SECTION 42A REPORT

Officer's written right of reply 8 May 2025

Hearing 11 – Transport topic

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1 Introduction

1. This right of reply addresses the Transport topic that was considered in Hearing 11 on the Proposed Far North District Plan (**PDP**) held on 28-30 April 2025. It has been prepared by myself (Melissa Pearson), as the author of the section 42A report for the Transport topic.

2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the section 42A report and request that the Hearings Panel (**the Panel**) take this as read.

2 Purpose of Report

3. The purpose of this report is primarily to respond to the evidence of submitters that was pre-circulated and presented at Hearing 11 on the PDP in relation to Transport topic and to reply to questions raised by the Panel during the hearing. I have structured this reply around addressing core issues raised in evidence, followed by additional comments on specific Transport related provisions.

3 Consideration of evidence recieved

4. The following submitters provided evidence, hearing statements and/or attended Hearing 11, raising issues relevant to the Transport topic:

    a. Foodstuffs North Island Limited (S363).

    b. Fire and Emergency NZ (FENZ) (S512).

    c. KiwiRail Holdings Limited (KiwiRail) (S416).

    d. McDonalds Restaurants NZ Limited (McDonalds) (S385).

    e. Te Whatu Ora – Health New Zealand (Health NZ) (S42).

    f. Top Energy Limited (S483).

    g. Waiaua Bay Farm Ltd (S463).

    h. Waipapa Pine Limited and Adrian Broughton Trust (Waipapa Pine Ltd) (S384, FS374).

    i. Waka Kotahi New Zealand Transport Agency (NZTA) (S356).

    j. Woolworths NZ Limited (Woolworths) (S458).

    k. Z Energy Ltd (S336).

5. Most submitters generally support the recommendations in the section 42A report for the Transport topic and some submitters raise common issues. As such, I have only addressed evidence where I consider additional comment is required and have grouped the issues raised in submitter evidence where

appropriate. This report does not comment on the evidence/statements from Top Energy Limited and Z Energy Ltd as neither of these submitters have any outstanding concerns with the Transport chapter.

6. I note the hearing statement prepared on behalf of Waiaua Bay Farms by Mr Steve Tuck confirms that Waiaua Bay Farms will pursue all outstanding matters relating to transport through the rezoning hearings as opposed to requesting relief in relation to the Transport chapter of the PDP. As such, I have no further comments to make in relation to the statement from Waiaua Bay Farms.

7. I have grouped the outstanding matters under the following headings:

    a. Issue 1 – Jurisdictional overlap with NZTA functions (TRAN-R2 and TRAN-R9)

    b. Issue 2 – Trip generation (TRAN-R5 and TRAN-Table 11)

    c. Issue 3 – Integrated Transport Assessments for the Hospital Zone (TRAN-P7)

    d. Issue 4 – Other evidence on Transport Rules and Standards

8. The Hearing Panel asked several questions during the Transport hearing on a range of matters, some of which I responded to verbally at the time they were asked. As the questions related to issues that I address in this reply evidence, I have responded to the questions as part of my response to the remaining issues in contention below, as opposed to in a separate section.

9. I have used the following mark-ups in the provisions to distinguish between the recommendations made in the section 42A report and my revised recommendations in this reply evidence:

    a. Section 42A Report recommendations are shown in black text (with underline for new text and ~~strikethrough~~ for deleted text); and

    b. Revised recommendations from this Report are shown in red text (with red underline for new text and ~~strikethrough~~ for deleted text)

10. For all other submissions not addressed in this report, I maintain my position as set out in my original section 42A report.

3.1 Issue 1: Jurisdictional overlap with NZTA functions (TRAN-R2 and TRAN-R9)

Overview

Relevant Document	Relevant Section
Section 42A Report	Transport section 42A report – Key Issues 4, 7 and 9
Evidence and hearing statements provided by submitters	Waipapa Pine Ltd, NZTA, Foodstuffs, McDonalds

Matters raised in evidence

11. There are two opposing views with respect to how the Transport chapter manages sites or activities that have access onto a State Highway.

Waipapa Pine Ltd

12. Mr Andrew McPhee on behalf of Waipapa Pine Ltd contends that:

    a. Any consideration of new or altered vehicle crossings accessed from a State Highway or Limited Access Road (LAR) should be determined by NZTA, not the Council via the Transport chapter of the PDP.

    b. It is the role of zone chapters to manage the bulk and location of land use activities (i.e. the scale of the activity) and the trip generation thresholds based on GFA to set the expectation as to when a change in use could impact the road network.

    c. In the instance where a site gains access from a State Highway or LAR, any consideration of effects attributed to access and the vehicle crossing needs to be that of the NZTA, not the Council because these road typologies are not within Councils jurisdiction. As such, there is no need for further consideration by Council over and above any consenting requirements that may be required by land use.

13. To resolve these issues, Mr McPhee considers that TRAN-R9 should be amended to be a controlled activity, with the matters of control limited to whether approval for the crossing has been obtained from NZTA.

NZTA

14. Conversely, Mr Bruce Hawkins on behalf of NZTA supports my position in the section 42A report with respect to TRAN-R2, TRAN-R5 and TRAN-R9 and considers that there is no jurisdictional overlap or duplication of NZTA functions. Mr Hawkins notes that NZTA has a limited range of powers pertaining to its core functions and, in achieving its aims, must operate in partnership with local authorities charged with administration of land use

and environmental management under the RMA. He considers that this is particularly important when managing the effects of new land uses proposed by landowners/developers, and changes of uses, on State Highway and LAR traffic efficiency and safety.

Foodstuffs

15. Mr David Badham on behalf of Foodstuffs considers that there is still a confusing overlap between TRAN-R2 and TRAN-R9 that has not been resolved by amendments recommended in the section 42A report. Mr Badham points to the conflict between the heading of TRAN-R2, which specifically *"excludes access from a State Highway or Limited Access Road",* and the reference in TRAN-R2, PER-3 to the vehicle crossing not being off a State Highway. Mr Badham's assessment is that the full discretionary activity status for failing to comply with TRAN-R2, PER-3 conflicts with TRAN-R9 for *"new or altered vehicle crossings access from a State Highway or Limited Access Road",* which states that these are a restricted discretionary provided they comply with the standards in TRAN-S2.

16. Mr Badham recommends three changes to address the concerns raised above:

    a. TRAN-R2 PER-3 should be deleted to address the unnecessary confusion and overlap with TRAN-R9.

    b. There should be a single rule within TRAN-R9 that states that the new or altered vehicle crossing accessed from a State Highway or LAR is a restricted discretionary activity. The reference to standard TRAN-S2 should be deleted, as it is unnecessary noting that a restricted discretionary activity resource consent is already triggered for a new road or altered vehicle crossing.

17. The default to a full discretionary activity under TRAN-R9 is unnecessary as full discretion is not required for consideration of a new or altered vehicle crossing to the State Highway or LAR. The existing matters of discretion under TRAN-R9 provide suitable direction and discretion regarding the assessment of relevant matters.

McDonalds

18. Mr Badham on behalf of McDonalds makes a similar argument with respect to TRAN-R9 to that of Foodstuffs, i.e. that a simple restricted discretionary activity is appropriate where there is a new or altered vehicle crossing onto the State Highway or a LAR and that defaulting to a full discretionary activity for non-compliance with TRAN-S2 is unnecessary.

Analysis

Waipapa Pine and NZTA

19. My section 42A report responds to the issue of alleged jurisdictional overlap between the PDP and the functions of NZTA in paragraphs 188 to 191. My position on this issue in the section 42A report has not changed as a result of the evidence or statements received. However, I reiterate the point made by Mr Hawkins in his statement on behalf of NZTA that NZTA must operate in partnership with district councils to ensure their respective decision-making processes align and do not conflict with each other. Without a resource consent process for managing new or altered vehicle crossings and access onto State Highways and LARs there is a risk that the land use decisions made under a district plan and the vehicle crossing approval process under the Government Roading Powers Act are not aligned, i.e. land use consent is granted for an activity on the assumption that vehicle access can be provided via the State Highway and NZTA fails to approve the access, resulting in a land-use consent that cannot be given effect to. As such, the resource consent process is the vehicle that brings the two decision making processes together to enable this decision-making partnership, rather than creating a duplication of function.

20. I address the recommended activity status of TRAN-R9 (i.e. controlled activity or restricted discretionary activity) in response to the Foodstuff's evidence below.

Foodstuffs and McDonalds

21. I agree with Mr Badham that the reference to State Highways in TRAN-R2, PER-3 should be deleted as it does create conflict with TRAN-R9. My intention in the section 42A report was to separate the scope of these two rules and retaining the reference to State Highways in TRAN-R2, PER 3 was an oversight. However, I do not consider that PER 3 needs to be deleted entirely as it still needs to refer to arterial roads. This is necessary as new or altered vehicle crossings onto arterial roads should be required to go through a consent process to determine whether there are any impacts on the safety or efficiency of the transport network.

22. With respect to the most appropriate activity status for TRAN-R9, I note that Waipapa Pine has requested a controlled activity status, while Foodstuffs, McDonalds and NZTA consider that a restricted discretionary activity status is the most appropriate. Mr Badham clarified at the hearing that he could support either a controlled or restricted discretionary activity status (although his evidence supported restricted discretionary), provided the matters of control/discretion were appropriately clear and targeted.

23. I agree with TRAN-R9 being a restricted discretionary activity, as per my section 42A report, as I consider it important that Council retains the ability to decline the resource consent if NZTA have fundamental concerns with a proposed access onto a State Highway or LAR. If TRAN-R9 was a controlled

activity, as proposed by Mr McPhee, Council are required to grant the resource consent, even if the State Highway or LAR access will not be granted by NZTA, again resulting in the granting of a resource consent that cannot be given effect to.

24. The last remaining matter of contention with respect to TRAN-R9 (as raised by Foodstuffs and McDonalds) is whether it is appropriate to require a new or altered vehicle crossing or access onto a State Highway or LAR to:

    a. Comply with TRAN-S2 to remain a restricted discretionary activity; and

    b. To obtain consent for a full discretionary activity if TRAN-S2 is not complied with.

25. I understand the arguments for TRAN-R9 remaining a restricted discretionary activity as, given the narrow focus of the Transport chapter on transport matters, full discretionary activity status is not necessary to ensure all potential transport related matters are addressed. I agree with Mr Badham that the matters of discretion already listed in TRAN-R9 are sufficient to consider the potential impacts on the transport network resulting from vehicle crossings onto a State Highway or LAR.

26. However, I disagree that vehicle crossings onto State Highways or LAR should not be required to comply with TRAN-S2. Although NZTA will have their own requirements for the formation of vehicle crossings onto State Highways and LAR, TRAN-S2 provides assurance that, as a minimum, vehicle crossings onto State Highways and LAR will be formed to at least the same standard as any other vehicle crossing in the district. In my view, an applicant should ensure that a vehicle crossing is at least designed to meet TRAN-S2, with any other requirements from NZTA applied in addition to this standard, not in place of. However, I do agree with Mr Badham that a full discretionary activity status is not required if TRAN-S2 is not complied with and that a restricted discretionary activity status is equally appropriate for TRAN-R9 and for a non-compliance with TRAN-S2.

27. For consistency, I consider this logic could be equally applicable to the parts of TRAN-R2 (the rule that manages vehicle crossings onto all other roads) that require compliance with standards for vehicle crossings or manage the location of vehicle crossings e.g. PER-4, PER-5, PER-6 and PER-Y. Restricted discretionary activity status would also be appropriate for non-compliance with PER-3 of TRAN-R2, otherwise crossings onto arterial roads have a more onerous activity status than crossings onto State Highways or LAR.

28. I recommend that the matters of discretion set out in TRAN-R9 are used in TRAN-R2 for non-compliance with these permitted conditions, which would again ensure that TRAN-R2 and TRAN-R9 are consistent in how they direct where vehicle crossings are located and how they are to be formed. I consider that there is sufficient scope in the submissions requesting that the relationship between TRAN-R2 and TRAN-R9 be more clearly defined and

consistent for the Panel to make this change (e.g. Lynley Newport (S107.002), Foodstuffs (S363.009), Bunnings Limited (S371.008) and McDonalds Restaurants Limited (S371.008)).

Recommendation

29. I recommend that:

    a. The reference to State Highways in TRAN-R2, PER 3 is deleted.

    b. That non-compliance with PER-3 to PER-6 and PER-Y of TRAN-R2 is a restricted discretionary activity, using the same matters of discretion that are used in TRAN-R9.

    c. That non-compliance with TRAN-S2 is a restricted discretionary activity, rather than a discretionary activity.

Section 32AA Evaluation

30. The section 32AA evaluation for clearly separating the scope of TRAN-R2 and TRAN-R9 is set out in Key Issue 7 of my section 42A report. As the amendment to TRAN-R2, PER 3 to remove the State Highway reference is part of that separation and was missed in error, I do not consider that further evaluation under section 32AA is required.

31. I consider that amending the activity status of both TRAN-R2 and TRAN-R9 to be restricted discretionary in a wider range of situations will lead to more efficient and effective decision making. The potential adverse effects on the transport network resulting from new or altered vehicle crossings are well known and understood, meaning full discretionary activity status is unnecessary. Plan users will also have a clearer understanding of the types of matters that need to be addressed through a restricted discretionary resource consent application, which provides more certainty for both applicants and Council staff. As such, I consider that the amendments to TRAN-R2 and TRAN-R9 are an appropriate way of giving effect to the relevant objectives in terms of section 32AA of the RMA.

3.2 Issue 2: Trip generation (TRAN-R5 and TRAN-Table 11)

Overview

Relevant Document	Relevant Section
Section 42A Report	Transport section 42A report – Key Issue 3
Evidence and hearing statements provided by submitters	Foodstuffs, McDonalds, Woolworths

Matters raised in evidence

Foodstuffs

32. Mr Badham (planner) and Mr Leo Hills (expert traffic engineer) provided evidence on behalf of Foodstuffs North Island Limited (Foodstuffs) in relation to TRAN-R5 and the associated trip generation threshold in TRAN-Table 11 for supermarkets.

33. Mr Badham has relied on the evidence of Mr Hills to support his position that the 200m^2 permitted threshold for supermarkets is too low and will lead to triggering unnecessary and costly assessments. Mr Hills recommends an increase to 750m^2 to align with standards more recently adopted in Whangārei and Auckland.

Woolworths

34. Woolworths did not appear at the hearing but a statement was tabled in advance of the hearing by Mr Ross Burns. Mr Burns' statement clarifies the relief that Woolworths is now requesting since reviewing the section 42A report, namely:

    a. Woolworths supports the recommended amendment to TRAN-R5 that clarifies that the trip generation thresholds only apply to:

        i. new activities;

        ii. the gross floor area of the extension of an existing activity; or

        iii. any proposed increase in the number of people or units compared to the existing activity.

    b. Provided the recommended amendment to TRAN-R5 is accepted by the Hearing Panel, Woolworths would accept a trip generation threshold for supermarkets of 750m^2, as opposed to the originally requested 1,500m^2. This aligns with the relief requested by Foodstuffs.

McDonalds

35. Mr Badham on behalf of McDonalds outlines two remaining areas of contention with the trip generation provisions (being TRAN-R5 and TRAN-Table 11):

    a. The hybrid approach of using defined and undefined terms in TRAN-Table 11 sends a conflicting message to plan users and will create uncertainty when assessing proposals for compliance with TRAN-R5.

    b. The NZTA framework for informing thresholds is a blunt tool and does not necessarily need to be the only consideration when setting

trip generation thresholds. Mr Badham remains concerned that the thresholds in TRAN-Table 11 will create consenting barriers for developments, particularly when activities are otherwise permitted under the PDP.

36. Mr Badham's statement does not clearly specify what relief would be acceptable to resolve these issues, instead he cross references to the relief requested in submission points S385.008 and S385.009, neither of which suggest specific wording amendments for either TRAN-R5 or TRAN-Table 11.

Analysis

Foodstuffs and Woolworths

37. This issue was covered extensively at the hearing and Mr Collins has provided more detail as to why a 200m^2 is an appropriate threshold to require an ITA for a supermarket in his reply evidence. I rely on that advice when recommending that the 200m^2 threshold is retained. However, the key point that I made in my closing hearing statement is that this 200m^2 threshold does not indicate whether the size of a supermarket (or extension) is appropriate, it is simply a trigger for when more detailed information is required from a suitably qualified and experienced transport professional to understand the potential impact of a proposal on the transport network. Raising the trip generation threshold for supermarkets only moves the bar for when an ITA is required, it does not indicate whether the associated resource consent for the activity will be approved.

38. I reiterate that the 200m^2 threshold for supermarkets equates to 200 Equivalent Car Movements (ECM) per day and 40 ECM per hour, which is the exact same threshold for all land use activities in TRAN-Table 11. Increasing the GFA threshold for supermarkets would mean that the supermarket threshold would be out of step with all other activities listed in TRAN-Table 11, which all have their GFA thresholds set using the same 200 ECM per day and 40 ECM per hour. Mr Hills and Mr Collins are both in agreement that the conversion process for translating these ECM into a GFA threshold for supermarkets, using industry standard vehicle trip rates set by NZTA, is appropriate. Mr Collins' reply evidence provides more detail in paragraphs 8-13 on why the 200 ECM per day and 40 ECM per hour thresholds are also appropriate for supermarkets. Mr Collins has indicated that he could support a very minor GFA threshold increase from 200m^2 to 225m^2 to reflect a mid-point between the daily and hourly ECM thresholds, but does not support the requested increase to 750m^2 as raising the threshold to this level effectively allows supermarkets to generate more than three times as much traffic as any other land use activity in TRAN-Table 11 before any ITA assessment is required (see paragraphs 10 and 13 of Mr Collins' reply evidence).

39. I agree with the point raised by Mr Witham at the hearing that, with the car parking minimums being recommended to be removed from the Transport

chapter, ITAs will become a more critical tool for assessing the impact of developments on the transport network under the PDP. The removal of car parking minimums means that trip generation becomes the only metric that sets the point where the scale of an activity warrants more detailed consideration from a transport perspective. This, in my view, lends weight to the argument for keeping the trip generation threshold at 200m^2 for supermarkets, so that this level of transport analysis and information is not just reserved for the most significant and large-scale developments in the Far North.

40. The Panel asked for more information about the scale of supermarkets in the Far North district to better understand how proportionately the 200m^2 threshold applies to the size of supermarkets currently. The hearing statement prepared by Mr Burns on behalf of Woolworths confirms that Woolworths operate three existing stores in Kerikeri, Kaikohe and Paihia and that the GFA of these stores range from 1,200m² – 3,800m². Mr Badham provided more detailed information about the size of the six Four Square stores operated by Foodstuffs in the Far North as part of supplementary evidence provided to the Hearing Panel for Hearing 9 – Rural. This information confirmed that the GFA ranges from 450m^2 (Houhora) to 1,120m^2 (Ruawai). As this was a rural hearing, Mr Badham did not provide GFA figures for Foodstuffs supermarkets in urban zones, but I have assumed they are similar in scale to those operated by Woolworths.

41. However, in my view, the scale of existing supermarkets in the Far North is not a particularly relevant factor when setting a trip generation trigger for an ITA. The zone rules manage the scale of supermarkets from a land use perspective and it is those GFA thresholds set by the zone rules that indicate whether the scale of a new supermarket (or an extension of an existing supermarket) is appropriate in the context of the zone it is proposed in. The trip generation thresholds in TRAN-Table 11 simply set out when an ITA is required for any land-use activity that generates more than 200 ECM/day or 40 ECM/hour, which is the same threshold for all land use activities, regardless of the type of activity, the zone it is located in or whether it is new or existing.

McDonalds

42. After reviewing submission points S385.008 and S385.009 again, I consider that the issue relating to 'undefined' terms such as 'drive-thru' and 'restaurants/bars/cafes' in TRAN-Table 11 is better resolved through the Urban Zones topics being heard in Hearing 14. In my view, using (and potentially defining and rationalising) these terms have broader implications than just the TRAN chapter and these types of activities are most commonly found in urban zones.

43. I understand from discussions with the reporting officer for the Urban Zones topic that there are submission points on the lack of definitions for these terms (or similar) already allocated to the Urban Zones topic (e.g. 'drive-

through activity' in the Mixed Use Zone and 'restaurants cafes and takeaway food outlets' in the Light Industrial Zone). If any definitions are recommended for these terms in the Urban Zone section 42A reports, I will address any consequential changes to the TRAN chapter as part of the final miscellaneous Hearing 17 reporting.

44. Secondly, I note that McDonalds has not specified what trip generation threshold for 'drive-thru' and 'restaurants/bars/cafes' in TRAN-Table 11 would satisfy their concerns, as this has not been requested in either the original submission from McDonalds or in Mr Badham's statement. The only comment on this issue from McDonalds is that the thresholds for these two activities should be increased as they have been set using a 'blunt tool' without consideration of other factors, however no alternative threshold has been suggested. As such, I am unable to determine what increase in the trip generation threshold for these two activities would satisfy McDonalds. I reiterate the position put forward by Mr Collins in paragraph 36 of reply evidence that the thresholds for drive-thru activities and restaurants/bars/cafes are appropriate as they are consistent with the ODP, have been established using industry standard trip rates, align with all other activities in TRAN-Table 11 and are consistent with the thresholds in other comparative district plans.

45. As such, I do not recommend any changes to TRAN-Table 11 in response to the McDonalds hearing statement.

Recommendation

46. I recommend that the trip generation threshold for supermarkets in TRAN-Table 11 for supermarkets is increased from 200m^2 to 225m^2 to more accurately reflect the mid-point between 200 ECM/day and 40 ECM/hour.

Section 32AA evaluation

47. As the suggested increase in GFA for supermarkets is minor and continues to reflect the 200 ECM/day and 40 ECM/hour limits that TRAN-Table 11 has used for all listed activities, I do not consider that additional evaluation under section 32AA of the RMA is required.

3.3 Issue 3: Integrated Transport Assessments for the Hospital Zone (TRAN-P7)

Overview

Relevant Document	Relevant Section
Section 42A Report	Transport section 42A report – Key Issue 5
Evidence and hearing statements provided by submitters	Health NZ

Matters raised in evidence

48. Ms Helen Hamilton (planning) and Ms Monique Foulwer (corporate) on behalf of Health NZ support most of my recommendations for the Transport chapter, except for TRAN-P7. Ms Hamilton and Ms Fouwler argue that the Hospital Zone should be exempt from the requirement in TRAN-P7 to provide an Integrated Transport Assessment (ITA) for the following reasons:

    a. Public hospital and healthcare services are fundamentally different to other land uses (many of which are designed to attract patronage / value trip generation).

    b. The drivers for health service demand exist – regardless of whether the hospital or health service activities are provided or not – and are beyond the control of Health NZ e.g. whether someone needs to make an emergency trip to a hospital.

    c. Many of the transport effects that may be identified in an ITA cannot managed or controlled through the design of sites used for public health activities and it is not reasonable to curtail the scale of health services to address transport issues i.e. reduce the scale of a hospital or the level of service provided.

    d. Requiring the preparation of an ITA will direct health funding away from the provisions of public health care services for the community in the Far North e.g. if Health NZ are required to contribute to roading upgrades, this will redirect health funding away from the provision of public health care services.

49. Ms Hamilton confirmed at the hearing that the requested exemption for hospitals and healthcare services from the ITA requirements is limited to land zoned Hospital Zone and is not being requested for all healthcare services across the Far North district. There are three sites zoned Hospital Zone, being the two Health NZ facilities – Kaitaia Hospital and Bay of Islands Hospital (in Kawakawa) and the privately run Rāwene Hospital that provides health services to the Hokianga.

Analysis

50. I acknowledge the pressure on healthcare funding for Far North hospitals that was raised by Ms Hamilton and Ms Fouwler at the hearing. I also understand why there is a concern with the financial cost of providing an ITA as part of a hospital upgrade proposal if the trip generation thresholds are exceeded.

51. However, in my view, singling out hospitals as the only activities that do not need to provide an ITA sets a precedent that is inappropriate when there are other similar activities that could equally argue that the trips to their operations are based on 'need' rather than a choice. I consider that Ms

Hamilton's example of the education sector is an excellent comparison as follows:

a. Both hospitals and schools receive government funding and are under pressure financially to deliver services;

b. Both hospital land and land used for schools is valuable and a scarce resource;

c. Both hospitals and schools are located where the community need is greatest and the demand for both healthcare and education services is there, regardless of whether the facilities are there, or have sufficient capacity; and

d. People have little choice over how frequently they visit hospitals or schools and little choice in the timing of when those trips are made.

52. This comparison could also include trips associated with childcare facilities and kohunga reo as most families would argue that attending early childhood education is not a choice, it is necessary for pre-school education and to provide childcare for working parents.

53. I also agree with Ms Hamilton that, to a certain extent, trips to supermarkets are not trips that people have a choice to make or not make – obtaining the basic necessities for a household is a need, not a want. The key difference, in my view, to a hospital visit is that there is more flexibility as to when trips to a supermarket are made and how frequently, but it is another comparative example of an activity where it is need that drives trips, rather than choice.

54. I maintain the principle that, if an activity generates traffic, the potential impact of that traffic on the safe and efficient operation of the transport network is the same, whether those trips are based on a want or a need. A hospital not providing an ITA when they undertake a significant extension or upgrade that results in trips exceeding those provided for in TRAN-Table 11 does not mean that those trips do not occur, or that the transport network is not impacted, as this will happen regardless. However, it does mean that there is no information about current performance levels of the network prior to any extension or upgrade of a hospital occurring or understanding of how increased traffic from the hospital extension could impact the network. This means it will be difficult to understand if any roading upgrades are required (either immediately or at some point in the future), which means there is a missed opportunity to allow Council/NZTA to factor in those upgrades into their upcoming works programmes. This position is strongly supported by Mr Collins in his reply evidence (paragraphs 14-20).

55. Finally, I note that Health NZ is only asking for an exemption for hospitals from the ITA requirements under Policy TRAN-P7 – they are not asking for an exemption from complying with the trip generation thresholds in TRAN-

Table 11, or the requirement for a resource consent under TRAN-R5 if those thresholds are exceeded. I have reviewed the original submission from Health NZ and note that they did not submit on TRAN-R5 or TRAN-Table 11. This means that Health NZ have not opposed the trip generation threshold for hospitals or healthcare activities (which is 250m^2) or the requirement to obtain a resource consent for when those thresholds are exceeded.

56. As such, if a healthcare activity or a hospital on land zoned Hospital Zone results in an increase of 250m^2 GFA or greater, resource consent will still be required under TRAN-R5 for infringing that threshold. If the Panel decide to exempt development within the Hospital Zone from providing an ITA, a resource consent is still required under TRAN-R5. The only outcome is that Health NZ is not required to provide the supporting information or analysis that would normally be provided in an ITA to assist Council understand the potential effects of the proposal on the transport network. In my view, this would make it very difficult for Council to make their consent decision and would undermine the sole purpose of TRAN-R5 and TRAN-Table 11, which is to set a threshold for when an ITA is needed. I note that Health NZ did not provide any transport evidence at the hearing to support why an ITA is not warranted for the specific hospital sites in the Far North.

57. Given the above analysis, I do not consider it appropriate to provide an exemption to the ITA requirement for Hospital zoned land.

Recommendation

58. I recommend that no exemption is provided for the Hospital Zone from the need to prepare an ITA in TRAN-P7, as per my position in the s42A report.

Section 32AA Evaluation

59. As no changes are recommended, no further analysis under section 32AA of the RMA is required.

3.4 Issue 4: Other evidence on Transport rules and standards

Overview

Relevant Document	Relevant Section
Section 42A Report	Transport section 42A report – Key Issues 2, 5, 6, 7, 14
Evidence and hearing statements provided by submitters	Foodstuffs, KiwiRail, FENZ

Matters raised in evidence

Foodstuffs

60. Mr Badham on behalf of Foodstuffs supports decoupling the engineering standards from the Transport chapter, however he remains concerned that the wording of Note 2 above the rule table still requires further clarification as to the relationship between the Transport chapter and the engineering standards. In particular, Mr Badham is concerned with:

    a. The use of the word 'will' in Note 2, which does not clarify what approval 'will' be required or what the requirements are. It also does not reflect that not every proposal for access, roads, footpaths or carparking 'will' require engineering approval. Mr Badham recommends replacing 'will' with 'may'.

    b. The reference to "the most recently adopted" standards, which he considers to be ultra vires as this unspecific language does not meet the requirements for the incorporation of documents are set out in Clause 30 of Schedule 1 of the RMA.

KiwiRail

61. Ms Catherine Heppelthwaite on behalf of KiwiRail supports most of my recommendations to the Transport chapter with respect to provisions relating to the railway corridor. The one exception is the explanatory note in TRAN-SX. Ms Heppelthwaite, relying on corporate evidence provided by Mr Matthew Paetz, requests that this explanatory not be deleted as Mr Paetz argues that TRAN-SX should apply to all rail level crossings, irrespective of whether they have barrier arms or not.

FENZ

62. FENZ pre-circulated a hearing statement prepared by Mr Graeme Roberts, but Mr Roberts did not appear at the hearing. Instead, Mr Mitchell Brown appeared on behalf of FENZ to answer questions. Mr Robert's statement confirmed that FENZ supports the following amendments in the section 42A report:

    a. The reference to emergency response access in TRAN-P3(b).

    b. The inclusion of an explanatory note in TRAN-R2 referring to the emergency responder requirements in the Building Code and FENZ guidance on those requirements. Mr Roberts confirms that this note is a minimum requirement and interim measure, as it has limited statutory weight, and that FENZ's preference is TRAN-R2 as notified (see below).

63. FENZ continues to request the following amendments to the TRAN chapter:

a. A reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access in the introduction of the TRAN chapter (as opposed to within TRAN-P3 as originally requested).

b. Retention of TRAN-R2, PER-2 as notified to ensure compliance with the SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice remains a permitted condition for new or altered vehicle crossings and access.

c. An amendment to TRAN-S1 to include emergency responder access as a matter of discretion, noting that although car parking minimums have been removed, TRAN-S1 still controls all on-site parking and manoeuvring areas and therefore emergency responder access is still relevant.

d. An amendment to TRAN-Table 9 to align with the requirements of SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice with respect to emergency responder access.

Analysis

Foodstuffs

64. I confirmed verbally at the hearing that I can support altering the word 'will' in Note 2 to 'may' but I do not consider that there is a vires issue with referring to the Engineering Standards generally in a non-statutory part of the Transport chapter. Mr Badham also confirmed at the hearing that he agrees with my position and no longer recommends specifically referring to the April 2022 version of the Engineering Standards in Note 2. I have recommended a change to the wording of Note 2 in Appendix 1 of this right of reply accordingly.

KiwiRail

65. Both Mr Collins and I agree with the position put forward by KiwiRail at the hearing that the note for TRAN-SX can be deleted so that the standard applies to all rail level crossings, regardless of whether barrier arms are present. I have recommended deletion of this note in Appendix 1 accordingly.

FENZ

66. In terms of the areas where I agree with the relief requested by FENZ, I can support amending matter of discretion (b) in TRAN-S1 to refer to the potential for adverse effects on the safety and efficiency of the transport network, including emergency responder access. I accept the point put forward by Mr Roberts in the FENZ planning statement that despite the parking minimums being removed, TRAN-S1 still manages onsite parking design and manoeuvring and considering emergency responder access is a

relevant consideration when designing those spaces. I have recommended a change to this matter of discretion in Appendix 1 accordingly.

67. I also consider that adding a reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access as part of the Introduction text could be supported as a signpost to plan users that best practice information is available to inform the design of their proposals. I do not consider that reference to this document is essential, as set out in my section 42A report, but I have included recommended text in Appendix 1 if the Panel decide to adopt the suggestion of Mr Roberts.

68. However, I do not consider that the language used in SNZ:PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) is appropriate to be used in the context of the Transport chapter. I note that reporting officers for other topics (namely natural hazards, infrastructure and subdivision) may find that a cross reference to SNZ PAS 4509:2008 is appropriate for other chapters as the primary purpose of SNZ PAS 4509:2008 is to manage water supplies for fire-fighting, not access to properties for emergency responders.

69. After reviewing SNZ PAS 4509:2008 in more detail, I can confirm that only one paragraph in the background text for Section 6 – Fire Service Vehicle Access to Water Source makes any reference to access requirements for fire service appliances. The text of this paragraph is as follows:

> **6 FIRE SERVICE VEHICLE ACCESS TO WATER SOURCE**
>
> **6.1 Background**
>
> The adequacy of a firefighting water supply includes not only an assessment of the water supply that must be available, but also the location, connections, marking, and access to fire hydrants to enable the water supply to be used.
>
> Roading widths, surface, and gradients where hydrants are located should support the operational requirements of Fire Service appliances. The Compliance Documents for the New Zealand Building Code specify these requirements and have final authority, but in general the roading gradient should not exceed 16%. The roading surface should be sealed, and trafficable at all times. The minimum roading width should not be less than 4 m. The height clearance along access ways (for example trees, hanging cables, and overhanging eaves) must exceed 4 m.

70. Firstly, I note that this paragraph states that the New Zealand Building Code has final authority with respect to appropriate roading widths, surfaces and gradients, which is consistent with my section 42A report (paragraph 309).

71. Secondly, it is my view that the language used in this paragraph is not certain enough to be used as the basis for a permitted activity condition under TRAN-R2, in particular:

a. The wording says that 'in general' the roading gradient should not exceed 16%, which indicates that in some scenarios gradients more than 16% could be appropriate. Mr Brown indicated at the hearing that, although a maximum gradient of 16% is ideal, it is not necessarily needed everywhere and there are other factors that contribute to whether a gradient is appropriate or not, including the seal of the access. I rely on the advice of Mr Collins that 16% is unnecessarily restrictive compared to other districts and that it would have a major impact on the ability to develop land across the Far North district if it were a permitted activity requirement.

b. The wording states 'the minimum roading width should not be less than 4m' but does not clarify if this should be the minimum formed carriageway width or the minimum legal width. As Mr Collins clarified at the hearing (and in his reply evidence), the maximum width of a fire appliance is 2.55m and a minimum formed carriageway width of 3m is sufficient to allow a fire appliance to access the site (3m being the narrowest formed width provided for in TRAN-Table 9). TRAN-Table 9 also sets a minimum legal width of an access at 4m, which is in line with the 4m roading width discussed in SNZ PAS 4509:2008. In my view (based on the advice of Mr Collins) a 4m legal width would account for the scenario put forward by Mr Brown at the hearing, being the need to open doors and access the sides of the appliance along a rear access driveway with fences constructed along both boundaries.

72. I rely on the advice of Mr Collins in his reply evidence that a maximum carriageway height of 4m is not necessary for all sites in terms of being clear of structures as not all sites need to use the accessway for emergency responders, i.e. some sites can be accessed by fire appliances directly from the street or private road. I also consider it overly onerous to include rules or standards in the Transport chapter to require that all accessways be kept clear of hanging cables and vegetation. While I recognise that this is an ideal situation from the perspective of FENZ, rules/standards of this type would be difficult to administer, monitor and ensure ongoing compliance with and, in my view, are not an efficient way to manage the issue.

73. In response to the question from the Panel regarding maximum gradients for private accessways in the ODP, I can confirm that Appendix 3B-1 of the ODP specified:

a. A maximum sealed gradient of 1:4 (25%) for all zones; except for

b. Commercial and Industrial zones and the Orongo Bay Special Purpose Zone, where the maximum sealed gradient is 1:5 (20%).

74. As such, the 22% maximum gradient proposed in TRAN-Table 9 is more stringent than the ODP for most zones, but slightly more permissive for

Mixed Use, Light Industrial, Heavy Industrial and Orongo Bay Special Purpose Zones.

75. Taking the above into consideration, I have not changed the position in my section 42A report with respect to deleting the reference to SNZ PAS 4509:2008 from TRAN-R2. I consider that the minimum legal width of 4m, combined with the minimum formed carriageway width of 3m in TRAN-Table 9 is sufficient to provide for fire appliances. I consider that the specific and measurable standards in TRAN-Table 9 are preferrable to the non-specific language used in SNZ PAS 4509:2008, but they achieve the same outcome for roading width as requested by FENZ. For the reasons set out above, I do not agree that further restrictions on gradient or carriageway height are necessary to provide for fire appliances.

Recommendation

76. I recommend that:

a. The word 'will' is amended to 'may' in Note 2 above the Rule table.

b. The explanatory note for TRAN-SX is deleted.

c. Matter of discretion (b) in TRAN-S1 is amended to refer to emergency responder access.

77. In addition, the Panel could also consider adding in a reference to the Fire and Emergency New Zealand F5-02 GD Designers' Guide to Firefighting Operations: Emergency Vehicle Access into the Introduction text but this is not necessary in my opinion.

Section 32AA Evaluation

78. Note 2 above the rule table, the explanatory note for TRAN-SX and the introduction are non-statutory parts of the Transport chapter and do not require evaluation in terms of section 32AA of the RMA.

79. I consider that the additional reference to emergency responder access in matter of discretion (b) in TRAN-S1 is a minor change to clarify that consideration of emergency responder access is part of assessing the safety and efficiency of the transport network. As the intent of the matter of discretion is not changing, I do not consider that further evaluation under section 32AA of the RMA is required.

Appendices

Appendix 1 – Officers recommended amendments to the Transport chapter