

**Before an Independent Hearings Panel**

**The Proposed Waikato District Plan (Stage 1)**

**IN THE MATTER OF** the Resource Management Act 1991 (**RMA**)

**IN THE MATTER OF** hearing submissions and further submissions on the Proposed  
Waikato District Plan (Stage 1):

**Topic 25 – Zone Extents**

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**REBUTTAL EVIDENCE OF LEO DONALD HILLS  
ON BEHALF OF HAVELOCK VILLAGE LIMITED (HVL)**

**Transportation**

**3 May 2021**

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**BUDDLE FINDLAY**

Barristers and Solicitors  
Auckland

Solicitor Acting: **Vanessa Evitt / Mathew Gribben**

Email: [vanessa.evitt@buddlefindlay.com](mailto:vanessa.evitt@buddlefindlay.com) / [mathew.gribben@buddlefindlay.com](mailto:mathew.gribben@buddlefindlay.com)

Tel 64-9-358 2555 PO Box 1433 DX CP24024 Auckland 1140

## 1. SUMMARY OF REBUTTAL EVIDENCE

- 1.1 This rebuttal statement relates to evidence filed by:
- (a) Don McKenzie for Yashili New Zealand Dairy Co Limited;
  - (b) Todd Langwell for Hynds Pipe Systems Limited;
  - (c) Wesley Edwards for Pokeno Village Holdings Limited;
  - (d) Michael Wood (Planning) for Waka Kotahi (NZTA).
- 1.2 I have also commented on transport related matters arising from the s42A report.
- 1.3 In terms of wider network effects raised in particular by Mr Edwards, I have identified that there will be a number of upgrades required to serve Pokeno in the future. However, I consider that the most appropriate time to consider the exact upgrades required in Pokeno is when all zoning requests are finalised and can be considered through future subdivisions, development contributions or targeted rates.
- 1.4 I note however, if there is a concern regarding an information gap and if the Panel were of the mind to require additional assessment of transportation matters, then at the time of resource consent applications an assessment of effects of traffic generation on the wider network could be provided. Mr Tollemache has proposed a traffic generation rule with subdivision activity in Pokeno.
- 1.5 Mr Edwards and Mr McKenzie have raised a number of fine detailed assumptions within transport assessments I have undertaken. In my opinion, these assumptions are reasonable and, in any event, would not materially change the overall result.
- 1.6 There have been issues raised by Mr McKenzie and Mr Langwell relating to pedestrians, cyclists, rail crossing and intersection treatment. In my opinion these can be addressed by the revised provisions as outlined by Mr Tollemache which require assessment of the potential impacts from the Havelock proposal on parts of the local network.
- 1.7 Mr Wood for NZTA does not raise any further issues and I agree with his proposed amendment to the assessment criteria in relating to including reference to intersections with State Highway 1.

1.8 I generally agree with the S42A report that any transportation issues can be addressed through subdivision processes (noting the potential trip generation rule outlined by Mr Tollemache) and related LGA processes.

## **2. INTRODUCTION**

2.1 This rebuttal statement relates to transport and planning evidence filed by:

- (a) Don McKenzie for Yashili New Zealand Dairy Co Limited;
- (b) Todd Langwell for Hynds Pipe Systems Limited;
- (c) Wesley Edwards for Pokeno Village Holdings Limited;
- (d) Michael Wood (Planning) for Waka Kotahi (NZTA).

2.2 This rebuttal statement also addresses matters raised in the Council's section 42A report. Where the same issues arise in both the submitter evidence and the section 42A report, I have addressed both in the same section of this evidence.

2.3 I confirm that I have the qualifications and expertise previously set out in paragraphs 2.1, 2.2 and 2.3 of my primary evidence.

2.4 I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and that my evidence has been prepared in accordance with that Code.

2.5 I have structured my rebuttal statement based on the issues raised by the above four experts rather than considering each individually given a number of issues raised are the same from each expert. The issues raised include:

- (a) Wider transport effects assessment;
- (b) Local transport effects assessment;
- (c) Interaction of heavy vehicles especially on McDonald Road and Yashili Drive;
- (d) The intersection with the HVL new road and Yashilli Drive;
- (e) Pedestrian / cycling safety;
- (f) Rail crossing on McDonald Road;
- (g) State Highway 1 issues; and.

(h) Feasibility of access via Cole Road.

### **3. WIDER EFFECTS ASSESSMENT**

3.1 Mr Edwards:

(a) Considers that the traffic assessment for Havelock (all potential development areas) fails to demonstrate that it is practical to provide sufficient transport infrastructure to serve the proposed rezoning and fails to provide an adequate assessment of the likely effects on the transport environment.

(b) Disagrees with some of the fine detailed assumptions of traffic generation / distribution used in my assessment. In my opinion, these assumptions are reasonable and, in any event, would not materially change the overall result.

(c) Generally, concentrates on potential cumulative effects of all rezoning proposals for the wider Pokeno area and considers that a comprehensive structure planning exercise is required to support the development plans. He does concede that this exercise would demonstrate that it is possible to provide sufficient infrastructure for some additional development around Pokeno but not all.

3.2 In my primary evidence I noted that in terms of wider cumulative effects that my evidence only assesses the traffic effects from the proposed rezoning sought by Havelock at the key local intersections, considered relevant to the rezoning proposal and not the wider cumulative impacts.

3.3 At that time it was difficult to ascertain the number or size of other rezonings, the traffic expected to be generated, the traffic patterns and therefore the traffic effects to the surrounding road network. In this regard I considered that, when preparing my primary evidence, Council's s42A Framework Report provided the best basis for determining the appropriate future environment as it reviews all proposals.

3.4 As per my primary evidence, I consider there are likely upgrades required for intersections / roads in wider Pokeno to serve all submissions seeking rezoning within Pokeno and the rezonings now recommended by the section 42A report (S42A). The exact form and detail of the upgrades in a wider context is however difficult to predict at this stage particularly in advance of any decisions from this Panel. Overall, I consider it is more efficient and feasible for Council to consider and identify those works given they have oversight into all proposals and manage the network as a whole.

- 3.5 What is key is that the approach to address traffic effects in the wider Pokeno area (and Waikato region) is equitable and no one development, like HVL, is unfairly hindered or required to contribute all the costs of upgrades. In this regard there are options to include standard development contributions or specific Pokeno wide approach (targeted rates) or a Precinct by Precinct approach to address traffic in an equitable manner.
- 3.6 It is unclear whether Council will undertake an overall integrated assessment of transportation matters with the conclusion of the District Plan review. Logically Council are best placed to prepare this assessment, as it would directly inform the list of infrastructure projects to be evaluated through a Long Term Plan (LTP) process, along with the priorities for infrastructure investment based on supporting growth.
- 3.7 However, if there is a concern regarding an information gap and if the Panel were of the mind to require additional assessment of transportation matters, then at the time of resource consent applications an assessment of effects of traffic generation on the wider network could be provided. This would not necessarily be the most efficient tool, however it can provide a stop gap measure while Council evaluate network upgrades that could not reasonably be attributed to a single development or landowner.
- 3.8 Mr Tollemache has proposed a number of amendments, including a traffic generation rule with subdivision activity in Pokeno. It is understood that this is based on a concern that the existing subdivision discretions may not provide sufficient scope to consider wider infrastructure effects from traffic generation, and the notified traffic generation rule only applies to land use consents. In terms of the scale of subdivision which would trigger this additional discretion, I am mindful that the threshold should not be so low as to complicate simple subdivision activity, and not so high that it does not address many subdivision activities possible in Pokeno, or results in subdivisions being designed produce a yield below the relevant discretions threshold. I understand Mr Tollemache has identified 25 lots as a potential threshold, and while there may not be an exact traffic engineering basis for the threshold, it is a figure that I am comfortable with if a stop gap method was necessary.

#### **4. LOCAL EFFECTS ASSESSMENT**

- 4.1 Mr McKenzie considers that the proposal did not take sufficient account of the transport network connections and intersections expected to serve HVL. In particular, the corridor comprised of Yashili Drive – Gateway Park Drive – McDonald Road which currently serves as the main spine for the surrounding industrial area and the intersection of

Great South Road / McDonald Road, Gateway Park Drive / McDonald Road and Yashilli Drive / Gateway Park Drive.

- 4.2 I note Mr McKenzie has queried whether the volume of traffic from development at the proposed Tata Valley Resort Zone was included in my assessment of the HVL proposal and thus considered the assessment may have underestimated traffic at Yashilli Drive (paragraphs 38-43). I have reviewed Mr McKenzie's comments and I still consider the analysis I have undertaken to be accurate. I do however accept that the assumptions could have been clearer.
- 4.3 For clarity, the assessment I have undertaken assumes both TVL and HVL rezonings are approved and the developments are in place, which is a worst case from a traffic generation point of view. The assessment assumes that both Yashilli Drive and Hitchen Road are available to both areas. The only scenario where Yashilli Drive is the only route available is if the TaTa Valley Resort Zone is approved and develops on its own without any development within Havelock. In this scenario while only one route would be available, the total traffic generation of both sites would be significantly reduced (as the HVL site would not be generating traffic).
- 4.4 Mr Langwell (and to a degree Mr McKenzie) considers there is a high possibility that traffic flows on McDonald Road / Yashilli Drive will be far greater than indicated by HVL and TVL due to the distribution of traffic being different than assessed. As a result, additional adverse effects on McDonald Road may be experienced than I had identified.
- 4.5 In response, I have assumed 40% of traffic from both TVL / HVL sites will use the Yashilli / McDonald route and 60% will use Hitchen Road. I note comments from Mr Langwell that the level of traffic using the McDonald Road may be higher in future. In this regard:
- (a) In Mr Langwell's Figure 1, he uses the destination of Pokeno to be the "Z" truck stop to justify the McDonald Road route being 200m shorter than the Hitchen route. In my opinion, this is not the centre of Pokeno;
  - (b) If the recently opened Pokeno Countdown is used as the main destination in Pokeno (which I consider to be more appropriate than Z truck stop) then the two routes are essentially identical in distance.
  - (c) The key link to the motorway to the north (ie to Auckland) is 300m shorter in distance via the Hitchen route than the McDonald route

4.6 Accordingly, I consider the 60%/40% Hitchen Road / McDonald Road route distribution to be appropriate. Regardless, the key point is there are two routes to/from the HVL and TVL sites to Pokeno (and motorway ramps) and thus if one becomes more congested the other will be used more.

4.7 I note that in response to concerns raised in the submitter evidence the proposed Havelock provisions within Mr Tollemache's evidence now include discretions for any subdivision that includes local network effects as follows:

Potential effects on the safe and efficient operation of the intersections of:

- (a) Yashili Drive and Gateway Park Drive;
- (b) Gateway Park Drive and Hitchen Road and
- (c) Gateway Park Drive and McDonald Road.

4.8 As such any future resource consent for the HVL land would need to include an assessment of the safe and efficient operation of these local intersections.

4.9 These provisions will also partly address points raised by Council's reporting officer in paragraph 378-381 of the S42A report.

## **5. HEAVY VEHICLES**

5.1 Mr McKenzie recommends that HVL's requested rezoning be accompanied by a requirement to undertake a specific assessment of the effects of its generated traffic on the safety and operation of the Pokeno industrial traffic network primarily relating to Yashili Drive and Gateway Park Drive. Such an assessment should give particular attention to the safety of heavy traffic movements to and from the surrounding industrial sites.

5.2 Mr McKenzie disagrees with some of the fine detailed assumptions of heavy vehicle proportions. While these can be debated in detail, I still consider the assumptions to be generally valid (particularly with the additional residential light vehicle traffic generated in the future) and in any event in my opinion these would not materially change the overall result.

5.3 Mr Langwell considers that the increased traffic on McDonald Road may result in trucks undertaking unsafe manoeuvres, may increase the risk of conflicts between trucks, pedestrians and cyclists, and may generally increase the risk of road safety issues.

5.4 In this regard I note Yashili Drive and to a lesser extent McDonald Road already cater for residential land uses. There are existing residential dwellings that access directly onto Yashili Drive and residential traffic from the Hitchen Block uses McDonald Road in order to reach Great South Road. As such there is already a mix of industrial trucks and residential traffic occurring in the area. These roads have been specifically designed to cater for large trucks with wide carriageways, minimal gradients and excellent sight distance. As such I consider there to be no unusual circumstances regarding this road and interaction with industrial and residential traffic.

## **6. YASHILLI DRIVE INTERSECTION**

6.1 Mr McKenzie considers that:

- (a) HVL does not have the certainty required to ensure that its internal collector road connection (generally required by the District Council's engineering standards to provide a 20m road reserve width and 11m carriageway for a public road) can be safely and effectively connected to Yashili Drive;
- (b) There is insufficient certainty around the ability to deliver the intersection of the Collector Road/Yashili Drive intersection within land that is currently controlled by HVL.

6.2 I partly agree with Mr McKenzie in this regard but note that this is a risk to HVL and not a strict transport issue. I note that the provisions for Havelock include a rule that the first subdivision to create residential lots must include the indicative road connections as a road to vest, from both Hitchen Road and Yashili Drive. This will ensure that the design of the collector road and the ability to deliver it will be assessed and tested at the time of applying for residential lots.

6.3 I agree that there are additional land ownership requirements to address in regard to this public road link to Yashili Drive. Currently the land owned by HVL is only 12m in width. This is not typically wide enough for a public road (typically 20m). As such to achieve a full public road an additional 8m sliver of land would potentially be required.

6.4 In the absence of additional land width, there are also other potential options including only constructing one side of the road with a 7m carriageway and a berm and 2.5m wide footpath on the northern side of the new road. This solution, while not ideal, would allow full access to HVL land and would continue to provide an acceptable level of walking and cycling access.

- 6.5 There are also design issues to resolve relating to the actual intersection design of Yashili Drive / HVL Road including existing and proposed driveway in the area. This in itself is not unusual (although in this situation are complex) and can be further considered at future resource consent stages. I understand that HVL is currently working with Yashili to work through these access arrangements.
- 6.6 Mr Tollemache has proposed the following additional discretion to address the design of the Collector Road intersection with Yashili Drive. I am comfortable that this provides sufficient direction to support the design of the intersection and the evaluation of the matters of safety and network efficiency.

*The design of, and potential effects on the safe and efficient operation of the intersection of the Havelock Precinct Plan's Collector Road and Yashili Drive, including the design to accommodate safe vehicle access and egress for activities in the adjacent General Industrial Zone*

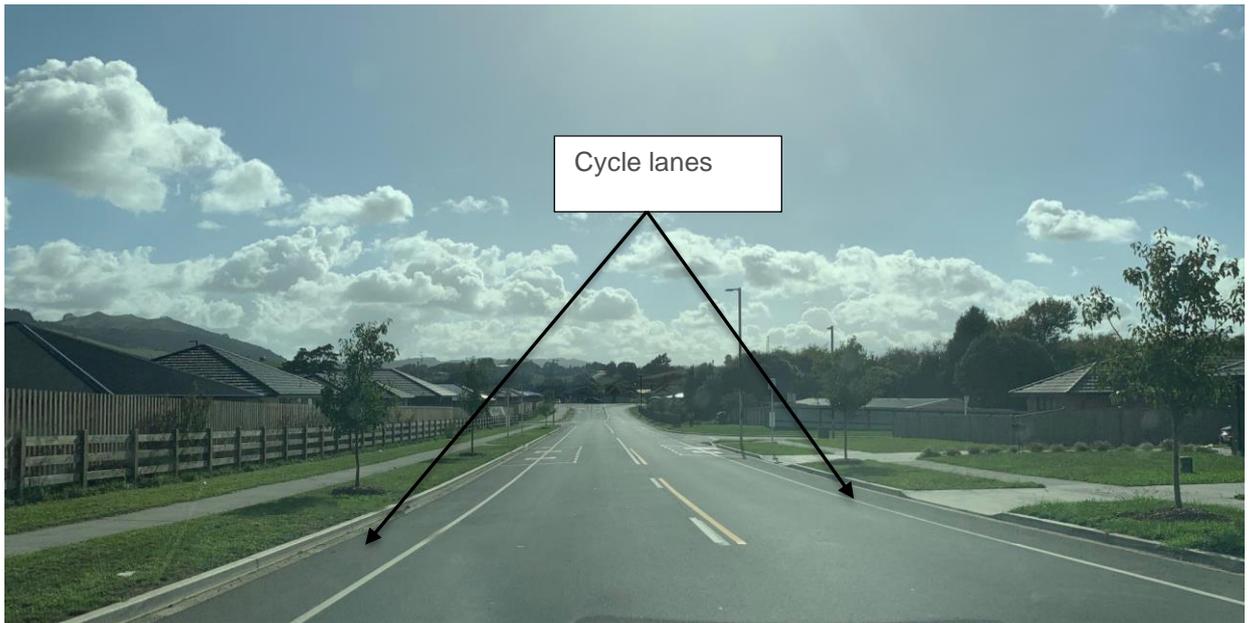
## **7. PEDESTRIAN / CYCLISTS**

- 7.1 Both Mr McKenzie and Mr Langwell express concern regarding added pedestrian and cycling activity on Yashili Drive, Gateway Park Drive and McDonald Road mixing with the industrial traffic and increase the risk of conflicts and road safety issues.
- 7.2 In this regard I note that all roads in the area already have pedestrian footpaths. Further, Yashilli Drive and to a lesser extent McDonald Road already cater for residential pedestrians from other already constructed residential subdivisions to the west as I discussed above.
- 7.3 Mr Tollemache has proposed the following additional matter of discretion that I support.

*Accessible, safe and secure pedestrian and cycling connections within the Precinct and to the existing transport network and public facilities*

- 7.4 I do, however, note that the recently constructed Hitchen Road bridge and approaches has been constructed with on-road cycle lanes (see photograph 1 below). As such I agree that any cyclist to/from the HVL site should be directed towards the Hitchen Road route rather than McDonald Road. This can be further considered at detailed design / resource consent stage. I also think it is most likely that cyclists will naturally take routes that are safer and involve cycle lanes.

**Photograph 1: Hitchen Road cycle lanes (next to kerb)**



## **8. RAIL CROSSING**

- 8.1 Mr McKenzie considers that the proposal should be accompanied by the preparation of a Level Crossing Safety Impact Assessment (LCSIA) in respect of the vehicle and pedestrian level crossings over the North Island Main Trunk Railway line at McDonald Road. Mr Mckenzie recommends that a LCSIA is completed prior to the granting for subdivision/ land-use consent within the HVL land.
- 8.2 Mr Langwell noted that there is no mention of any documentation regarding any potential future upgrade if the existing rail crossing on McDonald Road.
- 8.3 The level crossing has been recently upgraded / relocated (last 5 years) with the construction of McDonald Road and includes a high standard of protection as shown in Photograph 2 below and includes:
- (a) Full barrier arm protection
  - (b) Pedestrian maze protection
  - (c) Warning signage
  - (d) Audio bells

Photograph 2: McDonald Road rail crossing



8.4 Given upgrade work and the high level of protection I do not consider that a Level Crossing Safety Impact Assessment (LCSIA) is necessary in order to approve the rezoning. However, the provisions for Havelock have been amended by Mr Tollemache to include a discretion: “Potential effects on the safe and efficient operation of the McDonald Road railway crossing” which in my opinion adequately covers the issues identified. I note that the criteria is not as specific as Mr McKenzie has suggested, however, this is to ensure that and future guide / standard is covered in any assessment rather than just the current one.

## 9. SH1 ISSUES

9.1 Mr Wood provides commentary to the HVL proposal in paragraphs 7.12-7.15 of his evidence. In summary, I agree with Mr Wood's comments and in particular his proposed amendment to the assessment criteria in relating to including reference to intersections with State Highway 1.

## 10. COLE ROAD

10.1 Mr Adrian Hynds (corporate evidence for Hynds) provides further traffic commentary in paragraph 4.13 of his evidence. Generally, I have responded to the points raised in previous sections of my evidence above. However, I also note that Mr Hynds has concerns about Cole Road being used to service HVL's development. In Cole Road's current form, I share Mr Hynds concerns and in the original ITA for the Havelock Village I recommended that should Cole Road be used as access to the site it would need

substantial upgrading. I understand that Cole road (and Bluff Road) are not initially proposed to be connected to the Site. If Cole Road (or Bluff Road) is to be used in future to cater for additional traffic volumes, then the upgrades detailed in the ITA should be implemented / reassessed (essentially upgrading to current Council standards).

## **11. RESPONSE TO SECTION 42A REPORT**

- 11.1 The Council S42A report addresses key submission points and provides an assessment of each development considered within Pokeno South (including that of the subject site and the various other sites). I am in general agreement with the Council report relating to transport matters.
- 11.2 As I have outlined in my rebuttal evidence, the extent of live zoning within Pokeno is likely to directly feed into the Council Long Term Plan (LTP) process, including the priorities for infrastructure investment based on supporting growth.
- 11.3 I note in paragraph 400 (last bullet point) the council S42A report has some recommended amendments to Rule 16.4.18 in relation to transportation, which I have noted in my evidence. Mr Tollemache outlines the changes proposed to this rule together with a potential traffic generation rule with subdivision activity in Pokeno. While not exactly the same as the S42A recommendations, I consider the revised provision address the S42A comments and indeed provide further council discretion as they relate to the overall pedestrian and cycle network beyond just McDonald Road.

## **12. CONCLUSION**

- 12.1 Mr Edwards and Mr McKenzie have raised a number of fine detailed assumptions within transport assessments I have undertaken. In my opinion, these assumptions are reasonable and, in any event, would not materially change the overall result.
- 12.2 In terms of wider network effects, I have identified that there will be a number of upgrades required to serve Pokeno in the future. However, I consider that the most appropriate time to consider the exact upgrades required in Pokeno is when all zoning requests are finalised and can be considered through future subdivisions, development contributions or targeted rates. I note however, if there is a concern regarding an information gap and if the Panel were of the mind to require additional assessment of transportation matters, then at the time of resource consent applications an assessment of effects of traffic generation on the wider network could be provided. Mr Tollemache has proposed a number of amendments, including a traffic generation rule

with subdivision activity in Pokeno. This would not necessarily be the most efficient tool, however it can provide a stop gap measure while Council evaluate wider network upgrades that could not reasonably be attributed to a single development or landowner.

- 12.3 There have been issues raised by Mr McKenzie and Mr Langwell relating to pedestrians, cyclists, rail crossing and intersection treatment. In my options these can be addressed by the revised provisions as outlined by Mr Tollemache.
- 12.4 I generally agree with the S42A report that any transportation issues can be addressed through subdivision processes (noting the potential trip generation rule outlined in Mr Tollemache's evidence) and related LGA processes.

**Leo Hills**

3 May 2021