

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 STATEMENT OF FURTHER REPLY 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.

Purpose of further reply evidence

- 1.3 This further reply evidence responds to issues raised by Mr Black in his evidence dated 22nd October 2021. It does not restate matters addressed in our EIC and/or reply but addresses new issues raised in Mr Black’s evidence. This statement should be read alongside the further reply evidence prepared by Mr Hills in relation to traffic matters.
- 1.4 As reflected in the various Transport JWS and from follow up email confirmation from Mr Sharman on walking/cycling, we understood that the only remaining area of disagreement with HCC relates to Table 2 of Rule 3.6A.4.2.f. Thus, this reply does not address the Mr Black’s “further” comments on walking/cycling and public transport.

2. MR BLACK (SECTION 42A REPORT CONTRIBUTOR)

- 2.1 In response to the updated HCC version of “Table 2” of Rule 3.6A.4.2.f (being updated from that which was received from Mr Sharman and included in our Reply Annexure B), we have reviewed the comments from Mr Black. We have identified that the areas of disagreement appear to arise based on “uncertainty” of other factors including (but not limited to) the timing of the minor arterial, the various options for internal staging of

development with the PC7 area, development uptake and works associated with Rotokauri South Stage 1¹.

- 2.2 We consider that triggers and rules to address uncertainties or uncertain scenarios are inappropriate. These triggers are based on a series of 'what ifs', each of which is dependent on future worst case scenarios actually eventuating. In our experience, these types of matters are better addressed through rules and discretions, for example, in the Integrated Transport Assessments ("ITA"), rather than trigger rules.
- 2.3 In addition, the inclusion of triggers based on uncertain factors, including the timing of other developments outside of the PC7 land, could signal to other developments (including those in Rotokauri South) that the works will be undertaken by PC7² and thus avoid their own responsibility to mitigate the effect of their own development until such time that Rotokauri North has provided the upgrade.
- 2.4 In our opinion, in order to be effective and to conform with sound planning practice, it is necessary that triggers be based on a high degree of certainty. The absence of a 'trigger' in no way signals that further upgrades may not be needed and/or further mitigation required. However, the less certain factors such as staging/timing and the influence that these may or may not have on further mitigation can in our opinion be more effectively addressed through matters of assessment³ and the ITA requirements - specifically those listed in 1.2.2.23 for Rotokauri North. This more appropriately takes into account the variable nature of these upgrades rather than a trigger with a non-complying activity status consequence as proposed by Mr Black.
- 2.5 We recommend amending The ITA information requirement in 1.2.2.23 as shown in **orange**.

- g) In addition to the **Broad** ITA content specified in 25.14.4.3 m), any **Broad** ITA prepared in relation to development within Rotokauri North shall include:
- i. **Specific consideration of demand, safety, levels of service and options for mitigation at the following intersections and transport corridors:**
- A. **Exelby Road / State Highway 39 (SH39) intersection;**
 - B. **Collector 1 / State Highway 39 intersection;**
 - C. **Te Kowhai Road / State Highway 39 / Burbush Road intersection;**
 - D. **Burbush Road; and**
 - E. **Exelby Road between Rotokauri North and the Rotokauri Road / Exelby Road intersection inclusive; and**
 - F. **Exelby Road / Lee Road intersection**

¹ Paragraph 40 of Mr Black's EIC.

² As it is a non-complying activity under Rule 3.6A.4.5 for any non-compliance with Rule 3.6A.4.2.

³ Including those matters listed in Assessment Criteria 1.3.3 G Transport.

2.6 We consider that in tandem with the other existing methods⁴ there will be sufficient certainty that future traffic effects (including cumulative effects) can be adequately addressed at a later time when all relevant circumstances can be assessed.

Renee Louise Fraser-Smith and Mark Seymour Manners Tollemache
27 October 2021

⁴ Such as the restricted discretionary activity status for requiring an “simple” or “board” ITA under Rule 25.14.3, the ITA contents in Appendix 15-2, and Assessment Matters 1.3.3.G.