

BEFORE THE INVERCARGILL CITY COUNCIL

RMA/2018/148

IN THE MATTER of the Resource Management Act 1991
("the Act")

AND

IN THE MATTER being an application for resource
consent to undertake the
comprehensive redevelopment of most
of the City Centre block bounded by
Dee, Esk, Kelvin, and Tay Streets to
establish a mixed use commercial
centre

BETWEEN **HWCP Management Limited**

Applicant

AND **INVERCARGILL CITY COUNCIL**

Local Authority

EVIDENCE OF PETER ROBINSON ON BEHALF OF THE NZTA

MARCH 2019

1. Introduction

- 1.1. My name is Peter Robinson and I am a Senior Network Manager for the NZ Transport Agency (the Agency). I have worked in this role for the last 14 years. Previously I have worked in local government (18 years) as well as the private sector. I have worked in Roding roles for over 30 years.
- 1.2. I have a NZ Certificate of Engineering Qualification.

2. Expert Witness Practice Note

- 2.1. While not a Court hearing I note I have read, and agree to comply with, the Code of Conduct for Expert Witnesses as required by the Environment Court's Practice Note 2014. In providing my evidence all of the opinions provided are within my expertise and I have considered, and I have not omitted to consider any material facts known to me which might alter or qualify the opinions I express.

3. Scope of Evidence

- 3.1. A resource consent application has been lodged by HWCP Management Limited to undertake the comprehensive redevelopment of most of the City Centre block bounded by Dee, Esk, Kelvin, and Tay Streets to establish a mixed use commercial centre. Detailed descriptions of the activity have been included in the Planners Report and evidence provided by the applicant. I rely on these descriptions rather than repeat them in my evidence.
- 3.2. The Agency lodged a submission on the proposal that was neutral in terms of the proposed landuse but raised a number of questions regarding the potential for safety impacts on the adjoining transport network. Given that the development site is bounded on two sides by Tay Street (SH1) and Dee Street (SH6) the Agency has concentrated on the access arrangements proposed (to and from Tay Street (SH1)), and the potential safety impacts on pedestrians accessing and passing the site.
- 3.3. These matters will be discussed in detail in the evidence provided by Jeremy Byfield.

3.4. The Agency also raised matters in their submission relating to the Management of Demolition and Construction Effects as well as the potential for reverse sensitivity effects, given the residential component included in the development. My evidence reiterates and expands on those concerns including consideration of the Planning Report and Evidence which has now been provided, included the Conditions and Advice Notes recommended.

4. Access

4.1. The proposal as notified includes three access points to Tay Street (SH1). From the west they are a two way service vehicle access (Access A), the main public car park entrance and exit (Access B) and a one way service lane access (Access C). The details of the design, location and operation of these proposed accesses are discussed in detail in the evidence of Jeremy Byfield.

4.2. Where works are proposed within the State highway road reserve for activities such as the formation of new accesses there are requirements for separate approval from the Agency beyond those under the Resource Management Act. This requirement is noted in the Advice Notes recommended in the Section 42a Report as follows:

Advice Notes

iii. No works shall be undertaken within State Highway 1 or State Highway 6 without the prior approval of the New Zealand Transport Agency pursuant to Section 51 of the Government Roading Powers Act 1989. Such works may include but are not exclusive to the design and formation of the access and associated slip lanes to the Tay Street parking building.

4.3. This reference to the additional requirements relating to works within the State highway is supported in principle, although the requirements may apply more broadly than to the specific activity stated. All three of the accesses proposed from Tay Street (SH1) are likely to involve works which will trigger approval requirements under the Government Roading Powers Act. There is also potential that the measures proposed to manage the demolition and construction related effects, and the traffic management measures may also require approval under the Government Roading Powers Act regarding occupation and potential damage to the highway. I suggest that to reflect this clearly the Advice Note proposed is amended as follows:

Advice Notes

iii. *No works shall be undertaken within State Highway 1 or State Highway 6 without the prior approval of the New Zealand Transport Agency pursuant to Section 51 of the Government Rounding Powers Act 1989. Such works may include but are not exclusive to the design and formation of the access and associated slip lanes to the Tay Street parking building, the two service accesses, as well as potential occupation or damage to the road associated with the demolition or construction activities.*

- 4.4. As indicated above Jeremy Byfield in his evidence has detailed his concerns with the location and some of the design details of the State highway access points proposed. My only comment is on the recommended conditions relating to the Safety and Efficiency of Road Networks and Access Points (conditions 26-29). The wording of recommended condition 27 seems to contradict the description in the Applicant's Integrated Transport Assessment which indicates that the eastern service access from Tay Street (SH1) will operate as a one-way route exiting on Esk Street. The wording of condition 27 indicates that there is potential for vehicles exiting onto Tay Street (SH1) which I do not think was anticipated. I consider that the wording of the condition should be amended as follows:

Prior to the eastern service lane located behind the Kelvin Hotel becoming operational, an audio warning device to alert pedestrians to exiting vehicle movements is to be installed adjacent to ~~both the Tay Street and~~ Esk Street access points.

5. Demolition and Construction Management

- 5.1. The Agency submission noted the potential for demolition and construction activities to have an effect on the safety and operation of the adjoining state highway network. The submission further sought that comprehensive Demolition and Construction Management Plans be developed including consideration of the potential impacts on the strategic roading network, a mechanism for Agency input into these Plans, and if required separate approval under the Government Rounding Powers Act. This has been reflected in the conditions recommended in the section 42a Report at condition 8(h) and 15(b) as follows:

A Traffic Management Plan (TMP) which includes measures for the control of vehicle and pedestrian movements, including road closures, to ensure the safety of the public, and the continued safe and effective operation of the road network. The TMP is to also demonstrate how construction activity will be staged across the site to minimise the need for long periods of road and footpath closures. Where the TMP includes measures relating to State

Highway 1 and State Highway 6, input from the New Zealand Transport Agency is required.

5.2. I consider that the recommended conditions provide an appropriate mechanism for the Agency to be involved in the development of the key components of the Demolition and Construction Management Plans as they relate to the State highway network. The amendments to the recommended Advice Note detailed above in section 4.3 of my evidence will ensure that any associated requirements under the Government Roadway Powers Act are also captured.

6. Reverse Sensitivity

6.1. The Agency submitted on the potential for reverse sensitivity effects on the operation of State Highways 1 and 6 as result of the inclusion of a residential component within the development. A condition has been recommended on the section 42a Report to address this concern as follows:

25. Prior to the issue of Building Consent for any residential apartments, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to the Council demonstrating that internal sound levels will be achieved when assessed in accordance with the requirements of Rule 3.13.9(A). An alternative means of ventilation (other than opening windows) shall be provided so that compliance with Rule 3.13.9 can be achieved concurrently with any Building Code ventilation requirements.

6.2. I consider that the inclusion of this condition will effectively address the Agency's concerns regarding reverse sensitivity.

7. Summary

7.1. The Agency submitted on some specific aspects of the development proposal to the extent that they had potential to impact on the safety and efficiency of the State highway network adjoining the site. In his evidence Jeremy Byfield has raised concerns regarding the design and location of the accesses proposed to Tay Street (SH1) and recommended some design changes to address these matters. In my evidence I have supported and suggested amendments to some of the Conditions and Advice Notes proposed in the section 42a Report to clarify the role of the Agency in addressing matters that impact on the State highway network.

7.2. On the basis of the recommended conditions proposed, including the amendments suggested above, and the design changes recommended by Jeremy Byfield I consider that the effects on the State highway network of the proposed development can be effectively mitigated.