

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 84 (“**PC84**”) by **MANGAWHAI HILLS LIMITED** to rezone 218.3 ha of land between Tara Road, Cove Road, Moir Road and Old Waipu Road, Mangawhai from Rural Zone to the Mangawhai Hills Development Area.

Right of Reply
Evidence of Peter Justin Kelly on behalf of Mangawhai Hills Limited

(Transportation Engineering)

Dated 19 June 2024

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Introduction

1. This evidence has been prepared by Peter Justin Kelly. My qualifications and experience as set out in my Evidence in Chief (“EiC”) dated 24 April 2024.
2. 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. In that regard I confirm that this evidence is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
3. The purpose of this statement is to provide comment on changes to the precinct provisions since the hearing and a reply to matters arising relevant to my expertise.

Connectivity and Southern Link to Moir Street

4. During discussions throughout the hearing, there was emphasis on the ability to provide alternative roading connections to the south onto Moir Street, to allow for increased flexibility in ultimately delivering this roading connection. It is my opinion that the originally recommended provisions provide sufficient pathways to enable alternate connections, through the identified activity status, information requirements, and matters of discretion.
5. I do not consider it to be required to update the recommended Structure Plan to identify other potential roading connections, as this would create no more constructability certainty over these alternate routes, due to fragmented ownership, as compared to the recommended. As noted in my previous paragraph, alternate routes would remain an option irrespective.
6. With respect to active mode connections, both the s42A Reporting Planner and Ms Gasson raised concerns with respect to timing and routes to serve the Plan Change area largely owned by the applicant. Specifically, this referred to the footpath/shared path connections along Tara Road, south towards Moir Road, with Ms Gasson looking to see a shared path facility provided.

7. While I considered that the originally recommended Precinct Provisions provided sufficient assessment triggers to see appropriate facilities provided at appropriate times, I have worked with the applicant's Planners to update rule DEV1-R19. The rule now provides specific reference to a footpath connection to be provided along Tara Road, in the event no other connection is available south towards Moir Road through the Plan Change Area. I consider that this change will provide additional clarity with respect to anticipated outcomes of the Plan Change and required footpath infrastructure/connectivity.
8. The rule has not included a shared path to be included along Tara Road, as ultimately a shared path connection would be better constructed along a more direct route to Mangawhai Central/Mangawhai Village. While there is no certainty that these more direct connections will eventuate, my expectation is that over the development timeframes of this Plan Change area, these routes in full or in part will be established and provide a better overall connection.
9. Therefore, a difference of opinion remains between me and Ms Gasson about whether DEV1-R19 should require a shared path along Tara Road and connecting into existing infrastructure along Moir Road. It is my opinion that a shared path connection is not required from "Day 1" with the development of any part of the Plan Change area, (or a part that creates access onto Tara Road). As there is potential for alternate connections to occur, and cyclist demand is likely to be low during initial stage of development (noting a 3% cycling mode share in Mangawhai), I consider it to be more appropriate for the need for a shared path to be reviewed as part of subsequent subdivision applications to determine if there is a need for such facility and if any alternate routes are available.
 - a. My main justification for this is that should an alternate route become available, once there is higher cyclist demands, then the previously constructed shared path along Tara Road, would likely see very little use and become an ongoing maintenance burden and over designed facility for Council.

- b. Should subsequent assessment identify that sufficient demands for a shared path are present and no alternative route is available, I agree that the shared path should be provided along Tara Road, connecting to Moir Road.
- 10. I also note that under the Recommended Precinct Provisions, there is requirement for the overall connectivity for pedestrians/cyclists/vehicles to be assessed. Should it be identified that a shared path is required to suitably service the Plan Change Area via Tara Road in the future, then the shared path can be implemented at that time. I maintain my opinion that there is no requirement to establish a shared path connection along Tara Road to immediately service the Plan Change area and its initial stages of development.
- 11. I have reviewed the amended precinct provisions which relate to my area of expertise, and I agree with the provisions as amended.

Conclusion

- 12. After the hearing I maintain my opinion that there are no transportation engineering limitations within my area of expertise that prevent the rezoning of PC84 in accordance with the proposed provisions.

Peter Justin Kelly

Dated 19 June 2024