

Council Response

Council team

The order will be:

Anna McElrea – reserve issues – I provide an overview of the land acquisition issues below – Anna can elaborate

John Miles – land acquisition issues – I provide a brief comment on the issues, John can elaborate

Richard Bax and Tony Coutts – infrastructure issues – Richard can answer the question about Council's view of the alternative route for the corridor – is it a more efficient and effective option

Matt Riley – urban design – Matt will comment further on urban design matters that he did not cover yesterday

Cameron Inder – traffic – Cameron will comment further on traffic matters that he did not cover yesterday

Mark Batchelor – planning – Mark will summarise the key points in his evidence statements and respond to planning issues raised yesterday.

Introduction / Overview

Council is somewhat stuck between a rock and a hard place. It has backed and continues to back the SP infrastructure alignment. However, it was clear that achieving this alignment from a land acquisition point of view was not going to occur easily.

Council fully supports the intent of the proposal to deliver on the housing needs in Cambridge. However, Council from an infrastructure provider perspective cannot simple rubber stamp a proposal that would result a situation where no alternative corridor is realistically able to be provided for. This is particularly problematic when we note that the traffic evidence is that by year 10 the corridor will be required.

If we were in a place whereby the details of an alternative alignment had reached the point that the Structure Plan alignment had reached then we are comparing apples with apples. We are not at that point. This is why the experts for Council have suggested various options such as conditions that include:

- Trigger conditions
- Pre-conditions
- Augier conditions.

In short while the Council experts support the proposal it is in principle it is ~~and~~ not at any cost.

What is the Structure Plan

I think you have the answer to this from Council.

To re-cap ...

We agree with the Applicant that the Structure Plan is a framework. It is a very detailed framework but the maps do not have the status of planning maps they show indicative alignment of corridors and location of important infrastructure not a fixed location. This is evidenced by the fact that there is a

process to depart from the Structure Plan layout. In short I think Council and the Applicant agree that is the outcomes of the Structure Plan that are the key. We also agree that the corridor alignment was not fixed in stone but it was more than just high level indication as noted by Mr Lang and his witnesses.

In short, the Structure Plan is not sacrosanct. The issue here is the clarity/certainty around the provision of infrastructure and whether this proposal or parts of the proposal should wait for that to be clearer before it (or parts of it are) is allowed to proceed.

Following the finalisation of the Structure Plan, council has developed the Master Plan. This is development of the infrastructure, it's use, accurate location, grades and the other technical elements to enable it to be finalised for construction with some further detailed refinement. In the case of this structure plan that work was project managed by Mr McCaffrey for council.

Commentary on the real world view ...

I need to respond to the criticisms regarding the Council's use (or lack) of NORs. The key points are:

1. The Structure Plan under consideration was developed in that the context of PC7 – a full public plan change process which the applicant was a full participant in;
2. Up until the middle of last year the Council proceeded with 3MS on the basis of a willing buyer / willing seller with regards to the land for the infrastructure corridor;
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3. This is why Council has not used the NOR tool to date. Council could use an NOR but in the context of the application now under consideration that is not considered appropriate;
4. The break-down in negotiations at the 11th hour with 3Ms starkly illustrated how vulnerable this “holding hands” strategy is. Of note:
 - a. Final detailed design was completed as per the structure plan working with 3MS and agreed to by them (approx. \$1.3m council investment noting we agree that not all that work is lost as some can be used for a new alignment);
 - b. Council approved bringing forward LTP funding of \$40 million to roll out the infrastructure as per the detailed design in February 2020;
 - c. All the agreements – Infrastructure Works Agreement, Development Agreement and Sale and Purchase Agreement had been nearly finalised.
5. Council is now revisiting this strategy with a view to considering a greater use of NORs;

Important to note that a NOR is not the panacea the applicant is suggesting. NORs can be challenged in the Environment Court. Importantly just because you have a designation does not mean a simple land acquisition necessarily follows – it helps but it is not determinative – as Waka Kotahi will attest

I don't wish to sound overly defensive but it is important to redress the imbalance that portrays Council as sitting by and doing nothing to unlock these growth cells. Important points to note include, Council:

- has promulgated PC13 to assist development including 3MS development to unlock this growth cell;
- has worked to get eastern roading (which includes cycling/ walking as per evidence yesterday) connectivity to properties to the north of Kelly Road across the green belt;
- has worked to obtain the active reserve via a final S&P agreement all of which creates more alignment with the structure plan also getting the stormwater discharge for the growth cell;

- is working on roading connection through the town belt;
- has worked with MOE to get the school site designated and .
- has secured the stormwater discharge consent with WRC for the growth cells

Land acquisition

In terms of any response on the land acquisition matters raised by the applicant this has been quite exhaustively traversed. I don't think there is a lot of disagreement – there is always different perspectives and lenses to look at issues through.

One comment to make that Mr Miles can elaborate on is the approach of doing the corridor in stages, as this not something that Council officers would normally recommend. It is very risky to do this as Council would normally the land acquisition for the entire corridor secured.

In terms of the land acquisition for reserves the following is relevant.

The reserve that is the subject of the as yet un-completed Sale and Purchase process can be seen in the plan on page 11 of the s42 Report.

The reserves included in Structure Plan (and part of the consent granted for the 3Ms site previously) were in accordance with Structure Plan plan's goals, objectives and outcomes sought in terms of creating a generous provision of well distributed open spaces including a central active reserve in the location provided in the plan.

It would be fair to say that active reserve provision is fundamentally important and an outcome sought under the Structure Plan.

Council's position is that they agree with Mr Chrisp that there are alternatives to providing an active reserve on 3Ms land.

Council has commissioned work to assess these alternatives and there is no debate that there is a need to provide a central active reserve providing at least 2 sports fields within C2. See Ms McElrea's evidence in her original report and her supplementary evidence.

Council's position is it was very pleased to progress to a sale and purchase agreement for an active reserve of 3.8669ha and a playground of approx. 5151m². While this reserve was not the ideal configuration and location in relation to the playground and commercial centre, it is central, it is of a size that will enable 2 sports fields and associated infrastructure to be developed, it has 2 road frontage and adjoins the school site, it adjoins the large stormwater reserve which will enable development as an integrated open space and there is the potential for concerns associated with road 20 to be mitigated through road design that prioritises pedestrians and cyclists.

Council will willingly work with the applicant to plan and construct the infrastructure.

The position is that without a condition linking the proposal to the sports field acquisition there is no certainty that this critical open space outcome will be realised.