

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

1. INTRODUCTION

- 1.1 Our full names are Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache. We are independent planning consultants at Tollemache Consultants Limited.
- 1.2 We outlined our qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in our evidence in chief ("**EIC**") dated 24 September 2021. We maintain that commitment.
- 1.3 Our role in relation to the Rotokauri North development (or Plan Change 7 ("**PC7**" to the operative Hamilton City District Plan ("**HCDP**")) 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.

2. PLAN CHANGE 7 ZONES, STRUCTURE PLAN AND PROVISIONS

- 2.1 PC7 seeks to:
- (a) Rezone 137.6 hectares of Medium Density Residential Zone ("**MDZ**");
 - (b) Rezone 1.2 hectares of Business 6 Zone (Neighbourhood Centre);
 - (c) Insert the Rotokauri North Structure Plan ("**RNSP**") illustrating key roads, road connections, indicative neighbourhood parks, the green spine (containing the streams and stormwater infrastructure), medium density overlay and associated rules.
- 2.2 The existing area of SNA (approx. 1.2 hectares) is retained.

2.3 Figures 2-9A and 2-9B are the key “infrastructure maps” denoting the intended routes and key infrastructure for water and wastewater servicing and an area for future reserve.

2.4 Paragraph 3.16 of our EIC outlines the specific changes to the HCDP. 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 at the subdivision stage through adequate dimensions of allotments and urban blocks, interconnected road networks, as well as the use of “rear lanes” to preserve separated cycle lanes where these are in the road network. These are the key rationale for most of the proposed changes to Chapters 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 comprehensive development plan (“**CDP**”) process.

3. **ASSESSMENT OF EFFECTS**

3.1 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 in Section 5 of our EIC.

3.2 In reliance on the various expert reports and evidence prepared in support of PC7 (and assuming that evidence is accepted), we conclude that 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.

4. **CONSISTENCY WITH HIGHER ORDER PLANNING DOCUMENTS**

4.1 There is agreement between ourselves and Mr Sharman that PC7 is consistent with all applicable higher order planning documents. As addressed in Section 6 of our EIC, these documents are as follows:

- (a) National Policy Statement Urban Development 2020;
- (b) National Policy Statement for Freshwater Management 2020;
- (c) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
- (d) Waikato Regional Policy Statement; and
- (e) Part 2 of the Resource Management Act 1991 (“**RMA**”).

5. **DISTRICT PLAN PROVISIONS**

5.1 Annexure A to our reply evidence reflects those matters agreed through various joint witness statements (“**JWS**”) and direct discussions with Mr Sharman. We briefly summarise those agreements as follows.

Chapter 3 – Structure Plans

5.2 In respect of those provisions which were not agreed prior to our EIC, we confirm that all matters with the exception of “Table 2” to Standard 3.6A.4.2 f) have now been agreed/resolved with HCC and where applicable Waka Kotahi.

5.3 The suite of objectives, policies, rules, assessment matters and any explanatory text are considered appropriate to ensure the outcomes of the RNSP can be achieved, to address specific affordable housing requirements, and provision of key infrastructure.

Chapter 4 – Residential Zones

5.4 We confirm that all matters are now resolved with the agreement through JWS to the service court provisions in Standard 4.8.6.2 and the modification to the parking design for duplexes in Rule 4.14.2iv.

5.5 The suite of objectives, policies and rules are considered appropriate to ensure the high quality outcomes for medium density housing.

Chapter 23 – Subdivision

5.6 We confirm that all matters are now resolved with the agreement through JWS to delete repetitive provisions (and where additional matters of assessment and/or information requirements have been inserted to address any residual concerns relating to these matters) and to amend the rear lane provisions to remove references to the Unit Titles Act 2010 (“**UTA**”).

5.7 The suite of objectives, policies and rules are considered appropriate to ensure high quality design outcomes for a medium density living environment, which are also consistent with the RNSP.

Chapter 25 – Citywide

5.8 We confirm that all matters are now resolved with the agreement through JWS to delete the Integrated Transport Assessment (“**ITA**”) contents rule (and relocate it to an information matter) and to amend the rear lane provisions to remove references to the UTA.

- 5.9 The Chapter 25 objectives, policies and rules address a wide range of district plan matters which are unchanged by PC7 and thus will continue to enable the outcomes sought by HCC in relation to three waters, transport, earthworks, noise, and all other matters covered by this chapter.

Appendix 1 – District Plan Administration

- 5.10 We can confirm that all matters in relation to Appendix 1 are now resolved with the agreement through JWS which include:

- (a) Insertion of new information requirements in 1.2.2.23; and
- (b) Insertion of new matters of assessment in 1.3.3 O- Rotokauri North.

Appendix 2 Structure Plan Maps

- 5.11 Appendix 2 has been updated to include the agreed Structure Plan maps and the indicative public transport map.

Appendix 9 Natural Environments

- 5.12 This remains as per the notified request to update the name of the SNA to Kereru Reserve.

Appendix 15 Transportation

- 5.13 The recommendations from the 42A report in relation to this appendix regarding parking are agreed.
- 5.14 Through Transport caucusing and finalising of Rule 3.6A.4.2f) it was agreed that a map would assist with the updates listed in Tables 1 and 2. As these are not yet all agreed (as outlined by Mr Hills), the map has not yet been inserted (but a map showing all upgrades, including those in contention was provided in Annexure 2 to our reply evidence).

Overall

- 5.15 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).

6. **MS PERRING ON BEHALF OF "ROKOKAURI LANDOWNERS"**

6.1 We have outlined in our reply evidence that in our opinion the concerns raised by Ms Perring are already addressed by the HCDP and no further or specific provision is needed and/or her concerns are unfounded.

6.2 In relation to construction traffic:

(a) 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.

(b) In our experience Construction Management Plans ("CMP") are managed via consent conditions, rather than being submitted with the application. 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. There is no reason to require this at an earlier stage for Rotokauri North.

(c) Ms Perring identifies in paragraph 7.1 of her evidence 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). Resource consent applications will be notified to "the landowners" as required by section 95 of the RMA.

(d) Ms Perring has sought 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.

6.3 In respect of all of the above matters, 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 Hamilton City.

6.4 Speed restrictions are a matter governed by the Land Transport Act 1998 and the exercise of HCC's duties and functions under the Local Government Act 2002.

6.5 Ms Perring's evidence at paragraphs 7.11 and 7.12 requests specific amendments to Objective 3.6A.2.4¹ 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)).

6.6 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

¹ Note this is now Objective 3.6A.2.2.

accordance with Policy 3.6A.2.3, to be introduced by PC7. The referenced Objective 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.

- 6.7 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". The existing HCDP method require that resource consent applications provide an ITA (meeting Appendix 15-2 and additional matters for Rotokauri North in 1.2.2.23) which address amongst other things the cumulative effects on the surrounding transport network – which is based at each stage of the development. This ensures that at each stage the network is assessed to ensure effects can be managed.

7. **TRANSPORT TRIGGERS**

- 7.1 As outlined previously Table 2 of Standard 3.6A.4.2 (f) iii is not agreed by parties.
- 7.2 Annexure "B" to the Planning Reply B shows as a comparison the current position as between the traffic experts for Green Seed (Mr Hills) and Hamilton City Council (Mr Black) respectively (as emailed from Mr Sharman on 15 October 2021).²
- 7.3 As evident from the comparison the transport experts agree as the upgrade and trigger for:
- (a) Exelby Road – South of Burbush Road;
 - (b) Burbush Road between Rotokauri North and Exelby Road; and
 - (c) Exelby Road/Burbush Road Intersection.
- 7.4 We note that Ms Perring's evidence recommends a footpath as well as the roading upgrade. In reliance on the reply evidence of Mr Hills, we conclude that a footpath is not warranted or necessary in order to address any traffic effects from PC7. In our view, the relevant planning instruments do not indicate that a footpath is required for any other reason.
- 7.5 The reply of Mr Hills addresses the two roading areas which are not agreed with Mr Black. These are the need for the following upgrades:
- (a) Exelby Road/ Rotokauri Road intersection; and

² 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.

- (b) Exelby Road – North of Burbush Road.
- 7.6 Mr Hills’ conclusion, based on the modelling and assessment he has undertaken, is that the level of traffic effects from PC7 is not such that the need for (or timing of) those upgrades can be appropriately attributed to the development of that land.
- 7.7 In relation to the Exelby Road – North of Burbush Road that effects based assessment identified that:
- (a) Additional traffic volumes do not increase the movements per day such that the classification of the road would change from a local to a collector road.
- (b) The seal width of the road is not to current standard.
- 7.8 For these reasons, we concur with Mr Hills that the effects of the PC7 development will not change the nature or operation of this road – thus any need for it to be upgraded is not triggered by PC7.
- 7.9 In respect of the Exelby Road/ Rotokauri Road intersection, the modelling and effects based assessment undertaken by Mr Hills confirms that this upgrade is not needed to accommodate traffic effects from:
- (a) 500 dwellings from the PC7; or
- (b) The full combined build out of Rotokauri Stage 1 and PC7³.
- 7.10 We note that this intersection is some 2.8km to the south of PC7 and is located **inside** the Rotokauri Stage 1 zoned land/Structure Plan area and at a location shown on the Rotokauri Structure Plan where a “four-way” intersection would occur.
- 7.11 We concur with Mr Hills that these upgrades are not the result of effects generated by PC7 development.
- 7.12 We consider that it is unreasonable for the PC7 applicant to be required to assume full responsibility for these upgrades (and by default absolve others from having to undertake these these works). Wider upgrades may be required from other developments outside PC7, or existing network issues, but these are not effects resulting from PC7 and should be addressed outside of the requirements on Green Seed.
- 7.13 The improvements and triggers reflected in Annexure A to our reply evidence, in concert with the other HCDP methods for managing wider traffic effects (including a restricted discretion activity for construction of a new road, restricted discretionary activity for provision of an ITA, specified ITA contents, and existing matters of assessment in 1.3.3

³ Rotokauri Stage 1 development will construct additional roading linkages which will distribute traffic.

G relating to transportation) are sufficient to ensure that the effects of PC7 on the wider network can be adequately managed.

8. CONCLUSION

8.1 Having regard to (and in reliance on) the various expert assessments that have been undertaken, 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.

8.2 We consider PC7 can be accepted and approved in the form identified in Annexure A of our reply evidence.

Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache

20 October 2021