

**BEFORE HEARING COMMISSIONERS
APPOINTED BY THE HAMILTON CITY COUNCIL**

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

AND

IN THE MATTER Plan Change 6 to the Hamilton City Operative
District Plan

SUBMITTER Weston Lea Limited

**STATEMENT OF PLANNING EVIDENCE OF
BEN MAXWELL INGER FOR WESTON LEA LIMITED**

1 May 2020

INTRODUCTION

1. My name is Ben Maxwell Inger.
2. I am the Operations Manager - Waikato at Harrison Grierson, in Hamilton. I hold the qualifications of Bachelor of Planning (Honours) from the University of Auckland. I am a Full Member of the New Zealand Planning Institute.
3. I am a Senior Planner with 14 years' experience. Over this time, I have been employed in private consultancies working for both private and public sector clients, including developers and local authorities in the Waikato region. My experience includes preparation of plan changes and submissions and planning evidence related to proposed district plans as well as, preparation and processing of resource consent applications for residential, commercial and infrastructure projects and preparation of notices of requirement for infrastructure projects. I am a current member of the Hamilton City Council's Urban Design Panel.
4. My planning evidence relates to the further submission made by Weston Lea Ltd (**Weston Lea**) to Plan Change 6 (**PC6**). I prepared the further submission on behalf of Weston Lea.
5. My relevant experience includes planning inputs into the resource consent application by Weston Lea for the Amberfield subdivision in Peacocke, Hamilton. Amberfield is a large residential subdivision of 835 residential lots, open space and super lots for a future Peacocke suburban centre.
6. I have been involved in the Amberfield project since July 2017. My role has involved assisting with co-ordination of specialist inputs into the master planning and resource consent application, assisting with the preparation and management of the resource consent application and further information, undertaking consultation and presenting introductory planning evidence at the Council level hearing. The resource consent granted by HCC for Amberfield is currently subject to appeals related to ecology and vesting of a sports park.
7. I have also been assisting Weston Lea with initial discussions with HCC staff regarding a plan change that is being prepared by HCC for the Peacocke Structure Plan Area (**PSPA**).

8. In preparing this evidence I have read the Section 42A Report for PC6 prepared by Clare Douglas.

CODE OF CONDUCT

9. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
10. 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

11. My planning evidence relates to the following matters which I have grouped by the relevant submission points:
 - (a) Further submission points 4.03, 4.04, 4.05 and 4.11 – Special Character Zone and Peacocke provisions.
 - (b) Further submission point 4.16 – noise-sensitive activities (Rule 25.8.3.10(b)).
12. My evidence provides a summary of the submission points, comments on the relevant recommendations in the Section 42A Report and outlines the decisions that are sought.

SPECIAL CHARACTER ZONE AND PEACOCKE PROVISIONS

13. PC6 proposes no changes to the Special Character Zone provisions which apply to Peacocke or to any of the Peacocke specific provisions contained in Chapter 3 (Structure Plans), Chapter 5 (Special Character Zones), Chapter 23 (Subdivision) and Appendix 2 (Structure Plans) of the district plan. I understand this is because HCC staff are currently undertaking a full review of the Peacocke Structure Plan and related district plan provisions with the intention to deal with those provisions as part of a separate plan change process which is underway and due to be notified in mid to late 2020.

14. Submissions were made to PC6 by CKL¹, Johnnybro Development² and Property Council of New Zealand³ seeking various changes to the provisions for the Special Character Zone and specific matters related to Peacocke. The submissions by CKL and Property Council of New Zealand seek changes to the provisions in Chapter 5 (Special Character Zones) to align with the changes that are proposed to Chapter 4 (Residential Zones). The Johnnybro submission seeks specific changes to remove the Peacocke master plan provisions from the district plan and to reduce minimum lot sizes in the Peacocke Gully area to 400m².
15. Weston Lea's further submission opposes those submission points on the basis that the changes that have been requested within the submissions are not within the scope of PC6. Changes to the district plan provisions for Peacocke will be more appropriately addressed through the separate plan change process for Peacocke that is already underway.
16. The land holding company associated with Weston Lea is The Adare Company Ltd (**Adare**). Adare is a major landowner in the Peacocke area. Weston Lea (and Adare through that company's relationship to Weston Lea) intends to be closely involved in the Peacocke plan change process. That will allow Weston Lea and other interested parties the appropriate opportunity to review the detail of any proposed changes and submit on them if it wishes to.
17. I agree with the recommendation in the s42A Report that the changes requested in these submission points are out of scope.

NOISE-SENSITIVE ACTIVITIES (RULE 25.8.3.10(b))

18. Rule 25.8.3.10(b) relates to noise-sensitive activities near existing and proposed transport corridors that carry high traffic volumes. The rule applies to all zones except the Ruakura Logistics Zone, Ruakura Industrial Park Zone and the Knowledge Zone. Weston Lea is interested in this rule because the Amberfield site and other land that is owned by Adare is located on Peacockes Road which is a designated minor arterial.

¹ Submission point 10.13

² Submission point 11.01

³ Submission point 26.14

19. Rule 25.8.3.10 requires certain internal noise standards to be achieved within habitable rooms of noise-sensitive activities (including residential activities) where those activities are located within the areas that are specified in the rule. PC6 proposes the following amended standard for noise-sensitive activities which are located near designated transport corridors which carry high traffic volumes:

“b) “Near existing and proposed transport corridors that carry high traffic volumes” applies to noise sensitive activities where the building line of the building containing the activity is within 40m of the nearest edge of the carriageway (not being a state highway) of:

i. Any existing arterial transport corridor or any of the following collector transport corridors:

- ...

ii. A designated transport corridor (where the designation defines the location of the carriageway) that is predicted to carry an annual average daily traffic level (AADT) at the design year of at least:

That is predicted to carry an annual average daily traffic level (AADT) at the design year of at least: [sic]

- 5,000 AADT where the posted speed limit is ≤ 50 km/hr.
- 2,000 AADT where the posted speed limit is > 50 km/hr.

iii. Where the designation does not define the location of the carriageway for Rule 25.8.2.10(b)(ii) then the 40m distance shall be measured from the designation boundary.”

20. Firstly, I note the erroneous repetition in the wording under part (ii) of the rule which has been corrected in the changes recommended in the Section 42A Report. That aside, I also consider that this rule would be overly onerous in many instances because:

a) It is commonly the case that designations for roads are much wider than the eventual carriageway and road widths due to reasons such as needing to accommodate earthworks, stormwater ponds and areas for construction access and temporary environmental controls within the

designation. In those situations, the designation boundary would not be an appropriate measurement location for the management of operational road noise through internal noise standards for noise-sensitive activities.

b) In my experience preparing Notices of Requirement for numerous roading projects, it is unusual for a designation for a new road to fix the carriageway to a specific location. Typically road designations are based on a preliminary level of design and flexibility is required to be retained for detailed design.

21. One specific example is the section of Peacockes Road adjacent to the Amberfield site which is designated by HCC to enable the road to be upgraded to a minor arterial standard. I understand that the designation, which is approximately 45m wide adjacent to the Amberfield site, has been influenced to a significant extent by the earthworks footprint required to construct the upgrades. The designation is much wider than the legal road width will end up being once the upgrade works are complete. Although the designation does not 'define the location of the carriageway', Weston Lea has been provided with HCC's recent preliminary design for the minor arterial road which indicates that the edge of the carriageway is likely to be approximately 17m from the designation boundary.

22. The Section 42A Report recognises the issues that I have identified and has recommended the following changes to Rule 25.8.3.10(b)(ii) and (iii):

"ii. A designated transport corridor (~~where the designation defines the location of the carriageway~~) that is predicted to carry an annual average daily traffic level (AADT) at the design year of at least:

~~That is predicted to carry an annual average daily traffic level (AADT) at the design year of at least:~~

- 5,000 AADT where the posted speed limit is ≤ 50 km/hr.
- 2,000 AADT where the posted speed limit is > 50 km/hr.

iii. Under Rule 25.8.3.10b)ii the 40m distance shall be measured from either:

a) *The designation boundary; or*

- b) *The location of the carriage way confirmed in writing by the Requiring Authority; or*
- c) *The location of the carriage way confirmed through an outline plan of works approval under s176A of the RMA.*

~~*iii. Where the designation does not define the location of the carriageway for Rule 25.8.2.10(b)(ii) then the 40m distance shall be measured from the designation boundary.”*~~

23. I support the recommended changes to Rule 25.8.3.10(b)(ii) and the intention of the changes to Rule 25.8.3.10(b)(iii). However, I consider that the wording of Rule 25.8.3.10(b)(iii) should be amended to make it clear which of the standards in (a), (b) or (c) would apply. It would not be appropriate for the rule to require a person to make a judgement on which standard to choose.
24. In my opinion the following alternative wording for Rule 25.8.3.10(b)(iii) would achieve better clarity and certainty:

“iii. Under Rule 25.8.3.10b)ii the 40m distance shall be measured from either:

- a) *The nearest designation boundary if the location of the carriageway has not been confirmed in writing by the Requiring Authority or through an outline plan of works approval under s176A of the RMA; or*
- b) *The nearest location of the carriageway if the location has been confirmed in writing by the Requiring Authority or through an outline plan of works approval under s176A of the RMA.”*

25. I generally agree with the s42A Report officer’s assessment of her recommended amendments to Rule 25.8.3.10(b) in terms of section 32AA of the Resource Management Act 1991 (RMA) except to the extent that I consider the alternative wording that I have proposed for Rule 25.8.3.10(b)(iii) would improve the clarity and therefore the effectiveness of the rule.

Dated this 1st day of May 2020

A handwritten signature in blue ink, consisting of a stylized 'B' followed by a large loop and a diagonal stroke.

Ben Maxwell Inger