

**BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL**

**Under the** Resource Management Act 1991

**In the matter** of the hearing of submissions on Proposed Private Plan  
Change 83 by The Rise Limited

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**REBUTTAL EVIDENCE OF LUKAS GERHARD VAN DER WESTHUIZEN ON BEHALF OF  
KAIPARA DISTRICT COUNCIL**

**(Transport)**

**15 March 2024**

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## **1. INTRODUCTION**

**1.1** My full name is Lukas Gerhard van der Westhuizen.

**1.2** I prepared a statement of primary evidence in support of the section 42A Report in this matter dated 31 January 2024 addressing the transport related aspects of Private Plan Change 83: The Rise Limited (**PPC83**). My qualifications, experience, and background to my involvement in this matter are as set out in my statement of primary evidence.

## **2. CODE OF CONDUCT**

**2.1** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

## **3. SCOPE OF EVIDENCE**

**3.1** This statement of rebuttal evidence on behalf of Kaipara District Council responds to various matters arising from the statement of evidence of Mr Kelly (transportation engineering) on behalf of the applicant dated 23 February 2023.

## **4. EVIDENCE OF MR KELLY**

**4.1** Whilst Mr Kelly's evidence addresses a wide range of topics, my rebuttal is limited to responding to the parts of his evidence relating to:

- (a) The applicant's proposed use of a footpath (rather than a shared use path) along the frontage of Mangawhai Heads Road and Cove Road;

- (b) The proposed minimum lot size and sensitivity testing undertaken by the applicant; and
- (c) The speed management of Cove Road if a reduction in speed limit could not be achieved.

#### **The use of a footpath rather than a shared use path**

**4.2** In my statement of primary evidence I expressed the view that a shared use path along the parts of the plan change area fronting Cove Road (south of Pigeon Wood Place) and the parts of the plan change area fronting Mangawhai Heads Road should be provided.

**4.3** Having considered Mr Kelly's evidence, I now agree with Mr Kelly that shared use paths along Cove Road and Mangawhai Heads Road are not warranted if a shared path network is provided through the plan change area (as is proposed).

**4.4** In my view, a footpath along the plan change area frontage would suffice if shared use paths are included in the plan change area, forming a network connecting Mangawhai Heads Road to Cove Road.

**4.5** My view however remains that every dwelling should have safe vehicle and active mode (pedestrians and cyclists) connections. I consider this to be feasible given the indicative roading plan (there are multiple proposed vehicle accesses and/or active mode connections that could be formed that fronts existing roads), and further consider that this requirement does not hinder development in the future.

**The proposed minimum lot sizes and the sensitivity testing undertaken by the applicant**

- 4.6** In my primary evidence I recommended an average lot size of 1000 m<sup>2</sup> across the plan change area.<sup>1</sup> I also expressed the view that the applicant should undertake further sensitivity testing applying a factor of 1.5 in relation to Mr Kelly's assessment of the key road frontages associated with PPC83.<sup>2</sup>
- 4.7** Having considered Mr Kelly's evidence and the additional sensitivity testing he has undertaken, I am now of the view that precinct provisions adequately address smaller lots' effects during subdivision. However, I note potential consequences of smaller average lot sizes, such as increased dwellings and trip generation if subdivision to less than 600 m<sup>2</sup> is approved (I understand from Mr Clease as a non-complying activity). In this respect I acknowledge and agree with the applicant's sensitivity assessment of trip generation up to 1.5, noting that mitigation may be necessary for Mangawhai Heads Rd/Jack Boyd Drive and Mangawhai Heads Rd/Cove Rd.
- 4.8** If the dwelling numbers (and associated cumulative effects of trip generation associated with multiple subdivisions in the plan change area) are more than 570 lots (as outlined in the applicant's sensitivity testing), I do not consider that the applicant has assessed this effect and illustrated that there are feasible mitigation measures available to address the safety and efficiency concerns as a result of more trips. However, in relation to this, I understand from Mr Clease that under the planning framework that is proposed development of more than 570 lots is unlikely, and the subdivision consent provisions enable consideration of transport matters in any event.

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<sup>1</sup> My primary evidence, paragraph 8.10.

<sup>2</sup> My primary evidence, paragraph 6.23.

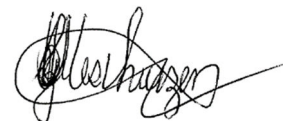
**The speed management of Cove Road if a reduction in speed limit could not be achieved**

**4.9** In my statement of primary evidence I outlined that the mechanism to undertake a speed limit change is complex and not within the Applicant's realm and that the Applicant should assess if any additional safety mitigation measures may be required if the speed limit change is unsuccessful and the speed limit on Cove Road remains at 80 km/h.

**4.10** Having considered Mr Kelly's evidence in the event Cove Road were to remain an 80 km/h road in perpetuity, I agree with Mr Kelly that the additional vehicle access onto Cove Road would be inappropriate and that the options for improvements for road safety in a high-speed (80 km/h) environment on Cove Road are relatively limited.

**4.11** I am now of the view that any additional vehicle access off Cove Road, until the speed limit is changed to 50 km/h, should be restricted, given the safety risk associated with any additional vehicle access off Cove Road and the high speed limit (80 km/h) that exists.

**4.12** I note that Mr Jonathan Cleese is of the view that this matter can be left for assessment at the subdivision stage, based on the plan change provisions proposed, but express my concern that the plan change provisions do not explicitly restrict additional vehicle access to Cove Road if the speed limit was to remain 80 km/h.



Lukas Gerhard van der  
Westhuizen  
15 March 2024