

IN THE MATTER of the Resource Management Act
1991

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**

**MEMORANDUM OF COUNSEL FOR THE APPLICANT GREEN SEED CONSULTANTS
LIMITED IN RELATION TO EVIDENCE**

1. INTRODUCTION

- 1.1 Counsel for Green Seed Consultants Limited ("GSCL") respectfully refer to directions from the Hearing Panel ("Panel") dated 6 September 2021 requiring that GSCL's expert evidence in support of its application for Plan Change 7 ("PC7") to the operative Hamilton City District Plan ("District Plan") be pre-circulated on 24 September 2021.
- 1.2 The purpose of this memorandum is to assist the Panel, Hamilton City Council ("Council") officers and submitters to understand the case to be presented by GSCL, by setting out the order in which the evidence should be read and by providing a brief synopsis of GSCL's case.

Road map of GSCL case and GSCL evidence

- 1.3 The witnesses who will present evidence for GSCL and a brief description of what their evidence addresses are set out below. The evidence has been organised in a series of tranches in order to most logically tell "the story" of PC7 in the context of the structure planning for and development of Rotokauri North, the technical assessments carried out and the results of those assessments.
- 1.4 The tranches comprise:
- (a) Tranche 1 – Project concept and overview;
 - (b) Tranche 2 – Site constraints and infrastructure servicing/provision;
 - (c) Tranche 3 – Assessment of effects; and
 - (d) Tranche 4 – Planning assessment.
- 1.5 Counsel respectfully requests that members of the Panel read the statements in the order set out, which represents the most logical sequence for understanding the issues arising and the evidence presented.

Evidence summaries

- 1.6 For ease of reference, Section 2 of each statement of evidence contains a full summary of the evidence presented (other than the planning evidence which is too long to

summarise but contains a clear statement of key conclusions). This is intended to highlight the key issues and assist the Panel with their deliberations.

- 1.7 It is understood that the evidence will be taken as read, but the summaries are intended to be spoken to by the witnesses at the hearing. GSCL is grateful for this opportunity as it will provide context and be a useful basis for the witnesses to take the Panel through their key points before being asked questions.

Scope of memorandum

- 1.8 The remainder of this memorandum is structured as follows:
 - (a) Rotokauri North and PC7 – an overview (Section 2);
 - (b) Overview/summary of GSCL’s evidence by reference to the four tranches referred to (Sections 3 – 6); and
 - (c) Synopsis of GSCL’s case (Section 7).

2. ROTOKAURI NORTH – AN OVERVIEW

Rationale for PC7

- 2.1 PC7 encompasses 140 ha of land, proposed to be rezoned from Future Urban Zone to a mixture of Medium Density Residential and Business 6 Z zonings under the District Plan, to enable medium density urban activities including residential and commercial activities. It also proposes to insert a new structure plan, the Rotokauri North Structure Plan, into the District Plan, to replace part of the existing Rotokauri Structure Plan (“RSP”).
- 2.2 The RSP was first developed and notified in October 2007 and became operative in June 2011. The RSP included internal staging to the release of land, to accord with the projected timing of available infrastructure.
- 2.3 The RSP outlines the release of land for development in two stages, and the release of land beyond Stage 1A will be contingent upon availability of network capacity. It was for this reason that the subject area was earmarked for future growth and zoned Future Urban.
- 2.4 The proposed staging of development within the RSP is based on the Future Proof Strategy 2017, identifying Rotokauri Stage 1 as being development ready in 2028. The staging of the release of the Rotokauri North land against the staging principles in the RSP supports early release of the PC7 land for development.
- 2.5 The rationale for PC7 is as follows:
 - (a) There is an identified shortfall of housing in Hamilton City which is generating housing affordability issues, particularly for first home buyers. Of the 140 hectares covered by PC7, 133 hectares fall within a recommended Special Housing Area (“SHA”) targeted to release land for the development of housing supply to accommodate the rapidly expanding population of Hamilton City.
 - (b) The remaining 7 hectares falls outside the SHA but the land has been included in PC7 to form logical zone boundaries, in accordance with sound resource management practice.

- (c) The rezoning of 140 hectares will enable development of new housing in the Hamilton City area.
 - (d) The land is already located within an identified growth area and has been specifically earmarked for urban activities.
- 2.6 The predominant purpose of PC7 is to create a high amenity 'connected' community and provision of high quality modern housing in Rotokauri North, an area projected to have significant growth in the immediate to mid future.
- 2.7 PC7 also provides for a small commercial centre and mixed business uses, as well as a supporting network of retained open spaces to meet local needs of residents.
- 2.8 GCSCL's basic premise is that rezoning the plan change area is appropriate in resource management terms on the basis that:
- (a) The proposed zoning is consistent with that shown in the RSP.
 - (b) While the proposed timing of the rezoning is earlier than provided for in the RSP, the detailed technical analysis undertaken as part of the PC7 proposal demonstrates there is no planning reason for delaying this much needed development.
 - (c) The PC7 area can be serviced via targeted infrastructure (transportation, Three Waters, etc.) upgrades.

3. **TRANCHE 1 – PC7 – CONCEPT / OVERVIEW AND PLANNING**

- 3.1 The first tranche of evidence is intended to provide a broad overview of the development and design philosophy for PC7.

Gary Noland – company / corporate

- 3.2 Gary Noland is a property professional with more than 30 years of public and private sector experience and the Chief Operating Officer of the MADE Group (the parent company of GSCL). He has had the responsibility of spearheading collaboration to facilitate complex projects that align with MADE's value-centric vision.

- 3.3 Mr Noland's evidence addresses:

- (a) MADE's vision for Rotokauri North;
- (b) Infrastructure and funding; and
- (c) Community, stakeholder and tangata whenua engagement.

- 3.4 Mr Noland confirms that PC7 is the culmination of extensive technical assessment and a process of ongoing collaboration and engagement to address concerns and issues raised.

Ian Munro – design philosophy and overview

- 3.5 Ian Munro is a self-employed urban designer and urban planner. His role in relation to Rotokauri North has been to advise on masterplanning, regulatory planning, subdivision and development design, and quality control of eventual building contracts.

- 3.6 Mr Munro's evidence:

- (a) Identifies the key urban design issues raised in submissions and the Council's section 42A report ("section 42A report");
- (b) Summarises the changes made to the Rotokauri North Structure Plan and proposed PC7 provisions, to respond to those matters;
- (c) Addresses the positive outcomes achieved with the proposed duplex design;
- (d) Addresses indicative open space locations; and
- (e) Addresses the proposed off-road pedestrian / cycle network on the structure plan.

3.7 Mr Munro's key conclusions are:

"In my opinion and for reasons outlined in my UDR as well as in this statement of evidence, PC7:

- (a) *Reflects urban design best practice and includes a structure plan that has been thoroughly tested and refined over time including by way of a concept master plan;*
- (b) *Is consistent with and will 'plug into' the Council's wider Rotokauri Structure Plan;*
- (c) *Will enable a high-amenity and high-quality neighbourhood premised on promoting the visual quality and pedestrian amenity of streets, and which is in line with the type of living environments generally sought by the Council; and*
- (d) *Includes a sufficient suite of rules and assessment methods to manage the range of potential urban design effects that might arise at the time of subdivision and land use consents."*

Norman Hill – Tangata Whenua Working Group

3.8 Norm Hill is an independent consultant at Te Hira Consultancy Limited. Mr Hill:

- (a) Is an experienced cultural values and mana whenua consultant with experience in environmental management, strategy and best practice corporate-cultural relationship engagement.
- (b) Has extensive knowledge and experience in working with whanau, hapuu, and iwi throughout Waikato-Tainui, to ensure compliance with regulatory and cultural frameworks in both plan changes and resource consent applications.

3.9 Mr Hill's evidence addresses the establishment of the Tangata Whenua Working Group ("TWWG") set up to address cultural and environmental aspects of PC7 and the extensive engagement that has occurred regarding PC7 between GSCL and the TWWG.

3.10 Mr Hill's conclusions are:

"The Rotokauri area has historical, cultural, and spiritual importance to Waikato Tainui and the hapū of Wairere, Ngāti Hauā, Ngāti Tamainupo, Ngāti Māhanga and Ngāti Reko. The protection of heritage, identity and environmental attributes, such as mauri, are vital to the well-being of mana whenua. Waikato Tainui continues to be bound by its cultural rules or cultural responsibilities in law and lore to protect and safeguard the spiritual and physical aspects of the environment.

...

In summary, it is my view that:

- (a) *The cultural issues raised during the consultation process have been adequately responded to and will be appropriately addressed through the mitigation measures outlined above.*
- (b) *In my opinion and for the reasons outlined above, PC7 appropriately recognises and provides for cultural matters as required by the relevant regulatory framework, including the RMA, LGA, Vision and Strategy and EMP.*
- (c) *Where potential adverse effects on cultural values have been identified, the PC7 Project Team has worked with Waikato Tainui through the TWWG to identify and adopt mitigation measures to address the potential effects. Consultation has ultimately informed the design of the masterplan.*
- (d) *I do consider that the engagement undertaken between TWWG reflects a commitment by the developer to work collaboratively with Waikato Tainui and in accordance with the principles of partnership.*
- (e) *GSCL has undertaken robust and transparent consultation with TWWG in a way that has empowered Waikato Tainui iwi and hapuu to make informed decisions on the PC7 development."*

Sonny Matenga – TWWG

3.11 Mr Matenga is the chairperson of the TWWG. He has prepared a list of speaking points which are attached to the evidence of Mr Hill and which he will speak to at the hearing. These matters include:

- (a) The significance of the Rotokauri North area to mana whenua;
- (b) The mana enhancing engagement process with the TWWG;
- (c) Mitigation options that protect and enhance cultural heritage, and environmental outcomes; and
- (d) Continued partnership between MADE and mana whenua.

4. TRANCHE 2 – SITE CONSTRAINTS AND INFRASTRUCTURE PROVISION

4.1 The purpose of the second tranche of evidence is to demonstrate that the PC7 land is suitable for the nature of development that will be authorised by PC7, in that:

- (a) There are no geotechnical or other constraints that mean the land is not suitable to be live-zoned for urban development;
- (b) Development on the PC7 and can be feasibly serviced by all necessary infrastructure (three waters, transport, telecommunications); and
- (c) That there is sufficient certainty regarding funding and financing of that infrastructure.

Andrew Holland – geotechnical

4.2 Andrew Holland is the Principal Geotechnical Director of HD Geo, who peer reviewed the geotechnical assessment prepared in support of PC7.

4.3 Mr Holland's evidence outlines the methodology adopted for the assessment and the findings of the geotechnical report. The key geotechnical hazard identified on the site is high liquefaction potential but the evidence is that this can be mitigated at subdivision stage and by requiring resilient foundations.

4.4 Mr Holland's key conclusions in relation to geotechnical issues are as follows:

"Our assessment of the site is that there are geotechnical hazards present on the site, but that these hazards can be mitigated through design and the site is geotechnically suitable for the proposed residential developments."

Terre Nicholson – site contamination

4.5 Terre Nicholson is the Principal Environmental Consultant at HD Geo and author of the Preliminary Contamination Assessment prepared in support of PC7, following the preliminary site investigation that was undertaken.

4.6 Ms Nicholson's evidence addresses the methodology and findings of the PSI and the recommendations made by HD Geo. Ms Nicholson's conclusion is that the PSI indicates that there may be areas of contamination on site as a result of historical farming activities across the site and that any contamination found is best addressed by a detailed site investigation at resource consent or subdivision stage. Ms Nicholson confirms her opinion that there are no contamination issues that preclude rezoning.

4.7 Ms Nicholson's key conclusions on contamination are as follows:

"The pastures have been shown to be suitable for residential land use. Structures and potential HAIL activities will be investigated at subdivision time and any contamination discovered will be remediated."

Eugene Vodjansky – three waters

4.8 Eugene Vodjansky is the Principal Water Resource Engineer at Bloxham Burnett & Olliver ("BBO"), with over 30 years' experience in civil engineering, including stormwater management, floodplain management and hydraulic design.

4.9 Mr Vodjansky's evidence:

- (a) Addresses civil engineering for three waters, with a particular focus on the methodology and approach taken to stormwater management, which has been a key issue for this site and this plan change.
- (b) Confirms that the site can be appropriately serviced with three waters infrastructure, and that there are appropriate mechanisms and methods for managing potential adverse effects, in particular, stormwater detention and flood management.

4.10 Mr Vodjansky's overall conclusions are:

"In summary, based on the assessment outlined above, I consider that:

- (a) *The extension of bulk water and wastewater services to Rotokauri North will ensure timely provision of this infrastructure for the PC7 area. It will also aid in allowing other development in the area to progress.*
- (b) *The proposed stormwater management system, as revised by BBO, provides connectivity, managed stormwater quality, and flood control, while improving aquatic habitat and introducing native riparian habitat. Further, the design revisions to the*

ICMP are the result of a collaborative process with HCC and the TWWG, and are based on robust hydraulic and hydrologic modelling.

Accordingly, in my opinion the PC7 land can be adequately serviced with water supply, stormwater and wastewater management solutions. As such, I consider PC7 can be supported with respect to three waters management."

Leo Hills – traffic and transportation

- 4.11 Leo Hills is a traffic engineer with over 20 years' experience in traffic and transportation engineering. He is a director at the firm Commute Transportation Consultants Ltd. Mr Hills' involvement in Rotokauri North has been to peer review the Integrated Transportation Assessment ("ITA") and provide ongoing advice as to solutions to transport infrastructural and management requirements.
- 4.12 Mr Hills' evidence addresses:
- (a) An overview of the assessments and traffic modelling undertaken throughout the plan change;
 - (b) The existing road layout and infrastructure;
 - (c) The existing transport environment;
 - (d) Provides an assessment of the anticipated operational traffic effects of the plan change;
 - (e) Addresses the responsibility of the implementation of required upgrades and triggers.

Mr Hill's considers that the plan change is an appropriate from a transport planning perspective and that all traffic effects can be appropriately managed. His key conclusions are:

"Based on the modelling and assessment outlined in the ITA's and through expert conferencing, I consider that the full extent of development enabled by PC7 can be appropriately supported by the existing road network and upgrades to the existing transport network (as I have detailed), to maintain appropriate levels of safety and efficiency on the surrounding transport network.

...

There are a number of transport upgrades that will be required from the outset, to support development of the PC7 area. These include construction of the roundabout at the SH39 / Collector Road 1 intersection, road frontage upgrades to Exelby Road and Burbush Road (when the first connections are made to these roads) and walking and cycling connections to the existing network.

Other upgrades are required (in particular to the Burbush Road – Exelby Road link and Exelby Road / Burbush Road intersection), however these are not required in my opinion until at least 500 dwellings."

Bernie Milne – surveying

4.13 Bernie Milne is a licensed cadastral surveyor and the land development manager at ("BBO"). Mr Milne has been engaged specifically to address the rear lane ownership provisions proposed by the Council for PC7.

4.14 Mr Milne's evidence on this niche issue is clear:

"In conclusion it is not appropriate for a rule within the District Plan to limit what land tenure structure (fee simple or unit title) should be used to provide for maintenance of rear lanes. I consider that there are more appropriate methods to achieve this outcome, as outlined in the evidence of Mr Tollemache/Ms Fraser-Smith. I support the recommendations from their evidence in this regard."

5. TRANCHE 3 – ASSESSMENT OF EFFECTS

5.1 The evidence in Tranche 3 will demonstrate how PC7 will result in a planning framework for the plan change land that will ensure potential and adverse effects from the proposed development will be appropriately managed, mitigated, avoided, or remedied.

Rob Pryor – landscape and visual assessment

5.2 Rob Pryor is a landscape architect and director of LA4 Landscape Architects, with 30 years' experience in undertaking landscape assessments within a range of landscape settings.

5.3 Mr Pryor's evidence addresses the existing character of the PC7 site, including identifying key visual features of the area, and analyses the visual and landscape implications of the proposed plan change.

5.4 Mr Pryor's key conclusions are:

"In conclusion, PC7 will fulfil the need for a greenfield housing area and provide an opportunity for an innovative and environmentally sustainable urban development in keeping with the vision and principles established within the masterplan prepared for GSCL and outlined by Mr Munro. The provisions of PC7 in relation to maintenance of amenities and other landscape related components of the proposed activity are consistent with the zoning of the site enabling urban development and will result in a high quality urban development with a range of positive landscape and environmental outcomes."

Arden Cruickshank - archaeology

5.5 Arden Cruickshank is an archaeologist working for CFG Heritage, an Auckland-based archaeological and heritage consultancy. Mr Cruickshank prepared an archaeological assessment of the PC7 site, which informed and supported the plan change application.

5.6 Mr Cruickshank's evidence addresses the methodology adopted for investigating the site and makes clear that there is no evidence of pre-1900 archaeology or heritage, or significant 20th century heritage, including built heritage, found within the PC7 site, and that there is no archaeological matter that would preclude rezoning of the site.

5.7 His key conclusions are:

"No evidence of pre-1900 archaeology or heritage, or significant 20th century heritage including built heritage, was found in the proposed subdivision area, either during the historic research or the field survey."

There is no archaeological or heritage reason why PC7 should not be approved."

Dean Miller - ecology

- 5.8 Dean Miller is the Team Leader of ecology at Tonkin + Taylor ("T+T") and has 18 years' experience in environmental consulting, specialising in freshwater environments and water quality, as well as integrating ecological principles with engineering design.
- 5.9 Mr Miller's evidence outlines the findings of stream classification and bat survey reports that were undertaken for the site by T+T. In this regard, his evidence concludes:

- "(a) The stream classification report confirmed that within the PC7 area, the majority of the watercourses within Ohote and Te Otamanui sub-catchments are artificial watercourses, in accordance with the relevant definitions from the WRP. In my opinion the lower reaches of both tributary systems are appropriately classified as "modified watercourse"; and*
- (b) While no long-tailed bat passes were detected by any of the ABMs in either of the bat surveys undertaken by T+T, the potential that bats periodically use the site for commuting, foraging or roosting cannot be ruled out."*

Tim Heath – economics / retail effects

- 5.10 Mr Tim Heath is a consulting economist and Director of Property Economics. His evidence focuses on the economic impact of PC7, with particular focus on the proposed neighbourhood centre.
- 5.11 Mr Heath concludes that the proposed neighbourhood centre is appropriate in light of the scale, type, location and growth components and proximity to centre competition, the proposed neighbourhood centre will not generate significant adverse retail distribution effects on surrounding centres. Mr Heath opines that the proposed activities are appropriate and fit within the function of a neighbourhood centre.
- 5.12 Mr Heath's key conclusion is:

"With strong growth forecasts, strong perspective demand (based on fully developed yield), and little conflict with existing developments in terms of the RMA, I support the subject private plan change's neighbourhood centre from a retail economic perspective."

6. TRANCHE 4 – PLANNING ASSESSMENT

- 6.1 The purpose of the Tranche 4 evidence is to provide the evaluative planning assessment, which draws all of the preceding evidence together and provides an overall conclusion / wrap up.

Renee Fraser-Smith and Mark Tollemache – planning

- 6.2 Mark Tollemache and Renee Fraser-Smith are both planning consultants, with 23 and 14 years' experience respectively, in the preparation of district plans, plan changes, assessments of environmental effects, etc.
- 6.3 Mr Tollemache has been involved in Rotokauri North since 2017, and Ms Fraser-Smith since 2018. They have been engaged to provide planning services and strategic planning advice regarding landholdings at Rotokauri North. This has included extensive consultation with stakeholders including the Council and the TWWG. Ms Fraser-Smith is the author of the AEE and the section 32 report that accompanied PC7, and Mr Tollemache oversaw the preparation of these documents.

6.4 Ms Fraser-Smith and Mr Tollemache have produced a joint statement of evidence, which addresses:

- (a) An overview of the Rotokauri North development, including the background to the Housing Accord and Special Housing Areas Act designation, and the original Qualifying Development application (that has since been withdrawn);
- (b) An overview of the technical investigations undertaken and assessment of environmental effects;
- (c) Details of the consultation undertaken in the course of the Rotokauri North plan change process;
- (d) A comprehensive overview of the statutory considerations, relevant policy statements and plans, and relevant non-statutory documents.

6.5 The conclusions of their comprehensive planning assessment are clear:

"PC7 is based on the opportunities and constraints identified from a wide range of technical inputs and analyses. There has been extensive engagement by the applicant with HCC, other statutory bodies, iwi and the community.

Given the well-recognised and documented development potential of the site and wider Rotokauri area, a detailed approach to concept planning has been undertaken by Mr Munro to determine the most logical pattern of development in Rotokauri North. This approach is generally consistent with the RSP and presents a refinement of that structure plan that also reflects site specific opportunities and best practice urban design.

The PC7 provisions are considered to be more efficient, effective and optimal than the alternatives. The section 32 assessment demonstrates that the proposed policies and methods are the most appropriate for giving effect to the RPS and otherwise implementing the objectives identified in the HCDP and for achieving the purpose of the RMA.

...

PC7 is considered to reflect sustainable management and the optimal outcome to address a range of resource management issues for Rotokauri North, in particular the need for residential growth, character and amenity and the social, cultural and economic opportunities associated with the neighbourhood centre. The urban land resource in Hamilton is scarce, and the site is ideally located to provide for an expanded residential community.

We consider PC7 can be accepted and approved."

6.6 As such, Ms Fraser-Smith and Mr Tollemache's evidence concludes that PC7 is consistent with and gives effect to the higher order planning documents, and the Resource Management Act 1991 ("RMA").

7. **SYNOPSIS OF GSCL'S CASE**

7.1 At their most basic level, the key propositions that we submit are supported by the evidence referred to above and which, in turn, support the approval of PC7 can be summarised as follows.

Site suitability / site constraints

- 7.2 Many technical assessments have been undertaken and reports prepared in order to determine whether the site is suitable for residential development and what constraints apply. The evidence demonstrates that:
- (a) There are no geotechnical issues that cannot be addressed via conventional engineering measures.
 - (b) Any areas of contaminated land included in the area covered by PC7 can be appropriately managed.
 - (c) The rezoning will appropriately protect from development any areas which contain archaeological sites or features, or which are susceptible to coastal inundation, erosion or other natural hazards.

Infrastructure provision

- 7.3 The PC7 land can be adequately serviced in terms of three waters, transport, and other utilities, with appropriate funding arrangements in place to ensure this, as follows.

Water supply

- 7.4 Mr Vodjansky confirms that the PC7 land is not currently serviced by water infrastructure, and there is no existing viable connection to the Council domestic water distribution for the development adjacent to the site boundary.
- 7.5 However, Mr Vodjansky confirms that a 450mm bulk main and 250mm trunk main will be extended from the intersection of Arthur Porter Drive and Roger Kauai Place, which will extend through the site from the east boundary to the west boundary.
- 7.6 Mr Vodjansky confirms that this infrastructure will ensure sufficient water supply to the PC7 area and will be designed and constructed in accordance with Council standards.

Wastewater

- 7.7 Mr Vodjansky also confirms that the PC7 land is not currently serviced by wastewater infrastructure, and again there is no viable connection to the domestic wastewater network adjacent to the site boundary. A 450mm bulk main will extend through the site, and ensure sufficient wastewater capacity to service Rotokauri North.

Stormwater

- 7.8 As identified above, stormwater management has been one of the two primary issues in respect of PC7. The reporting that was prepared in respect of three waters, including stormwater, has been replaced with the work prepared by BBO, and the solutions for stormwater management have been thoroughly revised to address issues relating to water quality to produce an updated sub-catchment Integrated Catchment Management Plan ("ICMP") for Rotokauri North.
- 7.9 It is considered that these options in the ICMP are considered to be practicable and consistent with the water-sensitive design principles to ensure water quality and downstream flooding and erosion effects can be minimised and reduced.

Transportation

- 7.10 Transportation and traffic issues are the second of the key issues arising in respect of PC7. Mr Hills' evidence clearly identifies the required upgrades and the triggers for those upgrades and explains clearly the rationale for his expert opinion on outstanding points in contention.

- 7.11 Overall, Mr Hills' evidence confirms that there will be minimal adverse effects on the function, capacity and safety of the surrounding road network, as a result of the roading upgrades proposed in the ITA. Additionally, walking and cycling provision will be appropriately provided for and delivered.

Mana whenua values

- 7.12 The evidence of Messrs Hill and Noland confirms that extensive ongoing collaboration has been undertaken between tangata whenua and GSCL, having established the TWWG to ensure cultural values and mana whenua concerns were identified and resolved in PC7.
- 7.13 The evidence demonstrates that mana whenua are in support of PC7, and all parties to the TWWG look forward to an ongoing relationship of good faith and partnership to deliver the intended outcomes of PC7 and ensure positive benefits and outcomes are provided for mana whenua in the process.

General environmental effects

Archaeological

- 7.14 The evidence of Mr Cruickshank confirms that there are no archaeological or heritage sites of significance on the PC7 land, and as such, any potential adverse effects can be appropriately managed with the inclusion of an accidental discovery protocol at resource consent stage. As such, there are no adverse archaeological effects that will result from PC7 that would preclude rezoning of the site.

Landscape and visual

- 7.15 The evidence of Mr Pryor confirms that there will be visual and landscape effects as a result of rezoning the PC7 area, as it is inevitable that the transition from a rural area to a mixed density urban residential area will change the landscape and also have implications on the surrounding rural and rural-residential land, with urban development impacting on the rural qualities.
- 7.16 However, Mr Pryor also confirms that the proposed development will provide an opportunity for innovative and sustainable urban development and will result in a high-quality urban development that will ultimately result in a range of positive landscape and environmental outcomes. As such, there are no outstanding landscape and visual effects and no adverse effects that would preclude rezoning of the site.

Ecological effects

- 7.17 The evidence of Mr Miller confirms that the watercourses across the site highly modified and of low ecological value. However, the ecological components of PC7 as proposed in the structure plans and plan provisions, most notably the proposed 'green spine' running across the entire site as providing the basis for green corridors, as well as proposed planting and open space provision, offers a real opportunity for ecological enhancement across the site.
- 7.18 With respect to long-tailed bats, a separate survey was undertaken specifically to address potential impacts on this species, with the Council having identified the site is proximate to known locations of long-tailed bats. The survey confirmed no bats were identified on the site over the survey periods.

Masterplanning and urban design

- 7.19 Mr Munro's evidence addresses specific urban design issues arising from the submissions, the section 42A report, and key aspects of the proposed development approach.

- 7.20 Mr Munro provides a comprehensive review of the proposed affordable housing duplex, and details the design process that was tested through the Auranga development to describe how adverse urban design effects were mitigated through a re-design of the duplex, to increase housing density while maintaining key elements of standalone houses and retaining carparking provision. Mr Munro confirms that the duplex design is a logical and “tried and tested” housing design, that has been designed to ensure optimal urban design effects.
- 7.21 Mr Munro confirms that his opinion is that any future public recreation reserves shown on the PC7 structure plan should, at this stage, be indicative only.
- 7.22 In respect of off-road pedestrian and cycle linkages, Mr Munro confirms that his opinion is that the optimal solution is good quality streets, as opposed to off-road solutions, which are not justifiable.
- 7.23 Mr Munro confirms his opinion that PC7 reflects urban design practice, and will enable a high amenity and high quality neighbourhood promoting the visual quality and pedestrian amenity of streets, and that any potential urban design effects arising at consent stage can be managed through the proposed rules and assessment methods.
- 7.24 Overall, Mr Munro confirms that there will not be any adverse urban design effects in his opinion resulting from PC7.

PC7 provisions give effect to higher order planning documents and are appropriate

- 7.25 GSCL’s position is that:
- (a) The provisions proposed for PC7:
 - (i) Appropriately give effect to all applicable higher order planning instruments (including all relevant NPS and NES);
 - (ii) Are not inconsistent with any directive policies or constraints from such higher order instruments; and
 - (iii) Are necessary to achieve the relevant objectives and implement the policies of the District Plan and Waikato Regional Plan (“Regional Plan”).
 - (b) The zoning provisions and layout proposed by PC7 are appropriate in terms of the site location.
 - (c) The PC7 land is suitable for urban development in terms of its geotechnical characteristics and stability.

PC7 represents “the most appropriate” planning framework for Rotokauri North and promotes Part 2 of the RMA

- 7.26 GSCL’s evidence demonstrates that:
- (a) The zoning provisions and layout proposed by PC7 are appropriate in terms of the site location;
 - (b) The zoning provisions and layout for residential development as proposed by PC7 are appropriate;
 - (c) The benefits of PC7 are significant and there are no adverse effects that cannot be adequately avoided or otherwise satisfactorily addressed. In particular, the establishment of a quality, well designed urban community will have positive effects on housing supply and infrastructure provision;

- (d) PC7 will enable additional contribution of much needed land supply for housing in Hamilton and will thus enable people to provide for their economic and social well-being and for the needs of future generations.

7.27 Having regard to the above, GSCL submits that it is appropriate that PC7 be approved as amended on the basis that:

- (a) In terms of section 32 of the RMA:
 - (i) The proposed objectives and PC7 are the 'most appropriate' means of achieving the purpose of the RMA; and
 - (ii) The proposed rules and zoning are the 'most appropriate' means of achieving the objectives and policies of the District Plan and Regional Plan.
- (b) The sustainable management purpose of the RMA is addressed and promoted by approving PC7, particularly insofar as it will enable the use and development of natural and physical resources in a way and at a rate that will support Hamilton City and the Rotokauri area to provide for their social, economic and cultural wellbeing while:
 - (i) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (ii) Adequately avoiding or mitigating potential adverse effects.
- (c) Adequate consultation has been undertaken with iwi and the applicant continues to work collaboratively as a member of the TWWG to ensure that mana whenua values are incorporated and enhanced through the provisions of PC7. PC7 recognises and provides for their relationship with their ancestral land, water, and other taonga in terms of section 6(e) of the RMA; the exercise of kaitiakitanga in terms of section 7(a) of the RMA; and the principles of the Treaty of Waitangi in terms of section 8 of the RMA.
- (d) PC7 represents an efficient use and development of the Rotokauri North area (section 7(b) of the RMA).
- (e) Amenity values and the quality of the environment will be maintained and enhanced (section 7(c) and (f) of the RMA).

7.28 Counsel and the GSCL team are grateful to the Panel for their attention to this memorandum.

DATED 24 September 2021



S J Berry / H C Andrews
Counsel for Green Seed Consultants Limited