequence that would arise if the effects were attributable to the slip?

C ROSSITER: We've been struggling with this one in terms of monitoring and how you might, because the highway intersection, for example, based on the modelling I've done, the opposing volumes are so low that delays there, it's not going to be capacity constrained for a long time, not unless something else major happens that changes things that we aren't aware of. That's not planned at the current time, so when I look at other consent applications, it's usually a capacity constraint that drives the need for an intersection upgrade. I don't think that would automatically fall out of this. Monitoring safety is a much more tricky one to assess. Given crashes are unpredictable by nature, we don't know what might arise coming out of this and how you

would even distinguish, let's say a crash that involved a heavy vehicle, and you could clearly say it was a slip related movement as opposed to another activity. You certainly couldn't tell that from a crash report.

There are some challenges even monitoring safety. You can look at the safety records, but to be able to say, 'No, this is definitely a slip effect as opposed to something else' is a little bit more challenging. I know Roy's raised, I think comment about monitoring of, let's say one potential alternate route, the Riccarton Dukes South route, given that some trucks do use it, even though it's not an HPMV route, it would be appropriate to monitor that. Again, how do you control that if trucks are using that? While we could have a management plan that said, 'No, you have to stay on the HPMV route', but if other trucks, other operators end up using that, it's out of our control.

S ABLEY: So, what is the monitoring intended to not capture in terms of the things that it will monitor, but what things would result from the monitoring?

C ROSSITER: I think primarily it should give you confidence that we're working within what we expected within the bounds of what we expect it to operate, so hopefully achieving the rail mode shift that was planned. If you looked at the wider picture, and I'm not sure how you'd quantify it directly, but even looking at the effects on State Highway 88 in terms of benefits and reductions in volumes, cos we appreciate you are getting reductions on one part of the network, but growth on another part.

R O'CALLAGHAN: Does that then raise an alternative approach to this issue by just having a requirement for a minimum level of rail shift mode because if there was a minimum level of rail shift mode, then that gives confidence to the parties that the truck numbers, heavy vehicle truck movements are not going to be excessive? From your modelling of intersections, etc, then the need for a threshold on trucks might not be required.

C ROSSITER: Probably have to discuss it with the team on the practicality of setting, let's say a minimum mode share. I could see that working.

R O'CALLAGHAN: Does the Applicant have any comment on that, Sarah? I don't want to put you on the spot, I'm just trying to get a feel. Is this a potential way of going around this issue?

- S SCOTT: I think, look, it's not something the Applicant is offering up at the moment, but Grant has got some observations to make if it was, whether and how it might be appropriate.
- G DRIVER: If the transition to rail wasn't as high as what we would envisage in our application, if it was slightly higher but let's say that there's 75% on road, 25% on rail, we still wouldn't get to those numbers that are becoming a problem for the network until you would be at Stage 3. By that time, we know that the shift to rail is going to be higher then, being 75% road, 25%. It would only be in Stage 3 that that would start becoming an issue, would it not?
- K KEARNEY: Yeah.
- R O'CALLAGHAN: I think the concern is if there's no shift to rail, if the siding doesn't go in, that's one of the things to try to ensure an outcome of some mode shift to rail rather than no road shift to rail. I think once the siding is in and you've got a process going with the shift to rail, then it'll probably just run its course, but it's the ensuring that the facilities are there to facilitate the mode shift to rail is probably a key issue.
- K KEARNEY: Is the matter that the siding is actually built? Is that the material issue?
- R O'CALLAGHAN: It is to me, because if it doesn't occur, then there's going to be 100% on trucks, and then this whole issue of potential impact on the network continues to increase as you move from stage to stage. Along the way, it may not be at Stage 1, but as you move up the scale and certainly your Stage 2 is the big jump in terms of window for growth within the site, so it's ensuring that. Maybe that is a better way of going around this issue.
- S SCOTT: Look, we're listening to what you're saying there and appreciate it could be an alternative to a review monitoring condition. It's not something that we can commit to right now, but we'll take that away and have a think about it.
- K KEARNEY: It would be fair to say that if there was no rail site, it would severely impact the ability to get any scale on the site.
- C ROBINSON: Yeah, and that's an issue that the Panel's been discussing at length, both in terms of the transportation effect, but Sarah also, we were wanting to touch back in with you in terms of the regionally significant benefits of the proposal if that conversion to rail doesn't occur. We will seek at the end of today, a bit more guidance from you building on your submissions from the initial conference. If for whatever reason this proposal simply becomes a truck-

based logistics hub and doesn't realise the benefits of the transfer to rail, then what are we dealing with in terms of the purpose of the FTIA?

S SCOTT: Thanks, Madam Chair. I think I'm happy to make a further submission on that. We were a bit concerned with the observation in Minute 9 that transfer to rail is the only real benefit of the project. I think it's important that the Savvy Report is not just left in the application and not given some airtime, and the response to the Minister of Economic Growth attempted to remind the Panel of the other benefits of the project, but I hear what you're saying in terms of this particular benefit.

C ROBINSON: No, we definitely took the stare with a subtle shift or reorientation to the Panel, and certainly those other benefits are not forgotten, but the whole reason for this proposal is the efficiency or the way we read the application and even the assumptions made in the Savvy Report are based on the fact that there is this transfer to rail. It improves the efficiency, it improves resilience, and the significant CO2 emission savings that are referred to in the application are all key drivers as we understand it for this proposal, and indeed the support that it's garnered along the way from the ministers.

S SCOTT: Yes, and that is fair. The rail siding is a critical part of why that site's being chosen.

C ROBINSON: Yeah.

Do you want to read the bit about the internal [inaudible distorted audio 50:26] in terms of the external effects?

S ABLEY: [inaudible distorted audio 50:32].

C ROBINSON: Yeah, okay.

S ABLEY: A question regarding the HPMV network, so probably Chris to you, just for the benefit of everyone here, an HPMV network enables—

C ROSSITER: Movement of truck and trailers, overweight vehicles or the high productivity vehicles.

S ABLEY: Yeah, and I had a go clearly in terms of concept, but I went and had a look at this. It increases length from 20 to 23 metres. It increases the weight for the normal heavy commercial vehicle from 44 tonne to 50 tonne max and potentially up to 62. Are HPMV vehicles going to be accessing the slip?

- C ROSSITER: I would expect there will be some, but probably not all will meet the upper limit.
- S ABLEY: Right, okay, and the HPMV route, including Dukes Road North and 87, having a designation, does it allow for or provide a minimum level of service in terms of expectation of HPMV vehicles or pavement condition, anything like that?
- C ROSSITER: I'm not aware if there is a minimum standard set legally. I'd probably have to refer to NZTA in terms of what process they would've gone through before designating the highway for that level of use, and the same for DCC in terms of Dukes Road.
- S ABLEY: Okay, well, I suppose to NZTA, Dukes Road North, when it was designated a HPMV route, was a level of assessment done on that pavement condition or a minimum number of vehicles on that for HPMV? I think Dukes Road North currently takes around about 1.5%, I think, HPMV on there at the moment.
- K BLACKIE: I'm not aware of the HPMV processes from an NZTA perspective, but I would assume that that would've been done in conjunction with DCC since that's a DCC road, so it's probably more a DCC question.
- H CHAPMAN: I wasn't at DCC at the time it was designated an HPMV route. My understanding was that there was a drive at the time to increase where we could have the 50-tonne Max trucks travelling on the network. It was more a question of where they couldn't go, so where there were bridges or culverts that could not support the weight, they were specifically excluded, but where there were demand drivers and there wasn't a specific reason to prevent it from being an HPMV route. But as I say, I wasn't involved in that process. It happened before my time.
- S ABLEY: Maybe we'll leave that to one side. Probably a question for NZTA then. If an HPMV route enables a 23-metre vehicle and we recognise that the slip will be visited by long HPMV vehicles, is the length of the turning bay at 87 and Dukes Road North appropriate at 20 metres?
- K BLACKIE: I think that's a safety question, so I'll pass on to Roy.
- R JOHNSON: Thanks. Yeah, we think it'll work cos while the box is only 20 metres long, there's the taper that leads into it, so you can accommodate some of the vehicle in that until it narrows down.

- S ABLEY: Okay, thank you very much for that. Just also to NZTA, in terms of 87 and the effects on 87 from its other classifications other than just HPMV, one network road classifications, how do they get reconciled with the increase in the heavy vehicles on that route?
- K BLACKIE: The ONF (the One Network Framework) does have limits of how many vehicles at each of the classifications fit into each road category. I haven't gone and looked and seen whether it triggers it changing in the category, but I wouldn't assume that that level of increase would.
- S ABLEY: Roy, anything from there from your perspective?
- R JOHNSON: Just to reinforce what Kelly said, that there are bands for different vehicle types, freight being one of them. Usually it has to move from one band. They're in the thousands, the bands, so we wouldn't expect a small increase to change the band it sits within unless it's close to the top of it, but I'd have to go away and look into it.
- S ABLEY: Okay, I think that's good enough for me on that one. I'm happy to move on.
- C ROBINSON: Do you want to talk about ... shall we do the foot one?
- R O'CALLAGHAN: Yeah, I want to do the footpath.
- C ROBINSON: Our next topic we're going to move on to is the footpath aspect, which is addressed in the JWS. Do you want to start?
- R O'CALLAGHAN: I'll start – happy to start. I couldn't find a plan showing the proposed footpath, and I accept that maybe I've just missed it. There are a lot of drawings in the application, or maybe there wasn't a specific plan that showed the proposed footpath. So, first off, is there a plan or is it an issue that has arisen with a bit more focus and a detailed plan or a plan showing the footpath hasn't been prepared?
- C ROSSITER: First, just to say I haven't been involved directly with the design drawings for the footpath. That's been with our design team, but I understand that there are drawings that have been done and provided to DCC showing a footpath, and there is still a little bit of design debate, I think, John, over the final position and where it sits within the swale and where it extends. It will go as far as the site entrance. I understand that the main debate at the moment is really about the fact that slip cannot construct something across KiwiRail Reserve because that's third party.

R O'CALLAGHAN: Yeah, okay, so there's a plan in process, in play?

C ROSSITER: I believe a plan has been circulated.

R O'CALLAGHAN: I don't think we've seen it, have we?

C ROBINSON: I can't bring it to mind.

R O'CALLAGHAN: No, so maybe it would be helpful if that is shared with us. First off, and I see from the Section 53 responses, etc, the focus is with the footpath on the southern side, on the slip boundary side, not on the northern side.

C ROSSITER: Correct.

R O'CALLAGHAN: Is there a reason for that? No, let me rephrase it. With it on the southern side, it then falls within the property boundary, and then Council's raised the issues around either an easement, right of way or boundary adjustment, etc. Was there a good reason to have it on that southern side and not have it on the northern side to avoid the legal land ownership side of life?

C ROSSITER: I understand there are some drainage issues on the north side along with the power lines, but also just getting connectivity to the existing footpaths, which even to Stedman, there is a limited range of footpaths. The most natural connection to the site is along that site frontage and not on the other side, which is why it would've been driven that side.

R O'CALLAGHAN: Right, so there's a general consensus, southern side's best.

C ROSSITER: Yes.

R O'CALLAGHAN: Then it raises it needs to sit within that property boundary because of roads and swales and those issues. Correct me if I'm wrong, Council, but I think Council's asked that it's either a boundary adjustment or an easement, a right of way over it so that it gives public access and access for Council for maintenance. I wasn't clear of the Applicant's position on that legal mechanism. Sarah, is there any view from the Applicant on is the easement, right of way easement type mechanism acceptable to the Applicant?

S SCOTT: Yes, it is.

R O'CALLAGHAN: Okay, so that's an easy solve there. My question, Chris, is if we have a footpath that comes up to the railway land, KiwiRail land, and I fully accept there's a third party involved, so we can't make that mandatory, but if you have a footpath up to that corridor, the rail corridor, and until such ... and

let's say there's a pedestrian crossing over Stedman that links a notional footpath to the existing footpath? Until such time as KiwiRail agree and someone physically builds a footpath over the rail, would it be a safe physical piece of infrastructure to use the footpath with pedestrians walking over the railway line, effectively on the edge of the road, for crossing that little stint? I know it's not desirable. My question is, is that something that just shouldn't happen or shouldn't be done because of dangers?

C ROSSITER: You would definitely want to avoid that situation would be my position. I think the challenge here is trying to understand what the actual demand will be as well. I think we're in a position in terms of the number of people that will be employed, certainly early on at slip where I think we're in the 50/60, early on, but growing up to 150 Stage 3, but walking distance even to properties on Wingatui, you're at the upper end of the range that people will walk. So, it won't attract a lot of walking activity for employment and it will potentially attract a little bit more in terms of cycling, but then someone cycling to the site will be on the road up to that point anyway cos there's no cycle paths on Stedman or on Dukes. You're in that position where actually anyone riding, I'm going to say they're going to be the more confident riders, not recreational riders. If they're choosing to do that, they're already choosing to share a road in an industrial zone. The travel times for staff also probably discourage some of that active mode, particularly in the wintertime. It'll be high risk, low exposure.

R O'CALLAGHAN: Yes, but in a way I read it (and Council, please comment), this is about setting the scene for long-term passive travel, isn't it? Imagining further growth over the decades, set the scene now in terms of land access for the footpath. Is that where Council's trying to also come from with this?

H CHAPMAN: From a Council perspective, by putting this site here, you're effectively extending the urban boundary of Mosgiel from what was currently rural land use to an industrial land use.

We are wanting to improve the walking and cycling connectivity across Dunedin. We've actually just opened consultation on our strategy for walking and cycling this morning, and that does look at actually linking that industrial area up better. From a recreational perspective, there's some longer distance trails linking Mosgiel to Outram and to the south, to Waihola and to Dunedin in the north. It's those connecting pieces between them and making some of those rides come in.

From a commuting perspective, the demand may be low at the moment, but a lot of that is because as Chris has rightly pointed out, you have to be very confident to cycle in Mosgiel at the present time because there is two pieces of cycle infrastructure, both of which are below standard with just painted lanes. We want it to become more of an option in future, so if we don't build it now when this site develops, we're then in the position we are with a lot of other places around the city where we try and retrofit later.

R O'CALLAGHAN: That's implying you would also want this ... that links back to your 53 comment where you wanted it down the full extent of that boundary to the east to the end of the site, not just to the gate.

H CHAPMAN: In an ideal world, it would go the full length, but I can understand from the Applicant's perspective why they only want it as far as the gate.

R O'CALLAGHAN: If you had a scenario where it wasn't constructed from the gate to the eastern end, you've still got the issue of space for it in the future, and that then links back to the right of way, the easement and acoustic fencing, etc, security fencing being inside the site, the physical site, allowing that future footpath to be constructed along the continuation in a similar manner to between KiwiRail and the gate entry. Is that as you envisage it?

H CHAPMAN: It's fair to say that in an ideal world, we would extend it to the far edge of the site because we don't know what future development could occur. We know that there's a lot of sites that could potentially be developed to the east and to the north of the site when the planning environment is suitable for that to occur. What we've seen is that we've had developments that have been on that urban rural fringe and we've allowed them to build without footpaths. As that becomes incorporated into the urban area, as the boundary gets pushed out further, then we have suburbs without footpaths linking them, which is a problem for us now, so our preference probably would be that it went all the way along the site frontage. I guess we were just quite conscious of what is it within our power under the RMA and the district plan rules to require of the Applicant.

R O'CALLAGHAN: Sarah, I asked the question earlier about the Applicant's position on creation of an easement right of way facility over the title. You said, yes, that that was correct. Is that answer relating to the full boundary, that full boundary along Dukes North Road?

S SCOTT: Sorry, can you just ... I'm going to be [inaudible distorted audio 1:8:55] answer.

- R O'CALLAGHAN: Maybe you don't answer now. Maybe you consider that within your team and come back to us on that.
- K KEARNEY: That was a problem.
- S SCOTT: Thank you. Yes, we will. We're just discussing that and want to be sure we're very clear on the answer.
- R O'CALLAGHAN: Thank you.
- C ROBINSON: Yeah, I guess the scenario potentially is to future proof the option rather than construct on that other side of the access, but to continue whatever legal instrument is used. Is that the concern for the Council, that we don't lose the opportunity to provide that link in the future rather than address a current effect?
- H CHAPMAN: Yes, that would be fair to say.
- S ABLEY: Chris, or the other experts, just thinking about the footpath over the rail crossing, as I understand it, you've said it would be a good thing to be avoided if the pedestrians had to walk on the road rather than going across the footpath across the rail crossing. Can you think of another example in a rural context where that would exist?
- H CHAPMAN: If I could chip in, there are situations within Mosgiel currently where there is not a footpath or a dedicated pedestrian crossing over the rail network, including over the main south line, which is much busier than the rail link we're talking about here, which is the Taieri branch, which is predominantly used for excursion trips at present.
- S ABLEY: Where there is a footpath, is there an example where you'd effectively have to get off the footpath and then move across into the road zone to then cross the rail line?
- H CHAPMAN: I think currently along State Highway 87, there's not full footpaths through the level crossing at the entrance to Mosgiel. A lot of pedestrians are actually crossing the railway line to the east of the intersection at the moment illegally because there isn't a footpath, and that's on the main state highway entrance into Mosgiel. That is something that KiwiRail and NZTA are in discussion about changing.
- R JOHNSON: There is a footpath, Helen. There's just no, I guess, KiwiRail-accepted crossing point control on it.

- H CHAPMAN: Yeah, I think the Riccarton Road one doesn't have a pedestrian crossing at all, but then there's only a footpath on one side of the railway crossing. I would expect we would want at least a level crossing safety assessment from KiwiRail to understand the risk.
- C ROBINSON: If I understand your Appendix 3 to the JWS, the Council's looking, I think to use the words there, a binding commitment between the Applicant or KiwiRail and the Council. I don't understand what that means in the context of having to navigate the requiring authority's authority over that area of land. How can the Applicant influence the outcome of providing an appropriate crossing across the designation? What do you envisage happening?
- H CHAPMAN: I think from our perspective at the moment, we have no visibility that there's even been any conversations with KiwiRail or any steps made towards progressing this.
- R MARTIN: Yeah, I think we were trying to highlight there is a risk that nothing happens if there's no requirement. I think that's the biggest risk for us is if something doesn't occur, there's that safety risk ultimately.
- C ROBINSON: What's the Applicant's response to that? I think Chris, you accept the risk, that there's a risk there. It's not ideal from transportation, but Sarah, what is the solution?
- K KEARNEY: [inaudible distorted audio 1:13:37].
- S SCOTT: Yes, sorry, internal conversation happening here. Look, I think we did address this in our Section 55 response, and I don't think we've moved far beyond that. The difficulty with trying to include that in a consent condition is it's imposing something that's outside of our control, and therein lies the problem, I think.
- C ROBINSON: Well, it can't be a unique scenario, so I guess whether or not it can be imposed as a condition or not, we can still have regard to or take into account whether it's a solvable issue, can't we? So, what's the solution?
- G DRIVER: We'd like to try and solve it. We'd like to try and solve it. Let's get in a room with KiwiRail.
- S SCOTT: Yes, I mean, I think the difficulty lies with KiwiRail at the moment [laughter]. Low interest in terms of this particular location.

- C ROBINSON: Have you reached out to KiwiRail to discuss this issue on the back of the risk assessment?
- K KEARNEY: There's been informal ... and their initial responses is that crossing is primarily used by Dunedin Railways very infrequently and that the KiwiRail activity sits within the south side of that for the shunting and brake operations that run through to the Fonterra Mosgiel warehouse operation.
- S ABLEY: Where does that leave the Panel?
- C ROBINSON: Yeah, where does it? I mean, it is a safety risk, and yes, we take it into account whether it's potentially a risk to human life. Are you suggesting we just step through that, accept that that's a risk?
- R O'CALLAGHAN: Maybe don't have a footpath.
- C ROBINSON: Yeah, don't encourage pedestrians.
- R O'CALLAGHAN: You might create the corridor via the right of way, but don't physically construct the infrastructure so you're not encouraging pedestrian movement until such time as KiwiRail's on board, which is a backward step.
- C ROBINSON: It's a backward step [laughter].
- M GEORGESON: Within our Joint Witness Statement, we touched on that in relation to the footpath conversations and so on, and talked about the willingness of the Applicant to work in combination with KiwiRail and DCC, so there is potentially a mechanism through that and by way of a collective working arrangement between those parties.
- C ROBINSON: Yeah, the Panel, if it's not something we can condition, I mean it's not unusual for panels to receive some assurance through some alternate mechanism that there's a mechanism that will allow for those conversations to continue. I mean, DCC put it out there in terms of requesting some kind of binding commitment, but I just don't know what that looks like in the context of the process we're in. We're open to hearing from you about what that might look like and how we might consider that.
- K KEARNEY: I think it would be reasonable as Applicant to formally ask Dunedin Railways and separately formally ask KiwiRail around level crossing safety assessment. That would be revealing. To date, it's been informal and it's been very limited in terms of bond.

R O'CALLAGHAN: This is about money. You do it by way of a bond, a condition on a bond. This is about money. Who pays?

C ROBINSON: Well, ask.

R O'CALLAGHAN: Perhaps a mechanism is where there's a condition relating to a bond, the consent holder puts up a bond that covers the cost for the design and construction of the pedestrian crossing across KiwiRail if it eventually becomes feasible and possible. That way, then Council is protected, it's putting the cost on the Applicant. It's probably really only the Council that can drive the relationship with KiwiRail and approval from KiwiRail to achieve their objectives of expanding their footpath network. It puts the obligation on the consent holder to do their bit by funding it if and when it is achievable. In other words, being able to be implemented with a KiwiRail approval process. Maybe the Applicant could think about that mechanism as a way through this. It's not a lot of money. I'm assuming, it's not big infrastructure to put a pedestrian crossing over the railway line, is it, in cost terms?

S SCOTT: Yes, thank you. I think it would be appropriate for the Applicant to be able to consider that feedback. I expect that at some point soon we'll be asked to put our best foot forward in terms of a condition set, which we're asking the Panel to decide on, so we could be doing that alongside that. That's a really useful conversation, I think, in terms of different options that we can consider.

C ROBINSON: That's good.

R O'CALLAGHAN: That's all I have on the footpath.

C ROBINSON: [inaudible 1:20:20].

S ABLEY: Yeah. I've got nothing else at the moment.

C ROBINSON: Nothing else? You were going to talk about internals.

R O'CALLAGHAN: No, so I was interested in the second exit, but they've confirmed the second exit, that's emergency only. Okay, sorry, I understand that better now. That's helpful and dealt with that. No, that was the main area of concerns with this [overspeaking].

C ROBINSON: Look, can I suggest we just take a 5-10 minute break or let's break 'til 11, just to give the Panel time to check in with our notes and then we'll come back and hopefully close this out?

R O'CALLAGHAN: Yeah, that's helpful.

C ROBINSON: Thank you.

[Break in hearing]

R O'CALLAGHAN: Right, we're underway again, are we?

C ROBINSON: Yeah.

R O'CALLAGHAN: Just questions and clarification where we're heading with in terms of the upgrading of Dukes North between Stedman or the railway line or Stedman and the gate into the slip. As I read the information between the Section 53 and the responses, Council's asked that the upgrading extend for the design standard width and with the metre berm on each side. Chris, yourself and your team have said, 'Don't think it's needed. Think the existing carriageway (put to one side for the moment pavement) is okay.' Is that still the position of the two parties?

C ROSSITER: Certainly our position that the carriageway width as-is is sufficient for two-way movement of heavy HCVs. I think if any widening were to occur, it would be done as part of a whole road rebuild. You wouldn't add a shoulder. Just adding a shoulder to a road as-is, the shoulder would probably break up cos the amount that would be needed to be added is too narrow to be sustainable. It would need to be done as part of a whole road rebuild.

R O'CALLAGHAN: Then, turning to the second issue about suitability of pavement for the increased heavy vehicles, I assume that any investigation of that issue would revolve around, say, berm testing and confirmation of existing strength of the pavement. And then looking at the Council design standards, whatever they are, there might be a code of practise that Council uses or 4404 or some other similar standard. At the moment, the Applicant's position is, 'We're not proposing to do anything in terms of pavement strength. If there's an issue with the pavement, then it's a Council roading issue.' Is that where that sits as well?

C ROSSITER: My understanding is that for the minimum works required and where we're having to rebuild and widen the road to form the right turn bay, all the

necessary geotech investigation, pavement rebuild, would occur to ensure it's up to the appropriate strength for the number of volume of vehicles.

I think where we differ with Council is to the balance of the road as far as Stedman. My reading of Council's response and words within the JWS are that that section of road is probably end of life now or certainly approaching it, so while it's not scheduled for rebuild, it will need it shortly. On that basis, while the slip will bring forward the need for a rebuild, we would not see that the slip as a party should be responsible for the complete cost of that rebuild, given that it is something that we would expect to appear on the Council books in the near future anyway.

R O'CALLAGHAN: Sarah, has there been any conversation between the Applicant and Council on cost sharing?

S SCOTT: I don't believe so.

R O'CALLAGHAN: What is Council's view on both the widening and the suitability of the pavement between Stedman and the gate? If investigation identified that to be not up to standard and requiring reconstruction, what is your view on that who pays issue?

R MARTIN: In terms of the width, I think we are aligned on the existing widths to the east of Stedman Road being okay along Dukes Road, mostly on the sense that we agree that it is fairly consistent with the other rural parts of Dukes Road to the west. I think the concern we've raised is that we've already done our own berm testing in a sense of that section of Dukes Road, and that's where concern was raised that already there's some non-compliant berm testing. I can't comment on what the actual pavement life would be, but I don't think it's probably fair to say that it's reaching end of life. I mean, we could get back to you on what we think.

If no slip development occurred, we could probably give you some understanding of the current end of life or when we'd expect a full rebuild. I think our concern is more about for the slip not being anticipated, it's going to obviously significantly increase the amount of HCVs that are on the section of Dukes Road. That's the biggest concern around maintenance and funding where if a slip didn't occur, we're more likely to monitor the deflection. If it got to a really unacceptable level where it's risking the public and safe vehicle movements, that's when we'd probably step in, but at this stage, we're not proposing anything other than just monitoring the pavement condition and seeing where things go. At the moment, there isn't a high

proportion of HCVs and vehicles in general using this section. It's for the most part light, so I think that's why you'd expect that it hasn't broken down as much as it otherwise would have.

R O'CALLAGHAN: The application doesn't trigger subdivision or anything, so Council doesn't have a mechanism to collect any DCs from this application, does it, or is there some other mechanism within Council that can capture DCs in relation to this activity?

R MARTIN: My understanding is that there is. The DC policy does relate to commercial activities as well as subdivision, so there would be DCs collected. I guess there's a question around are those DCs used for unplanned maintenance or are they for wider network improvements as part of more a cumulative effects consideration where you've got other residential, industrial and commercial activities occurring in the background? There's a question around where that line is on Applicant fully funded versus DC part funding.

R O'CALLAGHAN: Equally, you could have a specific DC relating to the upgrade with an apportionment to the Applicant or consent holder and an apportionment to the wider rate payer group, couldn't you? Has consideration been given to that mechanism?

R MARTIN: It would have to be a dedicated programme and a long-term plan, and that's obviously subject to full Council approval where it becomes a line in our next 10-year cycle. I guess the risk there is that if it was to be agreed, it would've to be agreed by full Council. It wouldn't be at our level in terms of accepting that Council pays for a large proportion or moving funding around, so there's a higher proportion of funding for the section of Dukes Road that gets reallocated from somewhere else on the network. There's probably a pro and con to that where, yes, DCs could be used. A portion of it could be used from the development, but the outcome is still the Council still pays or moves funding around.

R O'CALLAGHAN: So, it's Council's view that the Applicant should pay the full cost of the upgrade?

R MARTIN: That's our current position, yes.

S ABLEY: Reese, a bit of a follow-up question: in terms of the degradation of this particular pavement, is this abnormal compared to the rest of the network or is it pretty typical, meaning that it's going to just fall into a programme whenever it works, based on your words, basically monitor, then act, or is it

potentially going to be accelerated because it's more important or less important?

R MARTIN: It's probably more a question for our asset team, but we typically do ongoing monitoring of the whole network. Depending on when we do our rating classifications, which happen at different parts of the year, the condition of the pavement would infer more than likely when a pavement upgrade is required. It falls into when our reseals occur. A reseal is based on the current conditions of the road, and as that changes, obviously it's a year to year process. You'd have records of previous years to see how the wear is occurring over time.

C ROBINSON: Well, yeah, [inaudible 1:31:10].

R O'CALLAGHAN: [overspeaking].

Reese, do you see a mechanism where if it the condition of the road is monitored and then this is from Council's perspective view, at a point in time that it's showing that the pavement's failing, it's unsafe, potholes, etc, maintenance, etc, then that upgrading is carried out then at that point in time by the consent holder?

R MARTIN: I mean, we could be accepting of a staged approach. I think from a practical perspective and also I guess a financial one, it depends on whether or not it's better to do the full upgrade at the outset of the slip and anticipating the full impact or whether or not you do minor ... like the road widening for new pavement for the right turn bay, for example, in the new intersection. If you leave the existing, I guess the risk is that you have to come back and then it's potentially going to be more expensive in the long term to come back and do those upgrades later on. It may be a position for the Applicant to confirm, but I guess there are pros and cons to that approach.

C ROSSITER: I would agree with Reese. Again, if all the works were done at once, it will be cheaper overall to do it as a package.

R O'CALLAGHAN: Yes, cos you're building swales and everything else, aren't you?

C ROSSITER: Yeah.

C ROBINSON: In the Council's Development Contribution Policy, there's a mechanism for developer or agreements with developers, which appears to be something that the developer requests. Is that correct? What's that mechanism and is it potentially available in this scenario?

- R MARTIN: I can't really speak to the way the Development Contribution Policy works. That's probably a question better answered by DC's team. My understanding from, I guess off the record discussions is that there has been a DC assessment, but I don't know if that's progressed any further.
- C ROBINSON: Has that been shared with the Applicant? Have you been privy to conversations?
- S SCOTT: Yes, it has, and the Applicant's perspective is that that should stay outside of the approvals. It doesn't really want to talk about that any further in this hearing, but a conversation is happening with DCC, and yes, DA can be used under DCC's Development Contribution Policy.
- C ROBINSON: Just in terms of the work itself, if there was a condition that simply required roading upgrades to occur at a certain threshold or point in time, do you have a view on that or does that also sit completely outside of the scope of these approvals?
- S SCOTT: I'm not sure I fully understand your question, but if there is a condition requiring certain works, then that would impact on the quantity of DCs that would need to be paid. Obviously, they would drop.
- S ABLEY: My understanding, Helen and Reese, is that there are growth effects associated with the slip, and you're comfortable that the DCs would allow for those growth effects to be captured?
- H CHAPMAN: When we're looking at those cumulative effects on parts of the network beyond Dukes Road North, the DCs will give us a mechanism to support the capital programme, which is still in the process of being identified, but yeah, it's for those cumulative effects beyond the immediate site. Our intention is that DCs would be used there. We have what we call the FDS capital, which we spend on a lot of smaller scale projects generally at the moment.
- C ROBINSON: Thank you for that. It's helpful context.
- There are no additional matters that the Panel wants to address in the context of this hearing, but I would just like to check in on the list of to-dos going forward. This hearing also just feeds into a general discussion on conditions, bearing in mind the Panel's indicated its wish to have a consolidated set of conditions on the 18th. For today's purposes, the Applicant's going to do some more work around the issue of the KiwiRail access and whether there's a potential bond mechanism or an alternate

mechanism to address pedestrian access over the rail line. Also, the legal mechanism for providing for a footpath along the boundary of the site within the site boundary and whether that needs to carry through for future-proofing that access. I also had down a possible conditional mechanism to lock in the construction of the siding or to provide surety of modal shift as an alternative to the DCC discussion around monitoring, reporting and potential review condition.

R O'CALLAGHAN: The planning on the footpath would be helpful.

C ROBINSON: And a plan, yeah, for the footpath. Is there any other matters there?

R O'CALLAGHAN: No, it'd just be good to share the plan. We accept that the plan with the footpath is still preliminary and in concept and a work in progress, but a copy of that would just be helpful.

C ROBINSON: Sarah, if the Applicant doesn't have or is not proposing to provide a mechanism to lock in that provision of the siding and modal shift, it would assist the Panel if we could have some supplementary submissions from you on what impact that has on the regional significance of the project and whether there's any consequential effect on the weight to be given to the purpose of the Act in that context.

S SCOTT: Okay, thank you. I think this is probably quite helpful guidance. Southern Links was ... and I don't know if this is an appropriate time, I appreciate we've got another hearing this afternoon and tomorrow, but we were, I guess, having a conversation about what the conditions hearing might be. I've asked around a lot of people involved in fast track and haven't managed to find anyone who's been involved in a formal conditions hearing, so I was wondering if you might be able to give some guidance on that. At the moment, we have a direction to provide an updated condition set, but in terms of outstanding matters between the Applicant and the commenters, we've been talking through those, and there might still be areas of disagreement on the merits at the end of this week. I wouldn't expect those ... we're re-thrashing out those merits again at a conditions hearing.

There was two points I thought it would be really useful to get an indication from the Panel on their view, and that is the structure of the Regional Council's conditions, and also potentially your position on certification of the final design plans, which I think are the two main areas of disagreement on terms of conditions drafting. I mean if you are able to give an indication of what you're thinking for that hearing, I might be able to get some

instructions and talk to you about that this afternoon or tomorrow, because what we're not wanting is some type of adversarial hearing, when in our submission, we're not actually that far apart on the conditions, especially when we have the ability to provide feedback on the conditions formally already.

C ROBINSON: Yeah, and I think that that's right, Sarah. I think the Panel, I guess it was a placeholder as much as anything because the development of the conditions has been somewhat iterative as the process has rolled on. I do understand that there is a more formal process, but the Panel, I guess was wanting to have an opportunity if there are matters within either set of conditions that is troubling them, that we are able to raise that with you. I definitely won't be going into that session cold and it might be incredibly narrowly focused, but at this stage, it is just that placeholder. We're wanting to get your most up-to-date set of conditions at the end of this week, and the Panel will take stock and then confirm exactly what's required for that hearing process. It's not intended to be adversarial. It's simply intended more of a drafting workshop.

R O'CALLAGHAN: And flagging the outliers, the ones in contention really, isn't it?

C ROBINSON: Yeah.

S SCOTT: Thank you. That is helpful. That would mean then that I guess for the applicant, ORC and DCC as the consent authorities, we would have a planner representing each. Also, well, unless we can get full agreement with what we file on Friday with Kā Rūnaka, then they, I understand would like some of the hearing of that as well, but we are endeavouring to get full agreement before we file on Friday.

C ROBINSON: Yeah, and also to the extent that you are having an ongoing dialogue with ORC and DCC around conditions, it would be our expectation that the Councils have resolved as many issues as possible in that set of conditions that come in on the 18th rather than floating possible other conditions yet to be drafted. I think we need to know what is their position on those conditions, and if there is an alternative, our expectation is that Council will come to that session on the 22nd having circulated their preferred wording.

S SCOTT: Will the Applicant be given a right of reply? I'm just thinking not so much this morning, but the Noise JWS does stray into some planning and legal issues, which does concern me. I have been asked to seek instructions that we be given the ability to file that, and that might be the appropriate time that we

can address your question about securing the benefits of modal shift at that time. I'm not sure if you're wanting them by Friday, but I am moving directly into three days of Environment Court mediation once I leave here, so Friday would be difficult.

C ROBINSON: We're open to hear from you as to what's a sensible timeframe. I wasn't expecting to receive a right of reply Friday. Yeah, open to your suggestions. It has to be workable, of course. You need some time to think about the consequences. It could follow shortly after the 22nd as a final wrap up.

S SCOTT: Yes, that would be sensible, and if the Panel does have any early views on the structure of the conditions, we would welcome that. We're of the view that the changes aren't needed, but if that's what the Panel wants, then we will structurally change them.

C ROBINSON: I'll give some more thought to that, and maybe that the Panel, I think we probably need a little bit more clarity from ORC around their rationale for why the current format doesn't work for them. I think I have an understanding based on what they said, whether it's a compliance or an administrative issue that's particular to ORC or whether it's more of a general issue, but I think we could take that up directly with them with some direction.

S SCOTT: Yes.

C ROBINSON: Okay.

S SCOTT: I mean, perhaps it would actually be better if it doesn't happen by Friday. I mean, it's simply a structural change, so if that's where it lands, then we can make those changes. I am working on some other projects in this region where the conditions are proceeding on the same way that we have drafted them, so this is definitely not unique for the Otago region.

C ROBINSON: Right. Is there any issue? I mean, I know it's probably work, but in terms of any legal issue as to why the Council can't re-sort the conditions to fit the consenting, I know it's duplication of conditions, but is it just an administrative issue or do you want to stay out of that?

S SCOTT: I mean, I can't answer that. It's for the Regional Council to say. I don't know why the preference, but I guess our approach has been trying to draft the conditions a little bit more efficiently than what has happened in the past.

C ROBINSON: Okay, well, we'll ask those questions of ORC and get some clarity about that.

S SCOTT: Thank you.

C ROBINSON: Okay, well, with that, we can close out the transportation hearing. Thank you very much. We appreciate the work that's gone into getting us here today. That's been helpful. Thank you. We'll talk again this afternoon for noise. Thank you.

S SCOTT: Thank you.

G DRIVER: Thanks everyone.

[End of Recorded Material: 1:46:45]