

**BEFORE THE HEARINGS PANEL**

**UNDER**

the Resource Management Act  
1991 (**RMA**)

**IN THE MATTER OF**

the Proposed Far North District  
Plan (**PDP**)

**STATEMENT OF EVIDENCE OF DAVID BADHAM ON BEHALF OF FOODSTUFFS  
NORTH ISLAND LTD**

**PLANNING**

**14 April 2025**

**1. SUMMARY OF EVIDENCE**

- 1.1 This evidence has been prepared on behalf of Foodstuffs North Limited (**Foodstuffs**) as it relates to its submission and further submission on the PDP - Hearing Stream 11. My evidence focuses on responses to the recommendations in the Transport Section 42A Hearing Report (**s42A**).
- 1.2 In summary, there are several areas where I disagree with some of the recommendations of the Far North District Council (**Council**) Reporting Officer, and as a result consider that further amendments or analysis are required. These specifically relate to the recommended provisions of the Transport Chapter, including vehicle access to State Highways, trip generation thresholds for supermarkets, and reference to Council's Environmental Engineering Standards.

**2. INTRODUCTION**

- 2.1 My full name is David Eric Badham. I am a Partner and Northland Manager of Barker and Associates (**B&A**), a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work throughout the country, although primarily in Te Tai Tokerau / Northland.

**Qualifications and experience**

- 2.2 My qualifications, experience and involvement with Foodstuffs on the PDP are set out in Attachment 1 to my evidence filed on 13 May 2024 which addressed planning matters in relation to Hearing Stream 1 – Strategic Direction for Foodstuffs. I also filed

evidence on 18 November 2024 which addressed planning matters in relation to Hearing Stream 9 – Rural and Horticulture on behalf of Foodstuffs. I also filed a statement on behalf of Foodstuffs on 22 July 2024 on Hearing Stream 4 and on 7 October 2024 on Hearing Streams 6 and 7.

### **Purpose and scope of evidence**

2.3 This evidence addresses the submission (#S363) and subsequent further submission (#FS542) by Foodstuffs on the PDP.

2.4 My evidence will address the following topics:

- (a) My involvement with the PDP on behalf of Foodstuffs and Submission Context (Section 3).
- (b) Minimum Carparking Standards (TRAN-Table 1) (Section 4).
- (c) New or altered vehicle crossings and access from a State Highway (TRAN-R2) (Section 5).
- (d) Trip Generation (TRAN-R5) (Section 6).
- (e) Far North District Council Engineering Standards (Note 2) (Section 7),
- (f) Section 32AA Assessment (Section 8).
- (g) Conclusion (Section 9).

### **Code of conduct**

2.5 Although this is not an Environment Court proceeding, I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out in Attachment 1 to my Hearing Stream 1 evidence filed on 13 May 2024. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **3. INVOLVEMENT WITH PDP ON BEHALF OF FOODSTUFFS AND SUBMISSION CONTEXT**

- 3.1 I have been engaged by Foodstuffs since September 2022 to provide independent planning evidence on the PDP, including:
- (a) assisting with preparing Foodstuffs' original submission on the PDP;
  - (b) assisting with preparing Foodstuffs further submission on the PDP; and
  - (c) ongoing planning advice associated with those submissions and the hearings relating to those submissions.
- 3.2 The context of Foodstuffs submission and its presence in the Far North District is outlined in Section 4 of my planning evidence statement for Hearing Stream 9 – Rural and Horticulture on behalf of Foodstuffs.
- 3.3 Foodstuffs' original submission points on the Transport Chapter can be summarised as follows:
- (a) Deletion of the minimum carparking standards in TRAN-Table 1 (S363.008);
  - (b) Amendment of PER-3 of Rule TRAN-R2 to ensure that existing accesses from State Highways can be upgraded as a permitted activity rather than requiring a discretionary activity consent to do so (S363.009);
  - (c) Amendment of Rule TRAN-R5 to increase the 200m<sup>2</sup> threshold to appropriately provide for supermarkets particularly within zones where supermarkets are a permitted activity (S363.010); and
  - (d) Review and refine the relationship of the District Plan to the Environmental Engineering Standards (S363.011).
- 3.4 I provide my more fulsome response to the Reporting Officer's recommendations regarding the above points below.
- 3.5 I also confirm that I have reviewed the expert transportation evidence of Mr Leo Hills in preparing my statement. I have outlined where I rely on the evidence of Mr Hills.

#### **4. MINIMUM CARPARKING STANDARDS (TRAN-TABLE 1)**

4.1 The Reporting Officer has accepted Foodstuffs' submission in part on this matter, and recommended the deletion of TRAN-Table 1 entirely, and the inclusion of a new TRAN-Table 1 for minimum bicycle parking spaces which includes minimum requirements for supermarkets and convenience stores. There is also a new table TRAN-Table W which relates to theoretical parking demand factors and includes minimum requirements for supermarkets and convenience stores.

4.2 I agree that this addresses Foodstuffs' submission on this matter and confirm that Foodstuffs have no consequential concerns relating to the new requirements in the new TRAN-Table W as these standards appear to be consistent with what other councils use throughout New Zealand.

#### **5. NEW OR ALTERED VEHICLE CROSSINGS AND ACCESS FROM A STATE HIGHWAY (TRAN-R2 AND TRAN-R9)**

5.1 The Reporting Officer has recommended that Foodstuffs and other submitters similar requests in relation to this matter are rejected, stating:<sup>1</sup>

I disagree with deleting or amending PER-3 on the basis that vehicle crossings onto State Highways are solely controlled by NZTA and/or the s176 process is sufficient to address any potential issues. Potential duplication between the TRAN chapter and NZTA's functions is discussed in principle in Key Issue 4 above and I do not repeat that discussion here.

5.2 I accept the technical and planning basis for requiring a resource consent for new or altered accessways onto the State Highway. My concern relates to the appropriate activity status in such an instance. In my opinion, there is a confusing overlap between TRAN-R2 and TRAN-R9 that has not been resolved by amendments from the Reporting Officer.

5.3 More specifically, while the heading of TRAN-R2 now specifically "excludes access from a State High Way or Limited Access Road", based on the Reporting Officer's recommendations TRAN-R2 PER-3 still states a permitted activity status if:

PER-3

The vehicle crossing is not off a State Highway, or off a road classified arterial or higher under the ~~One Network Road~~

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<sup>1</sup> See Paragraph 312 of the Transport s42A.

Classification as shown on the Transport Network Hierarchy map.

- 5.4 Where compliance is not achieved with PER-3, the activity status becomes a full discretionary activity.
- 5.5 This 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. Where compliance is not achieved, then a full discretionary resource consent is required.
- 5.6 I recommend three changes detailed in **Attachment 1** in regard to the above:
- (a) TRAN-R2 PER-3 should simply 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 Limited Access Road 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.
  - (c) I consider that a default to a full discretionary is unnecessary as full discretion is not required for consideration of a new or altered vehicle crossing to the State Highway. The existing matters of discretion provide suitable direction and discretion regarding the assessment of relevant matters.

## 6. TRIP GENERATION (TRAN-R5)

- 6.1 The Reporting Officer has recommended rejecting Foodstuffs’ request to increase the trip generation threshold in TRAN-R5, citing the analysis and feedback from the Abley Report. The following statement is made:<sup>2</sup>

I disagree with increasing the thresholds for supermarkets, as requested by Foodstuffs and Woolworths, as the 200m<sup>2</sup> threshold aligns with the trip generation rates calculated by NZTA. I consider that the threshold should apply for both new supermarkets and extensions to supermarkets to ensure that cumulative impacts of vehicle movements on the transport network can be assessed, but as discussed above, the TRAN-Table 11 thresholds would only apply

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<sup>2</sup> See Paragraph 148 of the Transport s42A.

to the new GFA being added to a supermarket, not the total GFA of the supermarket post-extension.

- 6.2 In response to this, Foodstuffs has commissioned Mr Hills to respond. Mr Hills has concluded that the 200m<sup>2</sup> threshold is too low and will lead to triggering unnecessary and costly assessments. He has recommended an increase to 750m<sup>2</sup> to align with standards more recently adopted in Whangārei and Auckland.
- 6.3 I rely on the expert evidence of Mr Hills as it relates to the appropriate threshold for trip generation for supermarkets. From a planning perspective, I consider that it is neither efficient or effective having an unnecessarily low threshold, as this will lead to the unnecessary triggering of resource consents and the commissioning of traffic reports as suggested by Mr Hills. In my opinion, this will result in needless additional costs and delays with no material benefit. On this basis, I recommend that the threshold in TRAN-R5 is increased to 750m<sup>2</sup> as highlighted in **Attachment 1**.

## 7. FAR NORTH DISTRICT COUNCIL ENGINEERING STANDARDS (NOTE 2)

- 7.1 The Reporting Officer has accepted in part Foodstuffs' submission regarding decoupling the engineering standards from the Transport Chapter. The Reporting Officer states:

I agree with Foodstuffs, Haigh Workman Limited and NTA that the relationship between the TRAN chapter and the Engineering Standards is unclear and, at times, inconsistent. I also agree with NTA that it is problematic to refer specifically to the 2022 version of the Engineering Standards as these are likely to change over the life of the PDP.

- 7.2 As part of the above, the Reporting Officer has recommended an amendment to Note 2 of the Transport Chapter as follows:

The Design and construction standards for of access, new roads, footpaths, and car parking will also require approval under the most recently adopted be in accordance with Far North District Council Engineering Standards April 2022.

- 7.3 I support the Reporting Officer's broader recommendations to decouple the engineering standards from the transport chapter, but have the following concerns with regard to the above amendments to Note 2.
- 7.4 The note states that approval "will" be required. In my opinion, there is no clarity as to what approval "will" be required, and under what requirements. As I understand it, the Engineering Standards are a non-statutory document, and only have weight in the PDP as a means of compliance and document by reference. It is also not certain in every

instance that approval “will” be required. As such, I recommend that this is amended to “may.”

- 7.5 I further consider the reference to “the most recently adopted” standards to be *ultra vires*. Council’s Engineering Standards are essentially a document that is proposed to be incorporated by reference in the PDP. The requirements for the incorporation of documents are set out in Clause 30 of Schedule 1 of the RMA. In my experience with this matter, it is important that the document being referenced is specifically identified – title, version and date (e.g., Far North District Council Engineering Standards April 2022 as per the notified text). It is inappropriate to refer to an undated or unspecified “most recently approved” version of document because if the document changes in the future, there must be an opportunity for submissions on the new standards or referenced material via a process to amend the plan. Otherwise, without a specific reference within the PDP, there is a natural justice issue, in that Council could unilaterally amend its Engineering Standards referenced within the PDP without any recourse or submission process pursuant to Schedule 1 of the RMA.
- 7.6 On this basis I recommend that Note 2 is amended as outlined in **Attachment 1**.

## 8. SECTION 32AA ASSESSMENT

- 8.1 Section 32AA of the RMA requires further evaluation where changes are made to a proposal since the original Section 32 evaluation. I have recommended amendments to TRAN-R2, TRAN-R5, TRAN-R9, and Note 2 of the Transport Chapter, as set out in **Attachment 1** to my evidence. I consider that these amendments are the most appropriate way to achieve the relevant objectives of the PDP, for the following reasons:
- (a) **TRAN-R2 and TRAN-R9:** My recommended amendments provide greater clarity regarding access from State Highways and avoid unnecessary duplication and confusion between overlapping rules. The use of restricted discretionary activity status, rather than defaulting to full discretionary, improves efficiency while retaining adequate control over relevant transport effects. This is more effective and proportionate to the scale of the effects generated.
  - (b) **TRAN-R5:** I rely on Mr Hill’s expert evidence which recommends increasing the trip generation threshold for supermarkets. This change ensures the PDP provisions are responsive to actual traffic effects, reducing the risk of

unnecessary resource consents and associated costs. From a planning perspective, this improves the effectiveness and efficiency of the rule without undermining the purpose of trip generation thresholds.

- (c) **Note 2:** The amendment ensures legal robustness by appropriately referencing a specific version of the Engineering Standards and avoids uncertainty associated with referring to the “most recently adopted” version. The revised wording also acknowledges that approval under the Engineering Standards may not always be required, reflecting the non-statutory nature of the document and improving plan clarity.

8.2 Overall, I consider the social and economic benefits of the recommended amendments—including reduced compliance costs, improved clarity, and a more enabling framework for supermarket development—to outweigh any potential costs.

## 9. CONCLUDING COMMENTS

9.1 In conclusion, I consider that a number of the recommendations in the Section 42A Report require refinement to ensure the PDP achieves its intended outcomes without imposing unnecessary regulatory burden.

9.2 In particular:

- (a) The vehicle access provisions (TRAN-R2 and TRAN-R9) require better alignment and simplification to remove duplication and ensure consistent interpretation and application.
- (b) The trip generation threshold in TRAN-R5 should be increased as recommended by Mr Hills to reflect more realistic expectations of supermarket traffic volumes and to avoid unnecessary consenting.
- (c) The revised Note 2 better reflects the non-statutory nature of the Engineering Standards and ensures the PDP remains legally sound and practically workable.

9.3 I have recommended amendments to the provisions as outlined in **Attachment 1**, and have undertaken a section 32AA Evaluation which I consider demonstrates that the amendments are more efficient and effective at achieving the relevant objectives for the Transport Chapter.

**David Eric Badham**

**Date: 14 April 2025**

## Attachment 1 – Recommended Amendments to Transport Chapter Provisions

S42A recommended wording = additions underlined text deletions ~~strikethrough text~~

David Badham recommended wording = additions underlined text deletions ~~strikethrough text~~

### Note 2

The design and construction standards for of access, new roads, footpaths, and car parking ~~will~~ may also require approval under the ~~most recently adopted~~ most recently adopted be in accordance with Far North District Council Engineering Standards ~~April 2022~~ April 2022.

### TRAN-R2

New or altered ~~v~~Vehicle crossings and access, including private accessways (excluding access from a State Highway or Limited Access Road)

Activity status: Permitted

Note: Altered includes, but is not limited to, any widening, narrowing, gradient changing, redesigning, change in use, and relocating of a vehicle crossing or accessway, but excludes resurfacing.

Where:

PER-1

A private accessway serves a maximum of 8 allotments. Where the private accessway serves a maximum of 8 household equivalents

~~Note: 1 household equivalent is represented by 10 vehicle movements. One vehicle movement is a single movement to or from a property.~~

PER-X

Where access is required for 9 or more allotments, access shall be by public road.

PER-2

~~The vehicle crossing and access for fire appliances comply with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice.~~

PER-3

The vehicle crossing is not off a State Highway, or off a road classified arterial or higher under the One Network Road Classification as shown on the Transport Network Hierarchy map.

PER-4

Any ~~unused~~ vehicle crossings that are no longer required ~~are~~ must be reinstated to match the existing footpath and kerbing, or the shoulder and berm are reinstated where there is no footpath or kerbing, with all works to be undertaken as per any required traffic management plan and corridor access request.

PER-5

Private accessways shall be designed and constructed in accordance with TRAN-Table 9 - Requirements for private accessways.

### **PER-Y**

**Vehicle crossings and private accessways shall be designed and constructed in accordance with TRAN-Table X – Sealing requirements for vehicle crossings and private accessways.**

PER-6

The vehicle crossing, access, or private accessway complies with standards:

TRAN-S2 Requirements for vehicle crossings; and

TRAN-S3 Requirements for passing bays.

**Note: Emergency responder access requirements are further controlled by the Building Code. Plan users should refer to the Building Code to ensure compliance can be achieved at building consent stage. Granting of a resource consent does not imply that waivers of Building Code requirements will be granted. Fire and Emergency New Zealand publishes guidance in the context of Building Code requirements.**

### **TRAN-R9**

New or altered vehicle crossings accessed from a State Highway or a Limited Access Road

Activity status: Restricted Discretionary

Where:

RDIS-1

**The new or altered vehicle crossing is constructed, designed and located so that it complies with standard:**

**TRAN-S2 Requirements for vehicle crossings.**

Note: Altered includes, but is not limited to, any widening, narrowing, gradient changing, redesigning, **change in use**, and relocating of a vehicle crossing, but excludes resurfacing.

Matters of discretion are restricted to:

- a. the use, location, design, and number of vehicle crossings;
- b. the ability to obtain alternative access;
- c. any adverse effects on the safe, efficient, and effective operation of the state highway;
- d. whether the vehicle crossing has sufficient sight distances;
- e. whether there are sufficient separation distances from other vehicle crossings and intersections;
- f. the design and construction is sufficient to allow appropriate manoeuvring, acceleration or deceleration due to the volume and speed of vehicles on the road; and

g. the types of vehicles serving the site, their intensity, the time of day the site is frequented and likely trip.

Note: Minimum vehicle crossing widths to the State Highway network may be greater than those above. All access to the State Highway network requires the approval of NZTA Waka Kotahi under the Government Roding Powers Act 1989.

**Activity status where compliance not achieved with RDIS-1: Discretionary**

**TRAN-Table 11 - Trip generation**

Activity	Threshold
Multiple on site uses	200 ECM trips per day or 40 ECM trips per hour
Any activity not listed below	200 ECM trips per day or 40 ECM trips per hour
Healthcare activity and hospitals	250m <sup>2</sup> GFA
Commercial activity	200m <sup>2</sup> GFA
Drive-thru and service stations	200m <sup>2</sup> GFA
Trade supplier	450m <sup>2</sup> GFA
Supermarket	<del>200</del> 750m <sup>2</sup> GFA
Restaurants/bars/cafes	200m <sup>2</sup> GFA
Office	800m <sup>2</sup> GFA
Commercial service	200m <sup>2</sup> GFA
Industrial activity	4,000 <del>200</del> m <sup>2</sup> GFA
<del>Kohanga reo/childcare centre</del> <b>Child care service</b>	30 children
Primary and secondary schools	60 students
Tertiary education facility	150 students
Residential activity	20 residential units