

## Definitions

*Significant Natural Area means the area identified on the plan within Schedule 1 unless redefined by any mapping provisions of the Hamilton City District Plan (ODP), as introduced through Plan Change 5, which are operative as at the date that the Outline Plan of Works is lodged.*

*Significant Bat Habitat Area means the area identified on the plan within Schedule 1 unless redefined by any mapping provisions of the Hamilton City District Plan (ODP), as introduced through Plan Change 5, which are operative as at the date that the Outline Plan of Works is lodged.*

*Bat Corridor means the area identified on the plan within Schedule 1 unless redefined by any mapping provisions of the Hamilton City District Plan (ODP), as introduced through Plan Change 5, which are operative as at the date that the Outline Plan of Works is lodged.*

*Basic Open Space Construction Works means the development of the subject site to provide a basic open space environment comprising predominantly of grassed land for informal recreation. The basic open space development will not include any formal recreational features such as sport fields/courts, buildings or floodlighting or any other type of lighting. The basic development of the site shall include the following and similar activities:*

- *Construction of an access road and parking spaces via Peacockes Lane and/or Westbrook Place;*
- *Earthworks associated with the contouring of the site;*
- *Construction of basic infrastructure including walkways and cycleways, public art, fences, and park furniture (e.g. seats, bins);*
- *Establishment of erosion and sediment controls;*
- *Planting of vegetation;*
- *Geotechnical, surveying, and archaeological investigations.*

**Advice Note:** *No outline plan of works will be required for the Basic Open Space Construction Works.*

*Sport Park Construction Works means the development of the subject site into a sport park comprising, but not limited to, the following features:*

- *removal of vegetation, excluding any vegetation or tree that are potential bat roosts and/or are required in connection with a potential bat roost and any mature, tall trees and hedgerows that indicate bat activity;*
- *sport fields/courts, including floodlights (provided that all floodlights meet the standards in conditions (17) – (19));*
- *public toilets;*
- *park maintenance buildings;*
- *maintenance and repair buildings;*
- *ancillary office;*
- *changing rooms;*
- *clubrooms;*
- *community centre;*
- *conference centre;*
- *spectator facilities;*
- *indoor recreation buildings; and*
- *associated sport park facilities.*

**Advice Note:** *The Sport Park Construction Works do not include the Basic Open Space Development as defined.*

## **Design**

- (1) Prior to the commencement of Sport Park Construction Works, the Requiring Authority shall prepare and submit to Hamilton City Council (as Territorial Authority), an Outline Plan of Works pursuant to section 176A of the Resource Management Act 1991 (“RMA”). An Outline Plan of Works will not be required prior to undertaking any fencing, land contouring, re-grassing, or the provision of public access to the site to establish an informal open space environment.

## **Landscape Planting Plan**

- (2) A planting plan shall be designed and implemented to minimise the spill of light into Significant Bat Habitat Areas and Bat Corridors and shall be established prior to Sport Park Construction Works commencing.

## **Development Standards**

- (3) All buildings within the designated area shall be setback by a minimum of 8m from any boundary adjoining a Residential Zone and a minimum 5m from the boundary of a Significant Natural Area.
- (4) No building (excluding floodlighting and goal posts) within the designated area shall exceed a height of 12m.

- (5) No building (excluding floodlighting and goal posts) shall penetrate a recession plane at right angles to a boundary included inwards and upwards at an angle of 28° between northeast (45°) and northwest (315°) and 45° in all other directions measured from 3.0m above the ground level of the front, side, or rear boundaries of the designated area.
- (6) For the designated area there shall be no maximum Site Coverage or Gross Floor Area (GFA) standards.

### **Traffic, Access, and Parking**

- (7) A revised integrated transport assessment (ITA) shall be provided to *Hamilton City Council's Planning Guidance Manager (or nominee) for certification* with the Outline Plan in accordance with s 176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation). The revised ITA shall include intersection performance assessments using the latest Waikato Regional Transportation Model volumes.
- (8) The Requiring Authority shall submit with the Outline Plan in accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) a parking plan demonstrating that car park spaces and cycle spaces will be provided to meet the parking demand generated from the sports park. The number of car park spaces to be provided shall be determined by the facilities to be constructed at each stage of development at the following rates:
  - Sports Field (including soccer, rugby, and hockey) = 34 car park spaces per field
  - Basketball or Netball Courts = 6 car park spaces per court.
  - Destination Playground = 8 car park spaces per 100 m2 GFA.
  - Community building = 1 per 30m2 GFA, 1 loading space.
  - Accessible spaces = 2 accessible spaces for the first 50 general spaces provided and 1 accessible carpark space for every additional 50 general spaces.

Except if it can be demonstrated that the provision of less parking spaces is appropriate through a specifically commissioned parking study undertaken by an appropriately qualified engineer in consultation with Hamilton City Council's Transportation unit.

- (9) Peacockes Lane to the entrance of the access road to the Sports Park shall be widened to a 9.0m carriageway width prior to the first sports field/court being operational to provide for future travel demand from trips generated by the proposed Sports Park.
- (10) Westbrook Place shall be upgraded to have a carriageway width of 9.0m when the Sports Park is developed beyond four sports fields to provide for future travel demand from trips generated by the proposed Sports Park.
- (11) The design and layout of the Sports Park shall include paved paths for pedestrians and cyclists to move within and around the proposed Sports Park, and link to proposed routes beyond the park.

- (12) In the preparation of the design and layout of the Sports Park the Requiring Authority shall have regard to how the internal transport corridors may provide connectivity with external sites provided it does not compromise the optimal functionality of the Sports Park. The requiring Authority shall submit a report detailing the consideration of this matter with the Outline Plan of Works required under condition (1).

### Noise - Operational

- (13) The cumulative noise emission from all events and activities (excluding construction noise) and mechanical plant shall not exceed the rating noise levels in the following table at any point within the boundary of any other site in the Residential zone. Noise levels shall be measured in accordance with NZS6801:2008 'Acoustics - Measurement of Environmental Sound' and assessed in accordance with NZS6802:2008 'Acoustics - Environmental Noise' before comparison with these levels.

Time of day	Noise level measured in LAeq(15mins)	Noise level measured in LAF max
0700-2300 hours	55dB	-
2300-0600 hours	40dB	75dB
0600-0700 hours	45dB	75dB

### Noise - Construction

- (14) All construction work on the site (including any demolition, site investigation, enabling works, earthworks, foundation work, concrete pours, and piling) shall be designed and conducted, as far as practicable, to ensure that construction noise from the site at approximately 1m from the most exposed façade of a building on any other site in a Residential zone does not exceed the noise limits in the following table. If any sound level measurements are recorded, they shall be measured and assessed in accordance with the provisions of NZS 6803:1999 'Acoustics – Construction Noise' by a suitably qualified and experienced person in construction noise.

Time period	Monday to Friday		Saturdays		Sundays/public holidays	
	Leq (dBA)	Lmax (dBA)	Leq (dBA)	Lmax (dBA)	Leq (dBA)	Lmax (dBA)
06:30am to 7:30am	55	75	45	75	45	75

07:30am to 06:00pm	70	85	70	85	55	85
06:00pm to 08:00pm	65	80	45	75	45	75
08:00pm to 06:30am	45	75	45	75	45	75

**Advice Note:** The lower noise limits (shaded) mean that some construction work, particularly in relation to any concrete pours, piling and earthworks, may not be able to take place during the corresponding time frames, which includes all times on Sundays and public holidays.

- (15) A Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified and experienced person in construction noise in accordance with clause E2 (Noise management plans) of Annex E of NZS 6803:1999 Acoustics – Construction Noise and provided to Hamilton City Council’s Planning Guidance Manager (or nominee) for certification with the Outline Plan in accordance with s 176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation). All construction works shall be carried out in accordance with the certified CNVMP.

### Operational Lighting

- (16) A bat sensitive lighting regime will be designed and implemented to minimise the spill of light into Significant Bat Habitat Areas and Bat Corridors. The design shall ensure that all lighting within the sport park will follow latest best practice guidelines to minimise the effects of lighting on the Significant Bat Habitat Areas and Bat Corridors to ensure compliance with condition (18).

The guidelines presented in EUROBATS Publication no. 8 (Guidelines for consideration of bats in lighting projects) shall be used as the basis for the best practice guidelines, with the following amendments;

- (a) Spectra: Omit the reference to 540nm wavelengths
  - (b) Colour temperature: Shall be  $\leq 3000K$
- (17) The Requiring Authority shall ensure that any light spill on adjoining Residential Zone sites from the sports park lighting (not including streetlights) is in accordance with AS/NZS4282-2019 and the following lighting standard:

Where Measured	Standard
Measured horizontally or vertically, at points 1.5m within the boundary of any other site	Maximum 3 lux

- (18) The Requiring Authority shall ensure that any light spill from the site on any Significant Bat Habitat Area and/or Bat Corridor is in accordance with the following lighting standard:

Where Measured	Standard
Measured horizontally or vertically, at the boundary of the Significant Bat Habitat Area	Maximum 0.3 lux

- (19) Detailed design of the bat-sensitive lighting regime shall be prepared by a suitably qualified and experienced technical lighting specialist in collaboration with a suitably experienced bat ecologist. The detailed design shall comply with conditions (16) to (18). The detailed design shall be submitted with the Outline Plan in accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) prior to implementation.

To demonstrate compliance with Conditions (16) to (18), the Requiring Authority shall prepare a Lighting Assessment Report. The Lighting Assessment Report shall include the following:

- (a) Light spill measurements for all residential properties adjoining the designation boundaries and all Significant Bat Habitat Areas and Bat Corridors within or in close proximity to the subject site to demonstrate compliance with Conditions (16) to (18); and
  - (b) Mitigation measures, if required, to ensure that the sport park lighting located within the designation boundaries complies with Conditions (16) to (18).
- (20) Consultation for the Lighting Assessment Report shall commence as soon as practicable with the Department of Conservation (Operations Manager - Waikato) to enable early identification of issues and relevant mitigation measures. The Requiring Authority shall provide all feedback received under this condition from the Department of Conservation to Hamilton City Council when the Lighting Assessment Report is submitted with the Outline Plan in accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) for the Sport Park Construction Works.
- (21) Prior to submitting the Lighting Assessment Report required in accordance with condition (22), or undertaking a review of, or amending the Lighting Assessment Report, the requiring authority shall:
- (a) Forward to the Department of Conservation (Operations Manager - Waikato) a draft copy of the Lighting Assessment Report (or draft changes to the Bat Management Plan) requesting their comments in writing within 20 working days;
  - (b) Provide the Department of Conservation with an opportunity to meet and discuss their comments. The Requiring Authority shall provide at least 15 working days notice to the Department of Conservation of a date and time to meet;
  - (c) Consider modifying the Lighting Assessment Report in relation to any comments raised by the Department of Conservation. Where the Requiring Authority

determines that some or part of any comments provided by the Department of Conservation should not result in a modification to the Lighting Assessment Report then commentary justifying this decision shall be provided to Hamilton City Council (as Territorial Authority) when the Lighting Assessment Report is submitted with the Outline Plan in accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) for the Sport Park Construction Works.

- (22) The detailed design and Lighting Assessment Report required under conditions (16) to (19) shall be provided as a component of the Outline Plan in accordance with s 176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) for the Sport Park Construction Works.

## **Ecological**

### Avifauna Management Plan

- (23) The Requiring Authority shall engage a suitably qualified ecologist(s) to prepare and implement an Avifauna Management Plan across the subject site to satisfy the requirements of condition (24). The objective of the Avifauna Management Plan is to protect native birds during construction works. The Avifauna Management Plan shall be provided to Council's Planning Guidance Manager (or nominee) for certification with the Outline Plan in accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation).
- (24) Vegetated areas of the site to be removed shall be inspected for nesting of native birds. If nesting birds are detected, exclusion zones shall be implemented until fledging of chicks is completed.
- (25) The Avifauna Management Plan shall record the following information in support of achieving condition (24):
- (a) A description of the methodology for pre-vegetation clearance nesting bird surveys including consideration of:
    - (i) the nesting periods of native birds present onsite; and
    - (ii) appropriate timing of vegetation clearance and surveys;
  - (b) The details for exclusion zones around nesting birds until fledging of chicks if detected within proposed vegetation clearance areas; and
  - (c) Protocols for dealing with injured or dead birds encountered during the works.
- (26) The certified Avifauna Management Plan shall be implemented for the duration of earthworks for each stage of construction.

### Lizard Management Plan

- (27) The Requiring Authority shall engage a suitably qualified ecologist(s) to prepare and implement a Lizard Management Plan across the subject site to satisfy the requirements of conditions (28) and (29). The objective of the Lizard Management Plan is to protect native

lizards during construction works. The Lizard Management Plan shall be provided to Council's Planning Guidance Manager (or nominee) for certification with the Outline Plan in accordance with s 176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation).

- (28) Vegetated areas of the site to be removed which are potential lizard habitat shall be identified and incidental capture and translocation measures shall be implemented within these areas in accordance with best practice.
- (29) Lizard habitat is to be created and/or enhanced by retaining woody debris and natural refugia salvaged from the vegetated areas to be removed from other parts of the site.
- (30) The Lizard Management Plan shall record the following information in support of achieving conditions (28) and (29):
  - (a) a description of lizard habitat, lizard species present, legal requirements, disease management, survey timing and recovery and translocation methods, reporting requirements, mitigation commensurate with the number and species of lizards rescued, and incidental kill and harm minimisation protocols;
  - (b) a description of the methodology for incidental capture of native lizard species including: handling protocols, relocation protocols, reporting protocols, potential relocation sites, and protocols for dealing with injured or dead lizards encountered during the works;
  - (c) a description of the lizard habitat creation and improvement methodology within the subject site; including discussion of:
    - (i) appropriate plant species to be planted;
    - (ii) appropriate location/s for habitat creation or improvement;
    - (iii) methods for provision of providing additional refugia, e.g. depositing salvaged logs, wood or debris; and
    - (iv) any protection mechanisms (if required) to ensure the relocation site is maintained (e.g. covenants, consent notices etc).
- (31) The Lizard Management Plan shall be implemented for the duration of earthworks for each stage of construction.

#### Bat Monitoring

- (32) Prior to the preparation of the Bat Management Plan, required under Condition (36), the Requiring Authority shall engage a suitably qualified bat ecologist(s) to prepare and implement a bat monitoring programme. The bat monitoring shall include roost risk assessments of all trees on site that are >15cm in diameter at breast height and bioacoustics surveys across the subject site. The objectives of the Bat Monitoring are to determine:
  - (a) Variation in presence of bats across and adjacent to the site;
  - (b) Habitat uses across and adjacent to the site;



- (c) Presence of roosting, commuting and foraging behaviour across and adjacent to the site;
  - (d) Flights paths/patterns across key features such as shelterbelts or gullies using an ABM array, thermal imaging/infrared or handheld detector observation at dusk/dawn; and
  - (e) The location of Significant Bat Habitat Areas, if any, within or directly adjoining the subject site.
- (33) The bat monitoring programme shall be carried out a minimum of two seasons prior to any Sport Park Development Construction Works to acquire adequate baseline data. Monitoring shall be undertaken for three survey events/periods throughout the year, during the peak Long-Tailed Bat Activity period between November and April. One survey event shall be conducted in the period November – December (pre-parturition), one in January-February (post-Parturition) and one in March-April (mating season). Monitoring is to be repeated at the same sites, using the same devices and/or methods each survey event/period. Each survey event shall be for a minimum of two consecutive weeks, simultaneously at all monitored sites.
- (34) Prior to undertaking the monitoring required in accordance with conditions (32) and (33) (the requiring authority shall:
- (a) Forward to the Department of Conservation (Operations Manager - Waikato) a draft copy of the bat monitoring programme requesting their comments in writing within 20 working days;
  - (b) Provide the Department of Conservation with an opportunity to meet and discuss their comments. The Requiring Authority shall provide at least 15 working days notice to the Department of Conservation of a date and time to meet;
  - (c) Consider modifying the bat monitoring programme in relation to any comments raised by the Department of Conservation. Where the Requiring Authority determines that some or part of any comments provided by the Department of Conservation should not result in a modification to the bat monitoring programme then commentary justifying this decision shall be provided to Hamilton City Council when the Bat Monitoring Report required under condition (39) is submitted with the Outline Plan in accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) for the Sport Park Construction Works.
- (35) The outcomes of the annual bat monitoring, required under Conditions (32) to (34), shall be provided in the form of a Bat Monitoring Report prepared by a suitably qualified bat ecologist(s) detailing the results and analysis of the results. The Bat Monitoring Report shall be an appendix to the Bat Management Plan, required under Condition (36).

#### Bat Management Plan

- (36) The Requiring Authority shall engage a suitably qualified ecologist(s) to develop a Bat Management Plan for the purpose of achieving the following objectives:

- (a) To mitigate the potential adverse effects on Long-Tailed Bats and their habitat including commuting, foraging, and roosting habitat from the construction and operation of the sport park;
  - (b) To enable long-tailed bats to thrive by:
    - (i) avoiding the adverse effects of lighting and noise within any Significant Bat Habitat Areas.
    - (ii) protecting any roosting sites identified within the subject site or directly adjacent; and
    - (iii) avoiding injury and/or mortality of roosting Long-Tailed Bats during any tree removal.
  - (c) To incorporate and respond to the outcomes of the bat monitoring reported under Condition (35).
  - (d) To ensure that any vegetated corridors that indicate bat activity within the site are protected and enhanced.
- (37) Consultation for the Bat Management Plan shall commence as soon as practicable with the Department of Conservation (Operations Manager - Waikato) to enable early identification of issues and relevant mitigation measures. The requiring authority shall provide all feedback received under this condition from the Department of Conservation to Hamilton City Council when the Bat Management Plan is submitted with the Outline Plan of Works in accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) for the Sport Park Construction Works.
- (38) Prior to submitting the Bat Management Plan required in accordance with condition (36), or undertaking a review of, or amending the Bat Management Plan, the requiring authority shall:
- (a) Forward to the Department of Conservation (Operations Manager - Waikato) a draft copy of the Bat Management Plan (or draft changes to the Bat Management Plan) requesting their comments in writing within 20 working days;
  - (b) Provide the Department of Conservation with an opportunity to meet and discuss their comments. The Requiring Authority shall provide at least 15 working days' notice to the Department of Conservation of a date and time to meet;
  - (c) Consider modifying the Bat Management Plan in relation to any comments raised by the Department of Conservation. Where the Requiring Authority determines that some or part of any comments provided by the Department of Conservation should not result in a modification to the Bat Management Plan then commentary justifying this decision shall be provided to Hamilton City Council when the Bat Management Plan is submitted with the Outline Plan of Works in accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) for the Sport Park Construction Works.
- (39) The Bat Management Plan shall be provided to Council's Planning Guidance Manager (or nominee) for certification as a component of the Outline Plan of Works required in

accordance with s176A of the Resource Management Act 1991 (or equivalent process under subsequent legislation) for the Sport Park Construction Works.

**Cultural**

- (40) The Requiring Authority shall invite Te Haa o te Whenua o Kirikiriroa (THaWK) and Ngaati Wairere to participate in the detailed design, construction, and operation of the sport park.

## Schedule 1 – Significant Natural Area, Significant Bat Habitat and Bat Corridor Boundary Plan

