

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

AND

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

JOINT WITNESS STATEMENT OF EXPERTS IN RELATION TO PLANNING

6 OCTOBER 2021

Expert Witness Conferencing Topic: Planning

Held on: 6 October 2021 at 9.30am

Venue: Via video conference

Facilitator: Marlene Oliver

Administrative support: Rebekah Hill

1. ATTENDANCE

- 1.1 The list of expert attendees is in the signatory schedule to this Statement and all are qualified planners.
- 1.2 By email dated 4 October 2021, Hannah Craven (for WRC) advised: "WRC's position after the first transport conferencing meeting is that we support the recommendations as presented in the S42A planning report, and that the proposed provisions relating to public transport provide satisfactory certainty that positive public transport outcomes will be achieved whilst allowing for flexibility in the methods through which public transport will be provided. We have no other concerns with the plan change. Any further involvement of WRC in the plan change proceedings is dependent on if the recommendations of HCC/the s42A author were to change prior to the hearing."

2. BASIS OF ATTENDANCE AND ENVIRONMENT COURT PRACTICE NOTE 2014

- 2.1 All participants agree as follows:
 - (a) The Environment Court Practice Note 2014 provides relevant guidance and protocols for the expert conferencing session.
 - (b) They will comply with the relevant provisions of the Environment Court Practice Note 2014.
 - (c) They will make themselves available to appear at the hearing in person if required to do so by the Hearing Panel (as directed by the Hearing Panel's directions).
 - (d) This report is to be filed with the Hearing Panel.

3. **AGENDA – ISSUES CONSIDERED AT CONFERENCING**

3.1 The issues identified as forming the agenda for conferencing were:

- (a) Rotokauri North Information Requirement for broad ITA.

Outcomes: refer to **Attachment 1** to this JWS.

- (b) Outcomes of stormwater evidence and conferencing:

Stormwater rule 3.6.A.4.2.e – planning experts agree to undertake some tweaking of the assessment criteria proposed in the planning evidence. It is anticipated that this matter can be resolved between the parties.

- (c) Ecology and landscape provisions;

Outcomes: refer to **Attachment 2** to this JWS.

- (d) Neighbourhood parks provisions;

Outcomes: refer to **Attachment 3** to this JWS.

- (e) Rear Lane/Unit Titles provisions;

Outcomes: refer to **Attachment 4** to this JWS.

- (f) Chapter 4 (Residential Zone – specifically Service Courts and Design Guide);

Outcomes: refer to **Attachment 5** to this JWS.

Outcomes: rule 4.14.2b (car parking). All planning experts agree to retain the revision to iv in the Applicant's planning evidence.

- (g) Chapter 3 (Structure Plans);

- (h) Chapter 23 (Subdivision);

- (i) Chapter 25 (Citywide - to the extent not already addressed via the transport caucusing);

- (j) Appendix 1 (District Plan Administration).

3.2 The planning experts for the Applicant and the Council agree to hold further discussions in relation to the duplication of provisions. This will address outstanding matters in chapters 3, 23, 25 and Appendix 1 (as listed in the agenda above).

3.3 The planning experts agree that it would assist the hearing panel to receive a clean version of the planning provisions taking into account the agreements and outcomes of expert conferencing and other discussions. It is proposed that this be attached to the applicant's rebuttal evidence.

3.4 The planning experts for the Applicant and the Council will report back on progress in dealing with 3.2 and 2.4 above to the expert conferencing session scheduled for Tuesday 12 October 2021.

4. **PARTIES TO JOINT WITNESS STATEMENT**

4.1 The signatories to this Joint Witness Statement confirm that:

- (a) They agree with the outcome of the expert conference as recorded in this statement. As this session was held online and there is an existing evidence exchange timetable, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the facilitator. This is recorded in the schedule below;
- (b) They have read Appendix 3 of the Environment Court's Practice Note 2014 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise.

CONFIRMED ON 6 OCTOBER 2021

EXPERT NAME	PARTY	EXPERT'S CONFIRMATION (REFER PARA 4.1)
Mark Tollemache	Green Seed Consultants Ltd	Yes
Renee Fraser-Smith	Green Seed Consultants Ltd	Yes
Craig Shaman	HCC (as regulator)	Yes
Mike Wood	Waka Kotahi	For item 3.1(a) only – Yes

ATTACHMENT 1 TO JWS PLANNING 6 OCTOBER 2021



Information Requirement - Appendix 1

Rotokauri North

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, but not be limited to:

- 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 intersection;
 - B. Collector 1 / State Highway 39 intersection;
 - A. Te Kowhai Road / State Highway 39 / Burbush Road intersection;
 - B. Burbush Road; and
 - C. Exelby Road between Rotokauri North and the Rotokauri Road / Exelby Road intersection inclusive.;

- ii. Evidence of the following consultation and responses to the issues raised in that consultation:
 - A. Consultation with Waikato Regional Council and Hamilton City Council on the provision of public transport to service Rotokauri North. The consultation is to include:
 1. The location, alignment and corridor cross section dimensions of the collector network;
 2. Identifying locations for public transport infrastructure described in Rule 3.6A.4.6; and
 3. Opportunities to extend public transport services to and within Rotokauri North, including any prerequisite development thresholds and when and how these services will be funded and when and how these services will be funded;
 - B. Consultation with Waikato District Council on the parts of Exelby Road and Te Kowhai Road that are in that Council's jurisdiction.
 - C. Consultation with Waka Kotahi (the New Zealand Transport Agency) regarding the interface with SH39 including any intersections.

ATTACHMENT 2 TO JWS PLANNING 6 OCTOBER 2021

Planning Evidence – Attachment C

Ecology & Landscape

Blue = notified PC7 text

Red = 42A recommended text

Red strikethrough with yellow highlight = occurrence where council's own internal text editing has not been deleted.

Light Blue = Applicant Planning evidence changes

Chapter 23 – Subdivision

Rule 23.7.8 – Rotokauri North

n) An application for subdivision in Rotokauri North shall be accompanied by the following ecological / landscape reports in accordance with the below (when required by that provision only):

- i. An Ecological Rehabilitation Management Plan (ERMP) in accordance with Appendix 1.2.2.23 d);
- ii. Long-tailed bat and /or lizard management reporting in accordance with Appendix 1.2.2.23 e);
- iii. Kereru Reserve Management Plan (KRMP) in accordance with Appendix 1.2.2.23 f); and
- iv. A Landscape Concept Plan in accordance with Appendix 1.2.2.23 g);

Appendix 1 – Information Requirements

1.2.2.23 – Rotokauri North

d) Rotokauri North Ecological Rehabilitation Management Plan (ERMP)

For any subdivision where the footprint of the subdivision area application in Rotokauri North that includes land within the 'Green Spine' and/or the significant natural area (Keruru Reserve) within the subdivision footprint as identified in Appendix 2 Figure 2-8A, and/or land for stormwater management devices to vest not identified on Figure 2-8A an ERMP shall be provided with the application and shall meet the following requirements (to apply to the application footprint of the proposed subdivision only):

- i. The objective of the ERMP is to restore, protect and enhance aquatic and terrestrial ecological values within the site of the existing stream corridors and proposed stormwater treatment wetlands within the Green Spine in general accordance with the ecological enhancement recommendations within the Stormwater Systems Report (prepared by Bloxam Burnett & Oliver, 18th June 2021);
- ii. As a minimum, the ERMP is to include the following to restore, protect and enhance the Green Spine and the methods to implement them:
 - A. The plan shall incorporate as a minimum:
 1. Ensuring new stream habitat that mimics natural systems including:

- Fish passage
- diverse and variable habitat and channel complexity over time to allow for differences in flow velocities
- A meandering channel
- pool-riffle-run sequences
- woody debris or other in-stream structures

2. Provision of passage for indigenous fish.

3. Creation of a diverse and variable habitat and channel complexity over time to allow for differences in flow velocities.

4. A meandering channel.

5. Creation of pool riffle-run sequences.

6. Measures to protect native fish during stream restoration work including but not limited to recovery and holding of fish during works, procedures for dealing with pest fish, permitting requirements, reporting requirements and any specific mitigation measures.

7. Indigenous wetland and riparian planting, to include the stormwater wetlands, habitat enhancement and riparian buffer zones.

8. Provision of vegetative cover, woody debris or other in-stream structures

9. Proposals for ongoing maintenance and management.

B. Evidence of engagement with mana whenua during preparation of the ERMP including how the matters mana whenua raised in that engagement have been addressed.

C. Lighting design that is sensitive to bat habitat including minimal lighting in areas considered likely habitat, avoidance of upward-facing lighting and UV lighting, and avoidance of lighting in wetland and riparian margin areas.

e) Long-tailed bats and lizard management

For subdivision applications in Rotokauri North the following shall apply (to the application footprint):

i. For any subdivision application involving more than two hectares of land and supporting tree(s) > 0.15 metres diameter at breast height (dbh) requiring removal, the application footprint shall be assessed by a Bat Ecologist, approved by the Department of Conservation as competent with competency Class C2 or Class D, to determine if the tree(s) support bat roost features. Any tree assessed as having moderate or high risk of providing roost features for bats shall be removed following best practice Vegetation Removal Protocols for minimising risk to roosting bats. The name and qualifications of the Bat Ecologist shall be provided to Council at least 5 working days prior to clearance work being undertaken and a report of findings shall be provided to Council within 20 days of the completion of vegetation removal, all to be provided prior to section 224 certification being issued by Council.

ii. For any subdivision application involving more than two hectares of land a lizard survey shall be undertaken of the application footprint by a suitably qualified herpetologist within 12 months prior to the lodgement of the application. A report of the findings of the survey shall be provided with the application being issued by Council to include details of any lizards found and/or habitat features with a high likelihood of supporting lizards, details of any necessary measures proposed to minimise the risk of killing and injuring lizards during site clearance and proposed relocation site.

e) Protected long-tailed bats, indigenous bird and lizard species:

Long-tailed bats, indigenous bird and lizard species regardless of threat status are protected under the Wildlife Act 1953 from killing or injuring. Long-tailed bats are vulnerable to killing and injury while roosting, birds while nesting and lizards during any site clearance that includes habitat where they are present. It is advisable for any subdivision applicant to be aware of their obligations under the Wildlife Act 1953 when clearing land of vegetation and structures.

For any subdivision application in Rotokauri North provide supporting explanation that these requirements have been considered.

f) Kereru Reserve Management Plan (KRMP)

For any subdivision application in Rotokauri North that includes land within the Kereru Reserve Significant Natural Area (SNA) within the subdivision footprint (identified in Appendix 2, Figure 2-8A, as 'Natural Open Space'), a KRMP shall be provided with the application and shall meet the following requirements (to apply to the application footprint of the proposed subdivision only):

- i. The objective of the KRMP is to provide for the protection and enhancement of the vegetation and fauna within Kereru Reserve SNA
- ii. As a minimum, the KRMP is to include the following:
 - A. Detailed survey information on the characteristics and values of vegetation and fauna within Kereru Reserve.
 - B. Proposed management measures including, but not limited to, the removal of weed species, pest management and enrichment planting.
 - C. Proposed measures to protect the SNA from uncontrolled public access e.g. through the provision of secure perimeter fencing and management of visitor movements via boardwalks.
 - D. Evidence of engagement with mana whenua during preparation of the KRMP, including how the matters mana whenua raised in that engagement have been addressed.

g) Rotokauri North Landscape Concept Plan – Reserves to Vest

For any subdivision application in Rotokauri North involving a proposal to vest any land for reserve or local purpose access or involving the creation of a landscape buffer against SH39 more than two hectares of land, a Landscape Concept Plan shall be provided with the application and shall meet the following requirements (applying to the application footprint of the proposed subdivision only):

- i. The objectives of the Landscape Concept Plan are to identify opportunities to protect or enhance amenity values and provide for the recreation needs of the community the natural character and cultural, heritage and amenity values of Rotokauri North within the subdivision site's open spaces; to recognise and provide for mana whenua values and relationships with Rotokauri North, and their aspirations for the area, and to reflect the area's character and heritage; and to provide for the recreational needs of the community through the provision of public parks and reserves.
- ii. The Landscape Concept Plan shall include:
 - A. A landscape concept identifying for any areas of open space, neighbourhood parks or reserves proposed within the subdivision site, including details of landscape treatment for any neighbourhood reserves, special purpose reserves, streets,

footpaths, cycleways, stormwater swales, wetlands, detention basins, streams, riparian margins and the landscape buffer adjacent to State Highway 39, as relevant to the subdivision site.

- B. The protection of the existing significant natural area (Kereru Reserve) and the identification of areas of ecological restoration and enhancement (where applicable).
- C. The landscape treatment of all streams, wetland, and riparian areas, including areas required for catchment management purposes.
- D. Significant trees to be retained as applicable on the site.
- E. Consistency with the Rotokauri North Structure Plan, the sub-catchment ICMP, and wherever possible integration with the Rotokauri Structure Plan.
- F. Use of indigenous species and landscape design proposed within the subdivision site that reflect mana whenua cultural perspectives including species that are valued as customary food or for traditional uses, and those that support indigenous biodiversity and provide habitat for mahinga kai, native birds and lizards.
- G. Details of plant species and sizes at time of planting proposed within the subdivision site, including eco-sourcing of plants from within the Hamilton Ecological District and choice of species that reflect the history of the area.
- H. Details of ongoing maintenance to ensure the planting achieves the best possible growth rates.
- I. Details of any sites of significance for mana whenua and how they will be protected, enhanced or commemorated.
- J. Details of how the landscape plan will support cultural harvest.
- K. Details of any proposed sites for water related activities and proposed public access to them and to and alongside waterways and wetlands.
- L. Details of any interpretation materials communicating the history and significance of places and resources and any mana whenua inspired artwork or structures.
- M. A list of traditional names suggested by mana whenua for sites, developments, streets, neighbourhoods or sub-catchments in Rotokauri North.
- N. Details of any cultural protocols to be followed during the development process, including, but not confined to, protocols following accidental discovery of archaeological materials or sites.
- O. Evidence of engagement with mana whenua in preparation of the Landscape Concept Plan, including how the matters mana whenua raised in that engagement have been addressed.
- P. Evidence of consistency with the Ecological Rehabilitation and Management Plan required by Rule 23.7.8h and the Keruru Reserve Management Plan
- Q. Evidence of consistency with any existing landscape development plan that has been prepared for a different any other subdivisions within Rotokauri North.
- R. Pedestrian and cycle connections between and within reserves and to the roading network.
- S. Tree plantings that define and reinforces the Exelby and Burbush Road roading pattern along the ridgelines with significant to preserve the legibility of the ridgeline when viewed from outlying areas.

ATTACHMENT 3 TO JWS PLANNING 6 OCTOBER 2021

Planning Evidence – Attachment E

Neighbourhood Parks

Blue = notified PC7 text

Red = 42A recommended text

Red strikethrough with yellow highlight = occurrence where council's own internal text editing has not been deleted.

Light Blue = Applicant Planning evidence changes

Chapter 23 – Subdivision

Rule 23.7.8 – Rotokauri North

f) Neighbourhood Park

<u>Where the Rotokauri North Structure Plan (Figure 2-8A) identifies a neighbourhood park (except if the identified neighbourhood park is replaced by the acquisition of the Community Park), each neighbourhood park shall:</u>
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<u>i. Have a minimum area of 5,000m²</u>

<u>ii. Have transport corridor frontage along at least 50% of the total neighbourhood park boundary</u>

<u>iii. Be located on land that is generally flat</u>

<u>iv. Accommodate a flat, square area 30 metres x 30 metres</u>
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g) Neighbourhood parks shall be dispersed within Rotokauri North so that no residential unit is more than 500 metres walking distance from a neighbourhood park, or any other park and/or reserve which provides for the same or a similar level of passive and active recreation opportunity.

Appendix 1 – Assessment Criteria

1.3.3 – O Rotokauri North

Proposed relocated rule g as an assessment matter:

Neighbourhood parks should be dispersed within Rotokauri North so that no residential unit is more than 500 metres walking distance from a neighbourhood park, or any other park and/or reserve which provides for the same or a similar level of passive and active recreation opportunity.

Neighbourhood parks should generally be: approximately 5000 m² in area; have at least 50% of the total neighbourhood park boundary to a transport corridor frontage (unless accommodated within the Green Spine); on land that is generally flat and able to accommodate a 30m² area.

ATTACHMENT 4 TO JWS PLANNING 6 OCTOBER 2021

Planning Evidence – Attachment E

Rear Lanes & Unit Tiles

Blue = notified PC7 text

Red = 42A recommended text

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Chapter 23 – Subdivision

Rule 23.7.8 – Rotokauri North

c) All rear lanes and roads/accessways must be constructed to the standards:

i. <u>Minimum legal width of a two-way rear lane</u>	<u>7m</u>
ii. Minimum legal width of one-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 0° (parallel parking) to 45° (angled parking) to the lane.	<u>4m</u>
iii. Minimum legal width of one-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 46° (angled parking) and 90° (perpendicular parking). ii. All rear lanes to be formed and drained with a permanent sealed or paved all-weather, dust-free surface and in a manner suitable for the type and quantity of vehicles using the site, except permeable pavements are permitted where hydraulic connectivity of the soil, the depth of the water table below ground level and the freeboard available at the site are appropriate.	<u>7m</u>
<p>iii. Each rear lane shall</p> <ul style="list-style-type: none"> • Be connected to a transport corridor at at least two locations • Designed to provide access and egress for large rigid trucks such as fire, furniture removal, refuse and recycling collection trucks. • Privately owned as common property under the Unit Titles Act (or similar legal mechanism) and the owner(s) shall be responsible for its operation and maintenance. Have a legal mechanism for ownership and ongoing maintenance of the lane. 	
iv. <u>Local Road minimum legal width (to be vested)</u>	<u>16.6m</u>
v. <u>Collector Road minimum legal width (to be vested)</u>	<u>20.8m</u>

Chapter 23 – City Wide

25.14.4.1 Vehicle Crossings and Internal Vehicle Access

h) Design and Access Widths

- vi. ~~The access requirements of i, iv and v do not apply to~~ rear lanes in Rotokauri North. ~~Instead the following shall apply:~~

iA. Minimum legal width of a Two-way rear lane:		7m
	<u>1.</u> Minimum legal width	7m
	<u>2.</u> Minimum formation width	5.5m
	<u>3.</u> Maximum number of residential units served	20
iiB. Minimum legal with of o One-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 0° (parallel parking) to 45° (angled parking) to the lane.:		4m
	<u>1.</u> Minimum legal width	4m
	<u>2.</u> Minimum formation width	3m
	<u>3.</u> Maximum number of residential units served	6
iiiC. Minimum legal width of o One-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 46° (angled parking) and 90° (perpendicular parking):		7m
	<u>1.</u> Minimum legal width	7m
	<u>2.</u> Minimum formation width	3m
	<u>3.</u> Maximum number of residential units served	6
B. Each rear lane shall be:		
	<u>1.</u> Designed to provide access and egress for large rigid trucks such as fire, furniture removal, refuse and recycling collection trucks.	
	<u>2.</u> Connected to a transport corridor at each end.	
	<u>3.</u> Privately-owned as common property under the Unit Titles Act (or similar legal mechanism) and the owner(s) shall be responsible for its operation and maintenance.	

Appendix 1 – Information Requirements

1.2.2.23 – Rotokauri North

b) ~~Subdivision creating a rear lane~~

- ~~i. Provide evidence that the minimum legal width of the rear lane can be achieved; that the lane is designed to accommodate the passage of large rigid trucks such as fire, furniture removal, refuse and recycling collection trucks, including their reverse manoeuvring requirements.~~
- ~~ii. Provide evidence of the establishment of appropriate legal mechanisms for ownership and ongoing maintenance of the lane proposed private legal entity established to own the lane will ensure the lane's on-going management and maintenance, enable indemnity for collection of solid waste and recycling, and provide for maintenance of any public assets installed in the rear lane.~~

Appendix 1 – Assessment Matters

1.3.3 O Rotokauri North

O2		For t <u>The creation of a private rear lane, the extent to which:</u>
	a)	The establishment of appropriate legal mechanisms for ownership and ongoing maintenance of the lane An appropriate legal mechanism for ownership and ongoing maintenance of the lane will be established, and including any requirement for a proposed private legal entity to own the lane and to ensure the lane’s on-going management and maintenance, Including indemnity for collection of solid waste and recycling (where these are proposed to enter the rear lane), and provide for maintenance of any public assets installed in the rear lane.
	b)	The lane is designed to accommodate the passage of large rigid trucks such as fire, furniture removal, refuse and recycling-collection trucks (where these are proposed to enter the rear lane).
	c)	The rear lane’s design, including its length and the number of lots it services, will including traffic calming measures to prioritise walking and cycling, will promote slow vehicle speeds and provide a safe shared space, minimise trip distance, and make walking and cycling more attractive.

ATTACHMENT 5 TO JWS PLANNING 6 OCTOBER 2021

4.8.6.2 Rotokauri North Medium Density Residential Zone

Description	Minimum Requirements
a. <u>Residential units— detached dwellings, duplex dwellings</u>	<ul style="list-style-type: none"> i. <u>At least 10m², and may be made up of two separate areas incorporating</u> <ul style="list-style-type: none"> a. <u>5m² for clothes drying (e.g. foldable clothesline)</u> b. <u>5m² for rubbish/ recycling storage</u> ii. <u>Minimum dimension 1.5m</u>
b. <u>Ancillary Residential Unit</u>	<ul style="list-style-type: none"> i. <u>Additional 5m²</u> ii. <u>Minimum dimension 1.5m</u>
c. <u>Apartments</u>	<u>Individual or communal:</u> <ul style="list-style-type: none"> i. <u>5m²</u> ii. <u>Minimum dimension 1.5m</u> iii.
d. <u>All Service areas</u>	<ul style="list-style-type: none"> i. <u>Clothes drying areas shall be readily accessible from each residential unit</u> ii. <u>Shall not be located within a front yard.</u> iii. <u>Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for collection without requirement for them to be moved through the residential unit (excluding garages).</u> iv. <u>Service areas may be located within garages or carports where it is demonstrated that there is enough room to accommodate the minimum area without impeding parking.</u>