

IN THE MATTER of the Resource Management Act
1991

AND

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

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

1. INTRODUCTION

- 1.1 Our full names are Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache. We are independent planning consultants at Tollemache Consultants Limited.
- 1.2 We outlined our qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in our evidence in chief ("**EIC**") dated 24 September 2021. We maintain that commitment.
- 1.3 Our role in relation to the Rotokauri North development by Green Seed Consultant Limited has been, and is, to lead the project's planning and consenting effort, including all aspects of regulatory planning, subdivision and development design. This role has continued through and included the prepararion and processing of Plan Change 7 ("**PC7**").
- 1.4 We have read the statements of evidence of all expert witnesses filed on behalf of submitters to PC7.

Purpose and scope of reply evidence

- 1.5 This statement of reply evidence addresses planning issues. It does not restate matters addressed in our EIC but addresses new issues raised in the evidence of other submitters.

- 1.6 In response to the matters raised, we address the following:
- (a) Matters raised by Waka Kotahi (Section 2);
 - (b) Matters Raised by Ms Perring on behalf of specified landowners adjacent to the PC7 land (Section 3);
 - (c) The updated PC7 planning provisions (**attached as Annexure A**) as now agreed through expert conferencing and reflected in the various Joint Witness Statements ("JWS"), as well as further discussions with the section 42A report author/contributors (Section 4); and
 - (d) Transport triggers (Section 5); and
 - (e) Concluding comments (Section 6).

2. **WAKA KOTAHI**

- 2.1 The evidence on behalf of Waka Kotahi from Messrs Wood and Tindall confirms that the expert caucusing outcomes on transportation have largely addressed the concerns raised in Waka Kotahi's submission, including those relating to the collector road intersection with Stage Highway 39 ("**SH39**").
- 2.2 However, Messrs Wood and Tindall had a residual concern regarding the provision for walking and cycling within the PC7 area. Specifically, they consider that there should be an identified east-west link on the Structure Plan parallel (but not necessarily directly adjacent) to SH39 for walking and cycling. The reasons for this are identified in paragraph 4.7 of Mr Tindall's evidence as being a concern that without such a link, there may be an increase in demand for cycling along SH39.
- 2.3 While Messrs Wood and Tindall have expressed a desire for this connection to be shown on the Rotokauri North Structure Plan, we consider this is unnecessary for the reasons set out in our EIC. Its absence does not, in our opinion, suggest that PC7 fails to meet the requirements from strategic planning documents to promote walking and cycling. The provision for walking and cycling connections is already embedded into the PC7 provisions, including through the following:
- (a) Specific subdivision design standards (Rule 23.7.8) for urban block dimensions and perimeter maximums, to establish an interconnected grid network of urban blocks and roads;
 - (b) A more restrictive (discretionary) activity status for subdivision which does not meet the urban block dimensions from Rule 23.7.8, or which results in a permanent cul-de-sac (Activity Table 23.3d); and

- (c) The matters of assessment for subdivision including a direct reference back to evaluating the objectives and policies of PC7. These seek to achieve interconnecting road patterns that supports a range of travel modes (e.g. Objective 3.6A.2.2¹ and Policy 3.6A.2.2a).
- 2.4 These provisions are in addition to the planning framework which already promotes walking and cycling networks contained in the operative Hamilton City District Plan (“**HCDP**”), as noted in our EIC.
- 2.5 While we do not consider that there is any “gap” in the framework, an additional assessment criteria (below) has been agreed with Messrs Wood and Tindall, as now included in Appendix 1.3.3:

“The extent that subdivision provides an interconnected transport network that achieves pedestrian and cycle connectivity east to west and vice versa (particularly in the northern half of the structure plan area) to avoid these movements on SH39.”

- 2.6 We understand that the addition of this assessment criteria resolves this one outstanding matter from Waka Kotahi’s submission.

3. **MS PERRING ON BEHALF OF “ROKOKAURI LANDOWNERS”**

Transport assessment and modelling

- 3.1 We rely on the EIC and reply evidence of Mr Hills in respect of Ms Perring’s concerns regarding the traffic assessment inputs (scenarios, safety factors, inclusion of the business zone in the modelling etc.) and any outputs from that modelling.

Construction traffic

Need for construction management plans at resource consent stage

- 3.2 Ms Perring raises concerns (at paragraph 7.1 of her evidence) regarding the potential adverse effects from construction traffic and her perception that the operative HCDP fails to adequately address such effects. In our extensive experience of greenfield subdivision and development, construction traffic is regularly dealt with through the resource consent process and, in particular, the requirement for construction management plans (including provisions controlling construction traffic) (“**CMP**”) or traffic management plans are imposed as conditions of consent.
- 3.3 We have reviewed the HCDP and note that there is only one structure plan area (Ruakura) that has a specific matter of assessment which requires a CMP to be imposed

¹ Previously 3.6A.2.4.

as a condition of consent. All of the other structure plan areas, including the recent Te Awa Lakes Structure Plan area, do not contain such specific provision.

- 3.4 Having reviewed the HCDP, we are satisfied that there is no “gap” regarding construction traffic that requires preparation of new or more specific provision. This matter is dealt with by the existing range of assessment criteria listed in Appendix 1.3.3. For example, the assessment criteria listed under “G” Transportation address the traffic effects from any proposal, including the type and nature of the traffic.
- 3.5 In summary, we consider that construction traffic is already a matter that is required to be addressed at resource consent stage, in accordance with the relevant assessment criteria. As such, there is no need for an additional subclause in standard 25.14.4.3n, as requested at paragraph 7.4 of Ms Perring’s evidence.
- 3.6 We also do not agree with paragraph 7.13(b) of Ms Perring’s evidence, in which she seeks that subdivision consent applications be required to include a CMP. Integrated Traffic Assessments (“**ITA**”), which are routinely provided as part of subdivision consent applications, address any relevant effects associated with traffic, including effect associated with construction activities.
- 3.7 In our experience, CMPs are prepared once a contractor has been engaged and further details of site works and final construction methodologies and sequencing are known. The resource consent process can occur years ahead of the construction taking place and to require CMPs at subdivision stage would, in our opinion, be very premature and inefficient. For example, this would inevitably require the CMP to be varied, in order to manage updates once the contractor is engaged and final methodologies, types of equipment, transport routes from depots and construction yards, sequence of stages, etc., are known.
- 3.8 Again, we note that there is nowhere else in Hamilton City that requires CMPs to be prepared at resource consent application stage. The notation identified for Ruakura specifically refers to the CMP being a condition of consent and, as stated previously, no other structure plan area (including the recent Te Awa Lakes structure plan) contains such a provision. However, we agree that CMPs should be required as a condition of consent, as already occurs during the resource consent process in accordance with the HCDP.

Notification of subdivision applications for construction traffic effects

- 3.9 Ms Perring’s additional concerns in paragraph 7.1 that resource consent applications may not be notified to “the landowners” (and they therefore may not have any further opportunity to comment on construction traffic) are noted. As is appropriate, resource consent applications will be notified to “the landowners” as required by section 95 of

the Resource Management Act 1991. For the reasons outlined above, such applications do not need to be notified in order to ensure that construction traffic effects are appropriately identified and managed.

Need to prohibit heavy traffic on Exelby and Burbush Roads

- 3.10 Ms Perring also suggests (at paragraph 7.2 of her evidence) that staging and timeframes play a role in the level of “safety and amenity effects” arising from construction traffic. While we agree, we are unsure how this scenario is unique to Rotokauri North. There is no guaranteed start and finish date for any other greenfield development in Hamilton City either. We do not consider that there is any reason that construction traffic effects for Rotokauri North should be dealt with in a manner which is different to the remainder of the City.
- 3.11 We note that the existing Rotokauri urban zoned land has no timeframe restrictions and, despite being “staged”, the development of this land has no set end date for full build out/completion of all construction. As such, it could feasibly generate heavy vehicle movements “north” along Exelby Road or Burbush Road towards the PC7 site, for an unknown timeframe.
- 3.12 Ms Perring has used this as justification to support her requested relief at paragraph 7.3 of her evidence, that all heavy vehicle movements be banned from Exelby Road or Burbush Road south of the site. We do not consider that such an approach is reasonable or workable given there is no traffic assessment or evidence that would support such a prohibition.

Transport triggers

- 3.13 We rely on Mr Hills’ EIC and reply evidence in respect of Ms Perring’s evidence regarding the adequacy of the necessary transport corridor upgrades and the timing for such upgrades as indicated by the modelling.
- 3.14 For completeness, we note that, in any event, any changes to these triggers do not change the overall framework of Table 2, standard 3.6A.4.2f)iii.

Speed restrictions

- 3.15 Ms Perring’s evidence addresses requested speed reductions in paragraphs 7.9 and 7.10. These are not matters that can be addressed by PC7. Speed restrictions are a matter governed by the Land Transport Act 1998 and the exercise of Hamilton City Council’s (“HCC”) duties and functions under the Local Government Act 2002.

Updated objectives

3.16 Ms Perring's evidence at paragraphs 7.11 and 7.12 requests specific amendments to Objective 3.6A.2.4² to include reference to Exelby Road, Burbush Road and Te Kowhai Road East in terms of minimising effects (clause (a)) and managing speeds (clause (d)).

3.17 In our view, the nature and intent of this objective means that it could not and should not be appropriately amended (as suggested by Ms Perring) to address effects on the wider road network. These wider issues are already addressed by existing HCDP provisions, including Objective 25.14.2.1 and Policies 25.14.2.1.c and e. They will be further addressed in accordance with Policy 3.6A.2.3³, to be introduced via PC7, as follows:

"Require transport corridors to be constructed and/or upgraded where a subdivision or development will result in the cumulative number of consented residential lots/dwellings within Rotokauri North exceeding the identified transportation corridor upgrade threshold for the relevant transport corridor"

3.18 By contrast, Objective 3.6A.2.4 (and re-numbered 3.6A.2.2) is designed to manage traffic effects internal to the PC7 land. This is clear though its associated policies a. to i. As such, this objective is not the appropriate provision through which to address any potential traffic effects on rural roads outside the PC7 area.

3.19 Further:

(a) Objective 3.6A.2.2a⁴ (and its associated policies d. and e.) relates specifically to managing traffic effects from the PC7 local road network on the adjacent SH39. It would be completely inappropriate (and illogical) for this Objective to also reference Exelby, Burbush and Te Kowhai East Roads, as Ms Perring suggests.

(b) Objective 3.6A.2.2d⁵ relates to designing new subdivisions on a greenfields scale, where the overall design and layout (as well as strategic traffic calming) can be established within the new network of roads to effectively "lower speed". As such, it would again be inappropriate (and illogical) for this objective to also address traffic speeds on rural roads outside the PC7 area. In addition, as noted previously, Ms Perring's request for HCC to reduce the speed along these roads is not a PC7 matter.

² Note this is now Objective 3.6A.2.2

³ Previously 3.6A.2.5c.

⁴ Previously 3.6A.2.4(a).

⁵ Previously 3.6A.2.4(d).

Monitoring

- 3.20 Ms Perring's evidence at paragraph 7.13 requests a specific "provision" (unspecified if it is a rule or other method) for "monitoring to include five yearly traffic effects review". We assume this relates to her comments in paragraph 5.9 that there is no monitoring regime in the ITA for volumes or effects on Burbush or Exelby Road.
- 3.21 Monitoring of the nature requested by Ms Perring is more akin to a resource consent condition; however, we assume her concern is that cumulative traffic effects are captured and able to be addressed in relation to Burbush or Exelby Road.
- 3.22 However, this matter is already addressed through the existing HCDP method requiring that resource consent applications provide an ITA. The matters of assessment (in Appendix 15-2) take into account the surrounding transport network and any "existing land data", which in our opinion already captures the cumulative effects of development on the wider network. In addition, the 42A report has specifically recommended additional matters in the ITA for Rotokauri North which includes Burbush and Exelby Road.
- 3.23 Further, the Appendix 15-2 criteria require an ITA to have a "10 year assessment period". This means that for each stage of development, the assessment is considering the next 10 years from the date of the ITA preparation.
- 3.24 For these reasons, we do not consider that any additional methods or changes to PC7 are necessary.

4. AGREED AMENDMENTS TO PC7 AS REFLECTED IN THE JOINT WITNESS STATEMENT(S)

- 4.1 The following summarises the amendments to the PC7 text that have been agreed with submitters and/or the section 42A report authors, as reflected in the JWS(s) and set out in Annexure A (other than with respect to transport triggers, which are addressed in Section 5 below).

Public transport

- 4.2 The JWS Transport dated 12 October 2021 finalised agreement on the 42A recommended Rule 3.6A.4.4, that the matter be addressed through a matter of assessment and that Figure 2-9C (produced as part of the section 42A recommendations) be "indicative" only. There is also agreement to modify the assessment matters in 1.3.3 06⁶ and delete matter 010 of the section 42A recommended text.

⁶ This matter was previously numbered 07 but due to other deletions is now 06.

Walking and cycling

- 4.3 The JWS Transport dated 12 October 2021 outlined revised matters of assessment to replace the Rule 3.6A.4.5 provisions recommended in the section 42A report. Final agreement on the assessment criteria (now inserted as 1.3.3 O3 i)) was reached via email from Mr Sharman on behalf of HCC on 14 October 2021 alongside agreement to delete the “figure” and/or structure plan for walking and cycling recommended in the section 42A report.

Integrated Traffic Assessment (ITA)

- 4.4 The JWS Transport dated 5 October 2021 finalised agreement on the section 42A recommended 25.14.4.3n), that the matter be addressed through an information requirement. Further refinements were made to its contents in the JWS Planning dated 6 October 2021 and JWS Transport dated 12 October 2021.

Landscape and ecological Effects

- 4.5 The amendments proposed by our EIC⁷ have been agreed to, thereby deleting provisions in Chapter 23 that were recommended in the section 42A report. We comment as follows in relation to ecological-related plans:
- (a) *Ecological Rehabilitation Management Plan*: The amendments proposed by our EIC⁸ have been agreed through the JWS Planning dated 6 October 2021 to Information Requirement 1.2.2.23 c)⁹.
 - (b) *Long-tailed bats and lizard management plan*: Agreement has been reached through the JWS Planning dated 6 October 2021 to retain reference to this as an information requirement (Information Requirement 1.2.2.23 d)¹⁰ with some amendment when compared to our EIC¹¹.
 - (c) *Kereru Reserve Management Plan*: The amendments proposed by our EIC¹² have been agreed through the JWS Planning dated 6 October 2021 to Information Requirement 1.2.2.23 e)¹³.

⁷ Paragraphs 10.67-10.70.

⁸ Paragraphs 10.72-10.76.

⁹ Previously 1.2.2.23 d)

¹⁰ Previously 1.2.2.23 e)

¹¹ Paragraphs 10.78-10.81.

¹² Paragraphs 10.82-10.85.

¹³ Previously 1.2.2.23 f)

Landscape Concept Plan

- 4.6 The amendments proposed by our EIC¹⁴ have been agreed through the JWS Planning dated 6 October 2021 to Information Requirement 1.2.2.23 f)¹⁵.

Stormwater management

- 4.7 After the JWS Stormwater dated 21 September 2021 was prepared, final agreement was reached between the parties to amended wording to the matter of discretion/assessment recommended by our EIC¹⁶ (now Assessment Matter 09).

Neighbourhood parks

- 4.8 Agreement was reached through the JWS Planning dated 6 October 2021 to delete Rule 23.7.8 f) from the section 42A recommendations and an amended version of the assessment criteria/matter proposed by our EIC¹⁷ was agreed.

Rear lanes

- 4.9 Agreement has been reached through the JWS Planning dated 6 October 2021 to an amended version of the development standards 23.7.8c) and 25.14.4.1h) and the assessment criteria (when compared to the wording proposed by our EIC¹⁸).

Unit Titles

- 4.10 Agreement has been reached through the JWS Planning dated 6 October 2021 to an amended version of the development standards 23.7.8c) and 25.14.4.1h) and the assessment criteria (when compared to the wording proposed by our EIC¹⁹). Notably there was agreement to delete any direct reference to the Unit Titles Act 2010.

Chapter 3

- 4.11 The following amendments to Chapter 3 have been agreed:

- (a) *Consistency with the structure plan* – Agreement has been reached following the planning conferencing to the changes as recommended in our EIC²⁰ to standard 3.6A.4.4.²¹

¹⁴ Paragraphs 10.86-10.92.

¹⁵ Previously 1.2.2.23 g)

¹⁶ Paragraphs 10.96-10.105.

¹⁷ Paragraphs 11.5-11.10.

¹⁸ Paragraphs 10.28-10.39.

¹⁹ Paragraphs 11.30-11.40.

²⁰ Paragraphs 11.46-10.50.

²¹ Previously 3.6A.4.6.

- (b) *Staging/activity status* – Agreement has been reached following planning conferencing to the changes as recommended in our EIC²² to 3.6A.4.5²³ and an additional change to the rule heading to make the title more clearly reflect the contents.

Chapter 4

4.12 The following amendments to Chapter 4 have been agreed:

- (a) *Service courts* - Agreement has been reached through JWS Planning dated 6 October 2021 to an amended version of the development standard 4.8.6.2 and the assessment criteria 07.
- (b) *Duplex designs* - Agreement has been reached through JWS Planning dated 6 October 2021 to the changes proposed by our EIC²⁴ to 4.14.2iv.

Chapter 23

- 4.13 Duplication – Agreement has been reached following planning conferencing to changes to delete the repetition in the activity table (23.3.d), and in relation to vehicle crossings (Rule 23.7.8).
- 4.14 A new information requirement for vehicle crossings has been agreed to be inserted in 1.2.2.23.

5. TRANSPORT TRIGGERS

- 5.1 As set out in the JWS Transport dated 5 October 2021, the parties to that JWS have agreed to an amended format for Standard 3.6A.4.2 (f) relating to transport upgrades and timing for these upgrades.
- 5.2 Clauses i-iii were redrafted as outlined in the JWS Transport dated 5 October 2021 and generally agreed subject to a final “drafting check”.
- 5.3 “Table 1” of the agreed new provision outlining the transport triggers and upgrades within Rotokauri North was redrafted during the transport conferencing on 5 October 2021 and generally agreed subject to a final “drafting check”.
- 5.4 The general form of “Table 2”, subject to a formatting amendment to align it with the numbering and column placement of Table 1, formed part of the overall provisional redrafting agreements. The contents of “Table 2” outlining the transport triggers and

²² Paragraph 11.51.

²³ Previously 3.6A.4.7.

²⁴ Paragraph 11.72.

upgrades outside of Rotokauri North was not agreed during the transport conferencing on 5 October 2021.

- 5.5 The construction/improvements to roads outside of the PC7 area and the associated trigger for these works forms the JWS Transport dated 14 October 2021, in particular Appendix 2 which records the areas of disagreement and agreement between the traffic engineers Mr Hills and Mr Black and the commentary from Ms Perring.
- 5.6 We have relied on the expertise of Mr Hills and the commentary in his EIC and reply evidence in respect of the appropriate upgrades and timing for these to mitigate traffic effects of development within PC7.
- 5.7 The updated PC7 provisions in Annexure A show the matters within Table 2 being “not agreed” and reflecting the position as determined by the findings of Mr Hills. **Attached as Annexure “B”** is a replica of the same Table 2, however, Annexure B shows as a comparison the position of HCC (as emailed from Mr Sharman on 15 October 2021)²⁵. Other than the issues raised by Ms Perring addressed in Section 3 above, these represent the only remaining matters of disagreement between the applicant, HCC and submitters with respect to PC7.

6. **CONCLUDING COMMENTS**

- 6.1 Annexure A reflects those matters proposed by the applicant and the agreements reached with Mr Sharman and submitters, as set out in the various JWS(s).
- 6.2 As a result, the only matters that now remain in dispute between the expert witnesses are:
- (a) The relief sought in the evidence of Ms Perring; and
 - (b) The appropriate trigger and upgrades needed for roads outside of the PC7 area, as shown in Table 2 of Standard 3.6A.4.2 f).

Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache

15 October 2021

²⁵ The provision also refers to a map – as the triggers are not yet agreed, a draft version of the map has been provided in Annexure B and shows all the roading areas to be upgraded.