

Hearing Panel: Murray Kivell (Chairperson) and Russell De Luca
Hearing Date: 7th October 2019

Report Name: s42A Planning Report Addendum on Publicly Notified Resource Consent Application – for the establishment of a Pak N Save supermarket and associated fuel facilities at 980 Te Rapa Road within the Industrial Zone.
Author: Sam Le Heron

REPORTING OFFICER

1. This report has been prepared by Sam Le Heron. I hold the qualification of Masters in Planning from the University of Otago. I also hold a Bachelor of Physical Education and Bachelor of Arts from the University of Otago. I have had over 8 ½ years' experience in planning roles in Local Government in New Zealand. This experience includes both policy development and consent processing roles under the Resource Management Act 1991 (RMA). I have been a Full Member of the New Zealand Planning Institute since October 2017.
2. At present I hold the position of Acting Unit Manager, Planning Guidance Unit for Hamilton City Council, a role I have held for approximately 2 ½ months. Prior to this role I held the position of Consents and Certificates Lead for six months, and previously I was a Senior Planner for the Hamilton City Council Planning Guidance Unit, a position I held for approximately 1 ½ years.
3. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with that practice note in preparation of this report. I agree to comply with it in presenting this report and any evidence at the hearing. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.
4. No formal pre-hearing meetings or mediations concerning submissions covered by this evidence have been undertaken pursuant to sections 99 and 99A of the RMA.

REPORT STATUS

5. This report is an addendum to my earlier s42A Report (issued 30th April 2019) prepared under the Resource Management Act 1991 (RMA) which provides my advice and recommendations as an independent planner. This report has been prepared based on the information available as at 16th September 2019. It does not represent any decision on the application and the

conclusions and recommendations reached in the report are not binding on the Hearing Commissioners. The addendum report, and the original S42A Report will be considered by the Commissioners in conjunction with all other technical evidence and submissions to the application to form and make their decision under delegated authority on behalf of Hamilton City Council as the consenting authority.

6. I will rely on my earlier S42A Report which covers off the introduction, application timeline, site description, application, submissions and notification sections.
7. For the sake of brevity, I will incorporate an updated s104 assessment that relates only to the revised layout and additional mitigation proposed as it effects my earlier transportation effects assessment. I will then continue with an update of the relevant subsections of my earlier S42A Report that have been impacted by the revised layout and additional mitigation. The only matters which have changed from the earlier assessment relate to transportation matters, in response to the traffic caucusing and further modelling work that has occurred. An updated site plan, additional traffic assessment and planning assessment on behalf of the Applicant, and the Supplementary Evidence of Mr Black and Mr Meister have been relied upon to form the recommendations and conclusions in this Addendum Report.
8. In my earlier S42A report, I outlined the statutory planning framework insofar as it relates to the proposal. I provided my assessment under section 104 of the RMA and, in doing so, I identified the issues raised through the notification process and assessed the effects of the proposal (both adverse and positive) and the effectiveness of mitigation measures proposed by the applicant. This Addendum Report now draws on supplementary specialist advice concerning transportation matters, in response to the revised layout and additional mitigation measures put forward by the Applicant. The specialists' technical assessments are attached as numbered appendices as follows:

<u>Processing Team</u>	<u>Personnel</u>	<u>Technical Expertise</u>	<u>Reference</u>
HCC	Sam Le Heron	Resource Management	This Addendum Report
Gray Matter Ltd	Alastair Black	Transportation	Appendix A
WSP Opus	Mike Meister	Transportation	Appendix B

9. In addition to the above appendices, I have also attached the relevant updated information provided by the Applicant and the traffic caucusing notes (refer to table of contents on Page 7 of this report).
10. The Hearing Commissioners will have a copy of the application documents, all further information documents and submissions that have been received. The application documentation, including the revised layout and additional mitigation, has been made available to the public on the HCC website, accessed via www.hamilton.govt.nz/foodstuffs. For this reason, it is not intended to extensively repeat information that is provided in the application documentation. Where appropriate I have identified those parts of the applications AEE which I have adopted for the purposes of the section 42A report. This

Addendum Report only focuses on the transportation matters that have been amended / changed and therefore my Original S42A Report still stands for all other matters.

APPLICATION TIMELINE

7 To record the timeline for the application, the following are the key dates of the application process:

23 July 2018	Application lodged with Council
16 August 2018	S92 Further Information Request
23 October 2018	Responses to Further Information Request
21 November 2018	Request for Public Notification by Applicant
11 December 2018	Application Notified
7 February 2019	Submissions Closed
1 April 2019	First Commissioners Direction
30 April 2019	Issue of Planning Report
7 May 2019	Second Commissioner Direction
9 May 2019	Third Commissioner Direction
23 May 2019	Traffic Caucusing
23 August 2019	Fourth Commissioner Direction
7 October 2019	Hearing

COMMISSIONERS' DIRECTIONS

8 The Commissioner Panel will hear and determine the application under delegated authority from Hamilton City Council. Commissioner Chair, Murray Kivell, has issued a direction for the pre-circulation of evidence and for the hearing process. The direction notice is dated 23 August 2019.

9 With respect to the pre-circulation of evidence for technical witnesses, the following dates are to be complied with for the availability of reports and evidence:

16 September 2019	Council's Addendum to Original s42A report
23 September 2019	Applicant's statements of evidence
30 September 2019	Submitters' expert statements of evidence

10 It is expected that the Applicant will table any rebuttal evidence at the opening of the hearing. I also note that I intend to provide a supplementary report during the hearing, when Council presents to the Hearing Commissioner Panel.

EXECUTIVE SUMMARY

11 This executive summary combines the assessments of my Original S42A Report and the assessments of this Addendum Report.

12 This application seeks resource consent for the construction and operation of a new Pak N Save supermarket with an associated fuel facility, at-grade car parking and all other associated enabling works.

- 13 The critical issues arising from the application relate to transportation effects and economic effects.
- 14 The Foodstuffs North Island Limited (the ‘Applicant’), has presented expert technical reports in support of its application. This includes a Broad Integrated Transport Assessment and a Centres Assessment Report, in addition to other technical information. While the original application was considered to be a complete application and additional information was provided as part of responses to Council’s S92 Request for Further Information, at the time of public notification being requested by the Applicant there were several important elements which remained outstanding (see Attachments 1 and 2 S92 Outstanding Matters – Transportation 9/11/2018 and Centres Assessment 27/09/2018).
- 15 At the time of public notification, given the degree of the gap in information available to Council (regarding transportation and economic matters), I made the decision, in consultation with internal and external experts, that additional modelling would be required for both transportation and economic matters. That additional work was subsequently commissioned by Council.
- 16 Six submissions have been received, the majority of which are in opposition to the application and focus on transportation and economic effects. Many of the submissions are stated in general terms, with limited specific relief or issues identified. I have considered the submissions for the purpose of my assessment of the application.
- 17 The additional transportation modelling resulted in the creation of a 2031 VISSIM Model. This VISSIM Model was subsequently provided to all parties on the 18th April 2019, in advance of my S42A Hearing Report being made available, given the benefit this modelling could have for all parties. The 2031 VISSIM Model will assess any future land uses trips within the Te Rapa Corridor to inform overall network efficiency. The same approach was taken with the Independent Safety Audit, which focused on key intersections associated with the proposal and was also distributed on the 18th April 2019.
- 18 Council commissioned Market Economics to review the economic reports provided with the application and assess the scale of the effect of the proposed supermarket. The purpose of this work was to assist in determining whether the proposal would undermine an existing centre in the localised catchment. The modelling work concluded that while the economic impacts of the proposal were sizeable, and the economic impacts were felt across a number of established centres, the effects would not undermine the business hierarchy, as it is unlikely that any established supermarket within the localised catchment would close as a result of the proposed supermarket. The closure of a supermarket was considered by Market Economics as being a measure that would likely contribute to the undermining of a business centre.
- 19 I agree with the Market Economics interpretation of the supermarket provisions in the Industrial Zone, particularly Rule 9.5.4. The rule does not define or provide criteria to determine what it means to ‘undermine’ the role or function of other centres. In this context Market Economics have determined this to mean the closure of a supermarket, thereby

changing the role or function of an established centre. The Market Economics reports records that the most significant effects in terms of % change to floorspace productivity and vulnerability to adverse effects is the Nawton Suburban Centre Countdown which would experience measurable impacts, that would contribute to lower floorspace productivity and less overall sales, but not to the extent that closure of the supermarket is likely. I therefore rely on the Market Economics conclusion that the scale of the proposed Pak N Save supermarket will not undermine the Nawton Suburban Centre and established Countdown supermarket.

- 20 Accordingly, based on the assessment criteria for supermarkets seeking to establish in the industrial zone, I have concluded that the proposal will not undermine the centres hierarchy and that the effects of the application in that regard are acceptable.
- 21 Based on the evidence to date and the outcomes of the traffic caucusing, in my view the critical issue is the adverse transportation safety effects arising from the proposal. In that regard, I have reviewed and considered the traffic/transportation evidence and information on this issue, including the information provided in the original application, the revised layout and additional mitigation measures, the relevant technical assessments and the submissions. While the majority of the adverse traffic effects are able to be appropriately mitigated, there remains an unacceptable level of adverse traffic safety effects. In the absence of appropriate further mitigation, the proposed layout will create unacceptable levels of risk to the immediate and wider transportation network. I have relied on the technical expertise of Mr Black and the Independent Safety Audit, when coming to this conclusion. I consider that Mr Black, Council's independent expert on transportation safety, and the Independent Safety Audit highlight significant concern with the proposal from a transportation perspective as it currently stands.
- 22 Relevantly, Mr Black has turned his mind to possible additional mitigation options which could address those effects. Such additional mitigation could be implemented through the imposition of appropriate conditions, should the Commissioners be minded to grant resource consent for the proposal. However, as at the date of this report, such additional mitigation options, which could address the outstanding safety concerns, have not yet been considered by the applicant. Nevertheless, based on the information received from Mr Black, and considering Mr Meister's position, I have proposed updated drafted conditions which are included in Appendix D. These proposed draft conditions may require further refinement. However, they essentially capture the key aspects that I consider the Applicant will need to address so that Council's technical experts, and myself, can be satisfied that the proposal is appropriate in this location.
- 23 The District Plan sets out a clear policy framework to consider when processing applications for supermarkets within the Industrial Zone. The current proposal will generate adverse transportation safety effects which I have assessed to be significant, subject to additional mitigation measures being proposed to address the safety effects highlighted by Mr Black. Furthermore, an evaluation of the proposal against the relevant objectives and policies of the Plan (i.e., those relevant to the matters of discretion which include the Strategic Framework consideration of integrated land use occurring with infrastructure), I consider the proposal to

be inconsistent to the objectives and policies of the Plan in relation to transportation matters, given the residual transportation safety concerns.

- 24 In my opinion, when considering the matters in s104, including the positive and adverse effects of the proposal and the relevant objectives and policies of the district plan, in the absence of additional mitigation to address the adverse traffic safety effects, at this point my recommendation that the application by Foodstuffs North Island Limited be declined has not changed.
- 25 If additional mitigation measures, for example as outlined in this S42A Addendum Report and Appendix D, were to be incorporated into the proposal and addressed during the hearing, I will consider these and whether they address the safety concerns that are currently identified.
- 26 To assist the Commissioners, should the hearing panel be minded to grant consent following the hearing of evidence from all parties, I have attached a draft suite of conditions as Appendix D, which include the additional mitigation to address adverse traffic safety effects. I note that in my opinion the additional mitigation measures identified in this report and Appendix D are within the scope of the application.

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Appendix B – Supplementary Traffic Statement of Evidence by Mike Meister

Appendix C – Caucusing Statement

Appendix D – Draft Conditions

Appendix E – Revised Layout and Additional Mitigation

1.0 APPLICATION DETAILS

27 See previous S42A Report.

2 SITE AND LOCALITY

28 See previous S42A Report.

3 APPLICATION

29 For wider assessment of the application please see previous S42A Report.

30 The nature of the revised layout and additional mitigation proposed which is the subject of this Addendum S42A Report is summarised in Mr Langwell’s Technical Note where he states;

The following key changes have been made to the original proposal:

a) The site access on Te Rapa Road is to be a left turn entry only, with no exit movements. A left turn slip lane is to be provided to enable vehicles that are turning left into the site to move clear of following through traffic.

b) The Eagle Way/Karewa Place/Maui Street intersection is to be controlled by a roundabout rather than a T-intersection. This provides more flexibility by enabling U-turns and will result in reduced traffic speeds through this intersection. A single lane approach is provided on Karewa Place and Maui Street, and two approach lanes on Eagle Way.

c) The left turn slip lane on Eagle Way is extended to enable PAK'nSAVE customers to pull clear of the through lane as soon as possible after leaving the Te Rapa Road intersection. The existing median island on the Eagle Way approach to the Te Rapa Road intersection is also adjusted to effectively provide a longer right turn lane for customers entering the Countdown site.

d) The left turn entry into the Site at the Maui Street vehicle crossing is provided with a short slip lane on the exit from the roundabout to reduce any potential conflict between vehicles slowing to enter the site and following vehicles leaving the roundabout.

e) The on-site layout has been modified to remove car parking spaces immediately inside the three entrances in order to minimise any potential for queuing to extend back out onto the road network. The position of the proposed fuel facility has been adjusted to accommodate the new roundabout. The revised site layout now provides a total of 265 parking spaces for customer and staff use compared to 278 spaces originally proposed.

f) The safety audit identified the need to reduce the existing 80 km/hr speed limit on Wairere Drive down to 60 km/hr in order for the proposed signalisation of the Karewa Place intersection to operate safely. This is a matter for the Council to implement and is supported by the applicant. The service area at the rear of the building remains the same. Most deliveries will involve rigid trucks and vans, with the occasional larger B-train, semi-trailer of truck & trailer. Fuel delivery tankers will also use the service area to discharge fuel remotely, with an underground fuel line to the fuel facility.

4 SUBMISSIONS

31 See previous S42A Report.

5 NOTIFICATION

32 See previous S42A Report.

6 STATUTORY PROVISIONS

- 33 The proposal by Foodstuffs North Island Limited requires land use consent under the provisions of the District Plan as a restricted discretionary activity for the establishment of a supermarket within the Industrial Zone, Integrated Transport Assessment, Water Impact Assessment, in addition to controlled activity consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) in relation to the hazardous facility.

6.1 Resource Management Act 1991 (RMA)

- 34 The Resource Management Act 1991 (RMA) sets out the statutory provisions for the assessment and determination of the application with Sections 104, 104C providing the primary assessment framework.

Section 104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and]]*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104C Determination of applications for restricted discretionary activities

- (1) *When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*
- (a) *a discretion is restricted in national environmental standards or other regulations;*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan.*
- (2) *The consent authority may grant or refuse the application.*
- (3) *However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*
- (a) *a discretion is restricted in national environmental standards or other regulations;*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan*

- 35 As a Restricted Discretionary Activity, Council has restricted its discretion to General Criteria, Supermarkets, Transportation, Function, Vitality and Amenity of Centres, Hazards and Safety and Three Waters Capacity and Techniques.

- 36 The following assessment considers the land use application in terms of the relevant assessment matters of the RMA. These are (in the order they are discussed in this report):
- Assessment of Environmental Effects (section 7)
 - Objectives and Policies of the District Plan (section 8)
 - Assessment of the application pursuant to s104 RMA (section 9)
 - Conclusions (section 10)

- 37 This assessment is focused on any changes resulting from the revised layout and additional mitigation measures proposed and is otherwise relying on my earlier S42A Report.

7 ASSESSMENT OF ENVIRONMENTAL EFFECTS Section 104(1)(a)

- 38 Under S104(1)(a) of the RMA, the following section assesses any actual and potential effects on the environment of allowing the activity.

- 39 The applicant's AEE provides in Section 6.4 a detailed assessment of the effects of the proposal and concludes that the effects of the proposal overall are less than minor. The application was originally lodged seeking non-notification. However, the applicant requested public notification of the application on the 21 November 2018. For completeness I note that following my assessment I have formed the view that the proposal will have adverse effects which are more than minor (primarily in relation to traffic effects). As noted at the outset of my earlier S42A report, a number of technical experts were engaged by HCC to undertake assessment of effects of the application relating to specific areas of expertise and relevant to the territorial authority's jurisdiction. For this Addendum Report, the assessment of effects seeks to focus only on the revised layout and additional mitigation proposed. This report will not repeat the previously considered effects as part of the Original S42A Report (Original Report Subsection References 7.1 – 7.3, 7.5 – 7.8). This Addendum Report will focus on the assessment of the transportation effects and summary of effects.

7.1 Transportation Effects

- 40 I rely on my Original S42A Report subsection 7.4 to provide the context and introduction to all relevant transportation effects. I believe a full reading of my Original S42A Section 7.4 is required to fully inform this subsequent Addendum Report in regard to transportation effects. In this regard, I will not repeat substantial context from my earlier report, but will instead expand the relevant matters that have come up in regard to the revised layout and additional mitigation proposed. I therefore consider that both my transportation effects assessments are pertinent to consider, as this Addendum has a more refined scope.

Addendum Overview

- 41 This updated transportation effects assessment relates to the revised proposal and mitigation received following the caucusing of transportation experts. For the benefit of brevity, I have not covered my earlier subheadings of Overview, Update to the VISSIM Model, Applicants Evidence and Wairere Drive Speed Environment and I rely on my Original S42A Report for this. This addendum will focus on the Consented Baseline, Traffic Caucusing, Summary of Revised

Layout and Additional Mitigation, Applicants Revised Evidence, Mr Black’s Supplementary Evidence, Mr Meister’s Supplementary Evidence and Overall Transportation Conclusions.

Consented Baseline

- 42 At the time of my S42A Report being published (April 2019), the subject site, and wider Porter’s Site, was subject to a “consented baseline” associated with the existing land use consents, including a baseline of traffic effects (trip movements). The relevant traffic models had factored in the granted consents and their associated trip movements. Relevantly, the existing resource consents had a lapse date of 31st July 2019. Since my original s42A Report, the consent holder applied for an extension to the lapse period of the consents. Council subsequently made determinations on the S125 (extension of time) applications relating to the Porter’s Site and declined the request for the extension of 5 years. However, it is important to note that these decisions are currently subject to S357 Objections. Therefore, the status of the consents is uncertain at this point.
- 43 To address this uncertainty, I have considered the traffic effects of the proposal in the absence of the “consented baseline” of traffic effects. The consented activities over the wider ‘Porter’s Site’ include large format retail, offices and drive-through activities. The approved plans for this mixed-use development indicates that this consent provided approval for 1800m² GFA of large format retail, 3745m² GFA of offices and 400m² GFA of drive-through service floor space within the boundaries of Lot 8 (the portion of the Porter’s Site subject to this application). Therefore, the combined GFA of these activities would have generated a number of vehicle trips on the road network which would, effectively, be replaced with those of the proposed supermarket.
- 44 If the 2014 consents are not granted an extension of the lapse period (or could be considered to be implemented), the proposed activity would be assessed as if those traffic effects were not part of a “baseline”. In my opinion, in the absence of this “baseline”, the traffic network could be said to have some degree of capacity for the proposed trips associated with the activity, given the previous consented trips and acceptable network efficiency considered by Mr Meister. In my view, either scenario creates the potential for adverse effects which have been assessed by the applicants traffic expert in the submitted ITA and has been subject to further analysis through the further information traffic response and input from various technical experts on behalf of Council, and both scenarios would be considered acceptable from a network efficiency perspective.

Traffic Caucusing

- 45 Caucusing of Traffic Experts took place on the 23rd May 2019, and after this caucusing, the attendees (as outlined in Appendix C) were involved in email exchanges in relation to modelling inputs / outputs being undertaken by Mr Inder (BBO), as a consequence of the traffic caucusing. I am informed that the Traffic Caucusing Notes capture an accurate summary of the discussions and subsequent technical discussions which took place.
- 46 I understand the Applicant has relied on the caucusing of traffic experts to provide the context for the revised layout and additional mitigation measures put forward in the application,

received 8th August 2019, and uploaded onto the website on the 23rd August 2019. The focus of the traffic caucusing was primarily around efficiency of the network associated with the new trips associated with the proposed activity. However, I do note that the circulated roundabout solution amongst the caucusing group for Eagle Way / Karewa Place / Maui Street Extension included a single lane roundabout, whereas the Applicant has now put forward a revised layout, Mr Black expands on this in more detail in his Supplementary Evidence.

Summary of Revised Layout and Additional Mitigation

47 Mr Langwell, on behalf of the Applicant, provides a succinct summary on Page 2 of the revised layout and additional mitigation proposed, outlined in subsection 3 above.

Applicants Revised Evidence

48 See subsection 3 above which outlines the revised layout and additional mitigation put forward by Mr Langwell, on behalf of the Applicant.

49 Mr Langwell outlined that the *“technical note summarises a series of changes to the proposed site access arrangements and intersection layouts which were identified following traffic caucusing involving experts representing the applicant, the Council and submitters in order to overcome the various safety concerns that have been raised as part of a Road Safety Audit.”*

50 Mr Langwell goes on to explain the modelling results of each access and wider performance of the network.

51 Mr Langwell in his conclusions sums up that, *“Overall, it is considered that the Council’s most recent 2031 model confirms that, with the mitigation measures as originally proposed together with the additional traffic mitigation measures summarised in this note, the surrounding road network will not only be able to accommodate the PAK’nSAVE traffic generated, but will also see an overall improvement in its operation, particularly at the key intersections of Te Rapa Road with Wairere Drive and Eagle Way/The Base Parade, and in terms of improved access to activities along Karewa Place and Maui Street.”*

Mr Meister’s Supplementary Evidence

52 Mr Meister in his supplementary evidence in Paragraphs 11 – 13 outlines that for the reasons discussed in his Evidence in Chief and the Supplementary Evidence, particular measures are required to mitigate the revised proposal on the surrounding road network. These include:

A left turn entry into the Pak’n Save site from Te Rapa Road is a required to avoid unacceptable delays and queues on the wider road network if this access was not provided;

A new roundabout at the intersection of Eagle Way/Karewa Place is a required to offset the removal of the left turn out of Pak’n Save onto Te Rapa Road as traffic can now exit onto Eagle Way if drivers wish to travel back to Te Rapa Road; and,

A new partially controlled traffic signal intersection at Wairere Drive/Karewa Place in conjunction with a maximum speed limit of 60km/h on Wairere Drive between the

Avalon Drive and Pukete Dr intersections. This should include a raised safety platform on the Wairere Drive eastbound direction. As stated in the caucusing notes, I agree that in implementation of raised safety platforms on Wairere Drive at the Avalon Drive and Pukete Road intersections is a matter for the road safety audit team to consider.

- 53 The mitigation outlined by Mr Meister has been included in the Applicants revised proposal, with the exception for the raised safety platform at the Wairere Drive / Karewa Place intersection. Mr Meister also notes that the Te Rapa Road / Wairere Drive and Pukete Road / Wairere Drive intersections require further safety audit consideration of the appropriateness for a raised safety platform in these locations.
- 54 Mr Meister considers that the overall intersection delay for the Countdown site, in particular the right turn movement into the site off Eagle Way, is acceptable in both the 2031 Vissim scenarios of Pak N' Saves modelling and the BBO distribution.
- 55 I rely on the expertise of Mr Meister in reaching the conclusion that the wider efficiency effects of the proposal are addressed to an acceptable level with the proposed mitigation put forward by the Applicant, with the exception for the raised safety platform on Wairere Drive / Karewa Place. The addition of a raised safety platform for Wairere Drive / Karewa Place has also been raised by Council's other traffic expert, Mr Black, and I will expand on this point further in the next subsection.

Mr Black's Supplementary Evidence

- 56 Mr Black outlines in his supplementary evidence that residual concerns remain regarding the proposal and the revised layout and mitigation put forward. His previous concerns regarding safety, outlined in his earlier Evidence in Chief, and additional safety concerns of the revised layout need to be adequately considered by the Applicant.
- 57 I rely on Mr Black to inform on the overall safety of the network associated with the proposal. Having carefully considered his Evidence in Chief and Supplementary Evidence, Mr Black has reached a position that the outstanding safety matters are significant and require further addressing to ensure the safety of all road users is considered. Mr Black has helpfully outlined a number of additional considerations for the Applicant that I would expect be considered in detail in their Evidence.
- 58 In my view, the matters raised by Mr Black are able to be adequately addressed, but the current proposal by the Applicant does not go into the detail or provide the certainty that Council require in making a positive recommendation. The position of this Addendum to my S42A Report is based on the current proposal, and given the matters raised by Mr Black, I consider further options are available to the Applicant to ensure the safety concerns are adequately considered and addressed.
- 59 Mr Black outlines in his Supplementary Evidence the key residual concerns that require further clarity from the Applicant relate to; the proposed roundabout and site accesses to the site. Mr

Black has carefully considered the relevant matters in his Supplementary Evidence and I do not seek to repeat this information in my Addendum Report.

60 In my view, Mr Black has clearly outlined where further clarity is required to enable him to make a clear informed recommendation on whether the safety effects of the proposed activity can be mitigated to an acceptable level. Without further clarity, and likely mitigation from the Applicant, I consider Mr Black has made his position on the proposal clear.

61 I consider that the additional mitigation outlined by Mr Black in his Supplementary Evidence can be accommodated within the scope of the Application.

62 Notwithstanding any potential for addressing the safety concerns raised by Mr Black, I am required to consider the Application as it currently presents itself, and I rely on Mr Black to inform the safety concerns he has raised.

Update to VISSIM Model

63 I rely on my S42A Report to provide wider context to the VISSIM Model and subsequent work undertaken as per subsection 7.4 of my earlier report.

64 Mr Meister summarises the further modelling work undertaken prior to and after traffic caucusing and forms an opinion in regard to the mitigation required to address effects on the wider network for the proposed activity.

65 Mr Meister in Paragraph 11 of his evidence outlines that a left turn entry into the site from Te Rapa Road, a new roundabout at the intersection of Eagle Way / Karewa Place / Maui Street extension, and a partially controlled traffic signal intersection at Wairere Drive / Karewa Place in addition to a maximum speed limit of 60km/hr and a raised safety platform for eastbound movements.

66 On the assumption that the above mitigation outlined by Mr Meister is included in the application and appropriately condition on any decision, Mr Meister is satisfied that the wider network efficiency effects of the proposal are acceptable.

Wairere Drive Speed Environment

67 The Wairere Drive Speed Environment is covered in detail under subsection 7.4 of my earlier S42A Report, but I have provided additional expansion to emphasise the importance of the reduced speed environment being achieved.

68 For the reasons outlined in my Original S42A Report the proposed partial signalisation of Wairere Drive / Karewa Place is required to mitigate the potential network efficiency effects of the proposal without such mitigation. I consider this is a form of mitigation that is agreed by all parties, including the traffic caucusing participants. The residual matter is the inclusion of a raised safety platform, in particular on the Wairere Drive / Kawera Place partial signalised intersection, and the merits of this. I rely on Mr Black and the Safety Audit which emphasise the importance of addressing the speed environment on Wairere Drive, which in my view, is

more comprehensively achieved via the maximum speed limit of 60km/hr and a raised safety platform being introduced for eastbound movements. The caucusing group agreed the 60km/hr speed environment is critical to achieve, to ensure the mitigation of the proposed partial signalisation is acceptable. It is acknowledged this is a separate Local Government Act process, that is facilitated by Council, but subject to consultation and elected member input. As such the outcome of being able to achieve a reduced speed limit, to 60km/hr, on the section of Wairere Drive between Te Rapa Road and Pukete Road is uncertain. In my view, the caucusing of traffic experts highlight that in the absence of a 60km/hr speed environment on Wairere Drive, the introduction of the partial signalised intersection would have unacceptable safety effects.

Te Rapa Road Access

- 69 The Te Rapa Road Access is discussed in detail in my earlier S42A Report.
- 70 Mr Meister in his Supplementary Evidence, Paragraph 5, confirms that a left turn access into the site from Te Rapa Road is necessary to mitigate traffic effects of the proposal.
- 71 I rely on Mr Meister to inform the revised layout and to justify for a left turn entrance into the site from Te Rapa Road, subject to a deceleration lane and additional clarity sought by Mr Black regarding pedestrian and cycle connectivity on Te Rapa Road, given the location of the deceleration lane and potential impact on sensitive road users.

Internal Layout

- 72 Mr Black in his supplementary evidence confirms that the revised internal layout, including the reduction in the number of car parks, additional onsite queuing spaces available has addressed some previous concerns. Further clarity is still required around all vehicle entrances to the site, to ensure pedestrian and cycle priority (where appropriate) is achieved.

Summary of Transportation Effects

- 73 Based on the Supplementary Evidence of Council's technical advisors, the adverse traffic safety effects are still significant and have not been appropriately mitigated. Accordingly, I am not satisfied that network safety will be maintained to an appropriate level if this proposal proceeds in its current form.
- 74 Based on the evidence to date and the outcomes of the traffic caucusing, in my view the critical issue is the adverse transportation safety effects arising from the proposal. In that regard, I have reviewed and considered the traffic/transportation evidence and information on this issue, including the information provided in the original application, the revised layout and additional mitigation measures, the relevant technical assessments and the submissions. While the majority of the adverse traffic effects are able to be appropriately mitigated, there remains an unacceptable level of adverse traffic safety effects. In the absence of appropriate further mitigation, the proposed layout will create unacceptable levels of risk to the immediate and wider transportation network. I have relied on the technical expertise of Mr Black and the Independent Safety Audit, when coming to this conclusion. I consider that Mr Black, Council's independent expert on transportation safety, and the Independent Safety

Audit highlight significant concern with the proposal from a transportation perspective as it currently stands.

75 Relevantly, Mr Black has turned his mind to possible additional mitigation options which could address those effects. Such additional mitigation could be implemented through the imposition of appropriate conditions, should the Commissioners be minded to grant resource consent for the proposal. However, as at the date of this report, such additional mitigation options, which could address the outstanding safety concerns, have not yet been considered by the applicant.

76 Nevertheless, based on the information received from Mr Black, and considering Mr Meister's position, I have proposed updated drafted conditions which are included in Appendix D. These proposed draft conditions may require further refinement. However, they essentially capture the key aspects that I consider the Applicant will need to address so that Council's technical experts, and myself, can be satisfied that the proposal is appropriate in this location.

7.2 Summary of Potential Environmental Effects

77 Overall, after considering the above environmental effects, and my earlier S42A Report AEE in detail, and in particular relying on the expertise of Mr Black, I come to the conclusion that the potential adverse transportation safety effects are significant, and more than minor, and the applicant has not at this stage demonstrated how the effects can be mitigated to an acceptable level.

78 I rely on my earlier S42A Report, and the conclusions outlined in Market Economics Report and Ms Fairgray's Statement of Evidence to form the view that whilst the scale of effects associated with the proposed supermarket are sizeable, and will have effects on the established centres hierarchy, the proposed supermarket is unlikely to cause the closure of Nawton Countdown, which is considered the most vulnerable to the establishment of the Te Rapa Pak 'N Save, and therefore the proposal will not undermine the role and function of other centres within the localised catchment in the business hierarchy. I consider the potential adverse economic effects to be acceptable within the business hierarchy and planning framework of the ODP.

79 Based on the Supplementary Evidence of Council's technical advisors, the adverse traffic safety effects are still significant and have not been appropriately mitigated. Accordingly, I am not satisfied that network safety will be maintained to an appropriate level if this proposal proceeds in its current form.

80 Relevantly, Mr Black has turned his mind to possible additional mitigation options which could address those effects. Such additional mitigation could be implemented through the imposition of appropriate conditions, should the Commissioners be minded to grant resource consent for the proposal. However, as at the date of this report, such additional mitigation options, which could address the outstanding safety concerns, have not yet been considered by the applicant.

- 81 I am satisfied that all other effects are acceptable and can be adequately avoided, remedied or mitigated by the imposition of appropriate conditions.

8.0 ASSESSMENT OF RELEVANT PLANNING INSTRUMENTS – S104(1)(b) RMA

- 82 Please refer to my Original S42A Report Section 8. This Addendum to the original S42A Report will include updated assessments against relevant Objectives and Policies in regard to transportation matters only.

8.1 Hamilton City District Plan

8.1.1 Objectives and Policies of the District Plan

Objective 2.2.14

Land use and development is integrated with the provision of infrastructure (including transport, Three Waters services and open space).

Policy 2.2.14a

Development shall not compromise the safe, efficient and effective operation and use of existing or planned infrastructure.

Policy 2.2.14c

New development connects well with existing development and infrastructure.

Assessment:

- 83 The integration of land use, transport and infrastructure is an essential means of ensuring development effectively and efficiently uses resources. The applicant has demonstrated the suitability of the location given the existing servicing of infrastructure in the area, in addition to proposing mitigation measures that reduce the potential for adverse effects. Significant weight is given to the strategic framework and role of integrated land use planning with appropriate infrastructure, and as demonstrated by Council's traffic safety expert, Mr Black, the proposed mitigation by the applicant does not adequately address the significant safety concerns. On this basis I do not consider the intent of Objective 2.2.14 is achieved by the proposal.

City Wide Chapter 25

- 84 Chapter 25.14 Transportation

Objective 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; integrated with land use.

Policy 25.14.2.1a

The transportation network and related infrastructure is planned, designed, constructed and managed in a manner that: i. is consistent with and supports the land-use spatial framework for the City; ii. Promotes vibrant business centres; iii. Contributes to safe and efficient multi-modal transport corridors serving the Central City, business centres and other key destinations; iv. Contributes to a transportation network that; a. is accessible; b. maximises opportunities for walking, cycling and passenger transport; c. creates good connections between residential areas, passenger transport services, schools, employment nodes, recreation areas, shops and other destinations; d. provides a choice of route and transport modes for travelling; v. recognizes the need for effective long-term solutions that are affordable and practicable.

Policy 25.14.2.1b

The transportation network and related infrastructure is planned, designed, constructed and managed in a manner that: iv. Promotes a safe and efficient transport network; vi. Provides access to and has regard for the safety and needs of the mobility impaired, transport disadvantaged, cyclists, pedestrians, passenger transport users, and others using the transport corridor to move from place to place.

Policy 25.14.2.1c

Adverse effects of new transport infrastructure and changes to the existing transport network are minimised while recognising: iii. Safety, access and mobility of all users; iv. The function and the location that that part of the transport network has within the transport corridor hierarchy.

Policy 25.14.2.1d

The design, location and quantity of parking infrastructure is managed in a way that: i. minimises adverse safety and efficiency effects on the transport network.

Policy 25.14.2.1e

Adverse effects of subdivision, use and development activities on the transport network are avoided or minimised with particular regard to: iv. Ensuring performance, condition, safety, efficiency and long-term sustainability and affordability of the transport network; protection of strategic and arterial transport networks, including associated intersections.

Assessment:

- 85 Transport networks are complex systems that influence and are in turn influenced by subdivision, use and development. An Integrated Transportation Assessment (ITA) was included with the application, undertaken by Mr Burgess (TPC Limited), and is a key aspect of consideration for the overall transportation effects of the proposal. In addition to this ITA, Council engaged Mr Black (Gray Matter Ltd) and Mr Meister (WSP Opus) to both provide transportation advice on the proposal, with Mr Black providing a comprehensive assessment of the proposal from a transportation perspective, whereas Mr Meister focused on the overall conclusions of Mr Black's work and the updated modelling work (VISSIM 2031) to provide a higher level strategic view. In addition to the above experts, Council engaged Mr Inder (Bloxam Burnett and Olliver) to undertake an updated VISSIM Model to 2031, and Council engaged WSP Opus to undertake an independent safety audit of the proposal.
- 86 Significant transportation expertise has been incorporated into the assessment of the proposal, which in turn emphasises complexities associated with the nature of the proposal and the potential transportation effects that are attributed to a supermarket of this scale, within the existing roading environment in Te Rapa.
- 87 The assessment of environmental effects in Section 7.4 of my Original S42A Report, and the above transportation assessment in this Addendum Report, outline the transportation effects associated with the proposal. Rather than repeating these assessments, the conclusions in regard to alignment with objectives and policies stem from the clear identification of significant safety concerns that have been covered off in detail above. I do however consider the efficiency aspects of the proposal have been adequately addressed as part of the revised layout and additional mitigation measures proposed.

88 Based on the evidence to date and the outcomes of the traffic caucusing, in my view the critical issue is the adverse transportation safety effects arising from the proposal. In that regard, I have reviewed and considered the traffic/transportation evidence and information on this issue, including the information provided in the original application, the revised layout and additional mitigation measures, the relevant technical assessments and the submissions. While the majority of the adverse traffic effects are able to be appropriately mitigated, there remains an unacceptable level of adverse traffic safety effects. In the absence of appropriate further mitigation, the proposed layout will create unacceptable levels of risk to the immediate and wider transportation network.

89 Based on the clear directive of the above objectives and policies, and the residual concerns of Mr Black regarding transportation safety, I consider the proposed supermarket to be inconsistent to the transportation objectives and policies in the Plan.

8.1.2 Summary of assessment of application against the relevant Objectives and Policies

90 As outlined above, and in my original S42A Report, it is my opinion that the supermarket and associated fuelling facility aligns with the majority of the ODP Objectives and Policies, with the obvious exception being the transportation city wide objectives and policies. The current proposal, to which this assessment is based, clearly identifies transportation safety concerns that are significant. On balance when weighing the relevant matters outlined in the objectives and policies of the Plan, including the Strategic Framework consideration of integrated land use occurring with infrastructure, I consider the proposal, in its current form, to be inconsistent to the objectives and policies of the Plan.

8.2 District Plan Assessment Criteria

91 See original S42A Report for Assessment Criteria, with the exception of G – Transportation which will be updated to reflect the revised layout and additional mitigation proposed.

G Transportation

General

G1 The extent to which the proposal:

- a) Integrates with, and minimises adverse effects on the safe and efficient functioning of the transport network and infrastructure;*
- b) Minimises conflicts between users both within the site and any adjoining transport corridor;*
- c) Encourages easy and safe access and circulation for those not arriving by vehicle;*
- d) Provides for the accessibility needs of all users of the site;*
- e) Provides convenient and safe circulation for connections and/or the provision of facilities for passenger transport modes of travel relative to the scale of the proposal;*
- f) Provides for integration with neighbouring activities to reduce the need for separate traffic movements on the transport network.*

Note: Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical Specifications.

92 In my earlier S42A Report I acknowledged the following:

The Applicant's ITA and assessment against relevant assessment criteria outlines the extensive traffic modelling that has been undertaken and informs, from the applicants perspective, the overall appropriateness of the proposed development at the site. Whilst I acknowledge that the applicant has provided a thorough assessment and consideration of some key transportation aspects of the proposal, I also acknowledge that as outlined in Mr Black's and Mr Meister's statement of evidence, Mr Inder's updated 2031 VISSIM Model report and the Independent Safety Audit, that significant potential adverse effects are identified and require detailed consideration as part of the assessment criteria of the ODP.

93 The revised site layout and additional mitigation has gone some way to address the previous concerns of Mr Black and Mr Meister. Mr Meister concludes in his Supplementary Evidence that the network efficiency effects of the proposal are acceptable. In Mr Black's supplementary evidence he primarily outlines residual concerns with the proposed roundabout and vehicle accesses to the site.

94 I will not repeat the extensive and detailed discussions that Mr Black and Mr Meister have included in their evidence in chief, and supplementary evidence, nor will I expand on the assessment of environmental effects related to transportation in Section 7.4 of my original S42A Report and Addendum Report Section 7.1, nor the matters discussed in detail within the objectives and policies of the Plan. I will however summarise the significant adverse transportation effects with the current proposal, which informs my view of whether the assessment criterion G1 is met or not.

Wairere Drive / Karewa Place

95 It is acknowledged that the introduction of a partial signalisation of Wairere Drive / Karewa Place, with a requirement for a 60km/hr speed environment on Wairere Drive at the time of operation of the proposed supermarket, provides obvious level of service benefits and efficiencies to the wider network. The introduction of a partial signalised intersection will also introduce the potential for new conflicts and the associated safety concerns. Mr Black and Mr Meister have previously expanded in their Evidence in Chief that the implications of an 80km/hr speed environment, where Mr Black has demonstrated the crash implications (and fatality rate) attributed to an 80km/hr speed environment, versus lower speeds. Whilst the speed environment is a significant contributor to the potential for adverse safety effects, the wider intersection design and connectivity is also valid. Mr Black and Mr Meister both outline additional mitigation that, if adopted by the applicant, could significantly improve the safety performance of the partial signalisation. Mr Black outlines that the introduction of a raised safety platform at the partial signalisation of Wairere Drive / Karewa Place would further prioritise driver behaviour and the speed environment to ensure the risks associated with the proposed mitigation of the partial signalisation of this intersection were acceptable. A key matter for consideration was if a raised safety platform was required at the Wairere Drive / Karewa Place intersection for eastbound traffic, whether similar mitigation is required at the Wairere Drive / Te Rapa Road and Wairere Drive/ Pukete Road intersections for eastbound

movements. I have not had any clear evidence provided to me that persuades me that raised safety platforms are required at the existing Wairere Drive / Te Rapa Road and Wairere Drive / Pukete Road intersections to ensure the safety of the overall network is achieved. I do however rely on Mr Black's expertise, and consider real benefit in the introduction of a raised safety platform for the partial signalisation for eastbound movements at the Wairere Drive / Karewa Place intersection.

Te Rapa Road Access

96 Mr Meister and Mr Black in their evidence in chief made it clear that the original proposed access off Te Rapa Road, a Major Arterial Transport Corridor and part of the Sensitive Transport Network, was not adequately justified in the application. The applicant relied on the existing access arrangement that the wider Porter's Site has historically had to Te Rapa Road. The significant trip generation of the proposed supermarket activity raised questions on whether the most appropriate access to the site is via Te Rapa Road, or better suited to the local (Eagle Way) and collector (Maui Street) frontages. The modelling work undertaken by TPC, and the updated 2031 VISSIM model both indicate a Te Rapa Road access would cater for a significant portion of all trips.

97 Following my original S42A Report, Mr Inder provided an updated 2031 VISSIM Report that modelled the Te Rapa Road access being removed, to fully understand the wider network implications of removing this access, to then allow for a robust assessment of the safety and efficiency of the other two accesses. This subsequent work was made available to the traffic caucusing group. I rely on the Supplementary Evidence of Mr Meister in concluding that the left turn entry into Pak N Save off Te Rapa Road is acceptable. The principal of this left turn access is agreed, but further clarity from the Applicant is required to demonstrate that it can be achieved, including pedestrian and cycle consideration / priority across the vehicle entrance and the deceleration lane alignment, and potential implications on the adjoining property to the north.

Eagle Way Access

98 The additional clarity provided in the revised layout and mitigation proposed has, in part, addressed the residual concerns of Mr Black regarding the Eagle Way access. This includes the remote refuelling option that will be undertaken on site, where the fuel tanker will park within the service area accessed off Maui Street Extension.

99 The applicant has also updated the extent of the right turn into the adjoining Countdown site, in addition to extending the length of the deceleration lane into the Eagle Way access to the site. Further clarity is required to ensure that pedestrian / cycle priority can be achieved across the Eagle Way vehicle entrance to Pak N Save, and in the absence of this detail the overall safety for pedestrian and cyclists along Eagle Way is not clearly considered.

Eagle Way / Maui Street / Karewa Place intersection

100 My earlier S42A Report highlighted some concerns regarding the then proposed Tee intersection. The Applicant now proposes a roundabout at this location, with a two-lane Eagle Way approach and northbound exit onto Maui Street Extension. The previously consented

subdivision consent, which included the extension of Karewa Place into the Maui Street extension included a tee intersection with priority control with a give way on the Maui Street extension.

101 From a purely safety perspective, Mr Black considers a signalised intersection at this location would be the best fit, to ensure pedestrians and cyclists are adequately considered and provided for. Safety of vulnerable road users is a key consideration, in addition to the wider network efficiency. Mr Meister has demonstrated in his Supplementary Evidence that a roundabout at this location, with a left turn entry from Te Rapa Road, can achieve the required network efficiencies to ensure levels of service are not compromised or significantly altered.

102 As outlined in Mr Black’s Supplementary Evidence, the currently proposed roundabout layout is different to that circulated by the Applicants Transportation Expert following the traffic caucusing. Given the previous discussions focused on the single lane roundabout, Mr Black has safety concerns of the proposed two lane northbound departure lane that require further commentary from the Applicant. Mr Black considers a single lane roundabout is preferable from a safety perspective, on the assumption that no significant efficiency effects would result. Mr Meister has confirmed that any impact on the wider network efficiency from a single lane roundabout at this location would result in an acceptable level of efficiency on the network. In Mr Black’s opinion a short deceleration lane into the Maui Street access would be appropriate, but separation between the roundabout and the deceleration lane is required to avoid confusion.

Internal Layout

103 I rely on Mr Black’s Supplementary Evidence which confirms the revised internal layout is appropriate, subject to pedestrian / cycle priority at each entrance to the site. Further clarity is required from the Applicant of how pedestrian and cycle safety will be achieved.

104 Overall, I consider that Criterion G1 is not satisfied, on the basis that significant safety concerns remain with the proposal.

G2 The extent to which the proposal and the traffic (including nature and type of the traffic, volume and peak flows, travel routes) generated by the proposal:

- a) Requires improvements, modifications or alterations to the transport network and infrastructure to mitigate its effects;*
- b) Achieves efficient connectivity and accessibility of transport corridors, pedestrian accessways, cycleways, public reserves and green corridors;*
- c) Adversely affects the streetscape amenity, particularly in relation to sensitive land use environments (e.g. residential land use environments identified within Table 15-5a of Appendix 15).*

105 See comment above relating to G1.

G3 The extent to which the proposal considers and responds to:

- a) The issues, opportunities and shared outcomes in the Access Hamilton Strategy and its associated Action Plans;*
- b) Relevant:*

- i. New Zealand Transport Agency guidelines;*
- ii. Kiwirail guidelines;*
- iii. Regional and national transport and growth strategies;*
- c) The recommendations and proposed conditions of any integrated transport assessment prepared to accompany the application;*
- d) Issues and outcomes arising from consultation with the relevant road controlling authorities and/or Kiwirail.*

G4 The extent to which the proposal incorporates travel demand management and is well-located to be served by passenger transport, or encourages other active modes of travel such as walking or cycling.

106 G3 and G4 are appropriately considered in the applicants Broad ITA and wider consideration of relevant guidelines.

G5 The extent to which an integrated transport assessment assesses how the proposal and any mitigation measures ensure that the safety and efficiency of the transport network is maintained or enhanced.

G6 Whether access restrictions, auxiliary lanes or other measures are necessary to provide for the safe and efficient operation of key transport corridors such as:

- a) Major arterial transport corridors;*
- b) Transport corridors that are part of the Strategic Network*
- c) Transport corridors carrying more than 20,000 vehicles per day or with four or more vehicle lanes.*

Access

G7 The extent to which the proposal minimises the number of vehicle access points to transport corridors, taking into account:

- a) Opportunities that exist for shared access with adjoining sites.*
- b) The hierarchy of the fronting transport corridor and opportunities that exist for access to transport corridors of a lower status (e.g. collector or local transport corridors or service lanes).*
- c) Traffic generated by the proposal.*
- d) The siting of the access points with respect to adjacent access points, visibility and flow.*
- e) The operational requirements of the proposal.*
- f) Potential obstruction for access to network utilities.*
- g) The appropriateness of restricting types of movements (e.g. left in/out only, entry or exit only).*
- h) The impact of multiple vehicle entrances (which break up berm, landscaping, footpath and cycleway continuity) on streetscape amenity, retail frontage areas and pedestrian and cycle movements.*
- i) The cumulative effects on traffic safety and efficiency from multiple vehicular accesses on to major arterial routes and whether this can be adequately addressed.*

107 See discussion in G1 above in addition to Statement of Evidence, and Supplementary Evidence, by Mr Black and Mr Meister.

G8 Except in the Central City Zone where there are no minimum parking standards, the extent to which the proposal provides for anticipated parking demand to meet current and future needs.

108 The proposal complies where a surplus of 30 car parking spaces is provided for the proposed supermarket. I consider that an appropriate level of parking is provided to meet the demand of the activity, however as noted above I do consider the internal layout of the car parking to create the potential for off-site adverse effects.

Conclusion whether relevant Assessment Criteria have been satisfied

109 Overall, taking into account the specific assessment criteria above, I consider that the proposal to establish a supermarket is not consistent with the assessment criteria of the District Plan, where there are significant outstanding traffic concerns with the proposal that prevent the application from appropriately addressing Assessment Criteria G – Transportation.

8.3 Other Matter – S104(1)(c)

110 Please see my earlier S42A Report which considers other matters.

9.0 Part 2 of the RMA

111 Please see my earlier S42A Report which considers Part 2, with the only amendment being that I now consider only the safety effects of the proposal is the contributing factor in not achieving sustainable management under the Resource Management Act (1991).

10 CONCLUSION AND RECOMMENDATIONS

112 This application seeks resource consent for the construction and operation of a new Pak N Save supermarket with an associated fuel facility, at-grade car parking and all other associated enabling works.

113 The critical issues for the application relate to transportation effects and economic effects, and have been considered in detail in my earlier S42A Report and this Addendum to my S42A Report.

114 The Applicant, Foodstuffs North Island Limited, has presented evidence to support their application including a Broad Integrated Transport Assessment and Centres Assessment Report, in addition to other technical information.

115 Council commissioned Market Economics to review the economic reports provided with the application and assess the scale of the effect of the proposed supermarket. The purpose of this work was to assist in determining whether the proposal would undermine an existing centre in the localised catchment. The modelling work concluded that while the economic impacts of the proposal were sizeable, and the economic impacts were evident across a number of established centres, the effects would not undermine the business hierarchy, as it is unlikely that any established supermarket within the localised catchment would close as a result of the

proposed supermarket. The closure of a supermarket was considered by Market Economics as being a measure that would likely contribute to the undermining of a business centre.

- 116 I agree with the Market Economics interpretation of the supermarket provisions in the Industrial Zone, particularly Rule 9.5.4. The rule does not define or provide criteria to determine what it means to ‘undermine’ the role or function of other centres. In this context Market Economics have determined this to mean the closure of a supermarket, thereby changing the role or function of an established centre. The Market Economics report records that the most significant effects in terms of % change to floorspace productivity and vulnerability to adverse effects is the Nawton Suburban Centre Countdown which would experience measurable impacts, that would contribute to lower floorspace productivity and less overall sales, but not to the extent that closure of the supermarket is likely. I therefore rely on the Market Economics conclusion that the scale of the proposed Pak N Save supermarket will not undermine the Nawton Suburban Centre and established Countdown supermarket.
- 117 Accordingly, based on the assessment criteria for supermarkets seeking to establish in the industrial zone, I have concluded that the proposal will not undermine the centres hierarchy and that the effects of the application in that regard are acceptable.
- 118 Submissions have been received primarily in opposition to the application. The submissions focus on transportation and economic aspects, the majority of the submissions are general in nature, with limited specific relief or issues identified.
- 119 In my view the critical issue is the adverse transportation effects arising from the proposal. From a review of all the evidence, from the original application and the revised layout and additional mitigation measures, including technical assessments and submissions, the conclusion that I have reached is that the proposal with the mitigation measures proposed by the applicant introduces significant transportation safety effects, where without appropriate mitigation, will create unacceptable levels of risk to the immediate and wider transportation network. I have relied on the technical expertise of Mr Black and the Independent Safety Audit, when coming to this conclusion. I consider that Mr Black, Council’s independent expert on transportation safety, and the Independent Safety Audit highlight significant concern with the proposal from a transportation perspective as it currently stands.
- 120 Relevantly, Mr Black has turned his mind to possible additional mitigation options which could address those effects. Such additional mitigation could be implemented through the imposition of appropriate conditions, should the Commissioners be minded to grant resource consent for the proposal. However, as at the date of this report, such additional mitigation options, which could address the outstanding safety concerns, have not yet been considered by the applicant. Nevertheless, based on the information received from Mr Black, and considering Mr Meister’s position, I have proposed updated drafted conditions which are included in Appendix D. These proposed draft conditions may require further refinement. However, they essentially capture the key aspects that I consider the Applicant will need to address so that Council’s technical experts, and myself, can be satisfied that the proposal is appropriate in this location.

- 121 The District Plan sets out a clear policy framework to consider when processing applications for supermarkets within the Industrial Zone. The current proposal will generate adverse transportation safety effects which I have assessed to be significant, subject to additional mitigation measures being proposed to address the safety effects highlighted by Mr Black. Furthermore, an evaluation of the proposal against the relevant objectives and policies of the Plan (i.e., those relevant to the matters of discretion which include the Strategic Framework consideration of integrated land use occurring with infrastructure), I consider the proposal to be inconsistent to the objectives and policies of the Plan in relation to transportation matters, given the residual transportation safety concerns.
- 122 In my opinion, when considering the matters in s104, including the positive and adverse effects of the proposal and the relevant objectives and policies of the district plan, in the absence of additional mitigation to address the adverse traffic safety effects, at this point my recommendation that the application by Foodstuffs North Island Limited be declined has not changed.
- 123 If additional mitigation measures, for example as outlined in this S42A Addendum Report and Appendix D, were to be incorporated into the proposal and addressed during the hearing, I will consider these and whether they address the safety concerns that are currently identified.
- 124 To assist the Commissioners, should the hearing panel be minded to grant consent following the hearing of evidence from all parties, I have attached a draft suite of conditions as Appendix D, which include the additional mitigation to address adverse traffic safety effects. I note that in my opinion the additional mitigation measures identified in this report and Appendix D are within the scope of the application.

Sam Le Heron
16 September 2019