

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 ("PC7") to the
operative Hamilton City District
Plan by **GREEN SEED
CONSULTANTS LIMITED**

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

(PLANNING)

1. INTRODUCTION

1.1 This is a joint statement of planning evidence by Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache.

1.2 Renee Fraser-Smith - qualifications and experience

1.3 My name is Renee Louise Fraser-Smith. I am an independent planning consultant and senior planner at Tollemache Consultants Limited.

1.4 I hold the following degrees from the University of Auckland:

(a) Bachelor of Arts Degree with a double major in History and Political Studies (2006); and

(b) Masters of Planning Practice (Hons) (2008).

1.5 I am a full member of the New Zealand Planning Institute.

1.6 I have 14 years' experience in planning. I have previously held positions as Planner with Auckland Council and Harrison Grierson and Senior Planner with Harrison Grierson and CivilPlan Consultants.

1.7 I have experience covering a wide range of land use and subdivision planning matters on behalf of local authorities and private entities. I have been involved with many aspects of resource management including preparation and lodgement of resource

consent applications, processing of resource consents, resource consent hearings, mediations, submissions, and have participated in hearings and mediations associated with Auckland Council's Stormwater Network Discharge Consent. In the past year alone, I have been involved in the preparation of designs and resource consent applications for over 500 vacant fee simple lots and over 200 dwellings associated with land use consents.

- 1.8 Recently, I have been involved in large scale plan changes and variations including for the Flat Bush Sub Precinct C and the Hingaia 1 Precinct to the Auckland Unitary Plan. I have also recently been involved in the preparation of private plan changes for Pukekohe Golding Road and the Auranga B2 area (Plan Change 51) to the Auckland Unitary Plan. These plan changes relate to the development of over 6,000 houses.

Mark Tollemache - qualifications and experience

- 1.9 My name is Mark Seymour Manners Tollemache. I am an independent planning consultant and Director of Tollemache Consultants Limited.

- 1.10 I hold the following degrees from the University of Auckland:

- (a) Bachelor of Planning (Hons) (1996); and
- (b) Master of Planning (Merit) (1999).

- 1.11 I have 23 years' experience in planning. I have been an independent planning consultant since 2004. Prior to that, I held senior planner and planner positions at North Shore City Council and Common Ground Urban Design Ltd.

- 1.12 I have extensive experience in the preparation of district plans, plan changes, resource consent applications, assessments of environmental effects and presenting expert evidence at hearings.

- 1.13 Recently, I have been involved in large scale plan changes and variations including Plan Variation 15 ("**PV15**") for Auranga A (1,350 houses), Plan Change 6 ("**PC6**") for Auranga B1 (1,300 houses), the Hingaia 2 Precinct, the Hingaia 3 Precinct, the Flat Bush Sub-Precinct C (2,500 houses) and the Pukekohe Golding Road Private Plan Change (1,000 houses). I have also recently been involved in a revision of the town centre and residential area in Mangawhai (Plan Change 78) and the Proposed Waikato District Plan hearings regarding extensions to Pokeno (600 houses).

- 1.14 Prior to that I been involved in plan changes in Auckland and Waikato associated with Westgate Town Centre (Plan Change 15), the New Lynn Town Centre (Plan Change 16), Penihana, Pokeno, Pukekohe, Kingseat, rural Franklin and the Waitakere Ranges.

1.15 I have also been involved in large scale urban greenfield subdivisions in Albany, Westgate, Takanini, Flat Bush and Drury. In the last year I have been involved in consenting over 1,000 residential lots and 500 residential dwellings.

Involvement in the Rotokauri North Plan Change Project

1.16 Tollemache Consultants Limited was engaged by Green Seed Consultants Limited ("**GSCL**") to provide planning services and strategic planning advice regarding landholdings at Rotokauri North.

1.17 Mark has been engaged on the Rotokauri North project since 2017, and Renee since her commencement of employment with Tollemache Consultants in 2018.

1.18 During this time, both have visited the site on many occasions, and attended meetings with specialists; Hamilton City Council ("**HCC**"); stakeholders; and the Tangata Whenua Working Group ("**TWWG**").

1.19 The preliminary stages of the project involved two three-day workshops held with HCC (and invited stakeholder representatives), one in late 2017 and one in mid-2018. Mr Munro described these in his Urban Design Report.

1.20 Renee is the author of the Planning Report and Section 32 Report that accompanied PC7. Mark had direct role in overseeing the preparation of these documents. We have jointly undertaken the role of consultation with HCC, relevant parties and submitters.

1.21 As outlined in the evidence of Mr Noland, ongoing consultation is occurring between GSCL and the TWWG, for which both Mark and Renee have been part of.

Purpose and scope of evidence

1.22 The purpose of this evidence is to:

- (a) Provide an overview of the historical and procedural background to PC7 and the area to which it will apply;
- (b) Describe PC7 and explain the approach underpinning the PC7 provisions and considering the appropriateness of the provisions in light of sound planning principles; and
- (c) Consider PC7 in light of the requirements of the Resource Management Act 1991 ("**RMA**") (Part 2 and section 32), higher order planning instruments and the Hamilton City District Plan ("**HCDP**").

1.23 Specifically, this evidence will address the following matters:

- (a) Background (Section 2);
- (b) PC7 Zones, structure plan and provisions (Section 3);
- (c) Overview of technical investigations (Section 4);
- (d) Assessment of environmental effects (Section 5);
- (e) Statutory considerations (Section 6);
- (f) Relevant policy statements and plans (Section 7);
- (g) Relevant non-statutory documents (Section 8);
- (h) Section 32 evaluation (Section 9);
- (i) Comments on matters raised in the section 42A report (Section 10);
- (j) Other amendments to plan change provisions (Section 11);
- (k) Comments on matters raised in submissions (Section 12); and
- (l) Conclusion (Section 13).

Reference sources

1.24 It is necessary for our evaluation to consider the technical analysis undertaken by the many experts engaged by GSCL to report on issues relevant to PC7 and the subject sites. For the purpose of the preparing this evidence, our primary reference source has been the original technical reports prepared by those experts (which have been provided to HCC and the Commissioners) rather than their statements of evidence (which were being prepared at the same time as this statement). However, we have also read each statement of evidence in the preparation of this evidence.

1.25 Given the complexity of the planning matters and the length of this evidence, an executive summary is not feasible; Section 13 of this report provides the conclusions of the statutory assessment.

Expert Witness Code of Conduct

1.26 We have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's 2014 Practice Note. We have read and agree to comply with that Code. This evidence is within our area of expertise, except where we state that we are relying upon the specified evidence of another person. We have not

omitted to consider material facts known to us that might alter or detract from the opinions that we express.

2. BACKGROUND

2.1 As outlined in the evidence of Mr Noland, the applicant is an experienced developer with a proven track record associated with their Auranga development in Drury West (Auckland).

2.2 As Mr Noland noted, the Project Team developed number of key objectives, including:

(a) Rotokauri North to be an exemplar for sustainable greenfields urban development.

(b) Provisions of a range of high-quality housing choices, including affordable housing.

(c) All water supply, wastewater, stormwater and transport network infrastructure is provided in a timely manner.

(d) The development at Rotokauri North is to maximise opportunities to enhance the natural environment and protect natural heritage by employing measures that will enhance freshwater quality and biodiversity of the area over time.

(e) Provision of a range of quality open space for active and passive recreation and social interaction, enhancing public access to and along the green spine.

2.3 For the reasons we will outline, we consider that these (and the other objectives outlined in Mr Noland's evidence) can be realised via PC7.

Master planning and structure planning

2.4 The Urban Design Report provided as Appendix 15 to the Planning Report addresses the applicant's comprehensive master planning and structure planning process and outcomes and the collaboration in their processes undertaken with HCC through workshops in 2017 and 2018 to develop a Rotokauri North Structure Plan.

Draft document circulation

2.5 All draft plan change material was circulated to HCC for comment and review in December 2018 and in April 2019. In both instances, changes requested by HCC staff regarding information, changes to the structure plan, and planning provisions were incorporated into the updated versions, thus making up the package of material which was notified to parties as PC7. This plan change has involved extensive pre-lodgement consultation with HCC.

Council resolution

2.6 On 5 September 2019, HCC resolved:

"... that limited notification of the plan change not proceed until such time as all staging infrastructure related requirements identified in the Private Development Agreement (PDA) between Hamilton City Council and Made Group Ltd, Green Seed Consultants Ltd and Green Seed Holdings Ltd dated 29 August 2019 (PDA) are included in a redraft of the plan change to the satisfaction of the Chief Executive;"

2.7 This drafting occurred between September and December 2019, with the final notified infrastructure and staging provisions being agreed by the Chief Executive.

Special Housing Area and Qualifying Development

2.8 Parallel to the PC7 process, in August 2019 approximately 133 hectares of land falling within the PC7 area was declared a "Special Housing Area" ("**SHA**") under the Housing Accords and Special Housing Areas Act 2013 ("**HASHAA**") via an Order in Council dated 26 August 2019.

2.9 Subsequently, in August 2019, a "Qualifying Development" ("**QD**") application was lodged with HCC for land identified with the SHA and for approximately 151 residential lots and associated land modification and infrastructure works.

2.10 The QD application was formally withdrawn on 9 September 2021.

2.11 This matter is also relevant, as many of the amendments requested through the 42A author and technical memos have been driven by matters raised in the QD. Similarly, detailed matters raised pertaining to stormwater through the QD process have also led to the detailed stormwater review as outlined by the evidence of Mr Vodjansky and which is outlined further below in this evidence.

Post-notification Council workshops

Three Waters

2.12 After notification of the private plan change ("**PPC**") and following the close of submissions, GSCL sought independent advice on the Integrated Catchment Management Plan ("**ICMP**") and, in particular, on the technical reports relating to stormwater management that fed into the ICMP and its conclusions.

2.13 During that process, and as part of the work undertaken by Mr Vodjansky, a series of workshops were held with HCC technical staff regarding concerns on stormwater and concepts and proposals to alleviate these concerns.

- 2.14 These workshop results and the conclusions reached have been reflected in the updated stormwater technical reporting and updated ICMP submitted to HCC prior to the release of the 42A report.
- 2.15 These workshops also highlighted a request from HCC's technical experts to revisit the water and wastewater solutions in the ICMP given the pending withdrawal of the QD (and thus no need for Stage 1 interim infrastructure). This update also resulted in further discussions with HCC and these are reflected in the in the updated stormwater technical reporting and updated ICMP submitted to HCC prior to the release of the 42A report.

Traffic

- 2.16 HCC's post-acceptance review of PC7 highlighted some areas of concern for HCC's traffic expert. Updated reporting on the ITA was also coupled with concerns raised by NZTA in their submission and the need to ensure consistency with any changes to development patterns occurring as a result of the updated ICMP.
- 2.17 This update also resulted in further meetings with HCC and changes made are reflected in the in the updated traffic memo by Mr Hills submitted to HCC prior to the release of the 42A report.

Planning

- 2.18 Renee attended a series of workshops in the first half of 2021 with HCC planning staff between to work through the staff technical review outcomes which sought redrafting of PC7 provisions mostly relating to reflect the preferred HCC "style". Further commentary on these and any areas of disagreement is outlined further below.

3. PLAN CHANGE 7 ZONES, STRUCTURE PLAN AND PROVISIONS

- 3.1 On 30 April 2019, GSCL formally requested a private plan change (PC7) to the HCDP pursuant to Schedule 1 to the RMA to rezone land known as "Rotokauri North".
- 3.2 The following section provides a description of PC7, as amended by responses to the submissions, the S42A Report, the outcomes captured in the Joint Witness Statements ("JWS") and expert caucusing. The amended Structure Plan, plans and provisions are included in **Attachment 1**.
- 3.3 The HCDP currently identifies the land as being zoned Future Urban zone ("FUZ") and there is an existing Natural Open Space zoning ("NOSZ") and Significant Natural Area ("SNA") overlay located within the site (approx. 1.2 hectares).
- 3.4 The land also falls within existing operative Rotokauri Structure Plan area ("RSP").

Zoning

- 3.5 The majority of the PC7 area (approximately 133 ha) of the area, falls within land holdings falling under the GSCL umbrella.
- 3.6 At the design workshop undertaken 5 to 8 August 2018 between the experts supporting GSCL and HCC officers, it was recommended that approximately 7 ha of additional sites (owned by third parties) associated with Rotokauri North be included in the PPC request. This is to support integrated management rather than these areas remaining FUZ.
- 3.7 PC7 seeks to:
- (a) Rezone approximately 137.6 hectares from FUZ to Medium Density Residential Zone ("**MDZ**") to facilitate and support residential development;
 - (b) Rezone approximately 1.2 hectares from FUZ to Business 6 Zone ("**B6Z**") (Neighbourhood Centre);
 - (c) Amend the existing Rotokauri Structure Plan map area to specifically **exclude** the Rotokauri North area; and
 - (d) Insert a new Structure Plan for the Rotokauri North area (known as the Rotokauri North Structure Plan "**RNSP**") and associated rules.
- 3.8 The existing area of SNA subject to the HCDP overlay (and currently subject to a NOPZ) located within the site (approx. 1.2 hectares), is proposed to be retained.

Structure Plan

- 3.9 The insertion of a new structure plan specific to Rotokauri North as based on the master planning and design workshops (being an update and a refinement of the existing RSP) has been tailored to achieve medium density residential opportunities.
- 3.10 One of the key discussion areas with HCC during the workshops and draft PPC review process related to the proposed use of the RNSP **and** detailed planning provisions to achieve the key outcomes, compared to our review of the HCDP's prevailing reliance on Comprehensive Development Plans ("**CDP**") as a "bridge" between Structure Planning and the HCDP provisions. We note that this is not in contention, and PC7 does not adopt the approach of separate CDPs or resource consents for CDPs.
- 3.11 To respond both to submissions from NZTA and the ICMP review (which is also a response to submission raised), an updated structure plan was prepared and submitted to HCC following notification but prior to the preparation of the 42A report.
- 3.12 The key features of the RNSP are:

- (a) Key roading hierarchy;
- (b) Key road locations and connections;
- (c) Indicative neighbourhood parks areas;
- (d) Green spine areas for streams and indicative drainage corridors; and
- (e) A medium density overlay.

3.13 Figures 2-9A and 2-9B are the key “infrastructure maps”:

- (a) Figure 2-9A also denotes the intended routes and key infrastructure for water and wastewater servicing and an area for future reserve, which is subject to the Local Government Act 2002 and Long Term Plan processes.
- (b) Figure 2-9B does not contain any “new features” or information but replicates the main transport and reserves infrastructure.

3.14 Some features shown on the Structure Plan are not agreed between ourselves and the 42A author; this is addressed further below.

Provisions

3.15 An outline of the provisions and reasons for the provisions has been provided in section 3.2.3 of the Planning Report and their efficiency and effectiveness in terms of section 32 of the RMA has been addressed in Appendix 3 to the Section 32 Report. The commentary below relates to the updated version of PC7; areas of disagreement are addressed later in this evidence.

3.16 In summary, PC7 seeks the following changes:

- (a) Amendments to Chapter 3 Structure plans and Appendix 2 Structure Plans:
 - (i) Delete Rotokauri North from the operative Rotokauri Structure Plan area, and insert a new RNSP;
 - (ii) Insert a new section for Rotokauri North including associated description of the area and the key structure plan items; and
 - (iii) Insert objectives, policies¹, rules, and assessment criteria relating to infrastructure provisions/staging, and affordable housing.

¹ While the notified version contained all relevant objectives and policies, the 42A report has recommended that these instead be distributed to the relevant individual chapters. We have no concerns with this recommendation.

- (b) Amendments to Chapter 4 – Residential Zones including associated objectives, policies, rules, matters for discretion and assessment criteria specific to Rotokauri North, including the following;
- (i) Insert new activity status tables for certain activities in the residential zones (and specifically the permitted activity status for a duplex dwelling);
 - (ii) Insert new development controls which entirely replace the default HCDP controls, addressing:
 - Height in relation to boundary;
 - Permeable surfaces/landscaping in front yards;
 - Building coverage;
 - Height (in the medium density overlay);
 - Yards;
 - Interface between public and private (garage door width restrictions and glazing minimums)
 - Fencing;
 - Separation and privacy
 - Outdoor living; and
 - Service areas (exclusion to the general rule);
 - (iii) Insert new activity development controls for the following activities, specific to Rotokauri North;
 - Ancillary residential units;
 - Duplex dwellings; and
 - Apartments.
 - (iv) Insert matters of discretion and assessment criteria.
- (c) Amendments to Chapter 23 – Subdivision including associated objectives, policies, rules, matters for discretion and assessment criteria specific to Rotokauri North, including the following;

- (i) Insert bespoke rules for subdivision to require:
 - Minimum site sizes for vacant sites;
 - Minimum site dimensions for vacant sites;
 - Movement network; and
 - Site access;
- (d) Amendments to Chapter 25 – Citywide and Appendix 15 Transportation for the following:
 - (i) Insert rules for onsite stormwater device maintenance.
 - (ii) Insert specific vehicle crossing/site access rules. It is acknowledged that HCC’s Plan Change 6 made various amendments to Chapter 25 which has alleviated the need for many of the notified provisions.
 - (iii) Insert specific provisions for duplex dwelling car parking.
- (e) Amendments to Appendix 1 to insert new matters of discretion and assessment criteria relevant to development and subdivision in Rotokauri North.
- (f) Amendment to Chapter 9 to update the name of the SNA from “Perkins Bush” to “Kereru Reserve”.

3.17 As addressed by Mr Munro in the Urban Design Report, the rationale behind the detailed provisions is based on design testing and experience from the team with greenfield development whereby good outcomes can be achieved from subdivision stage through adequate shapes and dimensions of allotments, as well as the use of “rear lanes” for vehicle access and thus leading to key design outcomes through the key land use rules promoting rear yards as private spaces and public frontages to encourage activation and passive surveillance. These are the key rationale for most of the proposed changes to Chapter 4 and 23. The rules for the establishment of urban blocks, connected road networks and lot dimensions are based on more specific urban form outcomes than would otherwise be achieved through the HCDP or other structure plan area’s reliance on the CDP process.

4. OVERVIEW OF TECHNICAL INVESTIGATIONS

4.1 A summary of the technical work undertaken to date is provided below. This work confirms that the land is suitable for development and is the basis for the characteristics of the RNSP and PC7.

Archaeology

- 4.2 Archaeological reporting (Attachment 6 of the Planning Report) was prepared by CFG Heritage. This reporting found no evidence of pre-1900 archaeology or heritage, or significant 20th century heritage, either during the historic research or the field survey.

Cultural heritage

- 4.3 The cultural heritage of the area has been extensively outlined from the TWWG members and is included in the Cultural Impact Assessment ("**CIA**") included as Attachment 18 to the Planning Report.

Geotechnical / groundwater

- 4.4 Geotechnical reporting (Attachment 7 of the Planning Report) was prepared by HD Geo Limited. This describes the geology of the area and concludes that it is appropriate for urban development as anticipated by the PC7 zonings and as confirmed by the evidence of Mr Holland. Mr Hollands evidence also addresses the groundwater monitoring undertaken for the PC7 area.

Contamination

- 4.5 Contamination reporting (Attachment 8 of the Planning Report) was prepared by HD Geo Limited. This describes the activities previously undertaken on the sites and the likelihood of HAIL activities being undertaken. While the reporting finds that further detailed soils analysis is required, this is a resource consent matter (under the HCDP and National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("**NES-CS**") and there are no matters that would preclude the rezoning for urban development as anticipated by PC7.

Landscape

- 4.6 The visual and landscape assessment (Attachment 19 of the Planning Report) identifies the landscape values associated with the site and surrounding character. No nationally or regionally significant or other landscapes are identified that would limit development within the PC7 site, as outlined in the evidence of Mr Pryor.

Ecology

- 4.7 The assessments regarding ecology and its implications to stormwater commenced with a joint funding agreement between HCC and GSCL by which Morphem were engaged by HCC and funded by GSCL to prepare the ecology report on behalf of both parties. The purpose of this was to seek expert advice that both parties could agree to accept,

reducing the potential for differences of opinion in respect to the development of the ICMP and the understanding of the ecological features of the land.

- 4.8 The Morphem Report identified 'indicative' stream classifications. WRC and HCC raised concerns with this, and HCC and GSCL engaged Tonkin and Taylor to review the stream classifications, undertake field assessments and to report on these matters to the parties and WRC. These stream classifications were consequently adopted.
- 4.9 The SNA exists in the District Plan and therefore the original field work and classifications of this feature were sourced from HCC.
- 4.10 Tonkin and Taylor were engaged by GSCL to also evaluate the potential for bat habitat within the PC7 land.

Economic

- 4.11 The economic assessment (Attachment 14 of the Planning Report) identifies that the proposed neighbourhood centre and Business 6 zoning will enable a centre of sufficient scale to service the proposed residential density of PC7 and meet their day-to-day needs.

Roading environment

- 4.12 The existing roading environment is described in the ITA. It is acknowledged that the ITA has been through several iterations with the latest being March 2020 and the supplementary work dated July 2021 as outlined in the evidence of Mr Hills.

ICMP – Three Waters/ Infrastructure Servicing

- 4.13 The evidence of Mr Vodjansky details the solutions presented in the updated stormwater management, reporting and as reflected in the August 2021 updated ICMP document.
- 4.14 Mr Vodjansky also details the updated water and wastewater reporting presented in the updated reporting and as reflected in the August 2021 updated ICMP document.

Urban design

- 4.15 The urban design assessment (Attachment 15 of the Planning Report) outlines the design and master planning exercise undertaken for Rotokauri North, which has led to the development of PC7 and the key rationale for various provisions. This is also outlined in the evidence of Mr Munro.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 5.1 A detailed assessment of environmental effects (“**AEE**”) based on the findings of the various technical reports and environmental assessments is included in Section 6 of the Planning Report. This assessment is summarised below.
- 5.2 At the outset, we note that, for the reasons set out in the Planning Report and in this statement, there will be no significant actual or potential adverse effects on the environment resulting from the proposed urbanisation of the subject land that are not adequately addressed by the provisions of the HCDP and PC7.

Social

- 5.3 At present, the immediate locality is rural-residential in character and has few social amenities.
- 5.4 The PC7 zoning and RNSP anticipate a small neighbourhood centre within the area (the B6Z), to support local needs to residents through provision of commercial day-to-day conveniences. The provision of this facility is considered to have positive effects for the new development area.
- 5.5 As outlined further in the evidence of Mr Noland, consultation with the Ministry of Education is underway as it has previously indicated that the wider area would likely require a new primary school, and is seeking to work together with GSCL to advance land purchases to facilitate the development of a primary school within the RNSP area. The identification of a site for a primary school would be advanced through a Notice of Requirement process.
- 5.6 The RNSP also includes indicative neighbourhood reserves which will contribute in a positive manner to social amenities and wellbeing.
- 5.7 The green-network based on the enhanced stream network (“green spine”) which is also anticipated to provide for passive recreation opportunities (in conjunction with any walking and cycling network associated with the roading network).
- 5.8 These aspects contribute in a positive manner to social amenities and wellbeing.

Archaeology and cultural heritage

- 5.9 As identified in the archaeological reporting (Attachment 6 to the Planning Report) there is no evidence of any pre-1900 archaeology or heritage or any significant 20th century heritage.
- 5.10 It is acknowledged that as a precautionary measure, an archaeological authority relating to accidental discoveries can be sought from Heritage New Zealand Pouhere

Taonga (“**HNZPT**”) prior to proceeding with earthworks in the area (although we do note that the reporting undertaken has identified that it is not required) .

- 5.11 No adverse effects are considered to result in terms of archaeological matters or built heritage. Accidental discovery protocols in Appendix 8-2 of the HCDP address accidental finds and these rules are considered appropriate to address these matters. No additional rules are considered to be necessary to support the rezoning of the land and implementation of the RNSP.
- 5.12 Cultural values assessments and iwi engagement for this PPC are ongoing. Meetings are being held with Te Haa o te whenua o Kirikiriroa (“**THaWK**”) hapū to work through cultural values (general) and any specific cultural issues that may occur for the RNSP area.

Landscape and visual assessment

- 5.13 The landscape and visual effects are addressed in detail in Section 6.5 of the Planning Report and the evidence of Mr Pryor. In summary, the following conclusions were drawn:
- (a) While the proposed urbanisation of the PC7 land will significantly change its current open rural landscape character, development is consistent with the site being FUZ with urban expansion envisaged in the HCDP and Waikato Regional Policy Statement (“**WRPS**”) and Future Proof strategies.
 - (b) Due to the size and nature of the development and the anticipated eventual urbanisation of the area, the approach has been to develop the site in accordance with accepted urban design principles to create a quality development with a high level of amenity, albeit an urban amenity.
 - (c) The change from the existing semi-rural character of this landscape to one dominated by the built form residential area will also introduce a range of beneficial effects, including:
 - (i) Enhancement of the stream corridors;
 - (ii) Riparian stream planting and specimen trees in streets, which will improve the character and amenity as well as enhance habitat values, and break up the contiguous urban expanse increasingly with time and contribute to the wider surrounding area; and
 - (iii) Public access provided for along the stream corridors and created drainage areas through pedestrian and cycle paths and open space

linkages that will create a high amenity interface between the urban area and the coastal edge.

- (d) While the proposed development will result in a significant visual change, such visual change is anticipated and is in accordance with the key planning initiatives for the area.

Ecological assessment

5.14 The ecology assessment (Attachment 12 of the Planning Report), evidence of Dean Miller and the Planning Report identifies the ecological values of the existing environment and provides an assessment of the ecological significance of the subject land. In summary:

- (a) There are no streams that qualify as 'high' or 'very high' ecological value.
- (b) No rare or threatened aquatic species were recorded.
- (c) All watercourses have been heavily modified by past farming activities and some continue to be degraded by lack of riparian cover and stock access.
- (d) The site supports very few native plants, bird or other likely land-based indigenous ecology values.
- (e) No threatened or rare species were recorded, and apart from Kereru Reserve (SNA) there is no vegetation on site that qualifies as native scrubland or native forest.

5.15 The PC7 provisions acknowledge that, with replanting, a high quality ecological environment could be established associated with the riparian margins of the streams.

Infrastructure provision

5.16 While the reporting prepared for the notified AEE has been replaced with the work as outlined in the evidence of Mr Vodjansky, the conclusions reached in section 6.7 of the Planning Report relating to three waters are still relevant.

5.17 In particular, the PC7 area can be adequately serviced for water and wastewater infrastructure, and the proposed stormwater management options outlined in the ICMP are considered to be practicable and consistent with the water-sensitive design principles to ensure that the future developments can minimise and reduce effects on water quality, and downstream flooding and erosion.

Transport

- 5.18 The ITAs undertaken by Commute Transportation Consultants (the updated ITA provided with GSCL's submission), the updated technical memo from Commute and the evidence of Mr Hills identifies the transportation improvements required to support PC7.
- 5.19 There will be minimal adverse effects on the function, capacity, and safety of the surrounding road network, given the roading upgrades that are to be undertaken as outlined in the evidence of Mr Hills.
- 5.20 Walking and cycling are anticipated and will be appropriately provided for.

Risk from hazards and contamination

Land stability

- 5.21 The geotechnical reports prepared by HD Geo (Attachment 7 of the Planning Report) and the evidence of Mr Holland has confirmed that the PC7 area is geotechnically suitable to accommodate residential development.
- 5.22 As geotechnical reports are required with each future subdivision application and under the earthworks provisions, these matters can be addressed in more detail with future resource consents.

Site contamination

- 5.23 Contamination issues would be subject to resource consent requirements under the NES-CS at time of subdivision, earthworks or development.

Flood management

- 5.24 Flood hazards are addressed in the ICMP as above.

Potential reverse sensitivity effects

NZTA

- 5.25 Intersection locations with the State Highway have been designed to avoid conflict and address safety concerns.
- 5.26 Furthermore, the PPC provisions include restrictions on any further intersections (other than those identified on the RNSP) and/or new vehicle crossings.
- 5.27 In addition, an amenity buffer (planted) is required by the RNSP against the State Highway 39 (within adjoining lots). These measures are considered suitable to avoid

potential safety and/or any other conflicts with users of the adjoining State Highway network.

Adjoining Future Urban Zone

- 5.28 It is acknowledged that until such time that the remaining FUZ is re-zoned, it will be used for rural activities. This does have the potential to create reverse sensitivity issues for future residential living on the boundary with the FUZ. Any actual potential for conflict can be appropriately determined and addressed in future resource consents (as the exact timing of when this would actually become an issue over the lifespan of the development is unknown).
- 5.29 Furthermore, as the adjoining FUZ land will be urban in the future, it is not considered appropriate to require buffer planting as part of the PPC (as this could cause integration issues later on when the FUZ land is being developed).
- 5.30 No further rules or requirements are considered to be necessary to manage the development of the land.

Future Industrial Area

- 5.31 The existing provisions of the HCDP address the issue of the interface between residential and industrial zoned land, establishing yard separation and noise standards at this interface, any future industrial land is also likely to be subject to this type of rule.
- 5.32 No further rules or requirements are considered to be necessary to manage the interface between residential and (future) industrial zones.

Waikato District Rural zones

- 5.33 The land to the north and east falling within the Waikato District Council ("**WDC**") territory are zoned rural (and not proposed to change under the Waikato District Plan review). However, both areas/zones are essentially "buffered" from the residential area proposed by this PPC by existing roads (SH39 and Exelby Road), which creates a separation distance of some 20 plus meters. This is considered sufficient to avoid reverse sensitivity effects between those rural uses and future residents of the Rotokauri North area.

Potential economic effects

- 5.34 The economic assessment (Attachment 14 of the Planning Report) and the evidence of Mr Heath addresses the scale and type of centre necessary to serve the PC7 area. Mr Heath's evidence confirms that proposed neighbourhood centre and Business 6 zoning

will enable a centre of sufficient scale to service the proposed residential density of PC7 and meet their day-to-day needs, and will also ensure there are no adverse effects as a result of economic and distribution competition with larger proximate centres such as The Base.

Urban design

- 5.35 The urban design assessment (Attachment 15 of the Planning Report) and evidence of Mr Munro outlines the manner in which the PC7 provisions establishes an appropriate framework to support more intensive urban development.

Positive effects (benefits)

- 5.36 The PPC seeks to bring forward, ahead of planned growth dates, the availability for more than 2000 dwellings across 140 hectares of FUZ land to assist in relieving pressure on the current housing market. Furthermore, although this PPC is sought under the RMA and not HASHAA and therefore has no statutory obligation to provide ongoing "affordable housing", the PPC includes specific provisions to ensure that the development will deliver 10% of the total yield at an "affordable rate" (as defined in the PPC text) to First Home Buyers.
- 5.37 Furthermore, the provision of housing in the urban form proposed is considered to have positive effects on housing supply and infrastructure provision. The form of development illustrated by RNSP and associated specific rules will create an appropriately designed community that provides high quality amenity for residents, housing supply and a proportion of affordable houses.

Summary of environmental effects

- 5.38 The effects of the proposal are considered to be adequately addressed by:
- (a) The PC7 text, including RNSP;
 - (b) The suite of National Environmental Standards; and
 - (c) The district plan provisions of the HCDP; and
 - (d) The regional plan provisions of the Waikato Regional Plans ("**WRP**").

6. STATUTORY CONSIDERATIONS

- 6.1 The statutory requirements relevant to this plan change request are outlined in Section 4.0 of the Planning Report. The plan change request contains all the necessary information and assessments in terms of Clause 22 of the Schedule 1 of the RMA. The

purpose and reasons for the Plan Change request have been outlined in the Planning Report and supporting documents.

Sections 74 and 75

- 6.2 Sections 74 and 75 of the RMA set out the matters to be considered by a territorial authority, and the contents of district plans. Section 74 is concerned with having regard to and ensuring consistency with any regional policy statements or regional plans, management plans and strategies under other Acts.

Section 31

- 6.3 Section 31 of the RMA sets out the functions of a territorial authority with respect to integrated management and the control of actual and potential effects. In preparing the HCDP, the Council has given effect to these functions.
- 6.4 PC7 adopts existing zones (MDZ and B6Z) and relies on the existing HCDP objectives, policies and other methods. In addition, a new Structure Plan is proposed in conjunction with additional objectives, policies and methods to manage the future development within the PC7 site.

Section 32

- 6.5 Section 32 requires an evaluation of the proposed objectives and provisions of the plan change. A detailed section 32 analysis has been undertaken for the PC7 request. The requirements of that provision and the section 32 evaluation undertaken for PC7 are addressed in Section 9 of this evidence.

Part 2

- 6.6 The purpose and principles of the RMA are set out in Part 2. These provisions have been assessed in the AEE in Section 9.0 of the Planning Report. We consider the proposal to be consistent with Part 2. In particular:
- (a) The sustainable management purpose of the RMA is addressed and promoted by approving PC7. This is particularly the case insofar as Rotokauri North will enable the use and development of natural and physical resources in a way and at a rate that will enable the community of Hamilton 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.

- (b) The design of the development will enhance public access to and along the streams (green spine) (section 6(e)).
- (c) The risk from natural hazards has been addressed through the geotechnical, engineering and infrastructure reporting and the ICMP, as well as further addressed at each development stage through existing HCDP provisions (section 6(h)).
- (d) The PC7 request represents an efficient use and development of natural and physical resources (section 7(b)).
- (e) Amenity values and the quality of the environment will be maintained and enhanced (section 7(c) and (f)).

7. RELEVANT POLICY STATEMENTS AND PLANS

- 7.1 PC7 has been assessed against the relevant National Policy Statements, National Environmental Standards and the Waikato Regional Policy Statement ("**RPS**") in section 7 of the Planning Report.
- 7.2 New national policy and environmental standards released came into force in mid-2020 which are relevant to PC7. These comprise:
 - (a) The National Policy Statement Urban Development ("**NPS-UD**"), which came into force on 20 August 2020, replacing the National Policy Statement on Urban Development Capacity 2016;
 - (b) The NPS-FM, which came into force on 3 September 2020, replacing the 2017 amendment to the 2014 version; and
 - (c) The NES-F, which came into force on 3 September 2020.
- 7.3 As these were released after lodgement of the PC7, the Planning Report did not address the provisions of these documents.

National Policy Statement Urban Development 2020

- 7.4 The NPS-UD post-dates the HCDP and the RPS. The NPS-UD was developed in response to fast-growing urban areas in New Zealand, to assist to address the constraints on development capacity in the resource management system. It sets out objectives and policies for "well-functioning urban environments", and recognises the national significance of²:

² Policy 2.

- "(a) having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future;³ and*
- (b) providing sufficient development capacity to meet the different needs of people and communities."*

7.5 One of the key concepts in the NPS-UD is "urban environment". The NPS-UD applies to all local authorities that have an urban environment within their district, and to all decisions that affect an urban environment.⁴

7.6 HCC is identified as a Tier 1 Local Authority. Rotokauri forms part of the Hamilton urban environment.

7.7 The objectives highlight the importance of providing for the short to medium term capacity for housing development.

7.8 With regard to Objectives 1 -3 and 8 and Policies 1, 3 and 4, we note as follows:

- (a) The proposal will enable a variety of homes to be constructed in the future through the use of the proposed MDZ and the PC7 provisions which enable a range of lot sizes and intensification options through land use consents. Importantly, the use of the MDZ is considered to give effect to the NPS-UD and is better at achieving housing capacity than the general residential zone anticipated by the operative RSP.
- (b) The proposal is a planned urban extension within an area identified for future urban development.
- (c) The proposal will enable direct linkages (which can be utilised for active transportation) to the existing employment areas, community facilities and public transport services to the west at Te Rapa. As the remainder of Rotokauri develops and the remainder of the Stage 2 RSP land is rezoned in the future there will also be linkages to the Rotokauri Transport Hub.
- (d) The ability to enable a shift in transport modes through reduced car parking, walking and cycling networks, and enabling the public transport network, which will combined reduce greenhouse gas emissions.

³ Objective 1 and Policy 1

⁴ Cl. 1.3 of the NPS-UD

- (e) The proposed development area has taken into account the potential for any climate change event. The ICMP specifically takes into account flooding hazards and that the effects of climate change can be specifically “built into” the stormwater device design and calculations at development stage.
- 7.9 As a Tier 1 Local Authority, the Council is required by Policy 2 to provide (at all times) sufficient development capacity to meet expected demand for housing for short, medium and long term.
- 7.10 The proposal is consistent with Objectives 4 and 6 and Policy 6, which requires decision makers to have regard to the Policy 1 matters amongst other things, including amenity values, when considering changes to an urban environment, including changes to densities. As above, the proposal gives effect to policy 1 and seeks to adopt the MDZ and the PC7 methods provide for a range of residential densities and a well-functioning urban environment. The use of the Medium Density Overlay on the RNSP increases opportunities for the intensification of apartments within proximity to the proposed neighbourhood centre (B6Z).
- 7.11 Objective 4 recognises that urban environments (and their planning) need to develop and change over time, which is pertinent with respect to PC7 area in the context of the existing planning framework in the RPS and Future Proof. Objective 4 recognises that change and development will occur in urban environments, especially those locations in high demand. That change could include intensification or greenfield urban expansion like this proposal.
- 7.12 With regard to Objectives 6 and 7 and Policy 7, the Council has not yet set bottom lines for short-medium term housing (based on growth predictions). However, as the proposal seeks to apply live zoning and the PC7 specific methods related to medium density development, it is expected that this will enable sufficient flexibility that the development could respond to such bottom lines should they be set in time for development release.
- 7.13 Objective 6 reinforces the need for planning decisions to be integrated with infrastructure planning and funding, be strategic and be responsive, particularly for “proposals that would supply significant development capacity”, and Policy 8 addresses “out of sequence” growth. Future Proof identifies the Rotokauri Stage 2 land as being earmarked for release in Decade 3. As such, it is acknowledged that the PC7 is out of sequence. However, PC7 is in direct response to a housing shortage in Hamilton (for example acknowledged by the SHA gazetting and Hamilton Housing Accord) and will enable the early release of land in a manner which can align with the provision of the necessary infrastructure to service the development.

- 7.14 With regard to Objective 5 and Policy 9, long term consultation has been undertaken with mana whenua through the TWWG.
- 7.15 Policy 11 relates to car parking. The standard HCDP zonings and provisions are proposed to be utilised, it is expected that the operative provisions will be modified by the Council in the future to give effect to the NPS-UD. In addition, the PC7 method of a reduced car parking rate for duplex dwellings already responds to this.
- 7.16 Overall, we consider the proposal to be consistent with the objectives and policies of the NPS-UD and will also assist the Council to fulfil its functions and responsibilities to provide for sufficient growth.

National Policy Statement for Freshwater Management 2020

- 7.17 The NPS-FM seeks to ensure that freshwater quality within a region be maintained or improved and places a focus on water quality, water quantity and integrated management of freshwater. The NPS-FM contains one objective and 15 policies (contained in Part 2). Policies 1 to 15 generally seek to:
- (a) Manage freshwater in a way that 'gives effect' to Te Mana o te Wai.
 - (b) Involve tangata whenua and working with tangata whenua and communities to set out long-term visions.
 - (c) Prioritise the health and wellbeing of water bodies, then the essential needs of people, followed by other uses.
 - (d) Improve degraded water bodies, and maintain or improve all others using bottom lines.
 - (e) Avoid any further loss or degradation of wetlands and streams.
 - (f) Protect habitat.
 - (g) Ensure an efficient use of freshwater.
- 7.18 The NPS-FM coincides with the commencement date for the NES-F. The NES-F overrides any less onerous provisions of any relevant regional plan. Matters addressed by the NES-F (which directly give effect to the NPS-FM) and which are relevant to PC7 include:
- (a) Provisions prohibiting earthworks, and the taking, use, damming, diversion, or discharge of water, within a natural wetland where it will or likely to result in the complete or partial drainage of a natural wetland.⁵

⁵ Regulation 53 of the NES-F.

- (b) Provisions restricting earthworks, and the taking, use, damming, diversion, or discharge of water, within 100m of a natural wetland.⁶
- (c) Provisions restricting the reclamation of the bed of any river.⁷
- (d) Requirements for culverts, dams, weirs, fords and other such structures and fish passage.

7.19 While the RNSP identifies existing natural streams, the inclusion of any such features of the Structure Plan has no bearing on the level of protection afforded to any stream and/or wetland. As above, these are protected by both the WRP and the NES-F provisions.

7.20 The stormwater management proposal, as outlined in the evidence of Mr Vodjansky, directly relates to the restoration of natural streams forming part of the Waikato River catchment, as well as stormwater management quality and quantity to minimise degradation of the stream network (and ultimately the River) and its associated freshwater values.

7.21 The use of these approaches, along with the remainder of the WRP provisions in tandem with the NES-F, is considered to be consistent with the NPS-FM.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

7.22 The NES-CS applies at the time of subdivision and development. While no PSI has yet been undertaken to support the development, it is considered highly likely that the site comprises some areas of potential contamination and HAIL activities.

7.23 A DSI would therefore be required at time of future development. These matters would be subject to resource consent requirements under the NES-CS at time of subdivision, earthworks or development.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

7.24 The Settlement Act recognises *Te Ture Whaimana o Te Awa o Waikato* (the Vision and Strategy for the Waikato River) and establishes and grants functions and powers to the Waikato River Authority. *Te Ture Whaimana o Te Awa o Waikato* applies to the Waikato River and activities within its catchment affecting the Waikato River.

7.25 The overarching purpose of the Settlement Act is to restore and protect the health and wellbeing of the Waikato River for future generations.

⁶ Regulation 52 of the NES-F

⁷ Regulation 57 of the NES-F

- 7.26 Te Ture Whaimana o Te Awa o Waikato sets out a vision whereby a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.
- 7.27 Of relevance to the PPC are:
- (a) Objective (a) which sets out to restore and protect the health and wellbeing of the Waikato River; and
 - (b) Objective (h) which seeks recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
- 7.28 The PPC recognises the policy directive set out by the Te Ture Whaimana o Te Awa o Waikato, as it is supported by the ICMP for the management of three waters. In particular, the stormwater management proposal as outlined in the evidence of Mr Vodjansky directly relates to the restoration of natural streams forming part of the Waikato River catchment, as well as stormwater management quality and quantity to minimise degradation of the stream network (and ultimately the river) and its associated freshwater values.
- 7.29 Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) has been included in full as part of the RPS (and is also part of the District Plan).

Waikato Regional Policy Statement

- 7.30 The RPS provides a framework for promoting the sustainable management of the Waikato Region's natural and physical resources by identifying issues and outlining objectives, policies and methods, including processes, for addressing these issues.
- 7.31 The relevant RPS objectives and policies have been identified and assessed in detail in the Planning Report (in section 7.5). A summary is provided below that confirms that PC7 is consistent with this document.
- (a) PC7 enables a compact urban form by releasing land already identified for urban growth (as evident by its existing zoning as FUZ) and specifically already within the RSP (and notably within the Urban Limited indicated on Map 6-2).
 - (b) Releasing land for development, thereby enabling people to provide for their socio-economic wellbeing through the provision of additional housing supply. In addition, the proposal includes a portion of housing which is required to be sold at a rate which equates to a percentage of the market value/rate. Furthermore,

growth in an already identified location, relieves pressure on surrounding rural areas and other less desirable area to accommodate development and growth.

- (c) Table 6-1 identifies residential growth allocation and staging. Although this PPC is sought now, it is realistic to assume that the first residents would not “move in” to any new development until at least 2022/23 (allowing time for any PPC appeal process, resource consents, implementation of subdivision and the construction of housing), which aligns with the second stage/resale of land dates under Table 6-1 – however, taking into account the direction of Future Proof (as detailed in below the Rotokauri Stage 2 land was not earmarked for release until Decade 3.
- (d) Existing natural features, such as the identified SNA and any biodiversity values associated with it, will continue to be protected by the PPC (no change to its protected status is proposed). Furthermore, the cultural significance of this SNA is also enhanced via the re-naming of the feature.
- (e) It is acknowledged that the development of the PPC area will require infrastructure extensions and upgrades to service the area, as the development falls ahead of the planned sequence for infrastructure funding and development under the LTP, these extensions will not comprise the function of that infrastructure.
- (f) The ICMP specifically addresses the integration of land use and water planning (as it covers three waters infrastructure).
- (g) Potential for reverse sensitivity effects have been addressed via no access restriction onto SH39, and existing District Plan provisions regarding the interface of industrial zones with residential are considered suitable to avoid future reverse sensitivity effects on any future industrial re-zoning (on land to the east).
- (h) The provision of a neighbourhood centre (B6Z) will provide for commercial development to support the wellbeing of local residents without detracting from larger centres (and specifically Hamilton City Centre).

7.32 As PC7 is “out of sequence” with the RPS strategy for growth an assessment against the Development Principles of 6-A has been undertaken (as outlined in section 7.5 of the Planning Report and summarised below)

- (a) As growth at Rotokauri North falls inside the identified Urban Limit, the growth is considered to support existing (and planned) urban areas rather than creating a new urban area.

- (b) The existing road network of Exelby Road and SH39 create a clear distinction and boundary for zoned rural and urban areas.
- (c) The installation of new infrastructure to service the development for the RNSP area will not comprise the safe, efficient and/or effective operation of any existing or planned infrastructure.
- (d) Effects on transportation infrastructure (by way of insertion of new intersections) can be managed at resource consent stage to align with specific development stages.
- (e) The efficient use of water has been taken into account in the ICMP.
- (f) The development is not located adjacent to, or in close proximity to, any significant mineral resources, energy transmission corridors, regionally significant industry or high class soils.
- (g) Regionally significant industry would be located in the existing Rotokauri Industrial area currently undergoing development (and located some distance from the site).
- (h) Natural hazards have been taken into consideration and effects of flooding and/or liquefaction can be managed.
- (i) The RNSP and PC7 seeks to provide for opportunities for walking and cycling through the development (which in time will be linked to other areas as the wider network and remainder of the Rotokauri area develops).
- (j) Opportunities for public transport infrastructure (buses) have been built into the width of the anticipated minor arterial and collector road carriageways and detailed design and subdivision will ensure that these can be enabled.
- (k) The PPC also seeks to reduce the number of car parks associated with higher density development (including duplexes) to assist in reducing the demand and/or reliance on private motor vehicles.
- (l) The Rotokauri North location also provides opportunities to live and play in the RNSP area, while work opportunities are located within the wider Rotokauri area (particularly as the Industrial zoning to the east develops).
- (m) Cultural heritage values have been taken into account and will continue to play a role in the development of the area through the ongoing nature of the TWWG. There are no scheduled heritage features within the RNSP area.

- (n) The existing stand of Kahikatea trees is already protected by the HCDP (via the application of a SNA overlay). It will be protected and enhanced as development in Rotokauri North progresses through the existing District Plan provisions and the PPC.
- (o) Low impact urban design and water sensitive methods have been taken into account in the development of the best practicable options for stormwater management within the RNSP area.
- (p) The effects of climate change have been taken into account as part of the ICMP and will be taken into account in the design of stormwater management devices and other measures at resource consent stage.
- (q) Ecosystems within stream margins can be enhanced through riparian vegetation and removal of farm culverts, among other methods (specifically refer to the ICMP).

Waikato Regional Land Transport Plan

- 7.33 An updated Regional Land Transport Plan ("**RLTP**") for the Waikato Region was released for the 2021-2051 period and, as such, post-dates the preparation of the Planning Report (which referenced a previous version).
- 7.34 As per section 1.4.2 of the 2021 RLTP, the focus is to:
- (a) *continue to build on the momentum set in the 2018 RLTP*
 - (b) *secure funding to invest in regional land transport priorities across all three objective areas – working towards meeting the Ministry of Transport’s Outcomes Framework and the specific transport outcomes desired for the region ensure the efficiency, resilience and safety of our strategically important inter and intra-regional road and rail corridors by.....*
 - (c) *make substantial progress towards our regional road safety vision that no-one is killed or seriously injured on Waikato roads*
 - (d) *contribute to the Government’s climate change emissions targets by ensuring climate change is at front of mind in our transport decision-making, by providing transport choice, and by making low carbon and micro-mobility transport modes attractive, particularly in urban areas*
 - (e) *continue to work towards improving urban form and transforming urban mobility - taking up transformational transport opportunities in the Hamilton-Waikato metro spatial area*
 - (f) *supporting the differing transport needs of rural communities continuing to provide for the transport needs of transport disadvantaged groups*
 - (g) *supporting regional development and economic recovery from the Covid-19 pandemic.*
- 7.35 The proposed upgrades to the existing land transport infrastructure surrounding the site will integrate and align with the current road network as well as support the proposed growth in the area, thus contributing to a safe, efficient and effective transport

system within Rotokauri North and Hamilton. These upgrades will connect the proposed development with the existing Hamilton town centre community.

- 7.36 PC7 seeks to deliver a shift to multi-modal shift services such as mobility devices, and a cycling and walking network through an interconnected roading network to facilitate these movements. The collector road network will be designed to accommodate future public transport networks and separated cycle lanes.
- 7.37 In addition, PC7 has sought to reduce car parking requirements at a HCDP rule level. It notified version anticipated a reduction in the standard rate for duplex dwellings, and the section 42A author has recommended that the new NPS-UD direction should be adopted (which is supported) and thus removes any car parking minimums in the HCDP rules for Rotokauri North.

Waikato Regional Public Transport Plan

- 7.38 The Waikato Regional Public Transport Plan 2018 - 2028 ("**RPTP**") outlines the strategic direction for public transport in the Waikato region over the next 10 years. Consistency with this document was outlined in Section 8.6 of the Planning Report.
- 7.39 In summary:
- (a) There are currently very limited public transport services available near the Rotokauri North area. However, as the remainder of the structure plan area is developed, it is likely that extensions to existing bus services, or new bus services, will be introduced to connect the site with the Hamilton town centre.
 - (b) PC7 also actively seeks to promote a mode shift away from private vehicle-only uses – through a change in the usual and typical HCDP parking provisions, walking and cycling facilities on streets and through greenways for connection to the wider network, the collector route network being designed to enable future public transport and a direct link back to the SH1 cycling network. It is acknowledged that not everything to allow for this shift will be in place from day 1 – however this will occur over the development stages.

8. RELEVANT NON-STATUTORY DOCUMENTS

- 8.1 The PPC has also been assessed against the relevant non-statutory documents in Section 8 of the Planning Report. A summary of key documents is provided below.

Future Proof 2017

- 8.2 In 2017, Future Proof was updated as the first part of a two-stage review process to recognise national and sub-regional planning change. The Phase 1 review responded to

initiatives such as the Waikato Plan and the National Policy Statement on Urban Development Capacity 2016 (the predecessor to NPSUD).

8.3 As acknowledged previously in this evidence, PC7 seeks the advancement of part of the 'Rotokauri Stage 2', identified in Future Proof, by approximately fifteen years.

8.4 Section 8.1 of the Planning Report addresses the key guiding principles listed in the Future Proof document for proposals seeking to change the timing and staging for land development. A summary is provided below confirming that PC7 is consistent with this document:

- (a) The development can meet the relevant Future Proof guiding principles.
- (b) The early release of the land subject to this PC7 is not expected to affect any NPS-UDC [2017] (now replaced by NPDS-UD 2020) requirements of other Future Proof Partners.
- (c) New infrastructure connections to service the PPC area are to be funded by the applicant and delivered in a manner which is coordinated with the development of the land and will not undermine any infrastructure investments planned by HCC to support other growth areas.
- (d) The potential for reverse sensitivity with adjacent land uses has been taken into account and addressed by the PPC mechanisms and existing HCDP mechanisms.
- (e) The PPC is a direct response to the need for increased demand of housing stock and land supply in the Hamilton area and the application of a MDZ in inherently promotes increased densities.
- (f) Although no planned public transport service is identified for Rotokauri North, the development has anticipated the minor arterial and collector road capability to accommodate a bus route, and walking and cycling paths both on and off road have been identified and can be detailed at subdivision stage.
- (g) The ICMP outlines the best practicable option for avoiding adverse effects on water quality and ecosystems, by setting quality and flow targets to be achieved by development which also gives effect to The Vision and Strategy for the Waikato River.
- (h) The regular meetings of the TWWG, and the ongoing commitment between the applicant and the working group to recognise and promote the relationship that Tangata Whenua have with the awa.

Waikato-Tainui Environmental Plan

- 8.5 The Waikato-Tainui Environmental Plan (“**WTEP**”) was developed by Waikato-Tainui to guide development through to 2050 to ensure that the needs of the present and future generations are provided for in a manner which goes beyond sustainability, while protecting and enhancing the environment.
- 8.6 Section 8.3 of the Planning Report addresses this document and a summary is provided below confirming that PC7 is consistent with the outcomes sought:
- (a) The relationship between the health and wellbeing of the environment as being inseparable from the social, cultural, spiritual, economic and environmental health and wellbeing of mana whenua is recognised through the commitment between the TWWG and the applicant, as reflected in the CIA as a “living document” to continually be upgraded to reflect the future stages of development.
 - (b) The ICMP outlines adequate servicing for all three waters. In particular in relation to stormwater it identified a best practicable option for the management of stormwater quantity and quality to ensure that the onsite and downstream watercourses to ensure that runoff and discharges do not detrimentally affect the Waikato River.
 - (c) The ICMP best practicable option for the management of stormwater includes the restoration of the reaches of the Ohote Stream and Te Otamanui Stream falling within the PC7 area, with ecological enhancement works alongside the stormwater management techniques and devices.
 - (d) Existing natural features, such as the identified SNA and any biodiversity values associated with it, will continue to be protected by the PPC (no change to its protected status are proposed). Furthermore, the cultural significance of this SNA is also enhanced via this PPC through the re-naming of the feature to align with TWWG aspirations.

Hamilton-Waikato Metropolitan Spatial Plan

- 8.7 The Hamilton-Waikato Metropolitan Spatial Plan (“**MSP**”) was released in September 2020, and as such post-dates the preparation of the Planning Report.
- 8.8 The MSP is a vision and framework for how Hamilton City and the neighbouring communities within Waipā and Waikato districts will grow and develop over the next 100 (plus) years.

8.9 The MSP sets out how and where Hamilton City and the neighbouring communities within Waipā and Waikato districts should grow, develop and move around long-term to ensure social, economic and environmental prosperity.

8.10 The MSP outlines the following aspirations for future urban areas:

"In greenfield growth areas, there will be a similar focus on providing a high-quality, high amenity, built environment. Development in greenfield growth areas will provide for a range of housing types, with some development occurring at higher densities to improve housing supply and affordability. Providing access to local employment and educational opportunities and delivering green spaces and community facilities will be important when planning for development in greenfield growth areas"

8.11 The Implementation Urban Growth Programme and initiatives directly identifies Rotokauri as a priority development area (as part of the northern corridor). The programme also specifically identifies large scale housing initiatives outside of priority development areas to develop thriving communities and neighbourhoods – enabling quality built, denser environments with increasing housing affordability and choice to meet the needs of growing and changing communities.

8.12 PC7 can assist in meeting these initiatives, even it is deemed to be “outside” of Rotokauri as referenced (i.e. if this is taken as Rotokauri Stage 1 only), due to the large scale housing able to be achieved via the MDZ, the range of housing typologies and diversity that can be achieved via that zone plus the tailored PC7 provisions in combination with the provision for affordable housing. The PC7 site is in close proximity to local employment and education opportunities.

8.13 The ICMP direction also meets the three waters infrastructure initiatives though the application of water sensitive urban design principles that support and enable population growth and deliver positive environmental and cultural outcomes by taking account of the three waters infrastructure investment and operational requirements in assessing and planning development. This is as well as collaboration with the TWWG to ensure that the outcomes are giving effect to the Te Ture Whaimana Te Awa o Waikato – Vision and Strategy for the Waikato River, and in creating a blue green network.

8.14 Natural hazards have also been dealt with via the ICMP for flooding effects, and geotechnical considerations are able to be managed at subdivision and development stage.

8.15 PC7 also actively seeks to promote a mode shift away from only private vehicle uses – through a change in the usual and typical HCDP parking provisions, walking and cycling

facilities on streets and through greenways for connection to the wider network, the collector route network being designed to enable future public transport and a direct link back to the SH1 cycling network. It is acknowledged that not everything to allow for this shift will be in place from day 1; however, this will occur over the stages of the development.

9. SECTION 32 EVALUATION

9.1 Section 32 of the RMA provides that an evaluation report required under clause 22 above must examine:

- (a) the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA under subsection (1)(a); and
- (b) whether the provisions in the proposal (i.e. policies, rules and other methods) are the most appropriate way of achieving the objectives under subsection (1)(b).

9.2 Clause 22(1) of Schedule 1 of the RMA requires that an evaluation report for the PPC be prepared in accordance with section 32 of the RMA.

Section 32

9.3 Section 32 of the RMA sets out the matters to be considered in an evaluation report and requires that an evaluation must examine whether, having regard to efficiency and effectiveness, the provisions are the "most appropriate" to achieve the objectives of the PPC and the purpose of the RMA. Within this, an evaluation must take into account the benefits and costs of policies, rules or other methods.

9.4 In determining the most appropriate methods, consideration of alternatives is required. Specifically, section 32(1) of the RMA states:

- (1) *An evaluation report required under this Act must –*
 - (a) *Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - (i) *Identifying other reasonably practicable options for achieving the objectives;*

(ii) Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) Summarising the reasons for deciding on the provisions;

(c) Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

9.5 Any assessment under section 32(1)(b)(ii) must also identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for economic growth that are anticipated to be provided or reduced, and employment that is anticipated to be provided or reduced. If practicable, the benefits and costs are to be quantified. An assessment of the risk of acting or not acting, if there is uncertain or insufficient information about the subject matter of the provisions, is also required.

9.6 The evaluation must also consider the efficiency and effectiveness of a proposal, taking into consideration benefits and costs and the risk of acting or not acting. An assessment of alternatives, costs and benefits is provided in the Section 32 Assessment Report provided as Attachment 4 to the Planning Report.

Section 32 evaluation of PC7

9.7 PC7 is an 'amending proposal' under s32(3) because it seeks to amend the existing District Plan. As an amending proposal, therefore, the evaluation of the proposal against the 'objectives' is limited to new objectives that are part of the proposal and any objectives of the HCDP that are relevant to the proposed new objectives.

9.8 PC7 seeks to insert a new Structure Plan alongside the rezoning, with a package of provisions applicable only to the PC7 area, thus does not alter the existing structure and framework provided by the objectives and policies in the remainder of the HCDP. For this reason, a full assessment of the existing operative objectives, policies and rules of the HCDP that are proposed to be applied to the subject land through this plan change request is not considered necessary.

9.9 A Section 32 Assessment was included as Attachment 4 to the Planning Report.

Alternatives to rezoning

- 9.10 Section 5.1 (and Appendix 1, Table 1) of the Section 32 Assessment addresses the alternatives associated with the rezoning of the PC7 area.
- 9.11 The status quo represents the least appropriate option. It is considered to be inefficient to delay the rezoning of the land when there is a clear housing need and a willing developer able to deliver residential lots and housing and its associated infrastructure well ahead of the planned post-2040 timeframe.

Potential alternatives - zoning

- 9.12 Section 5.1 (and the Appendix 1 Table 1) of the Section 32 Assessment also addresses the alternative zones that were considered for the PC7 area.
- 9.13 A lower density residential option (i.e. General Residential) option would be appropriate to some degree , but the major weakness of that zoning would be the inefficient use of land (development density and variety of housing typologies) and development potential of the land resource.
- 9.14 The higher density option (Residential Intensification Zone) is also partially appropriate, but its weakness would be the less effective achievement of market-supportable housing types and the HCC zone distribution principles.
- 9.15 Other types of zoning (such as Industrial or Countryside Living) were also assessed too. However, these options would not enable sufficient housing supply to assist in meeting the recognised shortage. Furthermore, these are inconsistent with the expectations set by the existing RSP.
- 9.16 In light of the above, we consider the MDZ option to be the most appropriate option. It maximises development and land efficiency and provides the most flexibility for a variety of housing options to occur. This includes the ability to establish housing typologies that deliver on more affordable price points within the market.
- 9.17 Given the population expected, the analysis also determined an appropriate business zone to give effect to a community focal point and business hub. All large centre options were discounted due to proximity to existing and planned centres, and the B6Z

(Neighbourhood Centre) is considered the most appropriate to support local convenience without the potential to detract from other centres.

- 9.18 Therefore, having established that a MDZ and a small B6Z are the most appropriate, the analysis continued to determine if changes were required to the HCDP in respect of the Rotokauri North area.

Potential alternative provisions/methods to implement the zoning

- 9.19 Alternatives such as relying only on existing HCDP methods, utilising bespoke provisions or a combination of these two options, were also considered in terms of costs and benefits.
- 9.20 The default standards for the MDZ were discounted as being efficient, as they rely heavily on the use of an outdated and often controversial planning mechanism ("CDPs").
- 9.21 Council feedback drafts of the planning provisions requested that a version of the masterplan be included in the PPC text, in lieu of a CDP and/or to show a CDP level of detail for guiding further development of the site. CDPs have been deemed inappropriate by the Environment Court. Furthermore, many of the existing HCDP provisions are based on development of brownfields infill, rather than new greenfield development.
- 9.22 A completely new set of provisions was also discounted as an option; while this would have the benefit of providing tailored provisions to secure specific outcomes, it would be creating new standards and relitigating existing standards for no resource management purpose.
- 9.23 Rather than detail development in a high level subdivision concept (which is reflected in the HCDP), the preferred option is to provide new provisions where that is necessary to secure high quality subdivision design outcomes and appropriate onsite amenity for residents, while retaining the bulk of the HCDP standards. The new standards are targeted at achieving good outcomes for greenfield subdivision rather than relying on a concept plan or CDP to drive good outcomes.
- 9.24 While there is some degree of uncertainty as to how the 'finished product' will look, this is considered to be appropriate for a plan change level of development when resource consent applications are required to provide this detail at the time of subdivision. Key elements and features are shown on the Structure Plan, and tailored provisions for greenfield subdivision produce good outcomes at the resource consent level.

Potential alternatives – RSP vs new structure plan

- 9.25 The Section 32 Assessment also identified a variety of options in relation to retaining the RSP, a new refreshed RNSP, and a full updated RSP, and the costs and benefits of each of those options.
- 9.26 The RSP was drafted in 2005, and although it went through various iterations of refinement until it became operative, the base data and layout was relatively high level. Further, the structure plan key features and layout was based on best practise at the time, whilst managing the needs and implementation issues associated with structure planning across many different landholdings (and owners).
- 9.27 Thus, while there is an underlying structure plan, the detailed costs and benefits indicate that a refresh or update is the preferred option, particularly to deliver the identified options above for MDZ. This is also in light of the workshops undertaken by GSCL with HCC in December 2017 and August 2018 to evaluate a masterplan concept and more detailed structure plan approach.
- 9.28 The option to overhaul the entire remaining Stage 2 area of the Rotokauri North was considered. However, the costs and risk associated with making changes outside of the PPC area were considered to be too significant (particularly in terms of scope of the PPC if the changes to the RSP went beyond the boundary of the PPC or the then SHA). A review of the RSP should be the function of HCC, should it so choose to do so.
- 9.29 This resulted in the preferred option being a refresh to the Rotokauri North area only with respect to whether or not to include third party land which would otherwise form “cut outs” to the PPC/structure plan area. The decision was to proceed with a logical PPC boundary. This was also the preferred option of HCC.
- 9.30 The resultant RNSP takes into account the implementation of the preferred options has been included in the PPC text to replace the equivalent area on the RSP.

Objectives and provisions

- 9.31 An evaluation of the proposed objectives was undertaken in Section 6 and Appendix 2 of the Section 32 Assessment, and all of the provisions in terms of efficiency and effective have been evaluated in Appendix 3 to the Section 32 Assessment in determining that these are the most appropriate way to achieve the objectives of the relevant plan. That assessment also includes the assessing the costs and benefits of the environmental, economic, social and cultural effects associated with implementing the provision.

Section 32AA

- 9.32 Section 32AA contains a requirement that a further evaluation be undertaken if changes are made to a proposed plan after the initial section 32 evaluation has been completed. The changes proposed through our below evidence align with the section 32 assessment already undertaken (and provided was Attachment 4 to the Planning Report) and where commentary has been made in relation to the new provisions to be inserted by the section 42A report recommendation, we consider that the changes generally align still with section 32AA provided with the section 42A Report.

10. COMMENTS ON MATTERS RAISED IN THE SECTION 42A REPORT

- 10.1 We have reviewed the section 42A report prepared by Mr Sharman, and are in general agreement in terms of the conclusions made in respect of:

- (a) Positive effects of the plan change;
- (b) Infrastructure provision;
- (c) Archaeological constraints;
- (d) Land contamination;
- (e) Maori cultural and spiritual considerations;
- (f) Urban design and amenity;
- (g) Geotechnical issues; and
- (h) Appropriateness of proposed land uses.

- 10.2 While the issues raised by the section 42A report does raise some concerns with respect to potential effects, these fall into the following categories:

- (a) Traffic related effects (network effects, provision of public transport and walking and cycling);
- (b) Landscape effects;
- (c) Ecology effects; and
- (d) Stormwater effects.

- 10.3 The section 42A report has generally addressed these matters though the recommended section 42A provisions, with the conclusion that, subject to appropriate amendments to the provisions, the effects will be acceptable.

- 10.4 Our approach has been to address these matters as “themes” whilst simultaneously addressing the recommended provisions.
- 10.5 In our view and as expressed in the transport caucusing, there has been an overarching ‘abundance of caution’ approach adopted in the section 42A report amendments.
- 10.6 To illustrate, the same provision/outcome is sought via:
- (a) Activity status rules; then
 - (b) Performance standards; then
 - (c) Discretions/Assessment Criteria; and
 - (d) Information requirements.
- 10.7 This results in over a half dozen methods to cover matters which are either already addressed by the operative discretions of the HCDP or which could be more effectively addressed by a single amendment.
- 10.8 In the case of subdivision, an example of this is where restricted discretionary resource consent is already required and the matters of concern can be addressed as a discretion, as they relate to a matter of design or response to a technical assessment with a variety of on the ground options available.
- 10.9 In addition, outcomes are sought to be mapped on the RNSP which are not fixed or ground-truthed by officers, yet the standards require conformity with the officer’s preferred design (and linked via a performance standard with a non-complying activity status default for non-compliance). It does not acknowledge that those matters need to be addressed at the time of resource consent with a response by an applicant anyway under the existing HCDP rules, and that this response would be a matter of design (and therefore discretion to assess that design) as opposed to a measurable performance standard.

Traffic-related effects

- 10.10 The section 42A report author has concluded that PC7 would result in “unacceptable” effects with regard to transport as outlined in 4.19-4.25.

Transportation - triggers/upgrades

- 10.11 The key provisions relating to transportation upgrades are contained in Rule 3.6.A.4.2.f) and have included a set of triggers/thresholds for traffic related to required upgrades. This has been recommended by the officers (Mr Sharman, Mr Black and Mr Grey) as

being necessary to manage the potential adverse traffic effects associated with the early release of Rotokauri North.

- 10.12 One area of contention in relation to the application of triggers and associated upgrades has been the desire to keep PC7 flexible enough to allow development to occur without the Structure Plan maps identifying any specific staging release (with the exception of the former QD area, which we note was confirmed as a Stage 1 due to that legislation). The Council team has consistently struggled with the lack of defined staging (i.e. a sequence of sites or areas that need to be developed before other stages), and thus the fact that there are many variables which need to be taken into account in determining the wider traffic effects and upgrades needed. It is understood that the use of CDPs required staging to be identified.
- 10.13 Given the size of the site (140 hectares) and the large ownership under GSCL or affiliate company control, there is simply no resource management reason to require a staging plan to limit or manage development, nor should there be when the effects can be managed in an appropriate manner through resource consent applications and the required assessments and technical reports to accompany those applications.
- 10.14 Furthermore, such a staging plan could change depending on the timing of when the minor-arterial is built. While the Council is seeking certainty, it is contended that this is the purpose of resource consent applications and that identifying staging in the RCSP would simply be a best guess at this time.
- 10.15 In this case, a scenario with multiple variables in which traffic effects on the surrounding network entirely differ depending on which intersections, with which key roads, are made at what time, is not readily able to be translated into a specific trigger number.
- 10.16 In our view, and with respect, this approach has resulted in the section 42A report recommendation in relation to upgrades to be overly cautious.
- 10.17 Per the section 42A report, Council officers have seen the lack of a staging plan or trigger rule as a "gap" in the provisions. With respect, that is incorrect. The methods inserted in draft versions and those drafted by Council staff for notification (and signed off as being appropriate by the CEO) have in different ways already managed the effects that the section 42A report is concerned with.
- 10.18 The fact that upgrades outside of the site are required is acknowledged and agreed. As detailed in the evidence of Mr Hills, the necessary seal widening to rural roads are required because the roads themselves already do not meet the minimum Council standards for a rural road. The seal extensions needed and identified by Mr Hills and being attributed to safety works associated with PC7 growth would in fact not be needed if the roads had been maintained by the Council to meet its own standards.

- 10.19 Specific traffic thresholds have been identified in the updated technical work, which identify at what point roading upgrades for safety will be required. These include those upgrades necessary to address the existing sub-standard road network. However, as per the evidence of Mr Hills there is disagreement with the trigger number as to when the upgrades are required, and in the case of the rural road intersections the nature of those upgrades.
- 10.20 The section 42A report recommended provisions are not appropriate and will inappropriately limit development to 200 dwellings before full upgrades are needed as an overly cautious measure simply because the number of variables that might occur for where traffic will be distributed is too high and not each have been modeled or limited via a detailed staging map. It has been discussed at caucusing that roading upgrades required for the existing zoned Rotokauri South area remain unfunded by Council, or that successive developments in Rotokauri South have avoided upgrading road networks which fall within that structure plan area. Consequently, the provision of external traffic infrastructure and upgrades is more dynamic than the existing Council transportation model which is based on a single scenario. It is also inappropriate for Council to seek that Rotokauri North provide upgrades to networks in Rotokauri South where these form part of that area's development responsibility.
- 10.21 As per the evidence of Mr Hills, there is also an area of disagreement in relation to the modelling and what should and shouldn't be concluded in the modelling for different scenarios (including those not included in Council's own model). Mr Hills has confirmed that a scenario **without** the minor arterial has been modelled given the lack of funding in current LTP. However, Mr Black raised through his technical report additional concerns that "other links" associated with land south of PC7, in addition to the minor arterial, should also be removed and modeled to satisfy concerns on traffic safety in relation to upgrades south of the PC7 site.
- 10.22 It appears that there is an overall fundamental issue with the model in that for the future scenarios it includes ALL development of Rotokauri (including PC7 but also full build out of Stage 2 and timings associated with land uses occurring on the Stage 2 land). The evidence of Mr Hills has explained that this is due to it being a Council led model. This has led to what appears to be some confusion in terms of total traffic movements using roads south of the PC7 site and how to accurately depict what is attributed to PC7 only and what is the remainder of Rotokauri.
- 10.23 Furthermore, and as addressed by Mr Hills, if further modelling did remove these "other links" as requested by Mr Black, then it should also occur with a removal of the corresponding land use, as one is directly tied to the other, as it would be entirely reasonable to assume that further Stage 2 Rotokauri land would not be released without

its appropriate traffic triggers and upgrades (ie. the links sought to be removed by Mr Black).

10.24 Mr Hills' evidence addresses an appropriate traffic threshold, using appropriate development scenarios which relate to PC to determine a "trigger" upgrade for works outside of the PC7 site.

10.25 We have relied on the modeling of Mr Hills to determine a new "trigger" upgrade, and have also considered revised methods to the section 42A report recommendation to make the rules simpler and easier to understand and implement. It is our opinion that a more appropriate method is to:

(a) Identify in the rule those upgrades that are fixed, regardless of traffic numbers or other variables. Specifically, that:

(i) Any development creating a new intersection on State Highway 39 ("SH39") shall construct the SH39/ collector intersection as a roundabout, and that this outcome shall be achieved with any first stage of subdivision and/or development.

AND

(ii) Any development creating a new vehicle crossing or intersection on Exelby Road shall upgrade Exelby Road carriageway and eastern berm to a collector standard between SH39 and the southern boundary of the development site.

(iii) Any development creating a new vehicle crossing or intersection on Burbush Road shall upgrade to a collector standard between the portion to be realigned and the southern boundary of the development site. Variables on this standard need to occur given the unknown timing of the Minor Arterial which will affect the logical realignment of Burbush Road. In any case, safety improvements have been proposed for any interim solution.

(iv) A continuous walking and cycling facility from the development to the existing shared path at the SH39/ Burbush Road/ Te Kowhai Road/ Koura Drive intersection be provided with the first stage of development.

(b) Require that upgrades outside of the Rotokauri North area are undertaken based on the traffic volumes as tested and outlined by the evidence of Mr Hills (being 500 dwellings/lots) regardless of whether the Minor Arterial is in place or not:

- (i) An upgrade of Exelby Road south of the site to provide a 7.7m sealed width (comprising 5.7m carriageway plus 1m sealed shoulders).
- (ii) An upgrade of Burbush Road south of the site to provide a 7.7m sealed width (comprising 5.7m carriageway plus 1m sealed shoulders).
- (iii) An upgraded Exelby Road/ Burbush Road intersection.

10.26 This change takes away any uncertainty or concern that the necessary upgrades will not be provided, whilst taking into account the management of cumulative adverse traffic effects from staged development.

10.27 An updated set of provisions related to this theme is provided in Attachment 1A (the same changes have also been made in the relevant mark up for each chapter appended separately to our evidence).

Public transport

10.28 The section 42A report author recommends, at the advice of the transportation experts Mr Grey and Mr Black, a series of provisions and matters of assessment related to the provision of public transport infrastructure.

10.29 The primary rule is located in Chapter 3.6A.4.4 and proposes:

- (a) That a public transport route is identified on a Structure Plan (which the council have labelled as Figure 2-9C).
- (b) That all future development provides a series of public transport infrastructure items to service either the route as indicated on the Structure Plan OR any interim route OR any other network that might be used as a public transport route.

10.30 There are also associated assessment criteria/matters of discretion in Appendix 1 and matters O7 and O10.

10.31 No evidence has been provided to demonstrate that WRC has confirmed that the map prepared by Mr Black and Mr Grey would in fact be the final route.

10.32 In our view, it is contrary to sound planning to apply a district plan rule that requires consistency with a bus route identified on a map when it is acknowledged that this is dependent on a range of factors and might change.

10.33 We consider that it is more appropriate for this matter to be addressed as a matter of discretion for subdivision.

- 10.34 In addition, the WRC experts present at the transport caucusing identified that there were issues with the rule in requiring applicants to provide specific public transport infrastructure. For example, the rules required the provision of signage and bus route frequency, a matter which if not provided would change the activity status.
- 10.35 However, it was also acknowledged that the requirement for bus stops to be established was to ensure they are available when a bus network is established. However, this could be 10 years distant, making the imposition of certain standards unnecessary and inappropriate, and consequently impossible for an applicant to comply with.
- 10.36 We concur with this as it aligns with our own experiences that at subdivision stage, the locations for bus stops and other public transport infrastructure can be planned to avoid conflicts in the future, but the physical installation of the infrastructure (for example signage, road markings) should not occur ahead of that service. This has the potential to create frustration and confusion in seeing a bus stop and expecting that it would have a service, but also unused infrastructure can be more readily susceptible to vandalism.
- 10.37 During the preparation of PC7, it was noted that the provision of any new road under the HCDP required a restricted discretion activity resource consent under existing Rule 25.14.3, and that the associated matters of discretion in 1.3.3 G11 and those matters listed in G1 for assessment of transportation effects generally, would not preclude ensuring that the lane widths for the collector network were sufficient to accommodate public transport and/or minimising future conflicts.
- 10.38 We therefore disagree that there is a “gap” that requires a new provision. If such a gap existed in the HCDP, then logically that would mean no developments have sufficient road width for public transport or the provision of bus stops. This is clearly not the case, and in terms of Section 32 we consider the first consideration is whether any Section 35 matters have been raised regarding the appropriateness or existing rules of adverse effects associated with the monitoring of the HCDP. No evidence has been provided to us of a significant concern with the operative provisions of the HCDP.
- 10.39 However, having read and heard the concerns raised in respect of the recommended new provisions, we proposed that a more efficient and effective way to give HCC (and WRC) more surety that the collector network has been planned with the provisions of future public transport networks in mind, and to minimise the potential for future conflict (i.e. driveways where bus stops should go) that the HCC recommended rule and “Structure Plan” be deleted and replaced with matters of discretion as per **Attachment B**. This ensures that the matter is considered at the time of resource consent, but does not tie an activity status rule to a best guess.

- 10.40 We note that the section 42A author has modified Section 3.6A.1.4, which is the explanation of the transport network identified on the Structure Plan, to include as a new clause ix, reference to the public transport network. Our preference is that this is deleted, as it is not an item to be identified on the Structure Plan.
- 10.41 An updated set of provisions related to this theme is provided in **Attachment B** (the same changes have also been made in the relevant mark up for each chapter appended separately to our evidence).

Active transport network

- 10.42 The section 42A report author recommends through new provisions at 3.6A.4.5 that an off-road walking and cycling network be identified on a new structure plan and that specific provisions require the implementation of that network.
- 10.43 It is unnecessary to identify an active transport network on the Structure Plan.
- 10.44 The section 42A report and the transport technical report prepared by Mr Black and Mr Grey does not acknowledge that with future development, a large number of local roads would be established, including park edge roads and that the only roads illustrated on the structure plan are those of a collector and minor arterial classification. The active transport links identified in black and red on the plan run through urban residential blocks which would be developed with interconnected local roads (remembering that the PC7 rules do not provide for cul-de-sacs) and park edge roads.
- 10.45 The outcome of Mr Black's recommendations would be a requirement that an off road network would be required separate from the roads, rather than a number of roads providing the active transport network, presumably within the middle of urban blocks. This is the most undesirable of urban form outcomes, having pedestrian and cycle access lots at the rear of lots. It was also acknowledged in the transport caucusing that no ground-truthing of the routes was considered, or acknowledgement of the requirements of PC7 in respect to stormwater provision or ecological enhancements of the green spine.
- 10.46 The section 42A report consequently recommends additional pedestrian and cycle routes (only for these purposes) where these functions are achieved by the rules associated with the formation of roads, perimeter blocks and no cul-de-sacs.
- 10.47 The RCNP and PC7 also illustrate a collector road network which includes the provision of wider shared path footpaths and separated cycle lanes. These are ideally located to access the neighbourhood, the neighbourhood centre, along with the amenities in the area, and are the primary means of conveying active transport modes outside of the interconnected local road network. It is unnecessary to illustrate an active transport

only network where subdivision would develop a local road network throughout Rotokauri North in accordance with the subdivision standards.

10.48 The 32AA assessment considers that the new provisions are needed to plug a “gap”. However, the existing HCDP subdivision design criteria (in Appendix 1.4) includes the following provision as Design Element 3:

e) Walking and cycle paths should be provided where appropriate within the public open space network and should be well connected:

i. Through the public open space network.

ii. With adjacent streets.

iii. With other open spaces, community facilities and any other likely destinations.

10.49 Furthermore, under the assessment criteria matters 1.3.3 G2 (relevant to any consideration of transportation effects which logically would apply at subdivision stage) clause b) also addressed connectivity between transport corridors and green corridors for pedestrian and cyclists.

10.50 We consider that the ability to design an active transport network within the green spine is already contained in the HCDP. Again, we do not consider there is a gap, or that the consequence would be that no reserves in Hamilton City would have a network of trails; this is simply not, and could not be, the case.

10.51 The matters of discretion to allow the consideration of this through subdivision design already exists. The approach that we consider is appropriate is to acknowledge that the exact route of any trail is to be determined at the time of resource consent, and that best guess maps tied to activity status rules (meaning a better or ground-truthed route which is not as per the Council’s map) does not trigger a higher activity status even though the outcome is provided.

10.52 The 32AA assessment has not concluded that there is a deficiency in the application of these existing HCDP provisions, or any Section 35 monitoring data, to confirm that it does not enable the intended outcomes. We considered that this provision of a design criteria is appropriate to address the concerns raised by the officers and will ensure that appropriate connections for walking and cycling can be made throughout the development without any additional rule or maps and the recommended provisions should be deleted.

10.53 In this regard, we note that the section 42A author has modified Section 3.6A.1.4, which is the explanation of the transport network identified on the Structure Plan to include as a new clause vii, reference to the off road network in the green spine. We consider that this should be deleted, as it is not an item to be identified on the Structure Plan.

10.54 These changes have also been made in the relevant mark up for each chapter appended to our evidence.

Integrated Transport Assessments (ITAs)

10.55 We acknowledge that the provision of ITAs are dealt with in the HCDP by Chapter 25 and are a specific rule with reference to the contents of an ITA which is included as an Appendix to the HCDP.

10.56 However, the drafting for Rotokauri North specific ITA proposed by the 42A recommendations at Rule 25.14.4.3.n) is in our view, inappropriate as a rule and would be better suited as an information requirement in Appendix 1, particularly considering the rule is already triggered and that all the s42 is seeking is to add specific considerations that the ITA needs to address in that technical report.

10.57 Specifically, the text refers to “not limited to”, prior to listed the requirements/contents of the ITA that have to be provided to comply with the rule and therefore not affect the activity status.

10.58 In our view, this is inappropriate as a development standard as it leaves the door open to any unspecified or unquantified matter (i.e., not a measurable standard). An applicant could not accurately determine compliance with the rule. Similarly, the council could disagree that the rule had been met if something undetermined was requested to be provided under the scope of this rule. The activity status of any subdivision would consequently become more onerous, or that the applicant and Council could not agree on what the activity status is.

10.59 In addition:

(a) The extent and requirement for consultation listed as part of the rule is not appropriate as an activity status rule. Requirements for consultation undermine the presumption of the RMA that consultation is not mandatory

(b) Effects on any other parties is addressed by section 95 of the RMA through consent processes.

10.60 The rule would effectively indicate that, if consultation is not undertaken, or feedback is not received, the standard is infringed.

10.61 Our view is that the consultation requirement is a process, not an effect requiring a standard and that it is not appropriate as a rule given that the RMA already addresses the requirements associated with consultation, and section 95 is a matter of consideration as part of the assessment of an application.

10.62 We also express particular concern with iii 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; “

10.63 This requirement is outside the scope of the district plan and what an applicant could reasonably provide. It is inappropriate for an ITA requirement to force (by stealth) a private development agreement or similar with the Regional Council on provision of, or funding of, interim public transport, or to stall development via a “trigger” until interim public transport is resolved. The WRC approach of seeking a hook in a district plan for a funding mechanism is inappropriate. These matters are addressed by the Long Term Plan process, along with the Regional Land Transport Plan and Regional Public Transport Plan.

10.64 An amended version of this provision, tailored as an information requirement, is provided in **Attachment A** and has also been tailed to reflect changes sought earlier to address transport upgrades.

10.65 The same changes have also been made in the relevant mark up for each chapter appended to our evidence.

Overall

10.66 We are of the opinion that the above matters adequately address the concerns relating to transportation effects and achieve a more effective and effective outcome compared to the officers recommendations.

Landscape and ecological effects

10.67 The section 42A author identifies that any adverse ecological effects will be less than minor and that, in relation to landscape, numerous minor amendments have been proposed to “ensure a strong urban design, landscape and amenity” outcomes are achieved. To address these “issues”, a series of management plans have been included alongside various provisions.

10.68 Having reviewed the recommended changes in the section 42A report and the section 32AA report, we can see no justification for Rotokauri North being the only structure plan area in Hamilton which has its requirement for ecological and landscape management plans inserted as “rule” with an activity status consequence under proposed Rule 23.7.8 h) – the HCDP generally has these as being “Information requirements” listed in Appendix 1 only.

10.69 Furthermore, this is not the case for other management of a similar nature to those referenced in Rule 23.7.8 h).

10.70 We also consider that there is no justification for Rotokauri North to be treated differently to the rest of Hamilton and no sound basis for concluding that development at Rotokauri North will generate effects on landscape and/or ecology to a degree that is unusual or significantly different to any other greenfield growth area that requires the use of such planning methods to manage what is essentially an information requirement. In our view, the highly cautious approach adopted in the section 42A report is not justified by any evidence that the current approach of the HCDP is not working, or is not efficient and effective, and no evidence that a 'belts and braces' approach is necessary.

10.71 We therefore consider and recommend that Rule 23.7.8 h) be deleted.

Ecological Rehabilitation Management Plan (1.2.2.23 d) ("ERMP")

10.72 The contents of the ERMP appears to have significant overlap with the functions administered by the Regional Council (as opposed to a district council matter). While the District Council functions are able to address the surface of rivers and indigenous biodiversity, matters required in the ERMP cross this function to below the surface (for example, fish passage details, channel variances, riffle run sequences). This is reinforced by the recent NES-FM which amongst other things addresses fish passage and stream works and which is administered by the Regional Council.

10.73 The cross function between district and regional councils has the likelihood to cause disjunct between the processing of applications under the HCDP and those necessary under the WRP and the NES-FM (which is administered by WRC).

10.74 While it is acknowledged that ecological corridors and drainage reserves and features are likely to end up as "assets" of HCC, that function is more appropriately managed though LGA asset owner approvals/engineering plan approvals, rather than HCC seeking to assess and administer effects which are covered by regional rules.

10.75 The ERMP also requires lighting designs sensitive to bats and locational requirements to be outside of riparian and wetland areas. This matter is not related to ecological rehabilitation, nor has the monitoring by Tonkin and Taylor identified this as a matter of concern. Furthermore, the proposed restriction on lighting would contradict the intention of having pedestrian/shared pathways through the green spine areas; without lighting, this could cause a significant safety issue for the residents themselves.

10.76 An amended version of the ERMP provisions is included as **Attachment C** which addresses the above issues and well as issues with clarity of wording and deletion of

reference to the BBO stormwater documents, as these will inevitably be superseded by future sub-catchments ICMP as required by the section 42A report recommendations for infrastructure under Rule 3.6A.4.2(e).

- 10.77 The overall intent of the ERMP is unchanged, and the revisions are not considered to undermine the efficiency or effective testing undertaken by the section 32AA assessment. Rather, they make the provisions specific to subdivision design and separate matters which are already addressed by the Wildlife Act 1953. In this regard, we do not consider that it is necessary for the HCDP to replicate matters already addressed by the Wildlife Act 1953. There is no evidence that the Wildlife Act 1953 is not adequately addressing those matters, nor that the Department of Conservation is not administering that Act in accordance with its requirements.

Long-tailed bats and lizard management plan

- 10.78 The section 42A report author has recommended the inclusion of a bat and lizard management plan. In general, each of the matters raised in this management plan have been drafted like conditions of consent (i.e. requiring a certified person to check trees), rather than an actual management plan to be submitted prior to works.
- 10.79 The applicant has obtained a certificate of compliance ("CoC") for the removal of all vegetation within the PC7 area (except the SNA), thus negating the need for any management plan to manage effects associated with the removal of vegetation – as it is a permitted activity or relates to the fact that (apart from the SNA) the area is in pasture.
- 10.80 No rules are proposed to schedule and protect vegetation which is not an SNA, and the CoC illustrates that this vegetation can be removed as a permitted activity. The proposed management plans do not relate to a resource management purpose and replicate functions which are addressed by the Wildlife Act 1953. Nor do they seek to double up on requirements associated with permitting and management of protected species which form the function of the Department of Conservation. We do not consider it is necessary for HCC to also require a management plan process where the jurisdiction for this resides with the Department of Conservation.
- 10.81 The Wildlife Act 1953 matters, and requirements are noted. It is recommended that the proposed advice note form part of the ERMP, and the remaining provisions are deleted as they are unnecessary. This drafting change is reflected in **Attachment C**.

Kereru Reserve Management Plan (KRMP)

- 10.82 The intent of the KRMP is supported. However, as with the management plans above, we have concerns with the scope of the requirements.

- 10.83 Clause ii(a) would require a detailed survey of the values of the vegetation and fauna. Whether or not its values are significant are not in debate – it is already an identified SNA under the operative HCDP, and as such in order to qualify in the first place, its values have already been assessed and this documentation is held by HCC. No further investigation is warranted, as HCC and the applicant hold the survey information from when the feature was scheduled.
- 10.84 Clause ii(c) requires measures to protect the bush from uncontrolled access. As a feature that is anticipated to vest with HCC as a reserve, public access is part of the purpose of that reserve under the Reserves Act 1977. This is not a matter that the applicant can address (as it is a function of Council under the Reserves Act 1977 to determine public access) and, as such, in our opinion, should be deleted. It is also unclear how a subdivision application would enforce people not being able to access a public reserve. This is a matter for a Reserves Management Plan which has been completed in accordance with the requirements of the Reserves Act 1977.
- 10.85 These changes are reflected in **Attachment C** and the revisions are not considered to undermine the efficiency or effective testing undertaken by the 32AA assessment. The remaining provisions are supported.

Landscape Concept Plan

- 10.86 The intent of the provisions is supported. However, we have concerns with the scope of the requirements.
- 10.87 Firstly, unlike the Te Awa Lakes provisions (where CDPs are required and water features are proposed), this is not a landscape “concept” plan – the works are intended to be implemented.
- 10.88 Secondly, to avoid duplication with the ERMP and KRMP, the overall scope of the provisions should relate to any reserves to vest so there is no need to repeat requirements the same/similar to that already addressed under the ERMP and KRMP. This also makes clause (A) redundant, as the objective clearly states that the requirement is for reserves to vest – in our view, this repetition is unnecessary and makes the management plan unclear and overly prescriptive.
- 10.89 Detailed landscaping management plans are not needed for subdivisions which are not creating any reserve areas to vest as street trees can be dealt with via engineering approvals. The requirement for a management plan should only relate to specific circumstances.
- 10.90 In our opinion, Clauses D, E, K, N and S are irrelevant and should be deleted as:

- (a) There are no scheduled trees on the site to be retained (D). The management plan should not be used as a means to schedule trees outside of the RMA First Schedule process.
- (b) Reference to water related activities is not relevant for Rotokauri North (K).
- (c) Consistency with the structure plan is already a matter subject to a rule (E) so repeating this on a 'belts and braces' basis establishes multiple standards for the same matter, which represents poor practice.
- (d) Accidental discovery protocols are not a landscape matter (N) and are already addressed by the HCDP.
- (e) Integration with the RSP is unnecessary as the adjoining land is still FUZ and has no Landscape Management Plan or themes to tie into (E and S). The management of stage 2 Rotokauri land is a matter for Council to determine when that land is rezoned.

10.91 While Clause M reflects the recommendations of the TWWG CIA in naming rights, its inclusion in a Landscape Plan is not relevant to the landscaping matters. Furthermore, naming of streets and reserves are subject to a separate statutory process and cannot be determined as a section 104 matter at resource consent. For these reasons, we recommend that this be deleted⁸.

10.92 An amended version of the LMP provisions is included as **Attachment C** which addresses the above issues and well as issues with clarity of wording. The overall intent of the LMP is unchanged, and the revisions are not considered to undermine the efficiency or effective testing undertaken by the 32AA assessment.

Overall

10.93 The above is generally consistent with the intent of the recommendations from Mr Sharman; many of the changes are "cosmetic". It is our opinion that the above will address any residual concerns regarding potential for ecological and/or landscape effects.

10.94 An updated set of provisions related to this theme is provided in **Attachment C** (the same changes have also been made in the relevant mark up for each chapter appended to our evidence).

⁸ This same change is also proposed to the section 42A report recommended assessment criteria matter 1.3.3 O3(f)

Stormwater

10.95 The section 42A report author identifies that the stormwater effects will be less than minor. The series of provisions to manage these effects are addressed below.

Staging and infrastructure (Rule 3.6.A.4.2 e) stormwater

10.96 The section 42A report recommended changes to these provisions have largely reflected the resolution of issues previously raised through discussions with Mr Sharman and the HCC technical officers, and have been updated to match the updated ICMP and its Appendix K *Stormwater Systems Report*.

10.97 We have noted that the section 42A report conclusions also suggest that the following amendments are needed (which have been recommended by Mr Clarke's stormwater technical memo):

"That staging and trigger rules should provide for the design and consenting of all stormwater infrastructure and effects upstream and downstream of each area within the five sub-catchments. These evolving designs should be incorporated in sub-catchment ICMP iterations and approved by Council"

10.98 Having reviewed the section 42A report recommended provisions for stormwater infrastructure, we cannot find any reason why clauses i and ii do not already address the issue raised by Mr Clarke, and consider that there is no need for clause iii which requires works well beyond the reasonable need of applications to be undertaken.

10.99 As outlined in the JWS for stormwater, the key issued raised by Mr Clarke in relation to this clause is ensuring that the design of the stormwater for each sub catchment and its outlet is undertaken comprehensively. Again, we consider that clauses i or ii adequately address this. However, a new matter of discretion could be provided to further alleviate the concerns of Mr Clarke.

10.100 An amended version of the provisions is provided as **Attachment D**.

10.101 We have noted that the section 42A report conclusions also suggest that the following amendment to the Structure Plan is needed (which has been recommended by Mr Clarke's stormwater technical memo):

"That Figure 2-8A Rotokauri North Structure Plan should have the indicative 'green spine' areas for the Mangaheka Catchments added to the Plan as are indicated in Stormwater Systems Report Figure 3-1."

10.102 The “green spine” areas shown on the Structure Plan are those which are related to the catchments which have natural watercourse networks with the PC7 site and are expected to provide for stream enhancement works in conjunction with stormwater management. The Mangaheka catchment and the Rotokauri South catchments do not contain streams within the PC7 area, and thus any future infrastructure for these catchments would likely be only stormwater devices. Thus, these areas may not actually be part of any “green spine” associated with the enhancement of natural watercourses.

10.103 However, our opinion is that Mr Clark’s concern relates to the previous matter regarding some perception that the stormwater infrastructure provisions do not give enough surety that the necessary works will be undertaken.

10.104 Again, our review of the provisions found the opposite. The stormwater network provisions and requirements for the relevant devices to be constructed are directly tied to implementation of further sub-catchment ICMP’s, which are required under the HCDP provisions.

10.105 We note that as part of the stormwater caucusing discussions, Mr Clarke concurred that the amendment to the Structure Plan was not required.

Other matters raised by Mr Clarke

10.106 In addition to the above changes relating to the planning rules, the section 42A report conclusion contains a list of various updates to the technical ICMP and its Stormwater Appendix. As per the evidence of Mr Vodjansky, these have been addressed and updated documents are attached to his evidence.

Overall

10.107 It is our opinion that the above provisions will address any residual concerns regarding potential for stormwater effects this stage, and acknowledge that there is further work to be undertaken to achieve stormwater discharge consents.

10.108 An updated set of provisions related to this theme is provided in **Attachment D** (the same changes have also been made in the relevant mark up for each chapter appended to our evidence).

11. OTHER AMENDMENTS TO PLAN CHANGE PROVISIONS

11.1 We note that the key principles and design outcomes sought to be achieved for development in Rotokauri North are not the subject of the recommended changes by the section 42A report. Specifically, the lot size, dimensions, block layout, design

philosophy of public fronts and private back are retained. These are agreed between the parties.

- 11.2 In addition, the specific provisions in Chapter 3 requiring affordable housing are agreed between the parties, as no changes to the notified version have been recommended.
- 11.3 There are no areas of disagreement with the recommended changes to the HCDP Appendix 15, and we note that there are no changes from the notified version to Appendix 9.
- 11.4 We have addressed some general “themes” below where issues cross multiple chapters, followed by any residual concerns for each chapter.

Neighbourhood parks

- 11.5 We concur with the section 42A report author in regard to the comments made in respect of Council’s urban design assessment and not relocating “indicative neighborhood parks” on the Structure Plan.
- 11.6 However, we disagree with the recommendation to have specific rules for subdivision requiring the provisions of, size, shape and location of neighborhood parks as proposed by Rule 23.7.8 f).

f) Neighbourhood Park

<u><i>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:</i></u>
<u><i>i. Have a minimum area of 5,000m²</i></u>
<u><i>ii. Have transport corridor frontage along at least 50% of the total neighbourhood park boundary</i></u>
<u><i>iii. Be located on land that is generally flat</i></u>
<u><i>iv. Accommodate a flat, square area 30 metres x 30 metres</i></u>

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.

- 11.7 We are of the opinion that the provisions for neighbourhood parks directly conflict, and have the potential to create a situation whereby an applicant may meet g) but fails to meet f) because the location is not consistent with the Structure Plan.
- 11.8 We are of the opinion that is more efficient and effective to have g) as an assessment criteria, as this reinforces that in addition to the specific neighbourhood parks that other

factors should and can come into play for the distribution and walking distance (such as the presence of large areas of useable passive recreation green corridors, etc.).

- 11.9 As a matter of discretion this would be more consistent with the manner in which typically subdivision design guidelines in district plans address reserve provision as a matter of design. Furthermore, a matter of discretion is more appropriate as it is unlikely to be possible to achieve having a dedicated neighbourhood park no more than 500m from any lot, where the shape of Rotokauri North is not in concentric circles. In addition, reserves may not be developed with the first stage of subdivision, but where stages of subdivision relate to the locations on the Structure Plan. Consequently, under the section 42A report rule the activity status of subdivisions is more onerous because a subdivision proposal which does not include a reserve within it as that reserve would be delivered by a subsequent stage.
- 11.10 We have not encountered this type of rule before in a district plan. These are usually a matter of discretion relating to design as there are a range of factors that relate to locating reserves, which mean that while its ideal to have every resident within 500m of a reserve, there may be circumstances of topography, environmental constraints or the inability to create roading connections which result in a lot being over 500m distant from a reserve.
- 11.11 An updated set of provisions related to this theme is provided in **Attachment E** (the same changes have also been made in the relevant mark up for each chapter appended to our evidence).

Rear lanes

- 11.12 The section 42A report recommendations occurring in current in Chapter 23 (Rule 23.7.8 c) and Chapter 25 (Rule 25.14.4.1 h) vi) pertaining to rear lanes are the same, and as such the areas of disagreement are better dealt with together and concurrently with the Assessment Criteria as recommended by the section 42A report in 1.3.3 O2.
- 11.13 The provisions currently require that rear lanes be:
- (a) Connected to a transport corridor at each end.
 - (b) Designed to provide access and egress for large rigid trucks such as fire, furniture removal, refuse and recycling-collection trucks.
 - (c) Privately-owned as common property under the Unit Titles Act, and its owner shall be responsible for its operation and maintenance.
- 11.14 Standard (a) is in our view unnecessarily restrictive and is inappropriate in various scenarios, where "L" or even "T" shapes are more appropriate due to orientation,

location of cycleways, shared pedestrian paths, etc. The restricted discretionary activity assessment matters will allow for the design and reasons for it to be adequately outlined and evaluated.

11.15 Standard (b) is not opposed; however, and as is evident from the assessment criteria, this is already a matter of discretion and, in our view, is more effectively dealt with as such. In our view, the current drafting is inappropriate as a standard, as there may not always be cases where rubbish trucks (as an example) need to enter the rear lane, and the concern that not providing for this even when it is not needed, results in defaulting the whole application to a discretionary activity is inefficient when the same outcome and requirement can be achieved by the assessment criteria. The lots will have their front yard to a road, which is capable of accommodating rubbish collection.

11.16 Commentary regarding standard (c) as a starting point of "unit title" ownership as being the preferred outcome is addressed separately below. However, in general, the matter of ownership is more efficiently dealt with via the matters of discretion.

11.17 In general, none of the development control standards are, in our view, appropriate as development standards triggering a full discretionary activity for non-compliance (as per the Chapter 23 rules). We consider that the restricted discretionary activity status and assessment criteria for use and design of the rear lane is the more appropriate method for ensuring quality outcomes.

11.18 The above standards are coupled with assessment criteria which state⁹ (clean version):

O2		For the creation of a private rear lane, the extent to which:
	a)	The establishment of-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 traffic calming measures to prioritise walking and cycling, will promote slow vehicle speeds and provide a safe shared space.

11.19 As is evident, the development control and matters of discretion are very similar in respect of design for trucks, etc., and the broader issues of ownership and maintenance are efficiently dealt by these provisions. There is no reason why the development standards should duplicate the matters of discretion.

⁹ to avoid confusion b) and c) as shown in the officers recommended changes, do not form part of the notified version and any "tracked change" showing is a result of council's internal drafting.

11.20 In our view, Clause a) requires to be reworded because a subdivider cannot provide the “establishment” of an entity before its set up and such an entity would not be set up at resource consent stage as addressed by the evidence of Mr Milne. The intent of having surety that such an entity would be set up is supported.

11.21 In addition, the wording of criteria c) demonstrates a lack of understanding as to the purpose of a rear lane. The rear lanes have been included to protect and enhance walking and cycling amenity of streets that the lots have their frontage to. They are not public shortcuts and as such, walking and cycling does not need to be “prioritised” in the lane. The rear lane has a purpose of providing rear vehicle access while a dwelling’s front door would remain as being directly to the street frontage.

11.22 Revised text has been provided in **Attachment E**.

11.23 Section 1.2 Rule 1.2.2.23 for information requirements specifies that for rear lanes applicants must:

- 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.*

11.24 In our view, i) is unnecessary, as both the development control and the assessment criteria require this – and even if it was only the assessment criteria, there is still no reason that the information requirements have to directly reflect a very clear instruction from the assessment matters.

11.25 In addition, similar to commentary on development control b), there is not always the need for every type of vehicle to enter; thus, it is inappropriate to require every truck to be proven to be accommodated.

11.26 Furthermore, i) suggested that these vehicles would be reverse manoeuvring. This is simply not the case, and they can exit at the other end.

11.27 Requirement ii) is flawed in that a subdivider cannot provide evidence of establishment of an entity BEFORE its set up and such an entity would not be set up at resource consent stage as addressed by the evidence of Mr Milne. The matter of discretion already covers that there is an appropriate legal mechanism and gives council enough surety that this can be conditioned as part of the subdivision.

11.28 For these reasons, these provisions should be deleted in their entirety.

11.29 An updated set of provisions related to this theme is provided in **Attachment F** (the same changes have also been made in the relevant mark up for each chapter appended to our evidence).

Unit titles

11.30 As outlined previously, Chapter 23 (Rule 23.7.8 c) and Chapter 25 (Rule 25.14.4.1 h) vi) both specifically require that the ownership for rear lanes be:

"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."

11.31 Our primary concern is the presumption that by specifying the Unit Titles Act in the provisions, the expectation created is that this is the superior ownership form. This is flawed. As described in detail in the evidence of Mr Milne, the Unit Titles Act is not an appropriate form of ownership model for rear lanes which are created through vacant fee simple subdivisions.

11.32 From our collective extensive experience in subdivision, we can confirm that a unit title subdivision must have a land use component in place before it can be enacted and it is not possible to create vacant residential allotments under the Unit Titles Act. This has the outcome of only allowing blocks to be developed and all residential dwellings constructed prior to subdivision being able to occur.

11.33 For greenfields sites, this is the opposite of the development which occurs, whereby roads, lots (and superlots), and rear lanes (JOALs) are created prior to the development of land uses. We therefore consider that the section 42A report recommendation is inefficient and would impose significant up front costs on the developer in physically constructing all units before they can be sold to homeowners.

11.34 From our experience with consenting over 100 rear lanes, no local authority has ever insisted that joint ownership must be via the Unit Titles Act 1972. In our experience, these are generally held as apportioned shares between the lots which will use them.

- 11.35 From our experience with subdivision and creation of rear lanes at Auranga, Westgate, Hingaia and Flat Bush in particular, the requirement for the registration of ownership by the residents associated has not been imposed on any consent. However we are aware that after consents have been obtained, and section 224c certificates, MADE's legal advisors have set up incorporated societies/residents associations as an additional party to ensure maintenance of the lane.
- 11.36 While the section 32AA report considers that the addition of "or similar" enables flexibility for ownership, we remain concerned that, as a standard, this allows for a difference of interpretation as to what "or similar" means, with the result of any disagreement (or indeed any non-compliance) defaulting to a discretionary activity under the Chapter 23 provisions. We consider the reference to Unit Tiles Act 1972 is unnecessary, unreasonable and not consistent with any rear lane formed by subdivision first. There looks to be a considerable misunderstanding of the Unit Tiles Act 1972 by Council versus rear lanes held as Joint Owned Access Lots or Common Owned Access Lots.
- 11.37 We also note that the Council has failed to recognise that in setting the affordability provisions (Rule 3.6A.4.1) clause (iii) is explicit that an affordable dwelling cannot be a unit title.
- 11.38 Thus, in tandem, these two standards would restrict the delivery of affordable homes to being located only where they are not accessed from a rear lane. As well as severely restricting the location, this would also have the flow-on effect of restricting affordable housing from being located within the first block adjoining any on street cycleway or berm shared path or the collector road network where buss tops etc are anticipated. It is neither effective nor efficient to sterilise one group of homeowners.
- 11.39 Although not clear from the standards, our review of the matters of discretion and information requirements leads us to consider that the Council is concerned about appropriate legal mechanisms for ongoing ownership and maintenance. This is the crux of the issue, rather than the Council desiring an inferior type of land tenure.
- 11.40 We remain of the opinion that the matter of discretion as amended by **Attachment F** to our evidence is a more efficient and effective method of dealing with the matter of ownership and that the rule itself is not needed (and should not in any event) refer to a specific type of outcome.
- 11.41 An updated set of provisions related to this theme is provided in **Attachment F** (the same changes have also been made in the relevant mark up for each chapter appended to our evidence).

Chapter 3 – Structure Plans

- 11.42 Chapter 3 has been subject to the most changes by the section 42A report recommendations (largely adopting large scale redrafting for style undertaken by the “Technical Report” authors). For clarity, while we do not agree that the style changes are more efficient, we have agreed that as they do not undermine or modify the fundamental principles and design outcomes sought to be achieved for development in Rotokauri North, they do no harm. This applies to the changes and edits made through sections 3.6A and 3.6A.1 (as applicable to changes not related to deletion of the eastern most notified collector road).
- 11.43 The section 42A report recommendation with regard to splitting the location of the objectives and policies between the various HCDP chapters and the resultant edit to the explanation is a style matter for HCC. The amendments do not change, undermine or modify the fundamental principles and design outcomes sought to be achieved.
- 11.44 The section 42A report recommended changes to the objectives and policies that remain in Chapter 3 are largely cosmetic and in the HCC’s opinion, more efficient. While not necessarily agreed as being more efficient, these again can be accepted as not changing the outcomes intended for Rotokauri North. It is acknowledged that three new transport policies (3.6A.2.4g-i)¹⁰ are proposed - these are considered appropriate and reflect provisions to be discussed below.

Staging and Infrastructure (Rule 3.6.A.4.2 c) and d) – water and wastewater

- 11.45 The section 42A report recommended changes to these provisions have largely reflected the resolution of issues previous raised through discussions with Mr Sharman and the HCC technical officers, and have been updated to match the updated ICMP and its Appendix J *Water and Wastewater Systems Report*.

Consistency with the Structure Plan (Rule 3.6A.4.6)

- 11.46 The section 42A report recommended changes introduce new provision requiring consistency with the structure plan figures. While the notified PC7 has inserted a similar provision as a subdivision rule on that basis that in greenfield situations subdivision would occur first, discussions with HCC officers raised concerns that something like a large scale land use could occur without subdivision and this not have to accord with the structure plan and as such a new rule applying to any subdivision or development was agreed to be suitable.

¹⁰ For clarity policy 3.6.2.4e is not considered “new” as it has merely been separated from policy 3.6A.2.4d of the notified version.

11.47 The recommended provision is supported (subject to any changes identified elsewhere in this evidence regarding the number and titles of SP figures). However, as raised further below in this evidence under Chapter 23 - subdivision, as the provision now occurs in Chapter 3, there is no need to duplicate this provision elsewhere in the planning provisions.

11.48 The section 42A recommendation also takes this provision one step further than just applying to consistency with the structure plan and also insets a second provision at 3.6A.41.6a.ii which ties consistently back to explanation text contained in Section 3.6A.1, as below:

"Generally provide for, be consistent with, or not prejudice or foreclose options for the future development of, the structure plan components described in 3.6A.1."

11.49 The Structure Plan components are depicted on the Structure Plan Maps. Explanation text is just that an explanation. It is entirely inappropriate to have a rule tied to explanatory notes. This is unnecessary as a secondary rule when the primary focus is on clause a.i which is consistency with the Structure Plan.

11.50 This also requires a change be made to Assessment Criteria 1.3.3 O3c) to delete reference to the explanation text and replace it with the Structure plan figures. Updated changes have also been made in the relevant mark up for each chapter appended to our evidence.

3.6A.4.7 Staging Activity Status

11.51 This rule also contains the relevant assessment matters as clause b). However, these matters have also been repeated in Appendix 1 – Matters of Assessment O6. There is no need for these matters to occur twice in the plan, and we have noted small discrepancies between the two drafting versions. Our preference is that they be retained in the notified location (Chapter 3) with the drafted as per the Chapter 3 version, and deleted from Appendix 1.

11.52 Updated changes have also been made in the relevant mark up for each chapter appended to our evidence.

Chapter 4 - Residential Zone

11.53 The changes to the provisions have largely reflected the resolution of issues previous raised through discussions with Mr Sharman and the HCC technical officers.

Service courts

- 11.54 The provision not agreed is standard 4.8.6.2 relating to service courts, which PC7 did not contain, and the section 42A report has sought to insert specific standards for the provisions.
- 11.55 The PC7 rationale for the exemption to the HC DP underlying rule was that setting aside large areas for traditional uses, such as non-foldable clothes lines and specific areas for rubbish storage, does not coincide with utilising land more efficiently as promoted through MDZ. Thus, the rationale was that the service court function was best combined with the area proposed for outdoor living, along with the utilisation of rear yards.
- 11.56 The section 42A report author has inserted a full new suite of provisions for service courts **in addition to** the outdoor living space requirements. Thus, the Council section 32AA has cherry picked what it deemed to be a "gap" without evaluating the effectiveness or efficiency of having these functions combined.
- 11.57 The section 32AA assessment report's stated justification for the insertion of a rule is reliant on the Council's current "new waste collection system" and acknowledges that the base General Residential zone rules have been used, with minor amendments deemed to be "sympathetic to the different development outcomes".
- 11.58 While it is clear that there is a 5m² difference for detached housing when compared to the General Residential zone, there is, in our view, no justification for the need for that total area, and a 10m² area (with a minimum 1.5 dimension). For denser product, a minimum of 5m² is still required.
- 11.59 It is doubtful that Council would initiate a plan change to update its service court requirements every time it changes or intends to change its rubbish bin size and, as such, it is unclear how sizing a rubbish storage area to match the "new waste collection system" is realistically effective or efficient over the life of the plan.
- 11.60 Furthermore, on review of the space needed to accommodate rubbish storage, the *Our Hamilton* website published an article on 22 July 2020 entitled "*Storing the new bins*". The pictorial image clearly shows that, to accommodate all of the bins, a 2m wide area is all that is needed. Dimensions of the bins provided by HCC during their review of the draft PC7 indicated that the larger of the wheelie bins was only 0.75m in depth. Thus, the section 42A report recommended 5m² with a 1.5m minimum dimension is well in excess of what is actually needed.
- 11.61 HCC officers have not identified an adverse effect or a failure by the provisions of PC7 to provide sufficient land which allows for onsite service activities. Rather, it has compared PC7 to its rules for the General Residential Zone and determined the same

approach should apply, without considering that the same functions can be achieved by the side yards, garage and outdoor living court. This consequently increases the land area required for residential lots, along with the price of the lot itself.

11.62 From our experience of urban development, many councils had rules for service courts; for example, in Auckland all of these were deleted with the Auckland Unitary Plan.

11.63 While it is acknowledged that these service areas could be accommodated on larger size allotments (e.g., 300m² and over) the section 42A report recommendations are more problematic for a denser product for a number of reasons:

- (a) A loss of 10m² which is required to be set aside is still a sizeable area on a per unit basis when there is no specific effect or need for any area of that this. A requirement such as this may in fact have the effect of undermining duplex or terrace type product and particularly undermine the achievement of density through the use of this type of product (i.e. essentially forcing low density).
- (b) The requirements also assume that density living has similar behaviours to large family home living and or more 'traditional' forms of living relying on large areas for clothes drying and/or permanent non-foldable lines.
- (c) The provisions for apartments of 5m² may work for a terraced housing type product falling under this definition. However, actual apartments (in the plain language definition of the term apartment as opposed other HDCP version) where outdoor living is via balconies would struggle to meet the 5m² requirements individually, and communally would require significant areas of land to be set aside for functions which do not need the scale of land identified by the section 42A report. For example, a 42-unit apartment building would require a 210m² area of space for service court functions. From our experience with apartment developments, this is an unrealistic scenario and while rules can apply to be infringed, this is clearly an inappropriate starting base for a "permitted baseline". Recent experience is that communal rubbish storage can be undertaken in an area of 20m², a tenth of the size identified in the HCC rule.

11.64 Policy 6 of the NPS-UD assists in providing guidance in this regard, as it acknowledges the change in amenity values resulting from residential development and intensification, and that these amenity values may be different but not adverse in their own right. The section 42A report has taken the approach of comparing PC7 to other zones in the HDCP without considering the effects of imposing service courts on land values, the efficient use of land and whether with significant pressures on house prices and availability of residential zoned land the HDCP provisions are now fit for purpose.

- 11.65 Our primary recommendation is that the rule is deleted and the notified intent of the PC7 provisions to combine and efficiently use the outdoor living spaces is retained.
- 11.66 Perhaps knowing that apartments would never comply with the rule, the section 42A report recommended provisions already includes matters of discretion/assessment criteria (1.3.3 O9) to address service courts for apartments. Reliance on this as a matter of discretion for apartments (which require resource consent in the first place) is our preference as it allows these matters to be considered as a design matter as opposed to a tick the box compliance standard.

Duplex designs

- 11.67 The section 42A report in paragraphs 4.61-4.62 identifies an issue with the location of car parking for duplex dwellings. This relates to the preferred location of car parking as suggested by the permitted activity duplex design provisions in Rule 4.14, and as detailed in the evidence of Mr Munro.
- 11.68 However, this "issue" from HCC has not been carried into the section 42A report recommended provisions. Instead, the section 42A report author suggests that this outcome will be "discouraged" by the Council through urban design reviews and at subdivision stage. This does not provide certainty.
- 11.69 We do not consider that this is an appropriate way to deal with the issue, nor in that respect is it appropriate for HCC to highlight that it intends to be obstructive for future processes.
- 11.70 As detailed in the evidence of Mr Munro, this is just one solution and others could conceivably be produced, which meet the criteria.
- 11.71 Over 100 of these types of duplex dwellings have been approved at Auranga, including as part of Kiwibuild, with no issues over the ownership of the car parking having been raised by the local authority.
- 11.72 We note that the provisions require an amendment to exclude any site accessed from a rear lane as having to comply with the parking requirement in 4.14.2 b). This amendment is reflected in the updated provisions for this chapter appended to our evidence.

Chapter 23 – Subdivision

- 11.73 The changes to the provisions have largely reflected the resolution of issues previous raised through discussions with Mr Sharman and the HCC technical officers. Issues pertaining to themes of neighbourhood parks, management plans and the rear lanes

have been dealt with as separate headings/sections but are relevant to Chapter 23 as they are recommended by the section 42A report author as Chapter 23 provisions.

Duplication of provisions/methods

- 11.74 The outstanding issues largely involve the proposed inclusion of new rules which are a duplication of the same rules elsewhere in the plan or PC7.
- 11.75 The section 42A report recommended amendments to Rule 23.3 Activity Table duplicate the provision proposed by the section 42A report author for Chapter 3 requiring:
- (a) All development to be consistent with the Structure Plan; and
 - (b) Development to accord with the staging and infrastructure provisions.
- 11.76 For clarity, it is not the provisions themselves which are opposed, it is the unnecessary duplication of the provisions. The section 32AA assessment justification is that the amendments are needed to fulfil a "gap" and that they provide "minor gains" in creating more certainty on the outcomes for Rotokauri North. The extensive rewrite to Chapter 3.6A was justified by HCC as being to provide certainty and clarity on the outcomes to be achieved at Rotokauri North. In our view, justifying new rules which duplicate functions and requirements already provided for undermines the effectiveness of having the new provisions in Chapter 3.6A. It is not logical to rewrite Chapter 3 to provide certainty, and then indicate that there is uncertainty and the matters in Chapter 3 need to be duplicated in Rule 23.3. The effect of this is that two rules could be triggered by resource consents, requiring a duplication of assessments to address the same proposal.
- 11.77 The section 42A report also recommended amended Rule 23.7.8 (c) for rear lanes and new Rule 23.7.8 (d) for vehicle crossings. Both of these are duplications of standards which are contained in Chapter 25 (which would apply to any subdivision), however in this case, there is a higher activity status associated with non-compliance under the subdivision chapter.
- 11.78 It is acknowledged that, in general, other zones in Chapter 23 do have a repetition of private way width/length and a requirement to identify that vehicle crossing could comply with the relevant Chapter 25 rule. However, detail of design and/or ownership is not dealt with in Chapter 23 and no other zone has a repetition of the Chapter 25 vehicle crossing rules or has a specific rule which would trigger a higher activity status than Chapter 25.
- 11.79 The section 32AA assessment does not recognise that the provisions are duplicated in Chapter 25 and that applicants could incur infringements under two chapters simultaneously for the same thing, and fails to justify the efficiency, effectiveness, costs or

benefits associated with a higher activity status for non-compliance under Chapter 23. This 'belt and braces' approach is not warranted.

- 11.80 In our view, it is neither efficient or effective for the District Plan to contain duplicate rules requiring the same compliance, this directly increases the costs of applications and assessments.
- 11.81 We consider that these duplicate rules should be deleted.
- 11.82 Issues relating to rear lane detailed requirements for design and ownership have been dealt with separately in this evidence.
- 11.83 Updated changes have also been made in the relevant mark up for each chapter appended to our evidence.

Chapter 25 – Citywide

- 11.84 The changes to the provisions have largely reflected the resolution of issues previous raised through discussions with Mr Sharman and the HCC "technical" officers and also the Council's PC6 becoming operative which alleviated the need for many of the notified provisions relating to vehicle crossing separation distances.
- 11.85 Issues pertaining to themes of duplication with Chapter 23 have been addressed under that chapter, and the issues of management plans and the rear lanes have been dealt with as separate headings/sections but are relevant to Chapter 25 as they are recommended by the 42A author as Chapter 25 provisions.

Appendix 1 – District Plan Administration

- 11.86 Where there are any areas of disagreement these have been dealt with either previously in this evidence, or will be as part of the themes below.

12. COMMENTS ON MATTERS RAISED IN SUBMISSIONS

- 12.1 We do not comment on submissions in support.
- 12.2 We specifically note that that the TWWG submission (#33) and that of Waikato Tainui (#79) and their acknowledgement that ongoing consultation is anticipated. This has also been acknowledged in the evidence of Mr Noland.
- 12.3 In respect of those submissions in opposition, these have been grouped into themes and addressed below.

RSP vs the RNSP

- 12.4 Submitter Mr Ruske (#34) raises concerns with features appearing in the RSP which have been moved, or are not carried through into the RNSP; which include a community focal point, reserves and a road connection.
- 12.5 The RNSP is not required to “replicate” features of the operative RSP as this is a “replacement” Plan. Reserves have been addressed under the previous sections of this evidence, and for clarity, community facilities can be accommodated in the proposed Business 6 zoning and/or any future reserves.
- 12.6 We consider that no further changes are necessary.

Transport

Specific points

- 12.7 Submitter Mr Yu (#36) raises concerns with access onto SH39 and wishes to be able to retain access to SH39¹¹. Mr Yu also seeks to require that a local road be provided to his property at 301 Te Kowhai Road to enable access. PC7 does not and cannot take away current access arrangements. However, it does seek to avoid conflicts in the future when new roads and/or accesses are proposed.
- 12.8 Further submitter Smith (#1) raises concerns with any access onto SH39 as having safety issues.
- 12.9 The RNSP has shown the key roading network, and only local road connections to connect to land outside the RNSP have been indicated. All other local roads will be designed as part of a detailed process for resource consent, including indication where they can be carried through in land not owned by the resource consent applicant in order to meet the objectives of the RNSP area for an integrated network which avoids new access on the SH39.
- 12.10 Submitter Ms Van Asbeck (#78) raises concerns with SH39 safety¹², runoff from water already on SH39 and safe access to the submitters property which is in proximity to the proposed SH39 collector road intersection¹³. These concerns have been addressed by the evidence of Mr Hills, in that roundabout design options have been explored with NZTA as draft concepts to ensure that a future roundabout could be achieved in a manner which does not conflict with or increase any safety risk for the submitter. Roading upgrade works to accommodate this intersection would also address any residual issues with flooding entering the submitters property from NZTA land (or if not,

¹¹ Further submitters Leet (#2) also express concern at the proposal to avoid new access from SH39.

¹² Also reinforced by her further submission opposing Waka Kotahi’s submission on this intersection.

¹³ Further submitters Mr Hugh van Asbeck & Ms Neill-Kendall raised similar issues – although neither party is an original submitter on this matter.

this is matter that NZTA should be dealing with as it is outside the control of the PC7 applicant).

Waka Kotahi

- 12.11 The main submission points of Waka Kotahi (#13) have been addressed though the updated Structure Plan removing the eastern collector road and access, the deletion of any interim solution for the western collector and as per the section 42A report recommendation for revised policies enhancing the important of minimising effects on SH39.
- 12.12 Waka Kotahi's remaining submission point seeks the insertion of a cycleway along SH39 (but not within the SH39 designation).
- 12.13 The preference is for the cycle network to be internal to the site on collector roads and any off-road spaces through the development to connect to the existing cycle network infrastructure, as well as informal cycling available on the local roads, and as such it would be unnecessary for the residents to use a network on SH39.
- 12.14 While SH39 may seem like a "direct route" having this as the driver for location suggests this route would be of more benefit for users external to Rotokauri North than those within it. We acknowledge that this does not take away the requirement to link the development to the SH1 cycling network, and concur that this should be provided.
- 12.15 Furthermore, PC7 has sought an amenity landscape buffer alongside SH39 to protect the amenity of the residents and does not seek that its residents "face or address" SH39. Thus, any route along SH39 would have to carefully manage an interface that was intended to block the view rather than enable passive surveillance of users of the network.
- 12.16 This is considered a superior outcome and one that sits with the vision for Rotokauri North.
- 12.17 Furthermore, we consider it is unreasonable for Waka Kotahi to require a cycleway but at the same time require it not be Waka Kotahi infrastructure.¹⁴ As above, the main function of such a cycleway would serve the wider network, and thus would be, and should be, the responsibility of Waka Kotahi.
- 12.18 In addition, adherence to this would require works over land which is not owned by the plan change applicant and as such the applicant would have no way of implementing this rule. It does not meet any section 32 justification for being an efficient or appropriate way of achieving relevant objectives and policies from the District Plan.

¹⁴ The provision for a cycleway along SH39 is also opposed by further submitter Mr Yu (#7).

12.19 For the above reasons, we consider that the approach adopted by PC7 is preferable and that no changes are necessary to provide a cycling network adjacent to SH39.

MoE

12.20 The MoE submission seeks that walking and cycling connections are provided. As above, and as outlined in detail under the Chapter 3 amendments, walking and cycling is generally anticipated with the development roading network (on and off street) and specific triggers are associated with providing a connection to the existing cycle network at SH1. No further changes are considered necessary.

WRC

12.21 The WRC submission states that it:

- (a) Acknowledges there are currently limited public transport services available to PC7 area. No specific relief was sought in respect of this matter.
- (b) Supports the measures included in the Integrated Traffic Assessment (Table 13-1) particularly the upgrade of intersections along SH39 and the roundabout between SH39 and Te Kowhai Road. No specific relief was sought in respect of this matter.
- (c) Supports the consideration of public transport service after 1,000 dwellings are constructed (Table 13-1). No specific relief was sought in respect of this matter.

12.22 In respect of walking and cycling, the WRC submission¹⁵:

- (a) Seeks clarification on how walking and cycling are being handled throughout the development, particularly at intersections and connections outside the PC7 area.
- (b) Seeks consideration if the level of walking and cycling provision is sufficient to cater for increased mode shift to active modes in the future.

12.23 As above, and as outlined in detail under the Chapter 3 amendments, walking and cycling is generally anticipated with the development roading network (on and off street) and specific triggers are associated with providing a connection to the existing cycle network at SH1. No further changes are considered necessary.

Wider network

12.24 Submitters 7-10, 12, 16, 25-33, and 37-72 raise several concerns which are generally centred on the impact of traffic and the local road network from allowing development

¹⁵ And supported by Further Submitter Ms Mackness (#8).

in the PC7 area ahead of the RSP planned sequence. Submitter #14 also identified specific concerns in regard to Exelby Road traffic and necessary updates to alleviate safety concerns.

- 12.25 These matters were taken into consideration in the updated ITA memo, which was prepared by Mr Hills and has been addressed in the evidence of Mr Hills.
- 12.26 A matter which needs to be clarified is that the traffic model is a wider distribution and growth model held by HCC/NZTA (not just being a model of the effects of PC7 alone). As such predictions for traffic include future growth of other areas based on the planned sequence. This has the effect of making it appear that there are a significant number of trips being generated, however only a portion of these is actually attributed to PC7.
- 12.27 In addition, the necessary upgrades to rural roads are required because the roads themselves already do not meet the minimum council standards for a rural road. The seal extensions needed and identified by Mr Hills and being attributed to safety works associated with PC7 growth would in fact not be needed if the roads met the Council's own standards.
- 12.28 Specific traffic thresholds have been identified in the updated technical work, which identify at what point roading upgrades for safety will be required, and such upgrades are outlined and can be addressed and requirements for implementation through the proposed methods, and as outlined in our **Attachment A**. These include those upgrades necessary to address the existing sub-standard road network.
- 12.29 These methods ensure that a variety of development scenarios can be captured from an effects perspective, and including a scenario with and without the key arterial road network in place to ensure that appropriate mitigation is in place should the arterial not be delivered in a timely manner (which is likely given the lack of funding in the LTP).
- 12.30 All of these measures ensure that no adverse effects on the traffic network from PC7 will occur ahead of its original planned growth time, and address the concerns of the submitters.

Existing amenity

- 12.31 The following submitters raise issues pertaining to the existing amenity:

- (a) Submitters Martin & Leet (#1)¹⁶, whilst falling inside the PC7 area, are in their submission concerned with medium density growth and seek provisions to

¹⁶ Mr 7 Mrs Leet also used their further submission to reaffirm their concerns that they do not want development to occur until 2028(no reason for that date given), and they do not ant multi level housing surrounding their property.

protect the existing amenity of the area through provisions for greenbelts and greater vegetation protection.

(b) Submitters McKenzie & Drysdale (#14) reference a loss of ruralness.

12.32 The land has been earmarked for future growth. The existing environment is rural, as such the current existing environment will change and has always been anticipated to change to an urban environment through HCC and WRC planning documents. In our view, it is not appropriate to maintain the existing rural character or amenities, and this is a matter which is well addressed by Policy 6 of the NPS-UD in respect to anticipating changes to existing amenity values.

12.33 The PC7 provision include an amenity buffer for land adjacent to the SH39. The HCDP identifies the existing SNA for protection. The site contains no scheduled trees for protection. No further provisions are considered necessary.

Stormwater

12.34 Submitter Mr Ruske (#34) raises concerns regarding infrastructure provision for adjacent and upstream land. This has been addressed in the updated ICMP and its associated updated appendices as outlined previously and in the evidence of Mr Vodjansky.

12.35 WRC (#80)¹⁷ also raises some concerns with stormwater in terms of ensuring that climate change has been taken into account, that hydrology protects existing aquatic values and seeking the achievement of hydraulic neutrality. This has largely been addressed in the updated ICMP and its associated updated appendices as outlined previously and in the evidence of Mr Vodjansky. However, as outlined in the evidence of Mr Vodjansky, hydraulic neutrality is not an outcome that is beneficial for this catchment area, and our conversations with the technical staff at WRC for the future stormwater discharge consent applications have addressed this matter. No further changes are necessary as Rule 25.13.4.1 requires at the time of resource consent application that a sub-catchment ICMP for Rotokauri North is prepared by a suitably experienced and qualified person.

Other matters raised

12.36 Other matters raised in submissions include:

(a) Submitters McKenzie & Drysdale (#14) express concerns regarding increased pollution from loss of vegetation, and issues relating to construction effects.

¹⁷ And supported by Further Submitter Ms Mackness (#8).

- (b) Submitters Stuart & Sue McFarlane (#73) raises concerns with noise and dust during construction.
- (c) WRC (#80) seeks that the plan change includes assessment criteria for earthworks and fill activities to allow the consideration of effects on pest and disease management.

12.37 In response to these matters, we can confirm that:

- (a) Construction noise, dust and traffic are managed by existing District Plan rules.
- (b) The removal of trees that are not scheduled is permitted by the existing District Plan rules.
- (c) PC7 relies on the operative District Plan provisions for earthworks. Any matter of pests and disease, if an RMA issue, should be dealt with by HCC on a district wide basis as this is a district wide issue, not just an issue for PC7.

Non-RMA issues

12.38 We simply note that the following submitters raise non-RMA related issues:

- (a) Submitters McKenzie & Drysdale (#14) reference the devaluation of property and increase in crime due to the proposed housing typologies by PC7.
- (b) Submitters Martin & Leet (#1) oppose potential for use of poor quality cladding materials, and their further submission (#2) that multi-level housing adjacent to their land would devalue their property
- (c) Submitters Stuart & Sue McFarlane (#73) oppose the PC7 and consider it will devalue surrounding properties and that cheaper housing attracts crime.

13. CONCLUSION

13.1 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.

13.2 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.

- 13.3 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.
- 13.4 The AEE and evidence of the applicant's witnesses demonstrate that there are no significant constraints to the urbanisation of the area, and that potential adverse effects on the environment can be avoided, remedied or mitigated by the default HCDP and PC7 provisions.
- 13.5 Both the structure planning and rezoning process have addressed the matters in Part 2 of the RMA, the RPS and other matters within Sections 74 to 77D of the RMA. PC7 is considered to be consistent with all of these matters and gives effect to the RPS and relevant National Policy Statements.
- 13.6 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.
- 13.7 We consider PC7 can be accepted and approved in the form requested by the applicant.

Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache
24 September 2021