

*under:* the Resource Management Act 1991

*in the matter of:* Direct referral of applications for resource consents and notices of requirement to alter designations, for activities associated with the State Highway 1 / State Highway 29 Intersection Upgrade Project

*between:* **Waka Kotahi NZ Transport Agency**  
Requiring Authority / Applicant

*and:* **Waikato Regional Council**  
Consent Authority

*and:* **Matamata-Piako District Council**  
Territorial Authority

*and:* **South Waikato District Council**  
Territorial Authority

*and:* **Thistlehurst Dairy Limited**  
Section 274 Party

*and:* **John Hansen**  
Section 274 Party

Statement of Rebuttal Evidence of **Joanne Wilton** on behalf of Waka Kotahi NZ Transport Agency

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Dated: 29 August 2022

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Reference: Paula Brosnahan (paula.brosnahan@chapmantripp.com)  
Hadleigh Pedler (hadleigh.pedler@chapmantripp.com)

## **STATEMENT OF REBUTTAL EVIDENCE OF JOANNE WILTON ON BEHALF OF WAKA KOTAHI NZ TRANSPORT AGENCY**

### **INTRODUCTION**

- 1 My full name is Joanne Ronda Wilton.
- 2 My rebuttal evidence is given in support of Waka Kotahi NZ Transport Agency's (*Waka Kotahi*) notices of requirement and applications for resource consents (Application), for the construction, operation and maintenance of the State Highway 1 / State Highway 29 Intersection Upgrade Project (*the Project*).
- 3 While I am not giving expert evidence, for completeness I restate the following qualifications and experience relevant to my evidence. I hold a Bachelor of Engineering (BE(Civ)) and a Post Graduate Diploma in Business Administration (PGDip(BusAdmin(Project Management))). I am a Chartered Professional Engineer (CPEng), a Chartered Member of Engineering New Zealand (CMEngNZ) and an International Professional Engineer (IntPE(NZ)/APEC Engineer). I have 23 years' experience in construction and development of infrastructure engineering.
- 4 I have been the Project Sponsor since November 2020, a role that involves governance and management responsibilities for the Project. I am also the Regional Manager Infrastructure Delivery for Waikato / Bay of Plenty and in this role am responsible for the delivery of the Project. I have personal knowledge of the matters set out in this evidence and its contents are true to the best of my knowledge and belief. I am authorised to give this evidence on behalf of Waka Kotahi.
- 5 In this statement of evidence, I respond to the evidence of Mr Serjeant, Mr Edwards, Mr Gregory and Mr Vaughan on behalf of Thistlehurst Dairy Limited (*TDL*). I also respond to the statement of Mr Hansen.

### **SEPARATION OF THE PROJECT FROM C2P**

- 6 Mr Serjeant,<sup>1</sup> Mr Gregory<sup>2</sup> and Mr Edwards<sup>3</sup> all assert that the Project should not progress in isolation from the Cambridge to Piarere Long Term Improvement Project (*C2P*). Respectfully, their views do not account for the practicalities of managing New Zealand's state highway network.
- 7 Waka Kotahi is responsible for managing New Zealand's state highway network. The transport system must be continuously re-

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<sup>1</sup> Evidence of David Serjeant, dated 5 August 2022, at paragraph 23.

<sup>2</sup> Evidence of Darryl Gregory, dated 5 August 2022, at paragraph 4.1-4.2.

<sup>3</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraph 267.

evaluated, looking at a variety of factors, including resilience, safety, performance and environment to identify possible new connections and opportunities for investment to ensure the network can service New Zealand's transportation needs. Consequently, Waka Kotahi has a growing portfolio of projects differing in scale and complexity that it must undertake.

- 8 State highway improvements cannot all be progressed simultaneously. There are not the resources to do this, and the network must continue operating throughout any upgrades or expansions. For example, the Waikato Expressway was consented and constructed as seven separate projects, despite now forming a single continuous stretch of state highway. It would not have been possible to undertake either the consenting or construction of all seven projects simultaneously.
- 9 Separating projects allows Waka Kotahi to prioritise available funding and resource to projects where there is the greatest need, and/or projects that will provide the best value for money. Requiring a 'whole of network approach' to consenting and construction would be impracticable. A staged approach to network works and upgrades is both practical and necessary.
- 10 As set out in my evidence-in-chief, although Waka Kotahi had previously anticipated that safety problems at the SH1/29 intersection would be addressed as part of C2P, the Project is now fully independent.<sup>4</sup> Separate funding and substantial safety benefits justify the Project progressing on a stand-alone basis. To be clear, Waka Kotahi considers these benefits fully justify construction of the Project, even if C2P is never constructed.
- 11 Mr Gregory states<sup>5</sup> that Waka Kotahi has deliberately chosen a consenting strategy (ie to progress the Project in advance of C2P) to disadvantage TDL and avoid an appropriate assessment of alternatives for the C2P Project. I disagree.
- 12 Waka Kotahi was appointed as delivery agent for the Government on a number of transport projects in the New Zealand Upgrade Programme (*NZUP*), including the construction of a new roundabout intersection to replace the existing SH1/29 intersection. The C2P project was not included in NZUP.
- 13 Separation of the Project from C2P enables Waka Kotahi to progress an important safety upgrade now, in advance of longer term improvements sought through C2P.

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<sup>4</sup> Work in 2018 identified that further analysis should be carried out on the timing of a long-term solution for the Expressway, but there were safety issues that needed to be addressed in the short to medium term. In particular, work needed to be undertaken with urgency to inform a safety solution for the existing SH1/29 intersection, which is a key safety risk on the network.

<sup>5</sup> Evidence of Darryl Gregory, August 5 2022, at paragraph 3.47.

- 14 I note Mr Gregory's apparent frustration with the changing approach to C2P and the Project over the last five years. While I acknowledge there has been a degree of uncertainty for TDL, the changes have reflected changes in funding and Government priorities. None of the changes in approach or strategy were motivated by an intention or desire to disadvantage TDL. Waka Kotahi plans for the C2P applications to be publicly notified and TDL will be able to fully participate in that process.
- 15 Waka Kotahi has funding to progress and deliver the Project now. The funding has been made available by the Government as part of NZUP to progress *this* Project (ie a roundabout at the SH1/29 intersection), and Waka Kotahi are unable to allocate this funding to other projects or priorities. Waka Kotahi considers it would be inconsistent with statutory objectives to defer a project that is funded and for which there is a clear need, until potential other projects in the area are ready to be progressed, given the lack of certainty about when such projects would be funded or built.
- 16 Although I consider it possible that construction of C2P could start within a decade, this may change and could be pushed back further. The safety benefits that will be realised by the Project are important to progress now.

#### **THE PROJECT IS A SAFETY PROJECT**

- 17 Mr Edwards concludes<sup>6</sup> that the need to make safety improvements at the SH1/29 intersection is no longer urgent as the installation of the RIAWS system has seen a dramatic reduction in the number and severity of crashes. Based on these conclusions, Mr Serjeant states<sup>7</sup> he cannot understand why Waka Kotahi considers that it is reasonably necessary to proceed with the intersection upgrade. I consider these conclusions do not recognise the current risks or reflect the role Waka Kotahi plays in New Zealand's transportation system.
- 18 The Project is a safety project. The SH1/29 intersection is dangerous and requires an upgrade to prevent further serious injuries and death.
- 19 As outlined by Ms Harrison, SH1/29 is a high-risk intersection<sup>8</sup> and there is urgency to implement the Project to reduce injury crashes.<sup>9</sup> I agree with Ms Harrison's conclusions, which align with Waka Kotahi's assessment of the intersection.

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<sup>6</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraph 249, 267.

<sup>7</sup> Evidence of David Serjeant, dated 5 August 2022, at paragraphs 22-23, 87-90.

<sup>8</sup> Rebuttal evidence of Nerissa Harrison, dated 25 August 2022, at paragraph 17.

<sup>9</sup> Evidence of Nerissa Harrison, dated 6 July 2022, at paragraph 28 and rebuttal evidence of Nerissa Harrison, dated 25 August 2022, at paragraph 59.

20 In the past month alone there have been two crashes at the SH1/29 intersection that have threatened the lives of people involved.<sup>10</sup> Works need to be undertaken to ensure no more accidents occur at the intersection.

**Waka Kotahi's position**

21 As outlined in my evidence-in-chief, Waka Kotahi has committed to a Road to Zero strategy.<sup>11</sup> No one should be killed or seriously injured on New Zealand's roads, and allowing the current DSI rate to continue is unacceptable when funding is available to address the risk.

22 SH1/29 is a high capacity intersection, with high volumes of traffic along a strategic freight route within the Waka Kotahi network. Safety issues at the intersection, irrespective of differing perspectives as to scale, are only going to get worse. Investment in this part of the network will have significant benefits for the state highway network by providing resilient safety solutions in a critical area.

23 As Regional Manager Infrastructure Delivery for Waikato / Bay of Plenty, I consider the state highway within my region and help to identify projects that need to be progressed. I consider the Project to be one of the critical safety upgrades required within the Waikato / Bay of Plenty portfolio. If the Project was not funded as part of NZUP, I would still be identifying it as a priority project in my region to be progressed in advance of others.

24 The need for urgent safety improvements in this location has not only been recognised by Waka Kotahi, but also by the local community and iwi. The Waikato Regional Land Transport Committee has also urged early physical implementation of the Project<sup>12</sup> and the Government has recognised this need by providing specific funding for the Project through the NZUP.

**ACCOMMODATION OF THE FUTURE EXPRESSWAY**

25 Mr Edwards states<sup>13</sup> that the fourth arm is not necessary for the Project. I disagree. The inclusion of a stub in the roundabout design is important for efficiency and health and safety reasons.

26 Waka Kotahi seeks to use resources efficiently and effectively, and looks for opportunities to future-proof projects where possible. I consider future-proofing our works for other planned or possible

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<sup>10</sup> Rebuttal evidence of Nerissa Harrison, dated 25 August 2022, Appendix Figure 1 and 2.

<sup>11</sup> Evidence of Joanne Wilton, dated 6 July 2022, at paragraphs 18-20.

<sup>12</sup> Waikato Regional Land Transport Plan 2021-2051, Appendix 8 – RTC advocacy for other transport activities to be brought into the Waka Kotahi Investment Proposal 2021-31.

<sup>13</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraph 21.

projects, is good practice, saves resources, and minimises disruption in the future.

- 27 As stated in my evidence-in-chief,<sup>14</sup> and outlined in the rebuttal evidence of Ms Harrison, including a fourth entry/exit as part of the Project is prudent as it limits safety risks and construction effects for any connections in the future.<sup>15</sup>
- 28 In his evidence, Mr Serjeant has suggested that, the best way to achieve Waka Kotahi's second objective for the Project (ie to accommodate any future expressway and connections for walking and cycling) is simply to wait until the C2P route has been decided and then design the intersection accordingly.<sup>16</sup> As I have discussed above, this approach does not accurately reflect the realities of managing projects across a state highway network – improvements are made incrementally when resources and funding are available.
- 29 I do not agree with Mr Serjeant's statement that a full assessment of the C2P route is the best way for the Project to meet the second objective.<sup>17</sup> Waka Kotahi does not rely on a connection to C2P to support, provide for or justify the Project. The Project 'accommodates' a potential future extension of the Waikato Expressway by providing space for the expressway to connect to the roundabout, both in terms of geometric spacing of the exits/entrances, and through provision of a fourth exit/entrance.
- 30 Providing for the fourth exit/entrance now, irrespective of whether it is ultimately required for C2P, is a prudent use of Government allocated funds. It is not uncommon to incorporate connection points that are not yet required in roundabout projects. For example, the roundabouts at the intersections of SH1/SH5 in Tirau and Fifth Avenue/Wairere Drive in Hamilton (as shown in Figure 1 and Figure 2 in the **Appendix** to my evidence).

### **ONLINE AND OFFLINE CONSTRUCTION**

- 31 Mr Edwards suggests that, although constructing a roundabout off-line would have advantages, it is not necessary.<sup>18</sup> Mr Edwards provides the SH22 intersection upgrade at Glenbrook as an example of roundabout construction within an existing intersection.<sup>19</sup> I accept the SH22 intersection is an example of a situation where online construction was considered the best option. However, it is important to note that the SH22 construction was able to progress "online" as the four roads that connected to the roundabout were

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<sup>14</sup> Evidence of Joanne Wilton, dated 6 July 2022, at paragraph 65.

<sup>15</sup> Rebuttal evidence of Nerissa Harrison, dated 25 August 2022, at paragraph 48.

<sup>16</sup> Evidence of David Serjeant, dated 5 August 2022, at paragraph 23.

<sup>17</sup> Evidence of David Serjeant, dated 5 August 2022, at paragraph 99.

<sup>18</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraph 190.

<sup>19</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraph 187.

closed for a number of weeks and deviations were in place. I do not consider that that is a viable situation for the SH1/29 intersection.

- 32 Additionally, building roundabouts online leads to an inherently raised risk profile that is difficult to manage. As outlined in the rebuttal evidence of Ms Harrison, an offline solution reduces traffic construction effects, including safety risks.<sup>20</sup> Although sometimes online construction is necessary, this usually results in more disruption to traffic and requires more intensive traffic management to ensure the safety of road users and construction workers. Waka Kotahi seeks to minimise risks to the lives of its contractors and the public when upgrading parts of its network. Everyone working on and using New Zealand's roads should make it home safely.

### **WALKING AND CYCLING**

- 33 Mr Edwards suggests that an at-grade walking and cycling pathway would be appropriate if a one lane roundabout was implemented at this intersection.<sup>21</sup> He also suggests that the upgrade does not require grade separation for walking and cycling because there are low levels of pedestrian and cycling traffic through the intersection.<sup>22</sup> He further says elevation of the Project by 3.5m would make constructing the Project more difficult, and could potentially increase adverse effects.<sup>23</sup>
- 34 In contrast, Ms Harrison's evidence considers that at-grade crossings are not safe options for walking and cycling for either a one or two lane roundabout at the existing intersection.<sup>24</sup>
- 35 I completely agree with Ms Harrison and disagree with Mr Edwards.
- 36 Currently, the intersection is unsafe for pedestrians and cyclists. If safe routes for pedestrians and cyclists are provided at the SH1/29 intersection, they are more likely to choose active modes of transportation in the area. Enabling these choices is necessary to achieve modal shift within the community.

### **"PRE-DETERMINATION"**

- 37 Mr Edwards' view is that confirmation of the Project would strongly influence Waka Kotahi decision making around the C2P alignment, to the extent the Project would pre-determine the alignment of C2P to connect to the fourth entry/exit.<sup>25</sup>

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<sup>20</sup> Rebuttal evidence of Nerissa Harrison, dated 25 August 2022, at paragraph 5.6.

<sup>21</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraph 174.

<sup>22</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraph 255-257.

<sup>23</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraphs 13 and 122.

<sup>24</sup> Rebuttal evidence of Nerissa Harrison, dated 25 August 2022, at paragraph 45.1.

<sup>25</sup> Evidence of Wesley Edwards, dated 5 August 2022, at paragraph 246.

- 38 In the context of a 16km long expressway (such as C2P), that will be constructed mainly offline through farmland, the existence of a pre-constructed connection point is a relatively minor consideration. Although the current preferred alignment for C2P connects to the Project, the route is still subject to detailed investigation and assessment.
- 39 Further, as per my discussion above, I note the practical necessity of Waka Kotahi being able to progress connecting road projects separately. A requirement that possible future connecting roads to a project be assessed at the same time as the initial project, would make the staged consenting and construction of projects, such as the Waikato Expressway, impossible.

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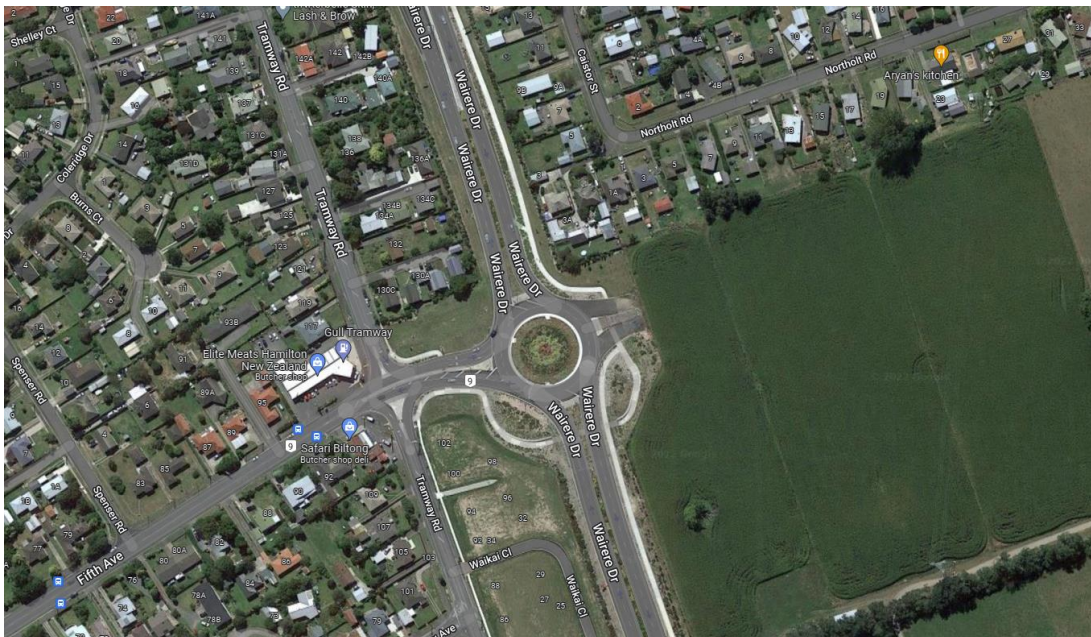
**Joanne Wilton**  
**29 August 2022**



## APPENDIX



*Figure 1: Intersection of State Highway 1 and State Highway 5, Tirau*



*Figure 2: Intersection of Wairere Drive and Fifth Avenue, Hamilton*