

**HEARING STATEMENT OF HEATHER LOUISE PERRING ON BEHALF OF THE LANDOWNER
SUBMITTERS FOR PROPOSED PLAN CHANGE 7 TO THE OPERATIVE HAMILTON CITY PLAN**

Day 2: 28/10/2021

Good morning, Chairman and Commissioners.

1. My name is Heather Louise Perring, I am a qualified planning expert with over ten years' experience in the assessment of effects, including traffic effects. My qualifications are set out in my evidence.
2. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. I have complied with the Code of Conduct in preparing my statement of evidence. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
3. As stated within my evidence, my knowledge of the local roading environment is intimate from having lived on Lee Road (within the Rotokauri Structure Plan Area) from 2013 to 2019, and another 3 years prior living in the Rotokauri area.
4. I take my evidence as read, and for today's purpose wish to focus on a few key points, and provide a response to certain matters from the Applicant's rebuttal evidence and Mr Blacks evidence for Hamilton City Council (HCC).
5. A key concern from my evidence was that decisions were to be made based on traffic modelling that did not capture the interim development scenario over the next 15 years, and that modelling was not based on any surveys of existing traffic.
6. Subsequent to the preparation of my evidence, Greenseed has provided additional traffic modelling, at the request of Mr Black, that is intended to be used as a proxy for the worst case interim traffic scenario for Exelby and Burbush Roads. This was provided to myself, Mr Black, and the other transport caucusing participants via email

from Rebekah Hill on 12th October, ahead of the final transport expert caucusing held on 14th October.

7. Although little discussion of this modelling was held within that final caucusing, due to limited time, it was apparent that the modelled travel patterns were based upon an assumption that residents would choose travel routes with the fastest estimated travel time.
8. However, as someone who has used these roads regularly in the past, I know that travel route choices are often based on other factors such as the perception that rural roads or the most direct route will be faster, and a desire to avoid traffic lights or intersections with queuing. Many people travelling on these roads are on multi-destination trips such as dropping children off to school on the way to work.
9. Mr Black at para 50 of his evidence, states that he remains *“concerned that the traffic modelling is under-estimating trips in general and that it underestimates the attractiveness of Exelby Road and Burbush Road for trips to and from the Plan Change area”*. I could not agree more.
10. This most recent modelling only accounts for the estimated traffic generated by new residents within Rotokauri North and the proposed shopping centre. As I understand it, it does not quantify the cumulative traffic volumes from adding in construction traffic associated with the gradual roll out of development in Rotokauri North, or from cumulative growth in traffic generated from other areas.
11. In my professional planning opinion and based on my experience in reviewing transportation assessments associated with resource consent applications, the model should not be used alone to determine the trigger points.
12. Mr Hills rebuttal evidence relies heavily on the traffic modelling, New Zealand Transport Agency (NZTA) crash data, and a ‘passing of the buck’ to HCC for existing safety deficiencies, to back up his opinions on the appropriateness of the upgrades

now promoted by Greenseed. To that end, I thank Mr Hills for acknowledging in his presentation on Day 1 of the hearing, that modelling is just one tool for assessing traffic effects.

13. Regarding the crash data, a record of other crashes has been presented by Ms Moroney, which provide information over and above Mr Hill's assessment to provide a more comprehensive picture of the frequency and nature of crashes along Burbush and Exelby Roads.

14. At 3.10 of his rebuttal, in relation to the NZTA crash record, Mr Hills states:

"While I recognise that there may be other non-reported crashes in the area, these are likely to be minor in nature (i.e. the New Zealand Police did not need to be called). As such, I consider that this factual data indicates no specific safety concerns for the area".

15. However, the number and nature of crashes that are reported by Ms Moroney demonstrate that there are safety concerns for the area. I note that most of these crashes were caused by loss of control either from speed, the narrow carriageway, or both.

16. In my evidence I provided other tools or methods, including a short Film of a section of Exelby Road, descriptions of poor visibility and speeding, as well as accounts of my own personal experience using these roads. Regarding the Film, Mr Hills has selectively commented in his rebuttal on what this shows, but largely disregards safety matters, instead relying on the NZTA crash data, and fails to address the existing environment that is clearly shown in the Film.

17. However, the NZTA crash data does not exhaustively capture risk. For example, it would only record a child being hit by a vehicle after alighting from the school bus, after it had already happened. The Film I provided in my evidence illustrated the risk already presented to children on Exelby Road. I am not convinced by Mr Black's

evidence that the initial road widening to 7.7m width will adequately address this situation.

18. Mr Black, at para 49 in his evidence has outlined that *“crashes involving pedestrians or cyclists are more likely to result in death or serious injury”*, and that *“at a collision speed of 60km/h, the probability of pedestrian or cyclist fatality is nearly 100%”*.
19. Although HCC may review the speed limit and adopt 60km/h for these roads, I believe that given the peri-urban nature of the road many motorists will speed upwards of 70km/h. A perception of the road being safer due to widening may occur, when in fact the roads will still have strong horizontal and vertical curvatures that present substantial safety hazards.
20. In any case, as Mr Black notes at 34.b of his evidence, *“a change in speed limit cannot be relied upon as mitigation as there is no certainty that it will be implemented”*. You must therefore base your assessments and decisions on the speed limit continuing to be 80km/h. At those speeds, with the vertical and horizontal curvature remaining, I believe we will continue to see vehicular loss of control resulting in multiple accidents along these roads.
21. Mr Black at para 54 states that road widening to 7.7m *“provides improved safety for road users by providing more space to avoid collisions, reducing their likelihood. It does not address the risk for people who chose to walk or cycle. However, it provides a 1m wide sealed shoulder which could be [for] cyclists. This is less than the desirable widths of 1.5m and 2.0m for 60km/h and 80km/h posted speed limits”*. However, he then goes on to recommend that a footpath only be provided on Exelby South and Burbush South at 700 dwellings/lots.
22. To justify the need for a footpath at the point of 700 dwellings or lots, Mr Black at para 38 states that *“simply increasing the sealed width to 9.5m may result in unintended safety effects through higher vehicle speeds and increasing demand for walking and cycling in the sealed shoulders. It would not address safety concerns at intersections*

or concerns about the horizontal or vertical geometry". Surely then, the same logic would apply to the 7.7m widening.

23. Overall, I do not consider that risks to pedestrians or cyclists have been adequately addressed by the initial road widening proposed, or that the recommended upgrades and triggers are consistent with HCC's Vision Zero, or Part 2 of the RMA.
24. As both Ms Moroney and Mr Black have reminded us, HCC's Vision Zero seeks to deliver transport infrastructure that prevents deaths, and which recognises that human error leads to accidents. This backs up my call for decisions on traffic matters relating to Exelby and Burbush Roads to be precautionary and proactive for managing safety risks. Mr Black echoes these sentiments, however in my opinion, the final set of upgrades and triggers that he has recommended are not precautionary enough to be consistent with Vision Zero.
25. In addition, I find all versions of the upgrades and trigger table for outside of Rotokauri North, to be unnecessarily complicated and to be lacking regard for the cumulative amenity effects on the landowners of repeated rounds of road improvements outside their properties.
26. Considering Exelby Road south, Mr Black now recommends widening to 7.7m at 500 dwellings or the first lot/dwelling/road connecting into Burbush Road, followed by further widening and inclusion of a shared path at 700 dwellings.
27. Yet at para 66 he maintains that the Exelby Road/Rotokauri Road intersection upgrade should occur at the same time as the first road widening for "*construction safety, efficiency and consistency*". Applying the same logic, and to avoid cumulative construction amenity effects on the landowners, I consider that the widening upgrade should be one full and final upgrade, rather than incremental upgrades.
28. Given all of the above, I maintain my position that the upgrades must include a footpath on one side of the subject roads. As to whether it should be a temporary or

permanent formation, that would depend on the final decisions made. If you decide on one full and final upgrade then a permanent footpath is logical.

29. I now turn to more technical planning matters and relief sought.

30. Firstly, on the matter of who should be responsible for addressing existing deficiencies in Burbush and Exelby Roads, I consider that the existing Structure Plan provisions are very clear, that if a developer chooses to develop ahead of sequence, then they should fund infrastructure to provide it in a way that is efficient and sustainable from a city-wide perspective. Mr Blacks evidence demonstrates that he concurs.

31. As to what would constitute sustainable provision of transport infrastructure, I note the RMA definition of sustainable management as including development that enables people and communities to provide for their wellbeing and health and safety. It then follows that out of sequence development must also fund upgrades to provide for the wellbeing and safety of the community.

32. Wellbeing must include the effects from construction of the roading upgrades, and construction traffic on the landowners and community. You have heard from the submitters how construction traffic, particularly heavy vehicles, is a real and escalating issue in Rotokauri. Exelby Road especially is not suitable for heavy vehicles. Under the recommended roading upgrade provisions, the residents would have to put up with a proportion of construction traffic associated with the land development and the build of 500 homes before the first roading improvement.

33. As outlined at paragraphs 3.2-3.5 in rebuttal evidence, Greenseed's Planners (Ms Fraser-Smith and Mr Tollemache) maintain that construction traffic can and will be assessed at resource consent stage, and that its unnecessary to include specific plan provisions regarding construction traffic. This is based on there being no similar provisions in other Hamilton City Structure Plans, and construction traffic already being a matter covered by relevant District Plan assessment criteria.

34. They agree with me that *“staging and timeframes play a role in the level of safety and amenity effects arising from construction traffic”*, however they are *“unsure how this scenario is unique to Rotokauri North”*.
35. I consider that each case should be assessed on its own merits, and in the case of Proposed Plan Change 7, the development is unique in that it is totally out of sequence. This means that construction traffic associated with the development of Rotokauri North will be concentrated on the existing road network for many years, rather than being spread more thinly over a more substantial network.
36. I therefore sought that a rule be included under 3.6A.4.2 f) of the District Plan, that *“any development works shall not allow heavy vehicle movements along Exelby or Burbush Roads south of the site”*. This is a simple inclusion to efficiently address the potential effects from construction traffic on the landowners.
37. There appears to be some confusion, that I have sought a prohibition, however this is incorrect. As I understand 3.6A.4.7 (Staging Activity Status) of the proposed Plan Change, my suggested provision would trigger the need for either a Discretionary or a Non-Complying resource consent to allow heavy vehicles to utilise these roads. Thus, such activity may still be possible, however the effects would need to be assessed and appropriately managed. I see this rule working to encourage developers to manage construction traffic such that they would ensure trucks utilise the State Highway to avoid the need for a resource consent.
38. I acknowledge Mr Blacks questions at para 76 of his evidence, over how this could be enforced. I view it as being no different to typical consent conditions that are regularly added onto resource consents related to access to State Highways, for no right turn movements for example. As with any rule or consent condition there is often a reliance on local community members to report non-compliances, and for Council’s to then investigate. The key point is that the rule would serve as a deterrent to most developers and contractors.

39. Mr Hills at 3.42 of his rebuttal, agrees with me that construction traffic should utilise arterial roads such as State Highway 39 as much as possible rather than rural roads such as Burbush Road and Exelby Road. I would think that Greenseed should therefore have no issue with the rule being adopted.

40. Regarding my call for the addition to 25.14.4.3 n) of a specific broad Integrated Transport Assessment (ITA) assessment criteria for effects from construction related traffic and works within existing road corridors, should you decide in favour of the inclusion of the rule related to heavy vehicles, then I accept that there would no longer be a need for this suggested assessment criteria as it relates to construction traffic.

41. However, if you decide against the new rule, then I maintain that this assessment criteria in part, is necessary for addressing the Landowner's concerns which yield from the out of sequence development. After further consideration I now recognise that as this provision relates to the preparation of broad ITA's it is not an appropriate location for an assessment criteria regarding amenity effects from works within the existing road corridors. Accordingly, I now amend my request at 7.4 of my evidence, to read:

ii an assessment of effects from construction related traffic ~~and works within existing road corridors.~~

42. For completeness, and in further considering potential amenity effects on Landowners from construction of roading improvements, I have checked the District Plan on whether the roading upgrades would trigger the need for a resource consent. Table 18.4 for the Transport Corridor Zone appears to be the relevant section and does provide for works either partly or fully in accordance with the function of the transport corridor as defined in Appendix 15-4, as a permitted activity. However, I was unable to determine whether consent would be triggered. HCC should provide clarity regarding this matter and provide guidance to the panel.

43. I have reflected on Ms Fraser-Smith and Mr Tollemache's rebuttal commentary regarding construction management plans and accept that Construction Management

Plans (CMP) are likely to be a requirement of subdivision consent conditions, and that it is appropriate to prepare these at the time of more detailed design. Further, should you accept the inclusion of Rule 3.6A.4.2 f) v. regarding heavy vehicles, then most of the concerns I hold regarding the effects of construction traffic would largely be resolved. Noting also that I would expect that any CMP's would outline that heavy vehicle transport shall not utilise Exelby and Burbush Roads south.

44. Regarding the additional Objectives sought at 7.11 and 7.12 of my evidence, I partly agree with Ms Fraser-Smith and Mr Tollemache's rebuttal commentary about this. Upon a considered and plain reading of proposed Objective 3.6A.2.4 and considering the inclusion of rules requiring roading upgrades in the adjacent network, I maintain that specific Objectives that provide an overarching framework for managing traffic effects on Burbush, Exelby and Te Kowahi Road East are necessary, particularly given the out of sequence nature of Rotokauri North. However, I do concede that Objective 3.6A.2.4 may not be the most suitable provision to apply this to, given that it relates more to the roading pattern within the Rotokauri North site than the surrounding network.

45. As such, I propose that a new stand-alone Objective be included instead, as follows:
Ensuring the mitigation of traffic efficiency and safety effects from the development of Rotokauri North on Exelby Road, Burbush Road and Te Kowhai Road East.

46. Finally, at 7.6 of my evidence, I presented a simple alternative to the road widening provisions in Table 2 Transport Triggers and Upgrades outside of Rotokauri North. I believe you will find this much easier to comprehend than the complex set of provisions that have evolved during expert conferencing and within Mr Black's evidence. I consider that the number of versions of these provisions produced through this process is testament to the uncertainty in the traffic assessments and problematic nature of setting appropriate triggers.

47. I completely agree with Greenseed's Planning Joint Statement Further Reply Evidence circulated this morning, that *"in order to be effective and conform with sound planning practice, it is necessary that triggers be based on a high degree of certainty"* (para 2.4).
48. To recap, I sought that all lengths of Exelby Road, and Burbush Road south of the development site be upgraded at the time of the first lot or dwelling, and that seal widening be complemented with a temporary footpath.
49. In my opinion the suggestion of Mr Black to widen the roads to 7.7m at 500 dwellings and then widen again at 700 dwellings is needlessly disruptive to the Landowners, and may be more costly overall to the developer.
50. Further, Mr Black has expressed doubts over the most recent traffic modelling with regard to estimated volumes and predicted travel patterns, and also over the lack of staging information. He notes at para 40 of his evidence that *"determining a trigger and nature of further upgrades is complex"*. Mr Black has attempted to resolve this by applying a layer of crash and predicted injury crash rates over the modelling. This analysis predicts that on Exelby Road the existing injury crash rate is 1.06 per year, however, does not include crashes that may occur at intersections.
51. Mr Black's injury crash rate analysis is another piece of numerical analysis based on certain assumptions and methods. It is one more tool that relies upon the Waikato Regional Transport Model (WRTM) outputs over which there are questions of accuracy.
52. I therefore ask that in making decisions on the upgrades, that you ensure the provisions account for **all** the evidence, including the statements of the Landowner submitters, The Film presented in my evidence, and the additional crash history presented today by Ms Moroney. I consider that overall, the collective evidence demonstrates that the existing traffic environment is so deficient, and the cumulative effects are so uncertain, that upgrades including a footpath, from the beginning, are

the only logical way to address the uncertainty and existing environment. This is particularly so, due to the proposal being totally out of sequence.

53. This position is, in my opinion, the only expert position presented that is consistent with the RMA purpose of sustainable management, HCC's Vision Zero, as well as Mr Nolan's reported corporate values of being good neighbours and every human being valuable.

Thank you,

Heather Louise Perring

Principal Planner (MNZPI)