

**BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY HAMILTON CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of hearing submissions on Plan Change 5 to the
Hamilton City District Plan

BETWEEN **THE SHORTBREAD LIMITED**
Submitter #41

AND **HAMILTON CITY COUNCIL**
Local authority

**SUBMITTER STATEMENT OF
LYNNE SUN ON BEHALF OF THE
SHORTBREAD LIMITED**

22 SEPTEMBER 2022

STATEMENT SUMMARY

- 1 My full name is Lynne Sun. I am an Environmental Resource Management Planner based in Hamilton and employed by Blue Wallace Surveyor Ltd.
- 2 I hold a Bachelor degree in Environmental Planning from the University of Waikato and have 4 years' experience as a planning consultant within New Zealand.

I am a member of the New Zealand Planning Institute.
- 3 I prepared a submission (No.41), further submission (FS014) and this submitter statement on the Hamilton City Council (**HCC**) Proposed Plan Change 5 on behalf of the Shortbread Limited (**the Submitter**).
- 4 The application site is known as 66-67 Peacockes Lane (Lot 1 DP 334217 and Lot 2 DP 528864).
- 5 The application site is proposed to be zoned 'Medium Density Residential Zone' 'Natural Open Space Zone' (**NOSZ**) under the Appendix 17A Zoning Maps and Appendix 2 Structure Plans.

The NOSZ on site consists of the identified Significant Bat Habitat Area (**SBHA**) and Significant Natural Area (**SNA**).
- 6 There is also an Indicative Stormwater Management Device (**SWD**) mapped to the west of the application site and a section of Seismic Investigation Area to the east of the application site.
- 7 The Submitter has reviewed the Section 42A (**S42A**) Report prepared by Craig Sharman and Mark Roberts. The following are the 4 primary concerns that the Submitter had and seek clarification from the Commissioners:
 1. the requirement of Ecological Rehabilitation and Management Plan (**ERMP**) and Bat Management Plan (**BMP**) through individual resource consent applications might result in financial burdens on each landowner/developer and inconsistent manner in implementations cross the whole SBHAs.
 2. The impartiality in determining the 'fair market value' for reserve acquisition by vesting NOSZs to HCC.

3. The revised indicative stormwater management device location on the application site would involve massive earthworks, disturbance to the NOSZ and the loss of developable land.
4. The superfluous geotechnical validation report for seismic investigation area given that a site suitability report (s106 assessment) is sufficient to address potential natural hazards on site.

8 Overall, the Submitter **seeks** the following amendments:

- HCC (in collaboration with others) should take greater responsibility in leading a centralised approach to the management of effects on long-tailed bats across the PSPA by proactively acquiring, enhancing and maintaining new bat habitat on land within the SNAs and SBHAs and by undertaking bat monitoring and pest control at a landscape-scale. This would be more equitable and efficient.
- Matters which are currently addressed in the PC5 rules, ecological management plan requirements and assessment criteria should be revised to exclude matters that HCC will address in a centralised way, so that they only reflect the matters that will be the responsibility of resource consent applicants.

CODE OF CONDUCT

9 Although I am a qualified Planner, this statement is provided in my capacity as a submitter and landowner's representative. My statement is not provided as expert evidence per the Environment Court Code of Conduct for expert witnesses.

THE 'TRIGGER' FOR ECOLOGICAL MANAGEMENT PLANS (ERMP & BMP)

10 As showed on the Appendix 2 Structure Plans and Figure 1 below, the application site is partially contained within the NOSZ.

The application site contains 4.21ha land area in total.

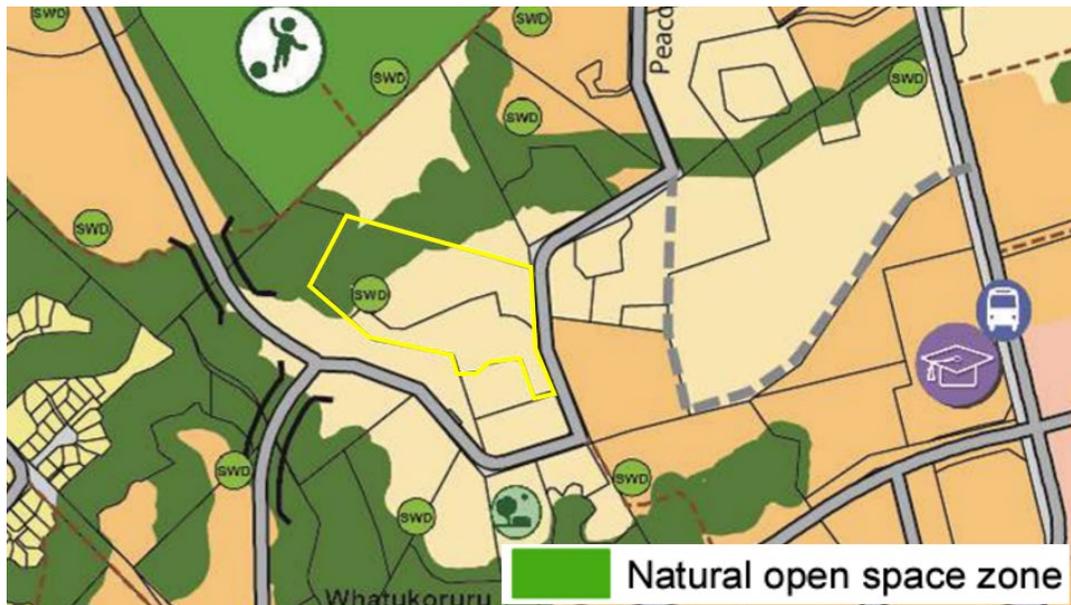


Figure 1: Structure Plan Excerpt

- 11 Points 7.53 and 7.55 of the S42a Report indicated that all subdivision applications within the Peacocke Structure Plan adjoining or including any open space zone or involving more than 5,000m² of land shall include, as part of the resource consent application, an ERMP and BMP.
- 12 The submitters' concern relates to the affordability, effectiveness, and consistency to undertake these ecological management plans on a 'site-to-site' basis through individual resource consent.

Different ecologists might come up with various methodologies and means to enhance the SBHAs. This will later on create inconsistency in implementation among properties.

The costs to engage a qualified ecologist and produce these ecological management plans are very high which in turn, impact housing affordability.

In the Submitter's opinion, a master ecological management plan should be produced by HCC (potentially in collaboration with Department of Conservation and Waikato Regional Plan) to ensure similar specifications can be adopted by different landowners.

Furthermore, the Submitter opposes the ongoing monitoring obligations should be conducted by individual landowner¹. The Submitter agrees with Ben Inger's submitter statement which states: *"HCC (in collaboration with others) should take greater responsibility in leading a centralised approach to the management of*

¹ Appendix E - Amendments in Response to the Long-Tailed Bat Protection Topic. Provision Chapter 1.2.2.27 Provision G.

effects on long-tailed bats across the PSPA by proactively acquiring, enhancing and maintaining new bat habitat on land within the SNAs and SBHAs and by undertaking bat monitoring and pest control at a landscape-scale.”

VESTING OF RESERVES

- 13 SUB – PREC1-PSP: P24 requires that the mapped NOSZ (also identified as SBHA) on the application site shall be vested in HCC as Local Purpose (Ecological) Reserve at the time of subdivision.
- a) Maintain a minimum width of 50m
- 14 Point 7.80 of the S42a Report further stated that affected landowners will be compensated at “fair market value” for reserve acquisition.
- 15 The Submitter acknowledged the above approach is to avoid landowners being ‘penalised’ for land being zoned as Natural Open Space Zone, however, this could be problematic because it causes unfair results.
- The affected landowners should be entitled to additional compensation that includes any reasonable costs for land damage, disturbance, and solatium – which maybe more than market value for the land being acquired.
- The Submitter rejects the minimum 50m minimum width for ecological reserve. This should be limited to top of bank – top of bank.

INDICATIVE STORMWATER MANAGEMENT DEVICE LOCATION

- 16 After the expert conferencing, the Submitter noted that the Appendix 2 Structure Plans have been further amended.
- As shown on the amended structure plan below, the indicative SWD is now positioned to the west of the application site.



Figure 2: Structure Plan Excerpt

17 The Submitter opposes to this indicative location due to the following reasons:

- Massive earthworks would be required (cuts up to +/- 3-4m depth)
- Health and safety (bank stability will also be required for the construction)
- Disturbance to the abutting SBHA
- The loss of developable land at the upper terraces (which defeats the medium density zone purpose)
- Additional construction and design cost for a bigger device, which in turn, impact housing affordability.

The site visit image below shows the location of the indicative SWD that HCC proposed.



Figure 3: HCC's indicative SWD location

18 A preliminary stormwater assessment was provided by Blue Wallace as part of our original submission and further submission documents - see **Appendix A**.

The Submitter's proposed SWD location is at the eastern gully head area – which will sufficiently provide stormwater treatment and attenuation requirements in accordance with the ICMP, in particular, sub-catchment 7 area.

This has also been supported by the Blue Wallace stormwater engineer Stephanus Meyer. Technical feedback from Stephanus Meyer is attached in **Appendix B**.

Stephanus Meyer will attend the hearing to answer any specific stormwater-related questions posted by the committee.

19 The Catchment Engineering Solution Stormwater Report (produced by Ari John Craven) rejected our original and further submission points about the proposed SWD location as:

“The location of the proposed stormwater wetland put forward by the submitter is located within the Mangakootukutuku gully system. This is generally not supported as it does not align with the intent of the regional policy or NPS-FM/NES-FM. Locations of the wetlands are indicative and alternative locations can be proposed through the resource consent process however, alignment with the relevant regulatory framework would need to be demonstrated. No changes are recommended.”

20 The landowner has confirmed that the subject gully head area is currently covered by grass and used as paddock and accessible by dairy cow (see figure 4 below).



Figure 4: the subject gully head area

The current ecological value of this gully system is very low, given there is a lack of diversity in the vegetation present, with all species being exotic and common to highly modified farm environments.

21 Point 7.110 of the S42A Report allowed for the word 'generally' to be added when seeking plans and development to be consistent with the Peacocke Structure Plan, and using 'indicative' rather than 'proposed' within the legend for Figures 2-1 and 2-3 (within Appendix 2).

22 While the changes provide the landowners some flexibility in exact positioning and sizing of the stormwater wetlands identified on their sites, from the Submitter's experience, the modification of HCC's indicative SWD location would create significant consenting risks and issues later on. Hence, the Submitter seeks the proposed SWD location (as indicated in **Appendix B**) could be accepted based on more site-specific assessment.

SEISMIC INVESTIGATION AREA

23 As showed on the Appendix 2 Structure Plans and Figure 5 below, the application site contains a section of Seismic Investigation Area.

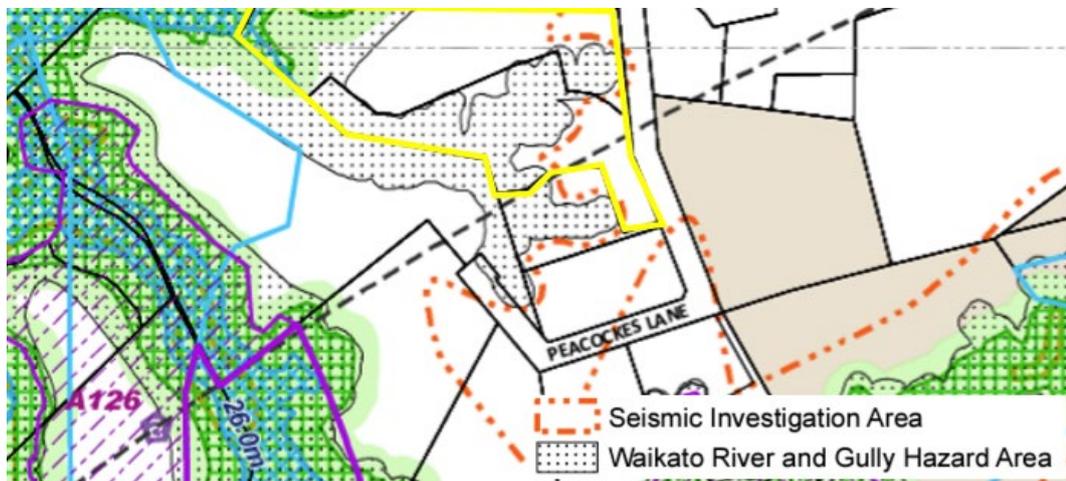


Figure 5: Structure Plan Excerpt

24 Point 7.128 of the S42A report stated “*The Seismic Setback Lines were identified as an area where further geotechnical investigation would be required due to the sites' proximity to a waterbody or gully, particularly in regard to assessments for foundations of buildings.*”

25 The Submitter considers that the above requirement is superfluous given that a site suitability report (s106 assessment) is sufficient to address potential natural hazards on site.

CONCLUSION

26 In conclusion, the Submitter i) **opposes** the requirement of ERMP and Bat Management Plan BMP through individual resource consent applications, ii) **seeks** more clarity on the ‘fair market value’ for reserve acquisition, iii) **rejects** the minimum 50m minimum width for ecological reserve, and iv) **rejects** the HCC’s indicative SWD on the application site and **proposes** a revised indicative stormwater management device location as per the Blue Wallace design.

27 The Submitter considers that amendments as set out in this Statement are the most appropriate way to achieve the objectives for the Peacocke Structure Plan.

Dated this 22th day of September 2022



Lynne Sun

Blue Wallace Surveyors Ltd (on behalf of Shortbread Limited)



Stormwater Assessment Indicative Wetland Sizing and Location for Catchment SC-7

PROJECT ADDRESS
66-76 Peacocks Lane
Hamilton

Date: 20th September 2022
Document Ref: 21144-EN-MEMO1
Prepared By: Stephanus Meyer
Reviewed By: Mark Groves (WSP)

Dear Madam / Sir,

Statement of Evidence for Wetland Location for Catchment SC-7

The reason for this document is to provide evidence showing the proposed structure plan Wetland Location for Catchment SC-7 is not suitable in terms of location. A revised location is proposed that will be more suitable in terms of cost and servicing the wider catchment.

Background Information:

The current Draft Structure Plan shows the future wetland for catchment SC-7 to be located along the upper terraces, where ideally residential development should occur. By proposing for this wetland to be located along the upper terraces, there are significant challenges with regards to servicing the entire catchment via a gravity system. The main challenges will be deep infrastructure, excessive earthworks requirements for the wetland and excessive cost in regards gully bank stability and construction cost.

Blue Wallace proposes that the future wetland be located at the head of the southern gully system, please see Figure 1. The landowner has confirmed that the subject gully head area is currently covered by grass and used as paddock and accessible by dairy cow, which holds no significant ecological value. The upper catchment can also be serviced with a shallower gravity system, which results in a significantly lower construction estimate to construct the system and future wetland.

As a side effect of this relocation there is also opportunity to provide additional Lots within the development to assist with alleviating the critical housing shortage.

Assessments and Evidence:

The following assessments have been carried out to compare the options for a gravity system which will service the proposed structure plan location vs the proposed Blue Wallace location.

Option 1: Structure Plan Wetland Location

This assessment highlighted that this wetland location is not ideal due to the excessive deep infrastructure that will be required a deep 2-3m gravity system to service the upper catchment. The earthworks required for the construction of the wetland will result in excessive cuts up to +/- 3-4m depth of the for wetland to be able to service the upper catchment. Bank

stability will also be required for the construction of a wetland close to the unstable gully banks which will result in additional construction and design cost.

Option 2: Proposed Wetland Location

This location provides a much better outcome with regards to servicing the entire catchment. It provides a much more cost-effective solution as enables much shallower infrastructure +/- 1-1.5m deep and minimum earthworks required for the wetland construction.

Please see Appendix A for the high-level assessment for both of these options, which demonstrates the required pond excavations and the required depth of the gravity pipe reticulations to service the catchment.

Sizing of the Proposed Stormwater Device and Footprint Required:

The calculations for the wetland were based on the draft Mangakootukutuku Integrated Catchment Management Plan design parameters for Tiireke Sub-catchment. The requirements are attenuation for up to the 10-year ARI event plus extended detention. Below is a summary of the design methodology used for sizing the device.

- Permissible greenfield discharge is calculated from Figure 8-1, Waikato Stormwater Run-off Modelling Guideline.
- Impervious run-off calculated using fixed run-off (100%) and combined with pervious run-off (connected and un-connected) using TR-55.
- Run-off volumes are routed via a single linear basin model, with flow transposed based on the calculated Time of Concentration (Tc).
- Historic HIRDS values are applied to the estimation of permissible discharge.
- Climate change adjusted rainfall is applied to the post-development run-off.
- The permissible discharge for the 10% AEP is reduced by 20%.
- Basin infiltration losses are based on wetted area (plan).
- Rainfall falling directly into the basin is applied as 100% run-off.
- Basin volumes are calculated using the equal area method.
- I_a (dead storage) is calculated based on Impervious area and the difference in I_a for the post-development pervious areas. The first orifice is set above this volume.

Catchment	WQV (m ³)	EDV (m ³)	2yr ARI (m ³)	10yr ARI (m ³)	Assessment done by
SC-7	603	717	2185	3147	Blue Wallace
SC-7	1860	2232	5014	6596	ICMP

The calculations show the device sized for catchment SC-7 in the ICMP is greater than what was calculated in this assessment. Therefore the footprint required will be far less than what is proposed in the ICMP.

BW Ref: 21144

SIGNED

Name Stephanus Meyer

Date 20 September 2022



Signature

Reviewed by

Name: Mark Groves

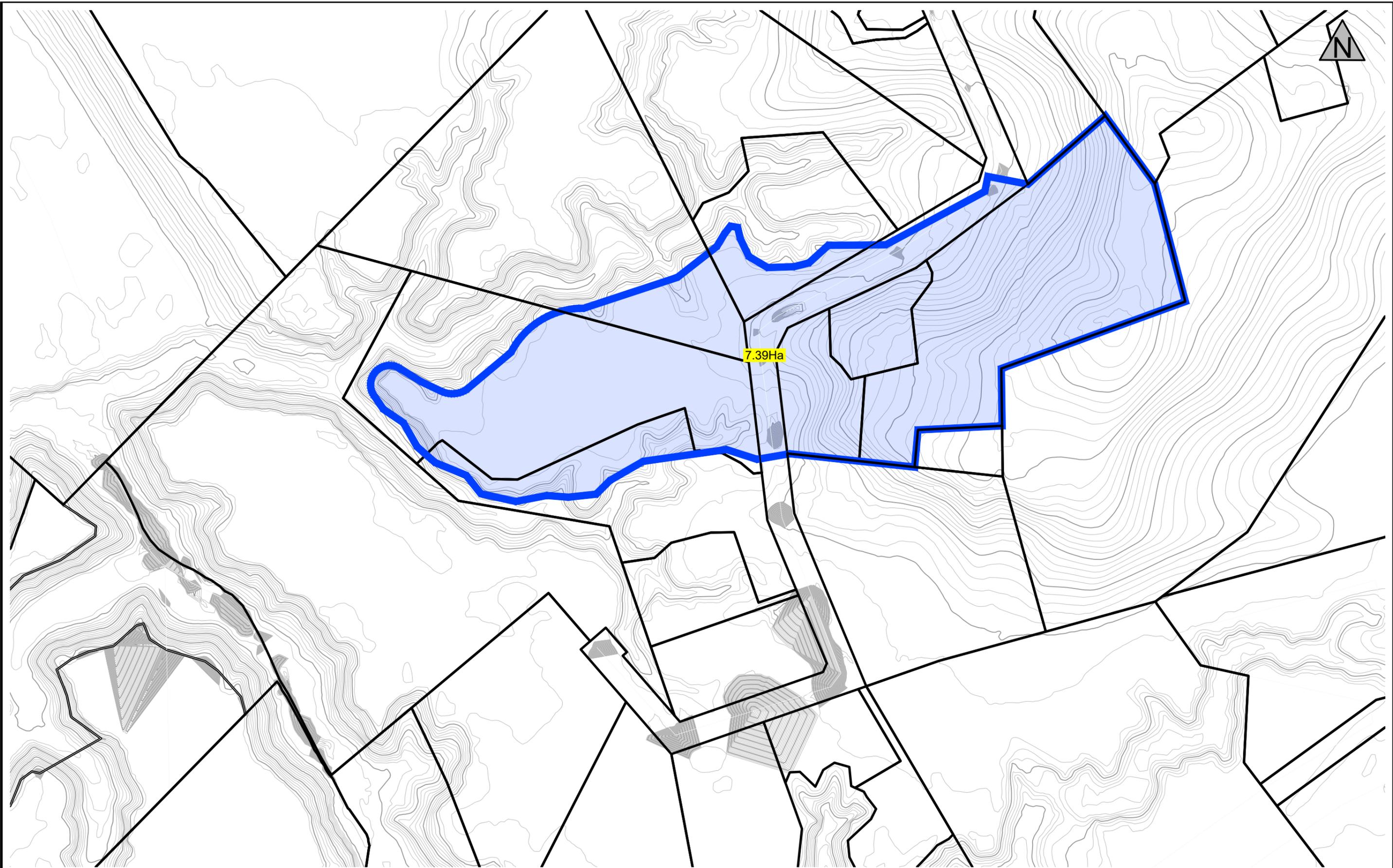
Date 20 September 2022

Signature

Technical Principal - Stormwater & Flood Risk Management (WSP)

APPENDIX A:

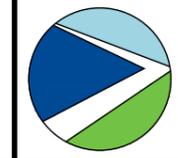
Drawings and Stormwater device Calculations.



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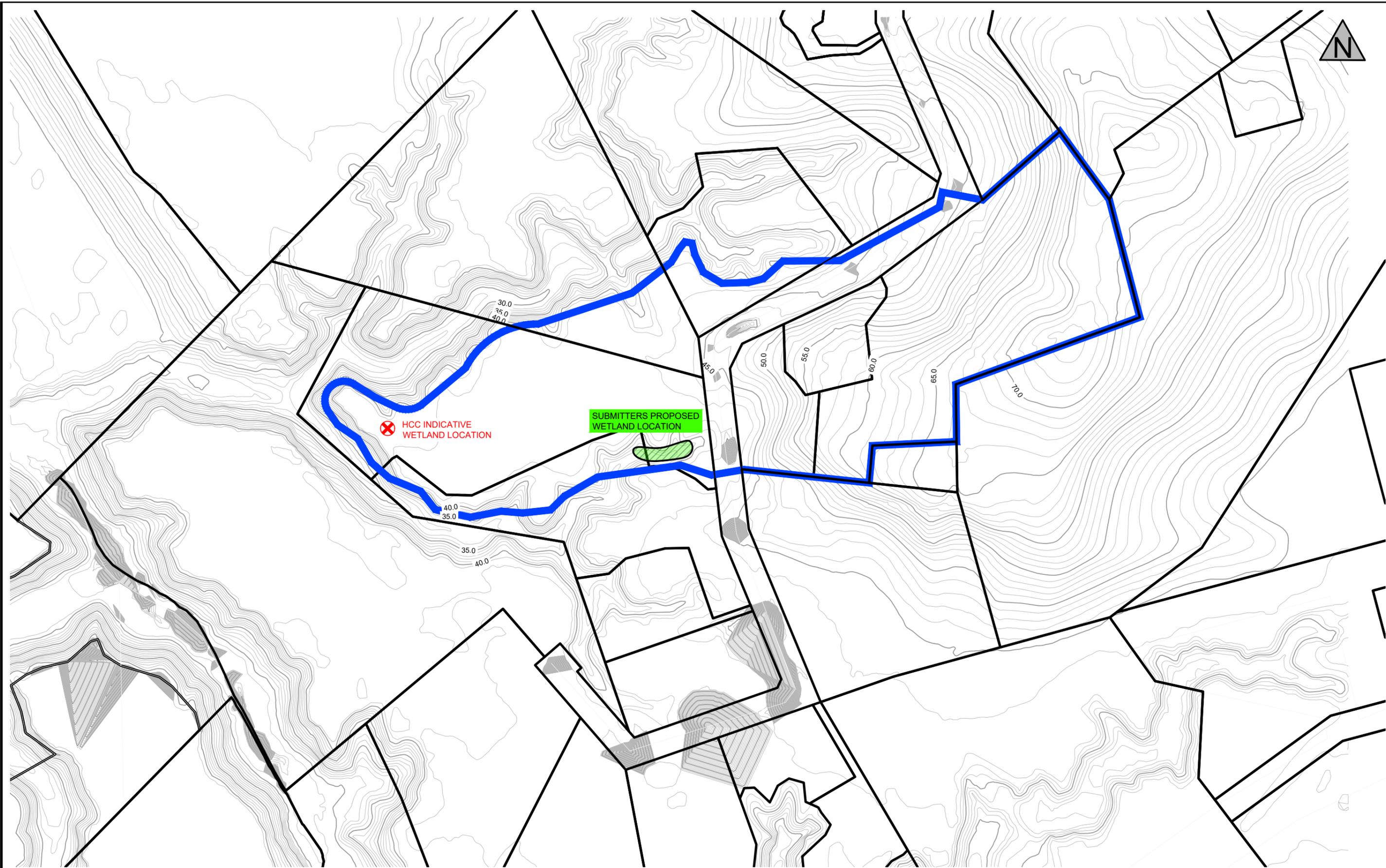
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No.	Amendment	Init.	Date	Designed			
1	DRAFT - For Information	XY	DD/MM/YY	Drawn			
2				Checked			
3				Approved			

**CATCHMENT PLAN
PEACOCKES ROAD**



**Blue Wallace
Surveyors Ltd.**
25 Harwood Street, P O Box 38,
Hamilton Central, HAMILTON.
Phone (07) 839 7799, Fax (07) 839 4455

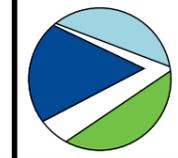
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2				Checked			
3				Approved			

**EXISTING GROUND - CONTOURS PLAN
PEACOCKES ROAD**



**Blue Wallace
Surveyors Ltd.**
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Hamilton Central, HAMILTON.
Phone (07) 839 7799, Fax (07) 839 4455

Datum:	Circuit: Mt Eden 2000			
Height:	----			
Resource Consent Number:			
BW Ref.	Stg.	Purp.	Dwg. #	Revision:
21144-01-EN-002				DRAFT

