

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the Proposed Plan Change 5 ("**PC5**") to the
Hamilton City Operative District Plan

**STATEMENT OF EVIDENCE OF DONALD JOHN MCKENZIE
ON BEHALF OF SUBMITTERS PEACOCKE SOUTH LIMITED, NORTHVIEW
CAPITAL LIMITED AND JONES LANDS LIMITED**

TRANSPORT

16 SEPTEMBER 2022

1. INTRODUCTION

Background and experience

- 1.1 My full name is Donald John McKenzie. I am the Private Sector Leader (Transportation) – Auckland for Stantec New Zealand.
- 1.2 I gained a Bachelors Degree in Civil Engineering with Honours from the University of Canterbury in 1991. I am a Chartered Professional Engineer in New Zealand, an International Professional Engineer, Fellow and Chartered Member of Engineering New Zealand, Fellow and Professional Member of the Institute of Transportation Engineers, USA and a Member of the Resource Management Law Association.
- 1.3 Throughout my 30 years of professional experience, I have practiced as a traffic engineering and transportation planning specialist where I have provided transportation consulting and expert witness services to a wide variety of clients across the country within the private sector, local government and central government agencies.
- 1.4 I have been involved in the assessments of, and expert evidence presentations associated with, numerous land development processes including residential, retail and mixed-use development consents and Plan Changes throughout metropolitan Auckland and across New Zealand. Some of the key recent development processes with which I have been involved include:
- (a) Plan Changes 58-60 Drury Central, Auckland – expert transport evidence on behalf of the three applicants;
 - (b) Technical review of Plan Change applications on behalf of Territorial Local Authorities in Auckland and Whangarei in respect of various Plan Changes and Notices of Requirement including the Eastern Busway - Auckland, Urban and Services Plan Change - Whangarei, and Albany Precinct 10 Plan Change and Appeal – Auckland;
 - (c) Tauranga Crossing Shopping Centre Tauriko, Tauranga
 - (d) Provision of expert transportation evidence in support of applications for Judicial Reviews to the High Court regarding Hamilton City Council's Development Contributions policy and in relation to a contractual dispute between New Zealand Retail Property Group and Auckland Council/Auckland Transport.

Code of conduct

- 1.5 I confirm that I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. OVERVIEW OF TRANSPORT MATTERS IN RELATION TO SUBMITTER CONCERNS

- 2.1 Among the matters sought by Peacocke South¹ in its various submissions to Plan Change 5 (“**PC5**”) was a requested rearrangement of various elements of the local and collector road network within its properties lying in the southwestern quadrant of the PC5 land including some parcels with direct legal road frontage to Ohaupo Road / State Highway 3 (“**Ohaupo Road**”). While Peacocke South appreciates that the detailed investigation of road alignment and gradient matters within the PC5 land would be required in due course through subdivision and resource consent processes, it sought to recognise that from a network connectivity and accessibility perspective, there were likely to be workable and viable alternative arrangements to deliver the required access to their properties from other directions such as via its existing Aurora development to the north.
- 2.2 Peacocke South also sought through its original and further submissions, to ensure that the progressive delivery of transport infrastructure as set out in the notified PC5 in a generally north to south progression, would not unduly impede alternative delivery patterns that may not proceed in this specific direction or pattern. The request by Peacocke South in its submissions was for there to be an appropriate pathway potentially requiring alternative assessment of transport objectives and/or efficiency for any “out of sequence” development applications.
- 2.3 I have considered this matter further and can confirm from a transportation perspective that as long as any alternative staging of the land development within PC5 is subject to further evaluation and integrated transport assessment which shows that the transport objectives of PC5 are satisfied, then there is no

¹ Peacocke South is the term I use to represent the grouping of Northview Capital Limited and Jones Lands Limited (as primary submitters to PC5), together with Peacocke South Limited (in respect of its further submissions).

intrinsic transportation reason why such “out of sequence” development should not proceed.

- 2.4 The connection of some of the Peacocke South properties to Ohaupo Road provides not only current legal road access to those properties but also the potential for alternative transport infrastructure to be considered as a potential element in an effective and efficient (and timely) staged delivery of the PC5 land. Peacocke South appreciates the existing safety concerns that exist at the Hall Road / Ohaupo Road intersection and takes on board the positions expressed by Hamilton City Council (“**Council**”) and New Zealand Transport Agency | Waka Kotahi (“**Waka Kotahi**”) in respect of these current safety concerns.
- 2.5 Peacocke South considers and I am able to concur from a transportation point of view, that there are suitable alternative access arrangements potentially involving some of its own existing development within the Aurora development located to the south and east of the newly constructed roundabout at the intersection of Ohaupo Road and Whatukooruru Drive. I understand that Peacocke South is prepared to work with these parties (and other landowners) should the closure of the Hall Road eventuate so as to achieve safe, viable and effective connections between Peacocke South’s land and the surrounding parts of PC5.

3. OVERVIEW OF PC5 STRATEGIC TRANSPORT OUTCOMES

- 3.1 PC5 anticipates a future transportation network that aims to provide access to the wider Peacocke growth cell and adjoining areas across Hamilton South, with connections to and across the Waikato River for walking and cycling. It aims to support the growth in activity generated within and through the Peacocke areas based on delivering part of the wider Southern Links strategic transportation programme of works and projects approved connecting to and expanding the wider Hamilton transportation network.
- 3.2 The Southern Links project is intended to reduce congestion, improve safety on the existing State Highways 1 and 3 routes through South Hamilton, as well as improving general accessibility, freight flows, and contribute to the multi-modal accessibility for the residents within and visitors to the future growth area within the Peacocke Structure Plan / PC5 area.
- 3.3 The PC5 transport-related objectives specific to the Peacocke area in conjunction with the city-wide transport objectives for Hamilton, seek to integrate land-use and transport through increasing density around nodes and

transport corridors, and progressive reduction in the dependency on private vehicles for travel. Many of these city-wide objectives around travel choices and reduced dependency on private car travel (for at least some travel purposes) are reinforced and developed as part of PC5.

- 3.4 PC5 seeks to align with the city-wide Transportation Objectives and Policies set out in Part 25.14 of the Operative District Plan (“ODP”). At a high level, the overarching transport objective seeks to achieve:

“Integrated Transport Network

25.14.2.1 – An integrated multi-modal transport network that meets national, regional and local transport needs and is: Responsive; Efficient; Affordable; Safe; Accessible; Sustainable and Integrated with land use”

- 3.5 This objective is then support by a series of city-wide ODP policies addressing:

- (a) Land Use Integration
- (b) Transport Network
- (c) Adverse Effects of the Transport Network

- 3.6 In my consideration of this over-arching, city-wide Objective and supporting framework of transportation policies, the over-riding and repeated message being sought within PC5, is for integration between, and well-considered responsiveness of, safety, land-use and transportation, accessibility across transport modes and sustainability. In developing its submission to PC5, Peacocke South seeks to contribute towards meeting these objectives of integration and accessibility for all modes of travel and safety as it develops its landholdings.

- 3.7 In this regard, the Peacocke South landholdings are well positioned to maximise the effectiveness and efficiency of connections from its land to the various primary roading connections (Minor and Major Arterials set out in the PC5 roading hierarchy and associated parts of the Structure Plan).

- 3.8 In its original submission however, Peacocke South sought to also maximise the flexibility available via the lower hierarchy road levels (including collector and local road connections) to achieve improved outcomes in terms of development efficiency and in some locations urban design and community connectedness. In my opinion, the delivery of these local road and collector road routes (and their overall purpose) can be achieved in a number of ways that will none-the-less deliver the connectivity (for all modes including walking

and cycling) and overall network capacity in alignment with the broad transport outcomes sought for the PC5 area.

4. TRANSPORT AND PLANNING EXPERT CONFERENCING

4.1 I attended the transport and planning expert conferencing held on Friday 19 and Tuesday 23 August on behalf of Peacocke South. During the course of that conferencing a number of the matters I have discussed in the earlier parts of this statement were addressed via conversation and negotiation with the transport experts on behalf of the Council, Waka Kotahi and other landowners.

4.2 I address the two outstanding matters from a transportation perspective in relation to the Peacocke South land and its submissions to PC5.

5. PROGRESSIVE DEVELOPMENT OF PC5 TRANSPORT INFRASTRUCTURE

5.1 The Peacocke South submission sought to formally recognise the flexibility of transport infrastructure improvements in supporting the ultimate delivery of PC5 and its Structure Plan roading and transport hierarchy. Through the course of the expert conferencing and the recommendations from the Council's Reporting Planner², it was made more explicit that the so-called "out of sequence" development within PC5 precincts could be facilitated on the basis that the PC5 transport objectives were achieved.

5.2 Specifically, and while the Reporting Planner's recommendation in respect of the infrastructure staging provisions is to reject the Peacocke South submissions, I note that there is sufficient acceptance of alternative staging within the Chapter 3A Peacocke Infrastructure and Staging Table and within Appendix 1 - 1.3.3 P5(V) which set out that the anticipated staging does not preclude subsequent stages of development. The Reporting Planner recommends (on the basis of the agreements reported within the JWS³) and I concur that the alternative consenting path for "out of sequence" staged development supported by matters of discretion requiring assessment of the effects of staging and infrastructure provision in regard to efficiency and sustainability of the existing and planned PC5 transport⁴

² Section 42A Hearing Report, paragraph 7.97

³ Attachment A to the Planning (2) JWS

⁴ However as per the evidence of Ms Fraser-Smith, there are concerns with the final drafting of the criterion.

6. FLEXIBILITY OF LOCAL AND COLLECTOR ROAD ALIGNMENT

- 6.1 Peacocke South sought to amend the PC5 structure plan roading layout in the southwestern corner of the PC5 area by way of an extension to a collector road joining from the Aurora development (to the north) toward the North-South Major Arterial. The submission outlined Peacocke South's considered view that such an alignment would achieve better connectivity and support the neighbourhood centre located in the vicinity.
- 6.2 I considered that the Peacocke South proposal represented a reasonable transportation engineering/planning approach which could effectively achieve an equivalent transport network connectivity and effectiveness of transport options within this local area, and would not lead to any significant secondary adverse effects. The recorded in the Transport and Planning Joint Witness Statement⁵, the Council's transportation adviser Mr Black confirmed that such flexibility and/or alternative alignment of local and collector roads would be supported on the basis of the transportation outcomes sought for PC5, but that there may be other non-transportation effects that could influence such alternative alignments of these lesser-hierarchy links.
- 6.3 The Reporting Planner's recommendation⁶ was to reject the relief sought by Peacocke South, however it was identified through the Transport and Planning Joint Witness Statement ("JWS") and reiterated in the Reporting Planners Report (paragraph 7.94) that Figure 2-2 (Appendix 2 Structure Plans) displays an appropriate indicative form of the collector road network, key local transport network features and an indicative cycleway/walkway network (amongst other items). The Reporting Planner confirms that these indications are intended to provide landowners with a broad outline of the general form and connectivity of the intended future network elements at the collector (and local) roading network level, but that there might be some difficulty in expressing the differences between "indicative" and "proposed" classifications especially with regard to some of the key collector roads in some parts of the PC5 Structure Plan.
- 6.4 The JWS and the Hearings Report confirm that there is inherent flexibility associated with the "indicative" networks of local and collector roads, and while it is not intended to be prescriptive, the Reporting Planner notes in response to these Peacocke South submission points that there is a sufficient degree of flexibility. That flexibility with the notation "indicative" is seen by the Reporting

⁵ Section 3.1 under the heading "Alignment of Local and Collector Roads"

⁶ Section 42A Hearing Report – Appendix A, Submission Points 13.5 and 14.2

Planner to enable discussion and negotiation between Council and landowner as to the provision of these lower level roading connections to best meet the outcomes of each development, within the framework of the PC5 Structure Plan's roading network as a whole.

- 6.5 From a transportation point of view, I am satisfied that there are a range of suitable degrees of flexibility within the provisions of PC5 to enable variation to the extent and alignment of the local and collector road network supporting the Neighbourhood Centres and surrounding future residential development within the Peacocke South land. I consider that alternative alignments and even alternative locations of connection points between these classifications of roads, can be achieved such that the overall transport objectives of PC5 can be achieved, and that such alternatives should be enabled to ensure that the overall outcomes for development within PC5 (such as urban design and community connection) are achieved in a holistic manner.

7. CONCLUSION

- 7.1 I have considered the transportation implications of the proposed relief sought by Peacocke South in respect of its land interests and development opportunities within the south-western corner of the PC area. In my opinion, the flexibility in terms of the staging and sequencing of development within the overall PC5 land (including the specific needs of the Peacocke South land) with respect to the more significant infrastructure provision, and the alignment and general positioning of local and collector road links, should not only be inherent within the PC5 provisions but where possible, be as explicit as possible.
- 7.2 In respect of the staging and sequential delivery of the Plan Change's transport infrastructure, I agree with the Reporting Planner (and Expert Conferencing attendees as reported in the JWS) that there should be greater explicitness in this regard. I agree with the conclusions reached through the transportation and planning JWS's that there should be an alternative consenting regime for such "out of sequence" staged development with supporting assessment matters aligned with the efficiency and sustainability of existing and planned infrastructure.
- 7.3 In terms of the anticipated flexibility of the local and collector road network provision delivered by developers and landowners, I agree that there is sufficient flexibility within PC5 enabled through the "indicative" roading network diagrams and supporting text appearing in PC5 and its Structure Plan are

indeed indicative. Additional confirmation and explicitly framed confirmation of this inherent flexibility would in my view be helpful.

- 7.4 Overall, I considered that the matters raised in submissions by Peacocke South represent appropriate concerns as to the flexibility and responsiveness of development to respond to the many objectives and constraints that it will face in developing its land interests. From my involvement in the Expert Conferencing and preparation of the Planning and Traffic JWS in response of transport matters, I consider that with the changes to the consenting regime and assessment matters with respect to infrastructure staging, can be supported from a transportation perspective, and would provide potentially enhanced transport outcomes with respect to the anticipated development of Peacocke South's land within PC5.

Don McKenzie

16 September 2022