

**Before Kaipara District Council**

**In the Matter** of the Resource Management Act 1991 (**RMA**)

**And**

**In the Matter** of an application for Private Plan Change 82 (**PC82**) by **MOONLIGHT HEIGHTS LIMITED** to rezone 39.2 ha of land at Awakino Road, Dargaville from Rural Zone to Residential Zone

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**Evidence of Peter Justin Kelly on behalf of Moonlight Heights Limited in Support  
of Right of Reply**

**Transportation Engineering**

**Dated 15 September 2023**

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1. My name is Peter Kelly. I have qualifications and experience as set out in my Evidence in Chief (EiC) dated 21 July 2023. As per my EiC, I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it.
2. The Applicant has prepared revised precinct provisions (**Reply Provisions**) following the hearing on 9 and 10 August. The Reply Provisions include amendments with respect to transport matters. I have provided input into those transport related amendments, taking account of:
  - a. Those matters addressed during the hearing;
  - b. The proposed shared pathways option 1 plan circulated by Counsel for Kaipara District Council;
  - c. Further consideration of the environment surrounding the subject site and discussion with Mr Jull.
3. This statement also takes account of the transport related comments in the post hearing memorandum dated 11 September 2023 from the reporting planner.

### **Transport Provisions**

4. Following questions raised from the Panel, as well as evidence presented by Mr. Marshall, it was apparent that the requirements for infrastructure upgrades pertaining specifically to footpaths, road urbanisation, and pedestrian crossings needed further amendment. The provisions advanced at the hearing were originally aligned for the presumed development order (Applicant's land proceeding first). I agree that the provisions should allow for the possibility that an alternate parcel of land within the Plan Change Area may be developed first.
5. The infrastructure provisions have been revised to ensure that irrespective of which parcel of land within the Plan Change Area be first to be developed, suitable footpath upgrades and connections will be made to connect to existing infrastructure.

6. I have also provided input with respect to refinements to provisions addressing the extent of and requirements for the urbanisation of Awakino Road.
7. The context for these refinements is a small but continuing area of disagreement with respect to any requirement for a shared path and extent of urbanisation. As I understand it, Mr Marshall and the reporting planner retain the following position:
  - a. Rule 13.13A.5 should include a requirement for a shared path from the precinct to Kauri Court. An addition to clause 4 of this rule would state: "Shared use path on the eastern side of Awakino Road from the southernmost access point onto Awakino Road to Kauri Court"
  - b. The above rule would be adjusted to reflect that some upgrades extend beyond 10 metres south of Paratai Place.
  - c. Rule 13.13A.5 should secure a footpath along the entire eastern side of Awakino Road adjacent to the precinct extent.
  - d. Pedestrian crossing requirements in Rule 13.13A.5(4)e and f should be amended so that if any existing crossing is only of supporting standard, the development must still provide a primary crossing upon more than 150 residential lots being established.
8. Summarising the above, Council therefore seek the following:
  - a. A footpath along the entire eastern side of Awakino Road adjacent to the precinct extent.
  - b. A shared path on the eastern side of Awakino Road from the southernmost access point onto Awakino Road to Kauri Court.
  - c. I understand the above to mean that a footpath would extend from the northernmost point of the precinct to the southernmost access point onto Awakino Road, at which point a shared path would then extend to Kauri Court.

- d. Although not entirely clear, it appears Council may be seeking urbanisation of Awakino Road where a shared path is installed, thereby extending urbanisation beyond 10 m south of Paratai Place to Kauri Court.
- e. At a nominated trigger point, if no primary standard pedestrian crossing exists then it must be constructed (irrespective of any supporting standard crossing).

9. The Applicant's revised provisions:

- a. Carefully engage with the potential for different staging outcomes.
- b. Require when the first intersection is established (with less than 150 cumulative residential lots) that urbanisation of Awakino Road occurs within a nominated distance of the intersection, and a pedestrian crossing be installed to the west with the footpath on the western side extended to link up with the existing footpath.
- c. Require at a trigger point of 150 cumulative residential lots, the full Awakino Road urban upgrade occurs between the northernmost intersection and 10 metres south of Paratai Place, which includes a footpath along the eastern side.
- d. Also imposes specific requirements where a northern access road/Awakino Road intersection is established, including ensuring a linkage to the western side and related footpath on the eastern side.
- e. Require a primary standard pedestrian crossing where more than 150 residential lots are established.

10. The remaining area of difference as a result is:

- a. The need for a shared path on the eastern side of Awakino Road from the southernmost access point onto Awakino Road to Kauri Court.

- b. A requirement to urbanise Awakino Road between 10 metres south of Paratai Place and Kauri Court.
- c. When a primary standard pedestrian crossing is required.

11. In my opinion those additional matters sought by Council above are unnecessary and are not required as a result of effects which will be generated by development in accordance with the provisions of the precinct.

12. Informing my opinion, I have revisited my earlier traffic assessments and held discussions with Mr Jull and Ms McGrath regarding the physical implications of works required and the potential for development to occur in different stages and/or for intersections to be formed in different orders.

13. The following provides further commentary on the final set of provisions:

- a. 13.10.25(2).c.ii; has been revised to be consistent with the dimensions outlined within Table 13.1, where private accesses serving three dwellings or fewer are to provide a formed width of at least 3.0 metres, and those serving more than three dwellings are to provide a formed width of at least 5.5 metres.
- b. 13.13A.5.4 has been revised to require a pedestrian crossing facility as part of establishing new intersections, provided that there is no existing facility already existing within 750 metres south of the proposed intersection.
  - i. The distance of 750 metres south was chosen as this is the effective distance between the northern loop road connection and Kauri Court. As indicated by Mr. Marshall and agreed by me, this would be a good location for a pedestrian crossing point in the future. I do not consider that this specific crossing point (at Kauri Court) is required to mitigate effects resulting from the Plan Change, as other crossing points in alternate locations may achieve similar outcomes.

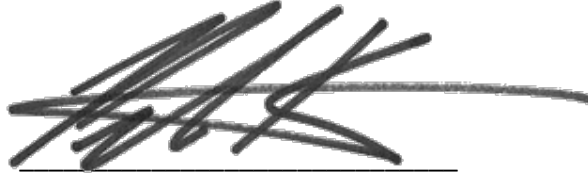
- ii. This provision allows for flexibility in the location of a new pedestrian crossing facility, with detailed design being addressed at subdivision/engineering plan approval stages of any subsequent development.

14. Under 13.13A.5.4, Council queried whether there is sufficient provision to ensure footpaths be constructed, so to avoid any gaps within the network. My opinion is that the provisions are sufficient to ensure that no sections of the ultimate footpath network would be left unconstructed as:

- a. The provisions require footpaths to be provided on the eastern side of Awakino Road, when urbanisation of the road is triggered under 13.13A.5(1-3).
- b. The full realisation of proposed Plan Change area would see Awakino Road likely urbanised from the northern extent of the Plan Change Area (at the northern access road) to 10 metres south of Paratai Place.
- c. Under 13.13A.5.4.e, the urbanisation of the road, comes with the requirement of a pedestrian crossing facility to be provided south of the urbanisation extent. As such, the plan change area and subsequent development will always require a pedestrian crossing (and associated footpaths) to be constructed in a location which follows pedestrian desire lines and avoids 'backtracking'.

15. Within 13.13A.5.6, Council have suggested wording to ensure footpaths are provided to connect the new footpath infrastructure (as part of new intersections/roads) to the proposed/existing pedestrian crossing facilities. I believe that the provisions as revised by the applicant suitably cover this provision. Notwithstanding my view, the provided wording adds further clarity to the requirements and is not considered to frustrate the overall provisions. My opinion is that this rule may stay for added clarity or be removed to avoid overlapping of requirements. I defer to the professional opinions of the planners involved within the application in that respect.

This has been prepared in full by:

A handwritten signature in black ink, consisting of several overlapping, stylized strokes. The signature is positioned above a solid horizontal line.

**Peter Justin Kelly**

Dated 15 September 2023