

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application by **GREEN SEED
CONSULTANTS LIMITED** to
HAMILTON CITY COUNCIL for
private plan change 7 (“**PC7**”) to
the operative Hamilton City
District Plan

**JOINT FURTHER REPLY STATEMENT OF RENEE LOUISE FRASER-SMITH
AND MARK SEYMOUR MANNERS TOLLEMACHE**

1. INTRODUCTION

- 1.1 Our full names are Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache. We are independent planning consultants at Tollemache Consultants Limited.
- 1.2 We outlined our qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in our evidence in chief dated 24 September 2021. We maintain that commitment.

Purpose of further reply evidence

- 1.3 The purpose further reply statement is to confirm two minor error corrections with the PC7 provisions and to address the suggested changes to the transport provision raised by Mr Tollemache on the final day of the hearing.

2. MINOR ERROR CORRECTIONS

Apartment service courts

- 2.1 As raised in our hearing summary statement, an error was identified in relation to the assessment criteria provisions for service courts for apartments in Assessment Matter 1.3.3 O7. Specifically, that the criteria was agreed through the Planning JWS to apply to all apartments no just apartments above ground.
- 2.2 This omission was also confirmed by Mr Sharman in his summary statement.
- 2.3 This error has been corrected in the final set of PC7 provisions attached to the applicant’s reply submissions.

Rule 3.6.A.4.5

- 2.4 We have also identified an additional error/omission with regard to the rule heading for Rule 3.6.A.4.5. The provisions provided with our rebuttal evidence have omitted to reflect that it was agreed with Mr Sharman, following the formal Planning caucusing, to amend the header to better reflect the content of the rule. This change is identified below, and this error has also been corrected in the final set of PC7 provisions attached to the applicant's reply submissions.

~~3.6A.4.75 Staging Activity Status~~ Staging and Infrastructure Provision Activity Status and Assessment Matters

3. TRANSPORT TRIGGER

- 3.1 During the questioning of the planning witness following the further reply to Mr Black's evidence, Mr Tollemache identified that the most efficient and effective means of addressing the outstanding matters of contention between Mr Hills and Mr Black would be to amend the ITA Information Requirements. Specifically, that these requirements include a further provision triggering that an ITA considering the specified intersections of concern to Mr Black be provided, where the "cumulative" total of dwellings/lots within the PC7 land is 700 or more.
- 3.2 Mr Tollemache identified that this "trigger" provision would be provided to the Commissioners for consideration as part of the reply. This is reflected below and in the final set of PC7 provisions attached to the applicant's reply submissions.

Green text = agreed changes with HCC

Orange = additional reply changes

Blue – additional text as suggested during verbal discussions with Commissioners

Information Requirement 1.2.2.23

- g) In addition to the **Broad** ITA content specified in 25.14.4.3 m), any **Broad** ITA prepared in relation to development within Rotokauri North shall include:
- i. Specific consideration of demand, safety, levels of service and options for mitigation at the following intersections and transport corridors:
- A. Exelby Road / State Highway 39 (SH39) intersection;
- B. Collector 1 / State Highway 39 intersection;
- C. Te Kowhai Road / State Highway 39 / Burbush Road intersection;
- D. Burbush Road; **and**
- E. Exelby Road between Rotokauri North and the Rotokauri Road / Exelby Road intersection inclusive; **and**
- F. Exelby Road / Lee Road intersection
- ii. Evidence of the following consultation and responses to the issues raised in that consultation:
- A. Consultation with Waikato District Council on the parts of Exelby Road and Te Kowhai Road that are in that Council's jurisdiction.

B. Consultation with Waka Kotahi (the New Zealand Transport Agency) regarding the interface with SH39 including any intersections.

iii. An ITA addressing the intersections listed in clause i shall be provided where the cumulative total of consented lots/units reach 700.

- 3.3 As outlined in our further reply evidence dated 27 October 2021, we consider that in tandem with the other existing methods¹ there will be sufficient certainty that future traffic effects (including cumulative effects) can be adequately addressed at a later time when all relevant circumstances can be assessed. The concern raised in the further reply evidence was that there were considerable uncertainties and assumptions to prepare a trigger rule that would default to non-complying status.
- 3.4 By contrast, the outcome of the provisions we are proposing (including the amendment outlined above) is that traffic safety matters would be considered at the appropriate time, and against the environment (including other roading upgrades) that exists at the time of resource consent application. Forecasting all the possible scenarios and assumptions is too uncertain at this time to prepare a trigger based rule. Consequently, in our view an information requirement is more effective and efficient in addressing the effects of a proposal and the future environment.

Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache

19 November 2021

¹ Such as the restricted discretionary activity status for requiring an "simple" or "board" ITA under Rule 25.14.3, the ITA contents in Appendix 15-2, and Assessment Matters 1.3.3.G.