Introduction

- Recent cases of interest
- Update to cases in 2012 paper
- Tips/Lessons learnt

Recent Cases: Trip Generation

**Ferrymead Retail v Christchurch City Council**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Challenged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitre 10 MEGA</td>
<td>Indexed annual sales figure</td>
</tr>
<tr>
<td>Bunnings Warehouse</td>
<td>Transport Assessment Report</td>
</tr>
</tbody>
</table>

Judicial Review

Adequate information for notification:

- Referred report to Consultant
- Clarified sales projection with Bunnings
- Discussions with Bunnings transport consultations
- Legal Advice re: data

Conclusion

- Indexed annual sales figures accepted
- Raw data not necessary
- Checks and balances by council
- If new model, further inquiries needed
- Offered conditions relevant to notification assessment
Parking
Sandspt Yacht Club Marina Soc Inc v Auckland Council

- Marina
- Parking
- Design: peak traffic demand
- Impact on amenity
- Attract more drivers

Traffic Noise - Amenity
Stacey v Auckland Council

- Residential Area
- Transport Depot
- Extended hours 24/7
- 1444/4k additional truck movements
- Efficient use of site
- Co-ordinate with Port

Traffic Noise - Amenity

- Extended hours not approved
- Noise effects of traffic on road assessed
- Nearby residential zone relevant?
- Later 24 hours but reduced truck movements

Update: Cumulative Traffic Effects
Laidlaw College Inc v Auckland Council

- Traffic effects (just off motorway)

Update: Cumulative Traffic Effects

Consent granted with agreed conditions:
- Nearby intersection upgrade (extra lane)
- Temporary traffic management plan
- Review of conditions for traffic/parking effects
- Signalised intersection to control entry to site at consent holder’s cost

Independent Witness
Envirowaste Services Ltd v Auckland Council

- Witness: office space in client’s premises
- Undermined independence as expert witness
**Detailed Reports & Realistic Mitigation**
*Blakely Pacific Ltd v Western Bay of Plenty DC*

- Residential subdivision in rural zone
- No clear plan to deal with some adverse effects
- Witness assertions unrealistic
- Adverse effects obvious

**Addressing All Issues in Evidence**
*Stirling v Christchurch City Council*

- Planner:
  - Application easily ticked off assessment matters
  - Assumed facts
- Court:
  - Go through all details
  - Never assume

**Conclusion**

- New/different methods?
- Sometimes more is good but sometimes less is more.
- Maintain independence.
- Spell everything out.