

BEFORE THE HAMILTON CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application lodged by Foodstuffs North Island Limited to establish a new supermarket and a drive-through fuelling facility at 980 Te Rapa Road, Pukete, Hamilton ("**Site**")

**STATEMENT OF EVIDENCE OF DON MCKENZIE
ON BEHALF OF WOOLWORTHS NEW ZEALAND LIMITED**

TRANSPORTATION

1. EXECUTIVE SUMMARY

1.1 I have been asked by the submitter Woolworths New Zealand Limited ("**Woolworths**") to consider the transportation aspects of the application by Foodstuffs North Island ("**Applicant**") to establish and operate a Pak'nSave supermarket and associated refuelling facility from the Site in Te Rapa Road, Pukete, Hamilton ("**Application**"). I attended an expert caucusing event on 23 May 2019 involving transportation engineers representing the Applicant, Council and other submitters.

1.2 The most recent information provided in the evidence of Mr John Burgess on behalf of the Applicant addresses a number of the concerns and issues expressed during the course of the expert witness conference, however in my opinion there are two main areas where I consider that the Application will give rise to adverse effects or there is still uncertainty that the Application has adequately addressed and quantified traffic and transportation effects. These are:

- (a) The proposal to partially signalise the intersection of Karewa Place / Wairere Drive intersection to cater for the generated right turn

movements into Karewa Place, where I consider that the proposed condition of consent set out in the Council Officer's s 42A report requiring the speed limit on Wairere Drive to be lowered to no more than 60km/h lies outside the jurisdiction of the Applicant as this process is governed by the Local Government Act.

(b) The Applicant proposes to provide a left turn, entry-only driveway from Te Rapa Road into the supermarket, however to achieve this requires additional private land to be taken and vested as road reserve from neighbouring properties. I do not consider that a condition of consent leaving these property negotiations and land vesting matters to be dealt with during the detailed design phase will be satisfactory to ensure that the generated effects of the supermarket can be mitigated appropriately.

1.3 Additionally, a small number of others matters such as the absence of appropriate and safe walking connections across Eagle Way and Maui Street Extension near the supermarket are not adequately addressed by the material presented by the Applicant.

1.4 In conclusion, I consider that there remain a number of transportation and safety matters that are not in my professional opinion satisfactorily addressed to the level of certainty that is needed to allow the Commissioners to grant consent. In my opinion, without these matters satisfactorily addressed, the effects of the development will be unacceptable.

2. INTRODUCTION

2.1 My full name is Donald John McKenzie. I am a practising specialist transportation engineer. For the past year I have been employed by Stantec New Zealand as Group Manager (Northern Region) - Transportation, and for the 25 years prior to that, was employed by Traffic Design Group Limited ("TDG") most recently as a Director and the Auckland Branch Manager of that firm. In April 2019, TDG was acquired by Stantec New Zealand.

2.2 I hold a Bachelor's Degree in Civil Engineering with Honours awarded to me by the University of Canterbury in 1991. I am a Chartered Professional Engineer in New Zealand, an International Professional Engineer, Fellow and Chartered Member of Engineering New Zealand, and a Fellow and Professional Member

of the Institute of Transportation Engineers ("ITE"), USA. I am also currently serving as the Global District Director on the International Board of Direction for ITE.

2.3 Throughout my 26 years of professional experience, I have practiced as a traffic engineering and transportation planning specialist where I have provided transportation consulting and expert witness services to a wide variety of clients across the country within the private sector, local government and central government agencies.

2.4 I have been involved in the assessments of and expert evidence presentations associated with numerous residential, commercial and retail developments throughout metropolitan Auckland and across New Zealand.

3. CODE OF CONDUCT

3.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence at the hearing. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

4. INVOLVEMENT IN APPLICATION

4.1 I have been engaged by Woolworths to review the transportation and traffic implications of the Application.

4.2 I have reviewed the Application materials and technical reports prepared by both the Applicant (Mr Todd Langwell and Mr John Burgess) and the Council's expert advisors Mr Alistair Black, Mr Mike Meister and Mr Cameron Inder.

4.3 On behalf of Woolworths I attended a caucus of the transportation experts on 23 May 2019 and provided input to the expert witness statement arising from that caucus that was attached to the evidence of Mr Meister (dated 10 September 2019).

- 4.4 I have visited the Site and the surrounding transport network on a number of occasions over the past 10 years, most recently as part of my preparation of this advice for Woolworths on 1 July this year.

5. SCOPE OF EVIDENCE

5.1 My evidence will:

- (a) provide an overview of the existing transportation network in the vicinity of Woolworths' store Countdown Te Rapa and the Site;
- (b) provide an assessment of the Applicant's proposed access arrangements and the potential effects on the transport network, as well as the proposed traffic mitigation; and
- (c) refer to the transport related matters raised in the Council's s 42A report.

I have also read the evidence of Mr John Burgess for the Applicant and will respond to that as appropriate.

6. EXISTING TRANSPORT NETWORK

6.1 From the perspective of the transportation network surrounding the Site and particularly in relation to the operation of the local section of Eagle Way, the key features include:

- (a) The primary Te Rapa Road arterial route along the western side of the Application Site is characterised as a substantial four lane median divided carriageway carrying substantial traffic flows, operating at a 60 km/h posted speed limit, and with each of the main side road intersections in the form of either traffic signals or roundabouts;
- (b) Wairere Drive to the south of the Site is another major multi-lane, median divided arterial, also catering for heavy traffic volumes and operating at a 80km/h speed environment. The presence of the solid median along the length of Wairere Drive between the traffic signal controlled intersections of Pukete Drive and Te Rapa Road means

that turns into and out of the Karewa Place intersection are currently limited to left-in and left-out only;

- (c) The Eagle Way carriageway currently provides a single traffic lane in each direction, together with a separate marked right turn facility for vehicles to access the existing Countdown supermarket from the direction of Te Rapa Road. Sections of solid median are provided in advance of the signals at the Te Rapa Road intersection, and through the existing connection between Eagle Way with Karewa Place (that will ultimately be converted to a roundabout controlled, tee-intersection as part of the Application). The on-going development of the former Porter's site (within which the Application Site sits) will provide for the connection between Maui Street and Karewa Place forming the eastern boundary of the Application Site.

7. ASSESSMENT OF TRAFFIC EFFECTS

- 7.1 My assessment of the Application leads me to conclude that there will be both local and wider-area adverse transportation effects arising from the operation of the supermarket, as well as a number of secondary effects arising from the proposed creation of new access points to and from the supermarket and the implementation of the mitigation plans for the intersection of Karewa Place and Wairere Drive.

Wairere Drive / Karewa Place signalisation

- 7.2 In order to mitigate of the traffic effects arising from the newly generated traffic flows attracted to and generated from the Site, the partial signalisation of the Karewa / Wairere intersection has been identified as necessary by both the Applicant,¹ and in the evidence of Council transportation experts Mr Black² and Mr Meister.³ The partial signalisation of the intersection will provide the necessary right turn entry facilities for traffic approaching the proposed supermarket from the south and east via a new traffic signal controlled turn from Wairere Drive westbound with an associated queuing lane to be provided within

¹ Evidence of John Burgess dated 20 September at [48].

² Supplementary Statement of Evidence of Alastair Black dated 10 September at [4](a).

³ Supplementary Statement of Evidence of Mike Meister dated 10 September at [11](c).

the existing median in Wairere Drive. This will necessarily require the signalised control of the eastbound flows on Wairere Drive.

- 7.3 In order to address the consequential safety issues arising from the installation and operation of the partial signals controlling and stopping the eastbound through movements along Wairere Drive (where there is no current provision for right turning movements either into or out of Karewa Place) the transportation experts for the Applicant, Council, Woolworths and The Base Te Awa Limited agreed at the expert caucusing that the posted speed limit should be dropped to a maximum of 60km/h from the current 80 km/h.⁴
- 7.4 In my assessment of this proposal, I note that Applicant does not have jurisdiction over the posted speed limit along Wairere Drive, nor does the Council have absolute certainty of outcome as the process is required to involve and respond to consultation and feedback from the public and transport operators and other groups. I understand that the setting of speed limits within local authority roads is not a matter than can be controlled under Resource Management Act but is rather a road controlling function provided for under the Local Government Act.
- 7.5 In my opinion the mitigation of the adverse effects generated by the Application requires the speed limit on Wairere Drive to be lowered and this is not within the jurisdiction or control of the Applicant. While proposed condition 48 included in the s 42A report addendum prepared by Council refers to this matter, I do not consider that there is appropriate certainty that this change to the public road environment for a major arterial road such as Wairere Drive can be achieved. There is therefore no certainty that the effects of the Application will be suitably mitigated and additional effects such as the safety consequences of a signalised intersection within a high speed traffic environment, can also be avoided.

Roundabout at Eagle Way / Karewa Place

- 7.6 Arising out of the caucusing process and in relation to question posed by the transport engineering witnesses, the Applicant is now proposing an alternative layout for the intersection upgrading required to support the supermarket and its generated traffic movements to and from Maui Street Extension and Karewa

⁴ Notes from Caucusing of Traffic Experts (held on 23 May 2019) – Item 5(a).

Place. In the Technical Note prepared by Mr Todd Langwell on behalf of the Applicant, he presented the proposed roundabout (in place of the originally proposed Give Way controlled tee-intersection).⁵ The roundabout now proposed includes a combination of single and double circulating lanes: a single approach lane is to be provided from each of Maui Street Extension and Karewa Place, while there will be two approach lanes provided from Eagle Way.

7.7 I generally agree that the roundabout form of intersection control is appropriate to cater for the generated traffic flows such that the effects on other traffic using these roads can be appropriately mitigated, however I am concerned that the provision being made for walking and cycling movements through the roundabout are inadequate. Mr Burgess' plan⁶ shows a pedestrian crossing facility across the Karewa Place approach to the roundabout but there is no equivalent facility across either of the other arms of the roundabout. I would expect there to be at least some pedestrian activity across both Maui Street Extension and Eagle Way warranting some form of enhanced pedestrian crossing facility.

7.8 Pedestrian movements across Eagle Way will not in my opinion be of a significant level with the dominance of vehicle-based movements, but there would be occasions when customers may wish to cross between the two supermarkets. Even if Mr Burgess' roundabout design is modified to provide a pedestrian cut-through on the Eagle Way splitter island approach, there could be notable safety issues arising from customers being required to walk to either end of the Eagle Way block (Karewa Place roundabout or Te Rapa traffic lights) and instead taking a short-cut mid-block.

Maui Street Supermarket Access

7.9 I have considered the proposed revisions to the Eagle Way / Maui Street Extension roundabout upgrade and its relationship to the proposed Maui Street Extension supermarket driveway. Mr Burgess' latest design for the proposed Maui Street Extension includes a short deceleration taper on the southern side of the driveway connecting with the single northbound traffic lane on Maui Street Extension. In his evidence, Mr Black for Council comments that (based

⁵ TPC Technical Note – Updated Transport Assessment – Further Information dated 6 August 2019.

⁶ Evidence of John Burgess dated 20 September 2019, Drawing 17119(44) dated 19 September 2019.

on the previous layout included in the TPC Technical Note of 6 August) he had some unresolved issues regarding the number of traffic lanes leaving the roundabout into Maui Street Extension, and the operation and safety of the deceleration lane for traffic turning left into the Pak'nSave driveway.⁷

- 7.10 I understand that Mr Burgess' plan attached to his evidence now addresses the majority of these points from Mr Black and comments that he would accept the situation if Council's preference was for the removal of the deceleration taper leaving the driveway as a simple vehicle crossing.⁸ My preference from a transport planning and operations point of view is for there to be no deceleration taper given that Maui Street Extension will not be a major traffic route and that the risk of a slight delay for northbound traffic slowing behind a vehicle turning into the Pak'nSave driveway is in my view low.

Te Rapa Road Site access

- 7.11 I have reviewed the proposed left turn only, entry only access point connecting Te Rapa Road with the proposed supermarket. I agree that the creation of this access point will provide an overall benefit for the supermarket Site in that the ability for southbound traffic on Te Rapa Road approaching the Site will be able to enter the Site without imposing greater traffic loadings through the Eagle Way / Te Rapa Road signalised intersection. However, I share the concerns expressed by Mr Black on behalf of the Council⁹ as to the availability of the necessary space and land to create a suitable and safe driveway connection in this location.
- 7.12 The representation of the proposed left in only driveway in the Applicant's revised Application material indicates that there is to be a deceleration lane and associated taper into that lane totalling some 80m in length.¹⁰ My interpretation of this proposal identifies that neighbouring properties may be affected by the inclusion of the slip lane and the consequential relocation of the footpath into these properties.

⁷ Supplementary Statement of Evidence of Alastair Black dated 10 September 2019 at [33].

⁸ Evidence of John Burgess dated 20 September 2019 at [99].

⁹ Supplementary Statement of Evidence of Alastair Black dated 10 September 2019 at [23] and [24].

¹⁰ Evidence of John Burgess dated 20 September 2019, Drawing 17119 (44) dated 19 September 2019.

- 7.13 Mr Burgess considers that the matter of land availability, potential vesting of currently private land to within the public road reserve and general agreement to undertake the work (and I expect, the consequential impact on the driveway accesses for those properties) can and should be dealt with as a matter of detailed design.¹¹ He is recommending to have this matter dealt with by way of a condition of consent. I do not agree.
- 7.14 In my opinion these are matters where there is a substantial degree of uncertainty that the adverse effects of the proposed supermarket and the generated traffic movements (and consequential effects on walking and cycling facilities along Te Rapa Road) can be appropriately mitigated if the private land from neighbouring properties cannot be secured and the slip lane effectively and safely delivered.
- 7.15 I agree with Mr Black¹² who indicates that without confirmation that such a solution is able to be achieved, then there would be consequential adverse effects arising from the Application on the safety and effectiveness of walking and cycling movements across the Te Rapa Road frontage.

Eagle Way Site access

- 7.16 I have considered the design and proposed operation of the primary access driveway connecting with Eagle Way, especially with respect to the proposed refuelling facility. While I appreciate that the intention of the design is to require customers wishing to use this area (most likely in my opinion upon arrival at the Site) to circulate through the western parts of the customer carpark so as to enter the refuelling area from the west, some drivers may attempt to turn right into the fuel area. However, this would be unsafe as customers would be travelling in the opposite direction through the refuelling area causing conflict within other customers who had approached in the intended direction from the west, and could also cause safety issues associated with turning across the main driveway departure flows and generate queues back out onto Eagle Way.
- 7.17 I therefore recommend that there should be some form of median protection between the inbound and outbound lanes on the Eagle Way entrance to

¹¹ Evidence of John Burgess dated 20 September 2019 at [98] and [99].

¹² Supplementary Statement of Evidence of Alastair Black dated 10 September 2019 at [24].

prevent conflicts and ensure the safe and effective operation of the Eagle Way driveway.

8. COUNCIL'S S 42A REPORT

- 8.1 The Council's s 42A report (21 May 2019) and the s 42A Addendum Report (7 October 2019) prepared by Mr Le Heron summarise the Application together with the process involved in the attempts to resolve the outstanding transportation matters. At the time of preparing his Addendum Report Mr Le Heron was able to refer to the evidence of the Council's experts (Messers Black and Meister) but not the evidence of Mr Burgess (which was dated 20 September). In this regard and as I have set out earlier in my statement, Mr Burgess has attempted to address and resolve the outstanding transportation matters raised in the evidence of Mr Black and Mr Meister.
- 8.2 For the reasons I have discussed in my statement I consider that the conclusions reached by Mr Le Heron are appropriate. I agree that the critical issues to be considered by the Commissioners should be the adverse transportation effects generated by the proposed supermarket and the degree to which they can or cannot be appropriately mitigated through the features put forward by and under the control of the Applicant.
- 8.3 At paragraph 74 of his Addendum Report Mr Le Heron states:
- While the majority of the adverse traffic effects are able to be appropriately mitigated, there remains an unacceptable level of these adverse traffic safety effects.
- 8.4 He then presents a number of recommended conditions in the attachment to his Addendum Report which he considers are required if the outstanding adverse effects are to be addressed adequately. In my opinion and again, for the reasons I have already set out above, I do not consider that the recommended conditions, especially in regard to the Karewa / Wairere intersection and speed limit matter, and the availability of the private land adjacent to the Te Rapa left-turn, entry only slip lane and footpath modifications, are adequate or appropriate to ensure that these effects are mitigated.

9. CONCLUSIONS

- 9.1 I have considered the transportation aspects of the Application by Foodstuffs to establish and operate a Pak'nSave supermarket on the Site. I participated in expert caucusing during May this year with other transportation experts representing the Applicant, Council and other submitters where a number of transportation issues were identified, and recommendations made for the further consideration.
- 9.2 While a number of modifications to the Applicant's proposal have been made and presented in the evidence of Mr Burgess on behalf of the Applicant, there are in my opinion a number of transportation features of the proposal where in my opinion the Applicant has not been able to provide the certainty that the effects of the Application can be appropriately mitigated to an acceptable degree.
- 9.3 In respect of the proposed partial-signalisation of the Karewa Place / Wairere Drive intersection to provide the required additional traffic capacity for generated right turn movements of supermarket customers into Karewa Place, I consider that the safety of this intersection cannot be assured unless the speed limit on Wairere Drive is lowered to no more than 60km/h. Such changes in speed limit are not within the jurisdiction or control of the Applicant as this process lies within the road controlling powers provided for by the Local Government Act. The inclusion of a condition of consent would not in my opinion be satisfactory to ensure that the speed limit would be dropped to the level necessary to have the signals operate safely, not least because such a condition cannot be enforced.
- 9.4 The proposed Te Rapa Drive left turn, entry-only driveway requires additional private land to be taken and vested as road reserve to facilitate a proposed left turn slip lane and associated relocation of the footpath across three neighbouring properties. I do not consider that a condition of consent leaving these property negotiation and land vesting matters to be dealt with during the "detailed design" phase will be satisfactory to ensure that the generated effects of the supermarket can be mitigated appropriately.
- 9.5 There are also in my opinion a number of others matters such as the non-provision of appropriate and safe walking connections across Eagle Way and Maui Street Extension that lead me to conclude that there are outstanding

matters of a transportation matters that are not adequately addressed by the material presented by the Applicant. In my opinion without the ability or certainty to implement the mitigation measures proposed by the Applicant the adverse transportation effects on the network in terms of safety and efficiency will be unacceptable.

- 9.6 In conclusion, I consider that there are matters of a transportation operation and safety nature that would preclude consent from being granted.

Don McKenzie
27 September 2019