

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an application to Hamilton City Council for Private  
Plan Change 7 to the Hamilton City District Plan by  
Green Seed Consultants Limited

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**SUMMARY STATEMENT OF CRAIG MELVILLE SHARMAN (PLANNING)**

**Dated 28 October 2021**

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## INTRODUCTION

1. My full name is Craig Melville Sharman.
2. I hold the qualifications of a Bachelor of Resource and Environmental Planning and a Master of Philosophy (Geography) from Massey University. I am a Senior Associate Planner for Beca Limited based in Hamilton. I was admitted as a Member of the New Zealand Planning Institute in 2003.
3. I have 23 years' professional planning experience and have been a planner based in Hamilton since 2004. I worked for Hamilton City Council between 2004 and 2006 in consenting and policy roles, and as a planning consultant in the Waikato region since 2006. As a result I am highly familiar with the Hamilton City District Plan and am familiar with the strategic land use, growth management and environmental issues in and around Hamilton City.
4. I provided a section 42A report with recommendations (**S42A report**) for the proposed Rotokauri North Private Plan Change (**PC7**) dated 10 September 2021.

## CODE OF CONDUCT

5. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

## SCOPE OF EVIDENCE

6. This statement provides a summary of the S42A report key conclusions and recommendations provided at section 9 of that report; provides an update on resolution of previously unresolved matters through expert caucusing since the S42A report was prepared on 10 September 2021; and provide responses to matters raised in the plan change proponent's (**Green Seed**) evidence in chief and rebuttal evidence, and to submitter evidence.

## SUMMARY OF REPORT

7. Section 9 of the S42A report provided a recommendation for approval of the plan change. Informing this recommendation within the S42A report was also an analysis of submissions received on the plan change with recommendations in respect of each (Section 3); an evaluation of issues and anticipated environmental effects under a series of sub-headings (Section 4); a statutory assessment against the various relevant policy statements and plans, and the legislative framework (Section 5); commentary on sections 32 and 32AA of the Resource Management Act 1991 (**RMA**); a description of the recommended changes to the plan change amendments to district plan provisions (Section 7); and analysis of Part 2 RMA matters (Section 8).
8. Key conclusions within the S42A report were that:
  - Whilst there were some concerns expressed on unacceptable effects regarding transport if several amendments to district plan provisions were not implemented (paragraph 4.93), the broad conclusion was that there were many positive effects resulting from the proposed plan change, and that overall the environmental effects being generated are considered acceptable and generally consistent with the statutory planning framework (paragraph 4.95).

- That the proposed plan change is consistent with the policy direction and outcomes promoted by the National Policy Statement on Urban Development 2020, and that the outcomes achieved will be in accordance with the objectives within that statement (paragraph 5.9).
  - That the proposed plan change represents a robust and suitable response to the National Policy Statement on Freshwater Management 2020, and that the outcomes achieved will be in accordance with the objectives of the statement (paragraph 5.13).
  - That the proposed plan change is in accordance with the national environmental standards listed at paragraph 5.14.
  - That the proposed plan change is consistent with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) and the Waikato Regional Policy Statement, including the implementation method 6.14.3 'criteria for alternative land release' (paragraph 5.32).
  - That the proposed plan change is consistent with the Waikato Regional Plan provisions (paragraph 5.35); and
  - That the proposed plan change is consistent with the Future Proof Sub-Regional Growth Strategy, the Hamilton-Waikato Metropolitan Spatial Plan, and Tai Tumu, Tai Pari, Tai Ao - the Waikato-Tainui Environmental Plan (paragraphs 5.36 to 5.60).
9. The amendments to the District Plan discussed at Section 7 of the S42A report have further evolved through recent expert caucusing as discussed further below.
10. The extent of consistency with Part 2 RMA matters is discussed at Section 8 of the S42A report. The report concluded that the commissioners could be satisfied that the proposed plan change is consistent with Part 2 RMA matters (paragraph 8.8).

11. Sections 9.10 and 9.11 of the S42A report recommended approval of the plan change, subject to several matters being resolved. An update on these matters is provided below.

#### **SUBMITTER EVIDENCE**

12. I have read the evidence of Green Seed as plan change proponent, and that of submitters relevant to the planning discipline and district plan provisions. In respect of submitters I comment as follows.

##### Waka Kotahi – New Zealand Transport Agency

13. The hearing evidence presented by Mr Wood and Mr Tindall expressed support for the outcomes of the transport caucusing undertaken. They advised there were no outstanding matters from their perspective. I concur with those statements.

##### Van Asbeck

14. The submission of Lorraine van Asbeck in respect of the properties 336, 338 and 360 Te Kowhai Road located at the proposed State Highway 39 and the Rotokauri North collector intersection. The relief sought was that *“Hamilton City Council’s decision is no direct access onto Te Kowhai Road/SH39 from the proposed Rotokauri North Subdivision.”* The submission details various design matters with any future intersection at the frontage of the properties, and some existing drainage issues.
15. I note that the location of the proposed State Highway 39 / Collector route intersection shown on the Rotokauri North Structure Plan is the same as shown on the existing Rotokauri Structure Plan. I consider that the relief sought is not suitable but acknowledge the submitter’s concerns and local knowledge of the existing flood issues. I consider that the matter can be remedied through a future design process that Green Seed will progress, and that this design process will include Waka Kotahi as the road controlling authority for the state highway and adjacent landowners,

including Ms van Asbeck. I do not consider that any other response within the plan change provisions is necessary.

Landowner Submitters – represented by Heather Perring

16. Ms Heather Perring presented evidence in response to a number of 'landowner submitters', although it should also be noted there are other submitters with the same submission not represented by Ms Perring.
17. In most respects the matters raised by Ms Perring on traffic safety matters on Exelby Road and Burbush Road to the south of the Rotokauri North growth cell are addressed in the statement of evidence presented by Mr Black. In respect of the specific points and the relief sought at Section 7 of the statement of evidence I comment as follows.
18. In respect of construction traffic I concur with the evidence presented by Ms Fraser-Smith and Mr Tollemache. It is standard practice for subdivision and land use consents involving large-scale earthworks for a construction management plan or temporary traffic management plan to be provided with the application or by way of consent condition. This is a suitable means of managing these issues as the details of the application are known and measures to avoid and/or manage potential adverse effects can be formulated. At the plan change stage this level of detail cannot possibly be known. It should also be noted that vehicles are able to lawfully use the public roading network and that whilst Council has various powers under the Local Government Act 2002 and related bylaws, that the district plan provision is not considered suitable or effective in managing potential issues. In particular, a prohibition on construction vehicles using a particular road would not be lawful at the plan change stage, nor justified.
19. Similarly, with the proposed addition of a new clause to the Broad Integrated Transportation Assessment provision, construction management plans or similar supporting subdivision or land use consent

applications involving large-scale earthworks will address potential effects of construction traffic on nearby sites and the wider transport network.

20. In respect of speed reductions, Mr Black has presented evidence that Hamilton City Council are about to embark on a speed review in the Rotokauri area and that this is intended to include Exelby Road, Burbush Road and others, in conjunction with Waikato District Council.
21. Several amendments have been sought to Objective 3.6A.2.4 (now renumbered 3.6A.2.2). I concur with the evidence presented by Ms Fraser-Smith and Mr Tollemache that the objective focus is internal to Rotokauri North as it is based around the phrase “encourage a legible roading layout that supports a range of travel modes, while...” and then lists as policies various matters internal to Rotokauri North. Rule 3.6A.4.2f) Transport remains the primary response to the issue being raised by Ms Perring, being to manage or avoid transport safety and efficiency effects on Exelby Road, Burbush Road and Te Kowhai Road (east of the State Highway 39 roundabout intersection with Burbush Road).
22. The final point is regarding a monitoring clause for Rotokauri North at five year intervals with a requirement for a traffic review, and that a construction management plan should include methods to minimise effects from construction traffic. On the former point, the corridor upgrade ‘triggers’ within Rule 3.6A.4.2f) Table 2 are important as they address this concern and are the primary response. On the latter point, as described above construction management plans will address potential effects from construction traffic where large-scale earthworks are involved and this is standard practice. No amendments to provisions are recommended in response.

**UPDATED POSITION**

23. Since preparation of the S42A report on 10 September, extensive expert caucusing has occurred on the topics of 'stormwater' on 21 September 2021, 'transport' on 21 September 2021, 5, 12 and 14 October 2021, and with 'planning' (to agree district plan provisions) on 6 October 2021. With the exception of one transport matter (Rule 3.6A.4.2f) Transport - Table 2 in respect of infrastructure upgrades outside of Rotokauri North), all other matters have been resolved between the parties. Annexure A to the Reply Statement of Evidence – Planning contains the various agreed amendments to district plan provisions.
24. Sections 9.10 and 9.11 of the S42A report recommended approval of the plan change, subject to several matters being resolved. These are commented on in the same order as within the S42A report:
- The stormwater matters identified within the Morphum report have all now been resolved through the expert caucusing conducted on 21 September 2021. I am satisfied that there are no outstanding stormwater matters that would prevent the plan change being approved.
  - Amendments to the Rotokauri North Structure Plan diagrams to achieve better alignment with the words relied upon within Rule 3.6A.4.2, these being Figure 2-8A, Figure 2-9A, Figure 2-9B and the inclusion of a new diagram Figure 2-9C – Rotokauri North Indicative Waikato Regional Council Preferred Public Transport Route. These diagrams have now been agreed through expert caucusing on transport (21 September, 5, 12 and 14 October) and planning (6 October). Subject to any amendments commissioners might seek these diagrams are now recommended for approval as part of the plan change provisions.
  - Amendment to Figure 15-4b Transport Corridor Hierarchy Plan to reflect the revised collector transport corridors shown on the



Rotokauri North Structure Plan diagrams. Figure 15-4 is a series of diagrams that display the city's transport corridor hierarchy, and a minor amendment will be required to reflect the final Rotokauri North proposed transport network. This is an administrative change only to ensure consistency with the Rotokauri North Structure Plan Diagrams and Figure 15-4b.

- The final point was an acknowledgement that Green Seed would seek amendment to several provisions recommended within the S42A report through hearing evidence. These points are discussed in detail within the Green Seed hearing evidence submitted 24 September 2021 and were subsequently the subject of expert caucusing and agreed (apart from one transport matter).

25. I also support the inclusion of Figure 15-10: Rotokauri North – Transport Upgrades as proposed by Green Seed as it provides clarity to Rule 3.6A.4.2f) Transport. The figure displays the various transport corridors to be upgraded as part of the ongoing development of Rotokauri North (as referred to within Rule 3.6A.4.2f) Transport. The draft version of the figure is attached to the Reply Statement of Evidence – Planning as Annexure B.
26. As noted by Ms Fraser-Smith there is a minor omission from assessment matter 1.3.3 O7 in respect of 'service areas' for apartments. The omission is the intended removal of the words "are above ground level" with the effect that the assessment matter is applied to service areas for apartments, irrespective of whether they are at ground level or on upper levels.
27. In respect of duplex layouts and Rule 14.4 Rotokauri North Acceptable Solutions Code (for duplex dwellings), there were two points of concern expressed at paragraph 4.62 of the S42A report in respect of the practicality of the proposed two-bay joint car parking and service areas. I concur with the evidence of Mr Munro. The format of Rule 14.4 provides

for duplex dwellings in accordance with the Acceptable Solutions Code as a permitted activity, whilst other duplex layout options can be progressed through a restricted discretionary activity consenting process. This is an appropriate means of assessment and enables future consenting processes to be the forum for discussion around the suitability of various layouts. Amendments to the service area provision (Rule 4.8.6.2) in respect of the various housing typologies were agreed in planning expert caucusing and are as attached at Annexure A to the Reply Statement of Evidence – Planning. There are no outstanding concerns in respect of either matter.

28. The remaining outstanding point regarding transport matters is discussed below.

Rule 3.6A.4.2f) Transport - Table 2: Transport Triggers and Upgrades Outside of Rotokauri North

29. Attachment 4 to Mr Black’s evidence is the proposed version of Rule 3.6A.4.2f) Transport - Table 2 Transport Triggers and Upgrades Outside of Rotokauri North (**Table 2**), being amended from that attached to Annexure B of the Reply Statement of Evidence – Planning (which represented a point in time at the conclusion of the transport expert caucusing). Since the closure of the caucusing Mr Black has refined the transport corridors to be upgraded, and the suitable ‘triggers’ for an upgrade to those corridors.
30. I consider that a degree of caution is necessary in relation to this matter and support the proposed amendments to Table 2 as proposed in Mr Black’s evidence. Hamilton City Council is progressing a notice of requirement process to secure a designation for the north-south minor arterial corridor shown on the Rotokauri Structure Plan (aimed for lodgement in the first quarter of 2022). This important transport corridor extends from the Taiatea Drive/Rotokauri Road roundabout in the south and is intended to travel northwards to connect with the State Highway 39/Burbush Road roundabout (with Burbush Road being realigned to

accommodate this). This transport corridor is the primary arterial corridor serving the wider Rotokauri growth cell and is an important connection to the wider city network to the east (via a future extension of Te Kowhai East Road under the Te Rapa Section of the Waikato Expressway) and the south (via Te Wetini Drive and Rotokauri Road). Funding for construction of this north-south minor arterial is not currently within Council's Long Term Plan 2021-2031.

31. The significance of that is that the version of Table 2 being promoted by Green Seed does not require any further upgrades to transport corridors beyond the proposed seal widening of Burbush Road and Exelby Road, and an upgrade to the existing Exelby Road/Burbush Road intersection. These upgrades are required when either a 500 dwellings/lots threshold within Rotokauri North is reached, or the first new dwelling/lot with access onto Burbush Road (including via any new transport corridor which connects to Burbush Road) is constructed. This could mean that up to approximately 2000 dwellings are constructed within Rotokauri North without further upgrades to transport corridors being required (by Rule 3.6A.4.2f) Table 2).
  
32. Development within the south of the wider Rotokauri growth cell is being inhibited by the absence of the Rotokauri Greenway, which is the primary means of stormwater management within the southern part of the growth cell (as shown on the Rotokauri Structure Plan). The design, consenting, land acquisition and construction of the Rotokauri Greenway is a circa \$90M project, with construction funding not being within Council's Long Term Plan 2021-2031. As a result, housing development within the wider Rotokauri growth cell is inhibited as individual developments are having to manage stormwater internally within each subdivision to achieve the Rotokauri Integrated Catchment Management Plan parameters. The relevance of this to Rotokauri North is that the northwards extension of the north-south minor arterial corridor as part of housing developments is less likely to be progressed by developers than would otherwise be the case, as housing development is not progressing northwards at pace, nor

is it likely to until such time as the Rotokauri Greenway is constructed and functioning. The construction of the Rotokauri Greenway itself is planned as a three year project given the complexity around parts of the corridor being a 'live' channel conveying stormwater during construction.

33. The Table 2 presented in Mr Black's evidence seeks to address the scenario that is entirely plausible where development within Rotokauri North reaches beyond the 500 dwellings/lots thresholds (with the widening and intersection upgrade being completed as per the Green Seed Table 2), and that the number of dwellings/lots then far exceeds that threshold with no other obligation on Green Seed to undertake further transport corridor upgrades. The scenario also is that the north-south minor arterial corridor is not constructed by Council or developers until the 2030s, in which case this interim situation persists for more than a decade.
34. Table 2 as presented in Mr Black's evidence addresses this suitably in my opinion by imposing a new threshold of 700 dwellings/lots for further improvements of the Exelby Road corridor south of Burbush Road without the minor arterial corridor being in place (with no requirement for an upgrade if the minor arterial corridor is in place and connecting to the wider city network). The same upgrade requirement is proposed for Burbush Road between Rotokauri North and Exelby Road, with the same upgrade trigger threshold, and the same exclusion once the minor arterial corridor is in place.
35. I rely on the evidence of Mr Black in terms of the potential transport safety and efficiency effects on the existing rural road network occurring from development within Rotokauri North beyond the initial threshold of 500 lots/dwellings within Table 2 as promoted by Green Seed. Whilst I accept that the modelling shows the preferred corridor south towards the central city will be via Koura Drive and State Highway 1, inevitably there will be a proportion of traffic generated by Rotokauri North development which does not use that route, and instead through personal choice relies on the

existing rural roading network to access the wider city network to the south. The extent of adverse effects of this on the Exelby Road, Burbush Road and Rotokauri Road part of the network will become progressively less acceptable as the number of dwellings/lots continues to grow beyond 500 dwellings/lots. This will particularly be the case if the duration of time prior to completion of the north-south minor arterial corridor is a decade or more.

36. I rely on Mr Black's evidence that a threshold of 700 dwellings/lots is an appropriate threshold for requiring further corridor upgrades, and also the nature of those upgrades. The additional requirements within Table 2 provide sufficient flexibility whereas if the minor arterial corridor is completed and connects with the Rotokauri North growth cell in a timely manner, then those additional corridor upgrades will not be required. The proposed threshold of 700 dwellings/lots also will likely not be reached for several years with no additional onus on Green Seed until that threshold is reached.
37. I acknowledge the concern expressed by Mr Hills in evidence that other development will occur in the wider Rotokauri growth cell (or nearby within Waikato District) and that effectively Green Seed will be upgrading corridors in response to traffic generated by other development. I concur that the principle should be that Green Seed obligations extend only to corridor upgrades in response to traffic generated within Rotokauri North.
38. It should also be noted that any subdivision or land use consent application lodged that is not in compliance with Rule 3.6A.4.2f) Transport, including the requirements within Table 2, will be a non-complying activity (as per Rule 3.6A.4.5). This still enables an integrated transportation assessment to be lodged with any such application. The consenting process can allow consideration of analysis of 'leakage' of traffic from other development outside Rotokauri North onto the Exelby Road, Burbush Road and Rotokauri Road rural network to be identified and discounted. The

consenting process can also allow some consent-specific mitigation measures to be considered as alternatives to the upgrade within Table 2 of the rule.

39. I therefore consider that there is sufficient flexibility within both Table 2 as proposed in Mr Black's evidence, and the consenting process, to appropriately manage the scenario where the north-south minor arterial is not constructed until the 2030s without unacceptable transport effects on the existing rural road network occurring.

## **CONCLUSION**

40. As stated within Section 9.11 of the S42A report, the recommendation pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 is to approve Plan Change 7 – Rotokauri North, and that the submissions and further submissions be determined in accordance with the report and the specific recommendations within the submission tables within Section 3 of the S42A report. Amendments to district plan chapters are shown within Annexure A to the Reply Statement of Evidence – Planning, subject to any amendments that may be made through commissioner decisions.
41. The various matters listed within Section 9.10 of the S42A report have now been either satisfactorily resolved or in the case of Figure 15-4b will be updated as an administrative change. This recommendation to approve the plan change is subject to the amendments proposed within Rule 3.6A.4.2f) Transport for the reasons described above.

**CRAIG MELVILLE SHARMAN**

**27 OCTOBER 2021**