

IN THE MATTER OF

the Resource Management Act
1991

AND

IN THE MATTER OF

Plan Change 3 – Temple View
Boundary Alteration to the
2017 Hamilton City Operative
District Plan

HAMILTON CITY COUNCIL RESPONSE TO THE COMMISSIONERS' DIRECTIONS

DATED 21 JUNE 2019 AND 11 JULY 2019

1.0 INTRODUCTION

1.1 the following matters, as set out in the Commissioners' directions dated 21 June 2019 are discussed below.

2.0 DIRECTION 1 - UPDATED AND COMPLETE RECOMMENDED TRACK CHANGE VERSION OF PLAN CHANGE 3:

2.1 An updated and complete recommended track change version of Plan Change 3 has been completed. This is attached as a set of track changed versions of the district plan chapters relevant to Plan Change 3 (Attachment 1). Due to the size of the maps that have not been included; no what no further changes from what was attached to the s.42a report.

2.2 As there are three areas of proposed change those have been coloured coded as follows:

- All relevant text changes are in blue,
- the yellow highlighted text is as per the s.42a version and the new,
- proposed wording because of the information shared at the hearing/the Commissioners' directions has a green highlight.

2.3 The proposed amendments for stormwater (Rule 5.3.4.1c) and for reverse sensitivity (Appendix 1, Section 1.2.2.8a) is subject to the outcomes following the reconvened hearing on the 15 August. However, as this text was circulated to submitter parties on the 4 July it is appropriate to provide them.

2.4 Mr Dawson, on behalf of the Church of Jesus Christ of Latter-day Saints Trust Board (the Church), identified three matters in his evidence that have been revisited as part of updating the plan provisions requested by Direction 1. The three matters have been addressed as follows:

- Paragraph 30. – an error to proposed text in Rule 5.5.1b)
- Paragraph 32. – proposed changes to the explanation for Objective 5.2.7
- Paragraph 35. – proposed amendments to the Design Guide

2.5 It is agreed that there is an error in Rule 5.5.22b); this has been amended and the rule now is to read:

5.5.11 Retail activities within the Peacocke Character Zone and Temple View Zone

- a) Retail activities within the Peacocke Character Zone need to be in general accordance with the Peacocke Structure Plan.
- b) Retail activities within the Peacocke Character ~~Zone that form part of an approved Master Plan~~ or ~~Temple View Zone that part of a land use consent for Precinct 2 1 within the Temple View Zone, Character Area are part of an approved Master Plan or Comprehensive Development Plan~~ shall be required to comply with the associated rules in Chapter 6: Business Zones 1 to 6 as follows:
 - i. Business Zone 5 when located in the defined Suburban Centre
 - ii. Business Zone 6 when located in the defined Community Focal Pointonce a Master Plan or ~~a Comprehensive Development Plan~~ land use consent has been implemented.

Proposed Plan Change 3-
Temple View

2.6 HCC agree with the matters set out in Mr Dawson’s evidence regarding the need to ensure the past tense is clearly articulated to avoid confusion and ensure good plan administration. Accordingly, the language in the Explanation for Objective 5.2.7 and in the Temple View Design Guide, Appendix 1, Section 1.4.9 have been updated as attached.

2.5 DIRECTION 2 - WORDING AND EXPLANATION FOR THE PROPOSED ITA RULE (RULE 25.14.4.3 e) iii):

2.6 It has been concluded that the requirement of a single ITA as part of the first development and/or subdivision of Precinct 3 will enable all relevant transportation matters to be addressed and identified effected mitigated.

2.7 Below sets out the wording that was proposed in the s.42a report (yellow) and what has now been agreed to by the relevant parties (HCC, NZTA, LDS):

~~e) iii) A Broad ITA shall be prepared for subdivision creating any additional lots and/or any new development which generates greater than 100vpd, within Temple View Zone Precinct 3 identified in Volume 2, Appendix 4, Figure 4-5.~~

~~In addition to the Broad ITA consent specified in 25.14.4.3 m) the assessment shall include but not be limited to, specific consideration of demand, levels of service and options for mitigation at the following intersections:~~

- ~~1. Tuhikaramea Rd/SH23~~
- ~~2. Tuhikaramea Rd/Killarney Rd/Gibson St~~
- ~~3. Tuhikaramea Rd/Collins Rd~~

e) iii) A Broad ITA shall be prepared at the time of the first subdivision creating any additional lots, and/or any new development within Temple View Zone Precinct 3 identified in Volume 2, Appendix 4, Figure 4-5.

The Broad ITA shall assess the transport effects of Precinct 3 including the proposed subdivision and/or proposed new development and the remaining developable area of Precinct 3.

In addition to the Broad ITA content specified in 25.14.4.3 m) the assessment shall include, but not be limited to, specific consideration of demand, levels of service and options for mitigation at the following intersections:

- Tuhikaramea Road/State Highway 23
- Tuhikaramea Road/Kahikatea Drive/Gibson Street
- Tuhikaramea Road/Collins Road

2.8 DIRECTION 3 - WORDING AND EXPLANATION FOR THE PROPOSED STORM WATER RULE:

2.9 This is to be discussed at the reconvened hearing on the 15 August 2019

2.10 DIRECTION 4 - DESCRIPTION OF THE NATURE OF THE STORMWATER MANAGEMENT SYSTEM/OWNERSHIP AND FUTURE MANAGEMENT:

2.11 HCC and LDS have discussed this matter; LDS have furnished the following information to address this point:

2.12 *The Church has had extensive discussions with HCC Utilities staff (Nathanael Savage) over the past few years to get agreement on the best way to address stormwater management on the Temple View project. We are moving ahead with the project under the sub-catchment ICMP which was issued by Council on 13 September 2016 as part of the CDP2 consent 010.0216.00008544.001 (Attachment 2). Conditions 37 to 42 of the CDP2 consent set out the matters relating to stormwater flows, management and treatment including the operations and maintenance of the stormwater devices. On 16 May 2019, the Church obtained superlot subdivision consent for the entire site under HCC consent 011.2018.00006852.001 (Attachment 2). This subdivision separates the rural land in Waipa District from the land within the former Church College campus and the land surrounding the Temple site. Eventually, residential development will take place on Lots 1, 2 and 4 while Lot 3 will become a small commercial node. Lots 5 & 10 will be retained by the Church in perpetuity.*

2.13 *Easements R, S and T on Sheet 2 of the Large Lot subdivision decision plan set as attached (Attachment 2) defines those areas that will eventually accommodate the stormwater ponds to accept and treat the stormwater from the residential development areas. Upon the further subdivision of each superlot and as the exact layout and density of residential development is confirmed, the exact design of each stormwater pond will be confirmed, detailed design completed and provided to Council for certification and the stormwater*

ponds constructed. As part of the more detailed land use/subdivision application, an exact boundary will be drawn around the top edge of each stormwater pond enabling a Utility lot to vest as part of that process. The developer of the land will be responsible for the construction of each stormwater pond, and then will be responsible for the first two years of its operation (defects liability period). Following the successful completion of that 2-year period, each stormwater pond will vest in Hamilton City Council and will be operated and maintained by Council from that point onwards.

2.14 *At the discharge point from each stormwater pond, there will be an easement in gross in favour of Council which will be over the exit channel and the entire stormwater swale which will convey the flows downstream to the Legacy Park ponds and into the Koromatua Stream. The easement in gross will enable Council to discharge public stormwater into the private swale which will sit within Lot 5 and be retained by the Church. The attached Stream Realignment Plan shows the swale design of which the southern portion has already been constructed. The Council will have the right to access the swale and undertake basic maintenance activities while the Church will plant the swale banks in native plants and maintain that planting for the long term in order to achieve a higher level of localised amenity for the area.*

2.15 DIRECTION 5 - REVERSE SENSITIVITY, BULLET POINT 1:

2.16 The Commissioners have sought clarification on how reverse sensitivity is managed in the District Plan, under the assessment criteria when assessing resource consent applications for land use and subdivision for urban development.

2.17 A resource consent (Restricted Discretionary ('RDA'), Discretionary ('D') or Non-Complying ('NCA')) is required for all development in the Temple View Zone, Precinct 3 as set out in Rule 5.4.3 of Chapter 5 – Special Character Zones. Appendix 1. Section 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria sets out the 'matters of discretion' for RDA and they are as a guide when assessing either DA or NCA activities.

2.18 Reverse sensitivity is addressed in Criteria C Character and Amenity, Criteria C1c) and Criteria C2:

C1c) states: *"The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting".*

C2 states: *"The extent to which the development (including residential development) has been designed and located so that the potential for reverse sensitivity effects (including noise) are avoided, remedied or mitigated."*

2.19 It is considered that these assessment criteria would address the concerns of the submitters. Nevertheless, it would be beneficial for there to be clarity about the expected matters an application for Precinct 3 should address as part of the information to be provided with a resource consent application. Therefore, it is recommended that the following wording is added into Appendix 1, section 1.2.2.8a to be inserted into the Information Requirements Table as follows:

Information Requirements	Temple View Zone				
	Precinct	Precinct	Precinct	Precinct	Precinct
	1	2	3	4	5
and Archaeological site within the Temple View Zone that are listed in Appendix 8A and Appendix 8B to ensuring the retention of the heritage values associated with these items.					
p) Demonstrate how reverse sensitivity will be managed; and how the proposed development will address the interface between the urban activities within Hamilton City and the rural activities within Waipa District.	-	-	✓	-	-

2.20 The information above pertaining to Reverse Sensitivity was circulated to the relevant submitters (Bells and LDS) on the 3 July 2019. Parties also met and discussed the matter on the 10 July 2019 where it was agreed the matters needed to be put directly to the Commissioners. As a result, the suggested amendment proposed by HCC to be inserted into Appendix 1, Section 1.2.2.8a has not been agreed to by the parties.

2.21 DIRECTION 5 - REVERSE SENSITIVITY, BULLET POINT 1:

2.22 HCC and LDS have discussed this matter; LDS have furnished the following information relating to buffer treatments proposed to limit noise and dust impacts on the adjacent established farm activities to address this point:

2.23

2.24 *The masterplan lot layout as contained on Sheet 2 of the approved super lot subdivision 011.2018.00006852.001 shows that the closest residential lot to the northern boundary of the site provides a 20-metre separation distance. While there will be some noise and dust arising from the earthworks and building construction associated with the development of the residential lots, these effects will be controlled under the land use conditions of the consents eventually obtained for the development of the land within the plan change area. Earthworks carried out over the 2018/2019 construction season were controlled under site specific noise and dust management plans. In terms of reverse sensitivity effects post construction, the separation distance along with some site-specific landscape planting within the buffer area (Lot 5 to be retained by the Church) will assist in managing this. While landscape plans have not been finalised, condition 7 of the CDP1 consent (attached) requires that a landscape and planting plan is finalised prior to the first building consent being lodged for buildings within the residential or retail precincts. This condition would be welcomed by the Church to apply to future land use/subdivision consents obtained for development within the PC3 area.*

2.25 Please refer to Attachment 2.

ATTACHMENT 1

Chapter 5 – Special Character
Chapter 23- Subdivision
Chapter 25.15 – Transportation
Appendix 1

ATTACHMENT 2:

Information from LDS