



## Introduction

1. My name is **Stephen Jesse Marc Gascoigne**.
2. I am the acting Planning Lead for Te Awa Lakes (“**TAL**”) – a master-planned residential, commercial, and recreational development to the north of Hamilton City being delivered by Te Awa Lakes Unincorporated Joint Venture (“**TALUJV**”) and have been engaged to deliver the comprehensive subdivision and related consents for construction of the project on the basis of the consented Land Development Plan (“**LDP**”).
3. I am a Senior Consultant with Aurecon New Zealand Limited, a multi-disciplinary consultancy firm which provides engineering, management and specialist technical services for public and private sector clients. In total, I have eight (8) years of experience as a planner.
4. My experience spans statutory and strategic planning, including residential and industrial subdivision, mineral extraction industries, ecological benefit lot subdivision and consenting for major infrastructure and renewables. This has included preparing applications for resource consents, notices of requirement and plan changes.
5. I hold a Bachelor of Resource and Environmental Planning (Waikato University, 2015) qualification and am an intermediate member of the New Zealand Planning Institute.

## Code of Conduct

6. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

## Scope of Evidence and Summary

7. My evidence responds to comments made in respect of the TAL site within the following documents:
  - a. Plan Change 9 – Historic Heritage and Natural Environment Planning Report and Recommendations (the “**section 42A Report**”) dated 6 April 2023;

- b. The statement of evidence of Laura Galt for Hamilton City Council (the “**Council**”) (Planning – Significant Natural Areas) dated 14 April 2023; and
  - c. The statement of evidence of Hamish Dean for the Council (Ecology – Significant Natural Areas) dated 14 April 2023.
8. In summary, this evidence addresses:
- a. Existing resource consents for vegetation removal at the part of TAL known as Horotiu East North (or “**HEN**”).
  - b. The relevance of the RPS criteria to the extent of the SNA at Horotiu East South (or “**HES**”).

#### **Existing Resource Consents for HEN**

9. The HEN block comprising the north-eastern and largest section of the TAL development area is subject to granted Resource Consent 010.2021.11468.001 (issued 7 October 2021) for the following activities<sup>1</sup>:
- “[...] Land Development Plan Activities for Areas A-S (Te Awa Lakes Medium Density Residential Zone), Earthworks within the Major Facilities Zone Area, the Te Awa Lakes Business 6 Zone and within the Waikato Riverbank and Gully Hazard Area/Flood Hazard Areas, Vegetation and Tree Removal within the Natural Open Space Zone<sup>2</sup>, and the installation of stormwater infrastructure within the Waikato Riverbank and Gully Hazard Area/Flood Hazard Areas [...]”.*
10. These activities are subject to a comprehensive suite of conditions (the decision for which is attached (refer **Attachment 1**)) managing construction-related effects, design and installation of Three Waters (potable and fire-fighting water, sewerage and stormwater) infrastructure, development controls (e.g., acoustic treatment and habitable room orientation), management of the Lakes, required offsite transport infrastructure improvements and registration of a Private Developers Agreement. The decision is presently held by TALUJV alongside consents issued by Waikato Regional Council for comprehensive earthworks, vegetation clearance and dewatering in the Zone 1 / Southern Lake portion of HEN .
11. The section 42A Report identifies further information is required<sup>3</sup> on consented extents for vegetation clearance within SNA’s C59 and C76 as they apply to HEN prior to further consideration for removal in accordance with the original

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<sup>1</sup> Decision on Application, pg. 2

<sup>2</sup> Emphasis added

<sup>3</sup> At Section 5.3.3, pg. 46

submissions made on behalf of TALUJV; this position is carried through in the evidence of Mr Dean<sup>4</sup> and Ms Galt<sup>5</sup> for the Council.

12. Notwithstanding the 'Decision on Application' direction, other references to the spatial extent of clearance of the proposed cSNA's include the following:
  - a. The illustrated 'Zone' boundaries, Main Outlet and Emergency Overland Flowpath on drawings attached to the decision for Resource Consent 010.2021.11468.001 (**Attachment 1**);
  - b. The following references within the Resource Consent Application and Assessment of Effects on the Environment report for Resource Consent 010.2021.11468.001<sup>6</sup> that the LDP enables<sup>7</sup>:
    - i. *"Preparation of land for development purposes including earthworks and vegetation removal;*
    - ii. *Construction of roads, pedestrian paths and cycle routes<sup>8</sup>;*
    - iii. *Installation of Three Waters infrastructure<sup>9</sup>; and [...]"*
13. The spatial extents of these grouped activities have been mapped by Aurecon against the notified cSNA's overlying HEN and the consented clearance extents provided to Mr Dean for incorporation into Councils GIS mapping<sup>10</sup>. These areas are also illustrated for the Panel's convenience against development blocks at **Attachment 2**.
14. Therefore, because of what is permitted by the resource consents, and based on the documents attached to this evidence (including the spatial extents dataset provided to Mr Dean) it is my opinion that SNA C59 (the pines) should be removed in its entirety as it relates to HEN, and that SNA C76 (the riparian vegetation) should be modified in part as it relates to HEN.

#### **HES cSNA Spatial Extents**

15. Representatives of TALUJV, its technical advisors and representatives of Council have engaged in expert conferencing prior to this hearing<sup>11</sup> on the spatial extent of SNA's C59 (the pines and understory within the Southern Gully and adjacent land) and C76 (the riparian vegetation) on the basis of ecological reporting provided

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<sup>4</sup> At [65]

<sup>5</sup> At [48]

<sup>6</sup> Boffa Miskell Limited, dated 19 March 2021

<sup>7</sup> At subsection 6.1 – Overview

<sup>8</sup> In relation to a portion of the lowering of Te Awa River Ride

<sup>9</sup> In relation to the Main Outlet and Emergency Overland Flowpath

<sup>10</sup> Via email from Ben Tyson (TAL) to Hamish Dean (4Sight) dated 31 March 2023

<sup>11</sup> Via Microsoft Teams, 17 March 2023

with Submission #454 and as those notified areas relate to HES. Details of this reporting are referred to in the evidence of Mr Croft for TALUJV.

16. I note that Council, in the evidence of Mr Dean<sup>12</sup>, supports adjustment to the SNA C59 boundary to remove areas of pre-existing vegetation clearance and vehicle access areas. These areas have been removed on the amended SNA mapping attached at Attachment 1 of Mr Deans evidence. I support that amendment.

### **Determining Significance under the RPS**

17. In accordance with section 75 of the Resource Management Act 1991<sup>13</sup> (the '**Act**'), a District Plan, and therefore by extension any Plan Change to a District Plan must give effect to the matters at section 75(3), including any regional policy statement under s75(3)(c). I note there is discretion for additional material to be incorporated by reference under Part 3 of Schedule 1.
18. The Waikato Regional Policy Statement ('**RPS**') has undergone a recent review process, with criteria for identifying areas of 'significant' indigenous biodiversity contained in Appendix APP5 and Table 28 of the document. In total there are 11 criteria split between 'Previously Assessed Site', 'Ecological Values' and 'Role in Protecting Ecologically Significant Area' headings.
19. I note that other experts have referred to the RPS criteria, as recorded in the Joint Witness Statement – Ecology and Planning (1)<sup>14</sup> (**Attachment 3**).
20. I acknowledge that for an area to be identified as an SNA, it must meet a minimum of one or more criteria identified in the table. I rely on the evidence of Mr Croft as to the applicability of these criteria in determining the level of significance of remaining<sup>15</sup> areas of SNA C59 as they affect the HES Southern Gully.

### **Relevance of the NPS-IB**

21. I note that the section 32 Report<sup>16</sup> for Plan Change 9 makes reference to the exposure draft of the National Policy Statement for Indigenous Biodiversity ('**NPS-IB**') in aligning the policy direction of the Plan Change. The NPS-IB remains a draft and there are differing dates for assumed gazettal of the Statement between the section 32 report and the evidence of Ms Galt<sup>17</sup> as being 2022 and 'this year' respectively. Regardless, the NPS-IB remains a draft document and is not

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<sup>12</sup> At [62]

<sup>13</sup> <https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM233681.html>

<sup>14</sup> 14 March 2023

<sup>15</sup> following recommended amendments by Mr Dean

<sup>16</sup> At Section 4.1.3, pg. 26

considered to have legal effect, nor should be relied upon as directing the management of subdivision and land use change within and adjacent to SNA's. The hierarchy of documents directs Plan Change 9 must give effect to the RPS, and thereafter the RPS must achieve the Purpose of the Act under Part 2.

### **Conclusion**

22. I have reviewed the commentary provided within the section 42A Report and the supporting evidence of Mr Dean and Ms Galt, including their combined comments that the removal of SNA C59 and part SNA C76 will be acceptable to Council with evidence of resource consent. My statements made in respect of paragraphs [9] – [14] of this evidence and at Attachments 1, 2 and 3 demonstrate sections of the notified SNA's applying to HEN are effectively void and can be removed.
23. In addition, I support Mr Deans recommendations to revise the boundaries of SNA's C59 and C76 as they relate to HES where vegetation has already been removed or the mapped area relates to access.
24. In my opinion, Plan Change 9 will have a noticeable impact on development within SNA's.

**Stephen Jesse Marc Gascoigne**

**28 April 2023**

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<sup>17</sup> At [20]

## **ATTACHMENT 1**

07 October 2021

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**Perry Group**

C/- Boffa Miskell Ltd  
PO Box 1094  
Waikato Mail Centre  
Hamilton 3240

Attn: Dave Moule

Your Ref: BM200542\_TAL\_AEE\_1903202

**Decision on application for resource consent under the Resource Management Act 1991**

**Application number(s):** 010.2021.00011468.001  
**Applicant:** Perry Group  
**Address:** Te Rapa Road Pukete Hamilton 3200  
**Legal Description:** ALT PT 106 Parish of Horotiu, ALT PT 105 Parish of Horotiu,  
Lot 8 DP 495464, Lot 101 DP 495464, SEC PT 2 SO 486608  
Lot 6 DP 12221, Lot 1 DPS 57602 and Part Lot 1 DPS 11080  
**Proposed activity(s):** Land Development Activities & Habitable Room Orientation

Dear Sir/Madam

I wish to advise you of Council's decision to **grant** your application for resource consent under the Resource Management Act 1991 (RMA). Please see below for the details of the decision and conditions of consent.

The following information provides you with some guidance on your rights and what to do next. It is recommended that you seek independent advice if you are in any doubt as to the processes to be followed.

**Objections**

If you disagree with any part of this decision or any conditions of this consent, you may lodge an objection in writing to Council within **15 working days** of the receipt of this letter. Your objection must be in accordance with section 357 of the RMA and must include the reasons for your objection.

**Compliance with conditions**

Your resource consent permits the land use to be established at the site long as the activity complies with the stated conditions on an ongoing basis. It is important that you fully understand and comply with all the conditions of your consent.

Please notify Council's monitoring team prior to the commencement of activities associated with this consent. The role of Council's monitoring team is to monitor compliance with the conditions of consent and may involve site visits.



Council's monitoring team can be contacted on [planning.guidance@hcc.govt.nz](mailto:planning.guidance@hcc.govt.nz). Please reference the consent number and address of the property when emailing or calling.

### **Lapsing of Consent/s**

This resource consent lapses 5 years after the commencement of the consent, unless the consent is given effect to by the end of that period.

The commencement date of a resource consent is determined by section 116 of the Resource Management Act 1991.

## **DECISION ON APPLICATION**

*That pursuant to Sections 104 and 104D of the Resource Management Act 1991, the Hamilton City Operative District Plan, and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, Council grants resource consent to the application by Perry Group Limited (being Resource Consent 10.2021.11468.01) for Land Development Plan Activities for Areas A-S (Te Awa Lakes Medium Density Residential Zone), Earthworks within the Major Facilities Zone Area, the Te Awa Lakes Business 6 Zone and within the Waikato Riverbank and Gully Hazard Area/Flood Hazard Areas, Vegetation and Tree Removal within the Natural Open Space Zone, and the installation of stormwater infrastructure within the Waikato Riverbank and Gully Hazard Area/Flood Hazard Areas at Hutchinson Road, Horotiu, being Lot 101 DP 495464, Lot 8 DP 495464, Allotment 106 Parish of Horotiu and Section 2 SO Plan 486608, Pt Allotment 105 Horotiu Parish, Lot 6 DP 12221, Lot 1 DPS 57602 and Part Lot 1 DPS 11080.*

### **Conditions**

Under section 108 of the RMA this consent is subject to the following conditions:

#### **Definitions**

*The following definitions are applicable to this consent:*

**'Enabling Works'** *includes the following and similar activities; demolition and/or removal of existing buildings and structures, fencing, tree felling and removal of any associated underground or above ground services.*

**'Earthworks'** *means the disturbance of the land surface by moving, removing, placing, preloading or replacing soil or earth, by excavation, cutting or filling but excludes cultivation of land and foundation piling.*

**'Construction Works'** *means the installation of reticulated services, formation of roads/lanes of all standards, formation of wetlands and any other works not defined as Enabling Works or Earthworks.*

## **General**

1. *That the land development activities shall be in general accordance with the approved plans (attached) and the remainder of the plans and information contained within the application entitled Te Awa Lakes Development - Resource Consent Application for Land Development Activities, prepared by Boffa Miskell Limited, dated 19 March 2021, submitted to Hamilton City Council, including but not limited to:*
  - a. *Land Development Consent Design Package, Boffa Miskell (excluding plans entitled Road Cross Sections, Hutchinson Road – Arterial - Te Rapa Road to Road 2, and Hutchinson Road – Collector - Road 2 to 25, dated 04 March 2021, Rev 0).*
  - b. *Land Development Consent Package, Ignite Architects*
  - c. *Broad Integrated Transport Assessment, Stantec (excluding Figures 10-10 and 10-11)*
  - d. *Management Plan – Main Linear Lake, RMA Science*
  - e. *Sub-catchment ICMP, Aurecon*
  - f. *Geotechnical Investigation Report, CMW Geosciences*
  - g. *Independent Engineering Peer Review, Aecom*
  - h. *Alligator Weed Management Plan, Boffa Miskell*
  - i. *Acoustic assessment, Marshall Day*
  - j. *Ecological Rehabilitation Management Plan, Boffa Miskell*

*Except as amended by the response to further information requests, prepared by Boffa Miskell Limited, dated from 30 June 2021 and 3 September 2021, including but not limited to:*

- k. *Memo providing additional assessment of National Policy Statement for Freshwater (NPSFM) and National Environmental Regulations for Freshwater (NESF), prepared by Boffa Miskell Limited, dated 3 May 2021;*
- l. *Consultant Advice Note C-016 Stormwater Treatment Options, prepared by Aurecon, dated 24 June 2021;*
- m. *Updated Land Development Plan Drawing Set, dated 25 June 2021;*
- n. *Geotechnical Response, prepared by CMW, dated 25 June 2021;*
- o. *Updated Architectural Drawing Set, prepared by Ignite, dated 16 June 2021;*
- p. *Ecology s92 Response letter, prepared by Boffa Miskell Limited, dated 31 August 2021;*
- q. *Ecological Rehabilitation Management Plan, prepared by Boffa Miskell, dated 23 September 2021;*
- r. *Assessment of Effects of Stormwater on Freshwater Ecology, prepared by Boffa Miskell Limited, dated 3 September 2021;*
- s. *Planning Addendum, prepared by Boffa Miskell Limited;*
- t. *Summary of Altered Site Outlet, memo prepared by Aurecon, dated 02 September 2021;*
- u. *Landscape and Visual Assessment, prepared by Boffa Miskell Limited, 3 September 2021;*
- v. *Consultant Advice Note G-008A Piped Stormwater Outlet, prepared by CMW, dated 3 September 2021;*
- w. *Ecological Assessment of Alternative Piped Stormwater Outlet (Vegetation Clearance and Earthworks Only) prepared by Boffa Miskell Limited, 15 September 2021;*

*and except as amended by any of the conditions below.*

*Advice Note – Land Development Activities authorised by this consent are those set out in Rule 4.5.6 of the Operative District Plan as follows: earthworks and vegetation removal;*

*construction of roads, pedestrian paths and cycle routes; installation of Three Waters infrastructure; and works related to the establishment of open space areas and the main linear lake.*

*Advice Note - the plans attached to this consent that are stamped approved are for summary purposes and do not constitute the full scope of plans and information approved by this consent. The full scope of approved plans and information is as set out in condition 1 above.*

*Advice Note - the Hutchison Road arterial/collector upgrade plans provided in the Broad ITA lodged by Stantec and the Land Development Consent Design Package by Boffa Miskell are specifically excluded from approval in condition 1 above. These plans indicate that additional land is required outside of the Hutchinson Road reserve to accommodate the upgrade works. The Operative District Plan requirement to upgrade Hutchinson Road to minor arterial/collector standard is prior to section 223 certification being issued for any subdivision in the Medium Density Residential or Business 6 Zone, or approval of any Building Consent in the Major Facilities Zone. As a result, the design of the Hutchinson Road upgrade will be considered for approval as part of the first stage subdivision application for the site.*

### **Construction Management Plan**

2. *Prior to the commencement of any earthworks or construction activities onsite (excluding site investigations) the Consent Holder shall provide a Construction Management Plan (CMP) for approval by the General manager, Development (or nominee). The objective of the CMP is to outline the approach to be taken for managing earthworks and construction works to ensure that impacts that may arise from the works have been appropriately identified, managed and minimised.*
3. *The consent holder shall carry out operations in general accordance with the provisions of the approved Construction Management Plan, and any subsequent changes. The Construction Management Plan (CMP) shall include but not limited to:*
  - a. *Details of the works, intended construction timetable (including staging) and hours of operation.*
  - b. *Methods to control dust (with specific attention to be paid to controlling potential dust discharges to landowners and occupiers on the opposite side of the Waikato River from the site, which shall include but not be limited to retention of the existing pine trees on the site along the Waikato River frontage for as long as practicable during construction), detritus on roads and silt laden runoff during construction.*
  - c. *Locations for storage of topsoil*
  - d. *Management and disposal of spoil*
  - e. *Methods and staging of dewatering and methods and location of disposal of abstracted water*
  - f. *Alligator Weed management procedures to give effect to Conditions 17 to 18*
  - g. *Contaminated land management procedures to give effect to Conditions 23 to 30*
  - h. *Security and lighting during construction*
  - i. *Existing network utilities protocols and guidelines*
  - j. *Any required interim stormwater control measures*
  - k. *Means of water supply for construction purposes*

- i. *A detailed Construction Traffic Management Plan (CTMP) in accordance with the Code of Practice for Temporary Traffic Management. The CTMP will be agreed with HCC and as a minimum will include:*
    - i. *Hours of site operation;*
    - ii. *Means of access;*
    - iii. *Identification of construction traffic access routes;*
    - iv. *Identification of construction staff access routes;*
    - v. *Identification of temporary traffic management required to support construction access and activities;*
    - vi. *Protection of the public, including all road users;*
    - vii. *Management of adjacent property access;*
    - viii. *Dust and detritus control methodology; and*
    - ix. *Communication protocols and details.*
  - m. *Means to ensure compliance with the Construction Noise Conditions (refer conditions 7 and 8 below)*
  - n. *Provisions for training contractors in the archaeological requirements to give effect to any archaeological authority granted by Heritage New Zealand, and in the requirements of the Hygiene Management Plan and any other requirements of the Restricted Place Notice applicable to the site under the Biosecurity Act where this detail is not covered by the Alligator Weed Management Plan and specific Alligator Weed Management Implementation Plans certified for the site;*
  - o. *Contact details of the contractor, including the process for complaints and remedying concerns*
  - p. *Communication methods for liaison with adjacent landowners and occupiers during the construction stages, including landowners and occupiers on the opposite side of the Waikato River from the site and the operators of Hinterland Adventures.*
  - q. *Quality assurance/quality control*
4. *At least 20 working days prior to the commencement of any construction activities to complete the infrastructure upgrades required by Condition [72], a Construction Management Plan (CMP) shall be submitted for certification by the General Manager, Development (or nominee) or nominee.*
5. *Any changes to the Construction Management Plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the consent holder following consultation with Hamilton City Council Strategic Development Unit Engineers before implementation.*
6. *The consent holder shall carry out operations in general accordance with the provisions of the approved Construction Management Plan, and any subsequent approved changes.*

<b>Time period</b>	<b>Monday to Friday</b>		<b>Saturdays</b>		<b>Sundays and Public Holidays</b>	
	<i>Leq (dBA)</i>	<i>Lmax (dBA)</i>	<i>Leq (dBA)</i>	<i>Lmax (dBA)</i>	<i>Leq (dBA)</i>	<i>Lmax (dBA)</i>
<i>06:30am to 07:30am</i>	55	75	45	75	45	75
<i>07:30am to 06:00pm</i>	70	85	70	85	55	85
<i>06:00pm to 08:00pm</i>	65	80	45	75	45	75
<i>08:00pm to 06:30am</i>	45	75				

*Note that the lower noise limits (shaded) mean that some construction work may not be able to take place during the corresponding time frames, which includes all times on Sundays and public holidays.*

8. *Construction Noise Management Plan (which can be part of a larger Construction Management Plan) shall be provided to Council's Planning Guidance Manager for certification at least 20 working days prior to construction work and earthworks being commenced on site. The plan shall confirm and include the following:-*
  - a. *The applicable construction noise limits (from the condition 7 above);*
  - b. *Identification of the nearest receivers who may be temporarily affected by construction noise (off-site);*
  - c. *General methods to mitigate and manage construction noise in order to comply with the applicable noise limits;*
  - d. *Identification of any special construction activities (including any pile driving and concrete pours) that may require specific mitigation measures in order to comply with the applicable noise limits;*
  - e. *Contact details of the person in charge of earthworks and construction works;*
  - f. *A complaints handling procedure*

#### **Earthworks**

9. *The consent Holder shall ensure that all appropriate sediment and erosion control measures are adopted to minimise any sediment leaving the site and entering any water way. The measures should include: the erection of silt fences, stabilised entranceways, cut off drains and the connection of downpipes to the stormwater system as necessary. These sediment control measures should be erected and maintained on site for the duration of the works. Note refer to Waikato Regional Council's "Erosion & Sediment Control. Guidelines for Soil Disturbing Activities".*
10. *All public roads shall be kept clean and free from silt and sediment tracked from the site during the earthworks.*
11. *The earthworks shall be undertaken in a manner which maintains appropriate provision for overland flowpaths for stormwater to avoid any increased potential for flooding.*

12. *All earthworks areas of bare earth not being worked for three months or more shall be stabilised with a suitable method or sown with ground cover to prevent soil erosion, sediment runoff and a dust nuisance.*
13. *That the earthworks shall be conducted in such a manner as to not create a dust nuisance. A dust nuisance will occur if;*
  - a. *There is visible evidence of suspended solids in the air beyond the site boundary; and/or*
  - b. *There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.*
14. *All areas of bare earth shall be re-vegetated, re-grassed or formed in a hardstand surface such as paving as soon as practicably possible and within one calendar month following the completion of the earthworks, excluding areas which are subject to building works. If this cannot be achieved the area shall be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.*

#### **Geotechnical/Groundwater**

15. *At least 20 working days prior to the commencement of any earthworks or construction activities on the site (excluding site investigations and enabling works) a Groundwater Monitoring and Contingency Plan (GMCP) (which can be part of a larger Construction Management Plan) shall be submitted for certification to the General Manager, Development (or nominee).*
- 15a. *All earthworks associated with the formation of the landform between the Waikato River and the Main Linear Lake, and construction of infrastructure on and through it, must be carried out in accordance with relevant New Zealand dam regulations and the Building Act and in general accordance with the NZSOLD Dam Safety Guidelines (2015)).*
16. *In accordance with the Draft Outline of GMCP, prepared by CMW Geosciences, dated 23 June 2021, the GMCP as required by Condition 15 must detail the following information as minimum:*
  - a. *Roles and responsibilities of construction personnel*
  - b. *The site's hydrogeological setting, including existing and proposed groundwater levels across the site;*
  - c. *Proposed dewatering locations, rates and periods*
  - d. *Expected drawdown magnitude contours and extent of drawdown effects*
  - e. *Expected ground settlement magnitude contours and extent of settlement effects*
  - f. *Locations and details of proposed groundwater level monitoring piezometers to be installed and their purpose*
  - g. *Details of proposed frequency of groundwater level monitoring and reporting*
  - h. *Locations and details of proposed settlement monitoring marks, methods of monitoring and frequency of reporting*
  - i. *Details of pre-construction building and asset surveys*
  - j. *Proposed alert and action levels for each monitoring piezometer and/or groundwater level monitoring borehole*
  - k. *Protocols that will be followed should a groundwater level alert or action level be reached*
  - l. *Proposed alert and action levels for each settlement mark*

- m. *Protocols that will be followed should a settlement mark alert or action level be reached*
- n. *Daily water flow records of abstracted groundwater at each location groundwater abstraction takes place; and*
- o. *Review requirements.*

#### **Alligator Weed**

17. *At least 20 working days prior to the commencement of any earthworks or construction activities (excluding site investigations and enabling works) on the site or specific construction zone, an Alligator Weed Management Implementation Plan (AWMIP) must be submitted for certification by the Hamilton City Council Planning Guidance Unit or nominee.*
18. *In accordance with the Te Awa Lakes Alligator Weed Management Plan, Prepared by Boffa Miskell Limited, 5 March 2021, any AWMIP as required by Condition 17 must detail the following information as minimum:*
  - a. *Identification of the area of the earthworks and a description and timetable of the proposed works.*
  - b. *Identification of the personnel responsibility for the day to day management, control of activities, reporting, and ongoing communications.*
  - c. *Location and management of wash down stations during operation and disestablishment.*
  - d. *Details of the methods of communication and reporting on*
  - e. *Identification of risk zones and the timing and staging of cap and cover and subsequent transition of risk zones.*
  - f. *Identification of movement routes and controls through the site and within the stage's area.*
  - g. *Identification of the proposed location of clean fill and supporting information to confirm its status as low risk soil/ fill following the criteria and methods to access established in Section 4.2.1.1 of the Te Awa Lakes Alligator Weed Management Plan.*
  - h. *Identification of movement of soil/ fill including the locations where high and medium risk soil/fill is to be deep buried or used and fill and capped.*
  - i. *Detailed methods of works to demonstrate compliance with the principals, zone/risk classification controls, and objectives of this management plan.*
  - j. *Risk management and contingency plans for potential cross contamination and procedures to follow if a breach of movement controls or risk zones occurs.*
  - k. *Timeframes of post earthworks infrastructure and building construction and management of risks of puncturing or digging up the covering geotextile.*
  - l. *How compliance with the management plan, the WRMP, and the BSA will be monitored and who will be responsible for this.*
  - m. *Programme for post works survey and surveillance and the parties responsible for planning, carrying out, and paying for these works.*

*Advice note: Hamilton City Council will rely on Waikato Regional Council to certify the AWMIP due to their technical expertise in biosecurity.*

#### **Ecological Management**

19. *At least 20 working days prior to the commencement of any earthworks or construction activities (excluding site investigations and enabling works) on the site or specific construction*

zone, an Ecological Management Implementation Plan (EMIP) must be submitted for certification to the Hamilton City Council Planning Guidance Unit or nominee.

20. *The EMIP's, as required by Condition 19, must detail the specific habitat features present within the subject construction zone and/or earthworks stage and the ecological management measures required to manage these ecological features in accordance with the Te Awa Lakes Ecological Rehabilitation Management Plan, Prepared by Boffa Miskell Limited, dated 23 September 2021 and Te Awa Lakes – Ecological Assessment of Alternative Piped Stormwater Outlet, prepared by Boffa Miskell Limited, dated 15 September 2021.*
21. *Within one month of completing the procedures set out within the EMIP, in accordance with Conditions 19 and 20, the consent holder shall outline the results to the Hamilton City Council Planning Guidance Unit Manager in a summary report.*
22. *Prior to any impermeable surfaces being constructed (including permanent buildings but excluding any earthworks and construction activities to complete the infrastructure upgrades) within the site or a specific LDP Area, a detailed ecological rehabilitation plan (ERP) to restore and enhance the unnamed tributary to the Waikato River located to the south of the site (within Lot 1 DPS 57602 and Part Lot 1 DPS 11080) must be submitted for certification to the Hamilton City Council Planning Guidance Unit or nominee. The ERP shall address the restoration and enhancement of the full length of the tributary, fish passage to the main linear lake through the tributary and the design of any new stream habitat in the tributary and be prepared in general accordance with the Te Awa Lakes Ecological Rehabilitation Management Plan, Prepared by Boffa Miskell Limited, 23 September 2021, and incorporate as a minimum the following:*
  - a. *Creation of a diverse and variable habitat and channel complexity over time to allow for differences in flow velocities.*
  - b. *Measures to ensure any new stream habitat mimics natural systems*
  - c. *Provision of vegetative cover, woody debris or other in-stream structures.*
  - d. *Fish passage by way of lined ramp or similar to enable native climbing species.*
  - e. *Provision of passage into the main linear recreational lake for indigenous fish (in accordance with New Zealand Fish Passage Guidelines (P. Franklin et al., 2018)) if practicable, while excluding exotic pest fish species.*
  - f. *A meandering channel.*
  - g. *Creation of pool-riffle-run sequences.*
  - h. *Proposals for ongoing maintenance and management.*
  - i. *Avoidance of instream works during peak fish migration periods (August-December).*
  - j. *Demonstrates how base flows will be maintained to the southern tributary and how the surface water inputs to the stream will be managed to avoid adverse effects.*

#### **Contaminated Soils**

23. *A Remedial Action Plan (RAP) is to be developed by a Suitably Qualified and Experienced Practitioner (SQEP) for the impacted areas identified in the Te Awa Lakes – Environmental Site Investigation (ESI) prepared by Coffey on 12 July 2017. The RAP must include the agreed remedial and management works that have been deemed most appropriate to mitigate the risk posed by the contaminants. The recommended actions from the peer review by WSP must also be considered and addressed in this plan. A copy of the RAP is to be provided to Council's*



*Planning Guidance Manager for acceptance prior to any remedial works being undertaken in these areas.*

- 24. The implementation of the accepted RAP methodology shall be supervised by the SQEP, or suitable persons nominated by the SQEP, to ensure contractors and surrounding population and environments are not exposed to contaminants, and to ensure that the human health risk is eliminated or sufficiently reduced to acceptable levels on completion. Council shall be notified of any proposed variations to the accepted RAP and any alternative methods must be proven to be consistent with the appropriate remediation standard prior to their implementation.*
- 25. After completing any remedial activities in the impacted areas, site validation shall be undertaken to demonstrate the approved remediation targets have been achieved and that the area(s) is suitable for the intended use. A Site Validation Report (SVR) shall be prepared by a SQEP that adequately demonstrates no unacceptable risk to human health or the environment remains on any piece(s) of land at the completion of the remedial works. The SVR shall include confirmation that all the consenting requirements have been met, and compliance approved before further soil disturbance works can commence. A copy of the SVR shall be provided to Council's Planning Guidance Manager for acceptance as soon as practicable after remedial validation is completed.*
- 26. Where / if required, any excess soil exceeding the applicable NESCS standard shall be removed under controlled conditions to a licensed waste facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority. Receipts of transport and disposal must be included in the Site Validation Report.*
- 27. A Contaminated Site Management Plan (CSMP) shall be prepared by a SQEP. The content of the CSMP shall serve as a framework for managing soil disturbance on a piece(s) of land by identifying hazards and recommending mitigation methods relevant to actual site conditions. The CSMP must include the necessary designs, actions, procedures and controls that restrict and prevents exposure and avoid human health implications on-site and off-site discharges. The Plan must include the appropriate transport and disposal options to avoid human health and environmental exposure from off-site removal of soil. The Plan shall include appropriate contingency measures for any previously unidentified contamination being discovered, and an acceptable method for works completion reporting. Any alternative methods or measures shall be consistent with the objective of the approved SMP prior to their implementation. A copy of the CSMP shall be provided to Council's Planning Guidance Manager for acceptance prior to any soil disturbance occurring on land that requires human health-related controls.*
- 28. The relevant human health-related controls outlined in the CSMP shall be implemented under supervision of the SQEP or suitable persons nominated by the SQEP for the duration of the soil disturbance works. Any alternative management methods or measures must be notified to Council and must be consistent with the objective of the CSMP prior to their implementation. The alterations must be consistent with the human health risk-based approach of the CSMP to ensure the same level of protection is afforded to site workers, and future site users.*

29. *Works Completion reporting is to be provided within two months of soil disturbance works being completed to confirm that the methods outlined in the CSMP were enforced for the period of the soil disturbance works, and that the measures were successful in ensuring the potential risks were adequately managed.*
30. *Any excess soil exceeding the applicable NESCS standard that is to be removed must be done under controlled conditions to a licensed waste facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority. Receipts of transport and disposal must be included in either a Site Validation Report or Works Completion Report.*
- 30A. *Any remediation, validation or management work referred to in the previous conditions 23-30 shall be prepared in accordance with Contaminated Land Management Guidelines No. 1 - Reporting on Contaminated Sites in New Zealand (Revised 2011) and shall be certified by a SQEP in land contamination*
31. *In the event that any previously unidentified contamination (including but not limited to asbestos) is discovered in any exposed or excavated soil, works shall cease immediately, and Council shall be notified of the discovery. The SQEP shall assess the risk and determine what actions are appropriate for reducing the potential risk to site workers, future site users and the environment given the extent of the discovery. The details of the discovery and the action taken shall be reported either in the SVR or the works completion reporting.*

#### **Archaeological Features**

32. *Where, during earthworks, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall be followed:*
  - a. *All work within 20m of the discovery will cease immediately. The contractor/works supervisor will shut down all equipment and activity.*
  - b. *The 20m radius area shall be secured and the consent holder or proponent and Council shall be advised of the discovery.*
  - c. *Where human remains are discovered or disturbed, the consent holder or proponent shall notify the project archaeologist, appropriate iwi, Heritage New Zealand Pouhere Taonga and Council as soon as practicably possible to determine what further actions are appropriate to safeguard the site of its contents.*

*Advisory Note 1: It is recommended that the Consent Holder communicate with appropriate iwi to provide for appropriate cultural ceremony prior to the commencement of the earthworks.*

*Advisory Note 2: It is recommended that the Consent Holder communicate with the appropriate iwi to brief/induct the relevant contractors as to the processes and procedures associated with the Accident Discovery Protocols, prior to the commencement of the earthworks.*

#### **Private Developers Agreement**

33. *Prior to the commencement of Construction Works, the consent holder and Hamilton City Council shall enter into a Private Developers Agreement (PDA) on terms satisfactory to Hamilton City Council.*

*Advice Note:*

*The PDA shall include, but not be limited to, provisions which address the following:*

- a. the allocation of risk and liability in a manner that minimises Council's exposure and secures appropriate indemnities and guarantees in favour of Council;*
- b. the terms of the private ownership of the lake and other selected stormwater assets including ensuring that the private ownership is perpetual;*
- c. Details of residents' society for the Te Awa Lakes development site;*
- d. The allocation of ownership of all stormwater assets to the consent holder and/or Residents' Society except the raingardens and reticulation from the raingardens to the legal road boundary which shall vest in Council;*
- e. Details of the funding to be provided by the consent holder and/or the Residents' Society to Council for the ongoing maintenance and renewal of raingardens located within the road reserve;*
- f. Details as to how the responsibilities of the consent holder, including the inspection and maintenance of, and liability associated with, Te Awa Lakes Joint Venture facilities, including the raingardens within the road reserve, the stormwater treatment wetlands, and the lake, and the twin pipe lake outlet and associated structures will be legally passed onto the residents' society;*
- g. Requirements for covenants to be placed on land titles within the development to secure the stormwater outcomes in b. to f. above;*
- h. Agreements relating to all other infrastructure required for the development, including transport, water, wastewater and reserves;*
- i. Appropriate indemnities from the consent holder and/or the Residents' Society in favour of Council in respect of water quality of the recreational water bodies;*
- j. Bonding arrangements securing the indemnities and other mechanisms to enable Council to enforce the indemnities;*
- k. The timing, costs and responsibilities for each party associated with identified future infrastructure requirements and upgrades including consent renewal requirements, which include, but are not limited to, the following:*
  - i. Ongoing negotiations regarding raising the water supply allocation cap specified in the original PDA between the parties; and*
  - ii. Additional wastewater reticulation from the site to Council's network; and*
  - iii. Repayment to Council of the previous water main upsized cost*
- l. Development Contributions applicable to the Te Awa Lakes development site area.*
- m. Details as to how the responsibilities of the consent holder in terms of compliance with the Restricted Place Notice for the site under the Biosecurity Act 1993 will be legally passed on to purchasers of individual titles.*
- n. Details as to how the responsibilities of the consent holder in terms of compliance with the Restricted Place Notice for the site under the Biosecurity Act 1993 will be carried out on publicly owned land within the site.*

*Advice note:*

*This condition of consent is a condition precedent and must be complied with before construction works occur. If this condition is not satisfied then the construction works authorised by this consent cannot proceed.*

## **Engineering General**

34. *The consent holder shall submit engineering plans including (but not limited to) cross-sections, long-sections and associated details for public roads, private lanes, water, wastewater and stormwater infrastructure and connections and other relevant items to the Planning Guidance Unit for review by the General Manager, Development (or nominee) (or nominee) prior to construction work commencing onsite. The plans shall be amended by the Consent Holder as required until stamped 'Accepted' by the General Manager, Development (or nominee) (or nominee).*

### Advice note:

*The servicing of the 'super lots' will be through the provision of bulk infrastructure to the boundaries of sufficient capacity to accommodate the yield anticipated as part of this approved Land Development Consent.*

35. *All engineering works and designs shall be in accordance with the Regional Infrastructure Technical Specifications.*
36. *The engineering plans shall be in general accordance with the following engineering drawings attached as Appendix A to the Te Awa Lakes Sub-Catchment Integrated Management Plan, prepared by Aurecon, dated 4 March 2021 and the Summary of Altered Site Outlet Memorandum, prepared by Aurecon, dated 2 September 2021:*
- a. Overall Site Drainage Layout, 510586-0000-DRG-CC-3000 Rev A*
  - b. Overall Site Gravity Sewer and Pumpstation Catchment Plan, 510586-0000-DRG-CC-3001 Rev A*
  - c. Overall Site Wetland 1A and 1B, 510586-0000-DRG-CC-3060 Rev A*
  - d. Overall Site Wetland 2A and 2B, 510586-0000-DRG-CC-3061 Rev A*
  - e. Overall Site Wetland 3A and 3B, 510586-0000-DRG-CC-3062 Rev A*
  - f. Overall Site Wetland 7, 510586-0000-DRG-CC-3063 Rev A*
  - g. Overall Site Rain Garden Details, 510586-0000-DRG-CC-3201 Rev A taking into account the requirements for specific design of the rain gardens as set out in conditions 65-66*
  - h. Overall Site Wetland Details, 510586-0000-DRG-CC-3202 Rev A*
  - i. Overall Site Swale Drain Details, 510586-0000-DRG-CC-3203 Rev A*
  - j. Overall Site Water Layout, 510586-0000-DRG-CC-4000 Rev A*
  - k. Piped Outlet Stormwater Option 510586-0000-DRG-CC-3210 Rev A*
37. *The consent holder shall retain the services of a suitably qualified professional person (subject to Hamilton City Council approval but generally a professional land surveyor and/or engineer) to oversee the construction of any infrastructure required for the development. This person shall be responsible for ensuring adherence to approved construction plans, quality systems, and project completion requirements. The name and contact details of this person shall be nominated and submitted to the Hamilton City Council Strategic Development Unit along with the engineering plans.*
38. *A register of all assets to be vested in Council (e.g. reserves, roads, water, wastewater and stormwater infrastructure) and associated GST requirements shall be submitted to Strategic Development Unit following completion of each stage of the works.*

39. *All works within the road corridor shall be managed by a contractor operating under a current CAR (Corridor Access Request), made through the [www.beforeudig.co.nz](http://www.beforeudig.co.nz) website) and appropriate traffic management. The Corridor Access Request shall be approved by the Road Controlling Authority prior to earthworks and construction works commencing onsite.*
40. *On completion of site works any damage within the road corridor shall be repaired, and the kerb, berm and footpath reinstated to match the surroundings. The reinstatement work shall not be carried out until all any work within the road corridor has been completed and shall include the reinstatement of all trenches.*

### **Three Waters Infrastructure - Water**

41. *Prior to the issue of a building consent Code of Compliance or occupation of a building for any development within the site or specific LDP area (excluding earthworks and any enabling and infrastructure construction works), the LDP area shall be serviced by the potable water supply network.*
42. *The design of the water network shall conform to the Code of Practice for Fire Fighting water supplies (SNZ PAS 4509). The development shall be provided with fire protection via a fire hydrant system.*
43. *The site shall be provided with a water connection, installed by Council to the site boundary and extended internally by a private contractor to provide connection to each dwelling*
44. *That separate connections for water shall be provided prior to any land use activities within the specific LDP Area being made operational. The engineering works shall be constructed in accordance with the accepted engineering plans.*

### **Three Waters Infrastructure - Wastewater**

45. *Prior to the issue of a building consent code of compliance or occupation of a building for any development within the site or specific LDP area (excluding earthworks and any enabling and infrastructure construction works), the LDP area shall be serviced by the strategic wastewater network, via a connection to the existing rising main.*
46. *The development shall be provided with a wastewater reticulation system. The reticulation system shall be appropriately sized for the full Te Awa Lakes site and shall also appropriately cater for planned/consented future growth in the wider catchment within the Hamilton City boundaries, as required by the PDA required by condition 33.*
47. *That separate connections for wastewater shall be provided prior to any land use activities within the specific LDP Area being made operational. The engineering works shall be constructed in accordance with the accepted engineering plans.*
48. *The development shall be provided with a wastewater pump system to be designed and constructed in accordance with Section 5.2.10 of the Regional Infrastructure Technical Specifications.*
49. *Until such time as a partial or complete wastewater connection for the site is in place as required under the PDA (Condition 33), the site is to not generate wastewater flows into*

*Council's reticulated network that exceed 2l/sec unless a suitable interim solution is agreed with HCC. Such a solution may include on site storage, increased off peak discharge flows or a combination of those.*

### **Three Waters Infrastructure - Stormwater**

50. *Prior to any impermeable surfaces being constructed (including permanent buildings but excluding any enabling and infrastructure construction works) within the site or a specific LDP Area, the development shall be serviced by stormwater management facilities required for the purpose of conveyance, attenuation and treatment of stormwater in general accordance with the Te Awa Lakes Sub-Catchment Integrated Management Plan, prepared by Aurecon, dated 4 March 2021. The stormwater management facilities shall be constructed in accordance with the accepted engineering plans.*
51. *Where stormwater facilities are to be constructed in a staged manner, a plan for each stage detailing the specific section of stormwater infrastructure and the geographic area that is serviced by the infrastructure is to be provided by the Hamilton City Council City Development Unit Manager or nominee for certification. (see Engineering advice note). Where it is proposed that stormwater from any stage be constructed prior to the final Lake being in place, the discharge quality shall be in compliance with the discharge consents for the site, and the infrastructure shall be consistent with the final stormwater management for the site. The stormwater management system shall convert to the final system by the consent holder as soon as practical after the Lake is constructed and commissioned*
52. *Stormwater secondary flow paths and ponding areas shall be shown on the engineering plans. The flow paths shall provide for a storm having a 100 year ARI. The flow paths are to be clear of any probable building platforms and shall accommodate the rainfall runoff in excess of the stormwater reticulation design capacity and shall be maintained on an ongoing basis.*
53. *The stormwater system shall be privately owned and operated by the Consent Holder (or any subsequent entity to which the responsibilities of the consent holder have been legally passed), except for the stormwater infrastructure located within the Road Reserve up to the property boundary of the private stormwater treatment wetland reserves.*

*Note: The stormwater infrastructure within the Road Reserve includes individual Lot connections, catchpits and leads, Raingardens, and the pipe reticulation.*

54. *The ongoing operations, maintenance and renewal of the on-road raingardens and associated costs of these activities shall be covered by the Consent Holder (or any subsequent entity to which the responsibilities of the consent holder have been legally passed) in accordance with the Private Developers Agreement.*

### **Stormwater Device Construction Operation and Maintenance Manual**

55. *A Construction, Operation and Maintenance (COM) Manual of the vested stormwater device (On Road Raingardens) shall be prepared by a suitably qualified expert in urban stormwater management and submitted to Development Unit in draft form with the engineering plans and shall be finalised and certified by Strategic Development Unit at work completion. The COM manual shall include (but not limited to) the following:*

- *Measures to minimise public safety risks*
  - *Measures to minimise operational expenses*
  - *Asset operation details and likely operational costs*
  - *Detail how the device will be successfully transitioned and established during the Land Development Phase until the end of the defects liability period at the final stage of the development.*
  - *How the stormwater device will be protected during the construction phase and the staging of the development, with particular emphasis on how the temporary stormwater controls will be integrated with the stormwater device to ensure that it is not affected by sediments generated from the various stages of the development including the construction of buildings and structures.*
  - *The inspection and associated cleaning regime for the stormwater device, and associated sediment control.*
56. (a) *The stormwater device (On Road Raingardens) shall be subject to a defects liability period as detailed in section 4.6.1 of the Regional Infrastructure Technical Specifications.*
- (b) *The Consent Holder shall be responsible for the operation and maintenance of the stormwater device (On Road Raingardens) during the defects liability period in accordance with the certified Operation and Maintenance Manual.*

#### **Lakes**

57. *The consent holder is to ensure the water quality in the main linear lake shall be maintained at minimum to secondary contact recreational standard on an ongoing basis with a target of primary contact recreational standard where feasible.*
58. *At least 20 working days prior to the filling of the main linear lake, a Lake Monitoring and Management Plan (LMMP) must be submitted by the consent holder for certification by the Hamilton City Council Planning Guidance Unit or nominee.*
59. *In accordance with the Management Plan - Main Linear Lake, Prepared by RMA Science, March 2021, any LMMP as required by Condition 58 must detail the following information as minimum:*
- a. *Identification of the recommended lake water quality targets in order to achieve the standards specified in Condition 57;*
  - b. *Details of monitoring regimes to ensure the recommended lake water quality targets are met, including:*
    - (i) *visual inspection of main linear lake aesthetics to be undertaken on a three monthly basis, to include inspection for natural colour, presence of toxic or nuisance algal or aquatic plant growth, conspicuous oil or grease films, scums or foams, or floatable or suspended materials excluding those of natural origin, with the results of the inspections, including the name of the person undertaking the inspection, the date and time of sampling, and any interpretation required of the results shall be provided to Hamilton City Council, within 20 working days of the inspection being carried out; and*
    - (ii) *monthly sampling of ambient main linear lake water quality to be undertaken for the first ten years that the main linear lake is in existence. Water samples will be collected from two locations from the main linear lake. The location of these*

*sampling points shall be identified in the Main Linear Lake Management Plan and agreed in writing with prior to sampling commencing. Water quality shall be monitored for ammonium, nitrate, phytoplankton as chlorophyll-a, E coli, concentration of dissolved oxygen, water temperature, natural pH, visual clarity, turbidity, total nitrogen, total phosphorus, and dissolved reactive phosphate.*

- (iii) quarterly sampling of copper and zinc levels in the main linear lake to be undertaken for the first ten years that the main linear lake is in existence.*
- c. Details of relevant triggers to implement water quality mitigation actions as required to ensure the recommended lake water quality targets are met.*
- d. Details to ensure persistent seasonal stratification leading to oxygen depletion in the lake is avoided;*
- e. Details to ensure sufficient water flow through the main linear lake or other methods to maintain high water quality, having particular regard to avoidance of nuisance phytoplankton blooms.*

*Within five years, and then after 9 years, of the main linear lake being in existence the consent holder shall prepare a report and submit it to Hamilton City Council which will address the following matters:*

- a. Water quality results as monitored in accordance with Condition 59 above.*
- b. The likely range of expected and recommended water quality parameters in the future based on such monitoring results.*
- c. Where necessary and appropriate to achieve Main Linear Lake Management Plan objectives, an assessment of mitigation options to improve water quality in the lake including life cycle costs, benefits, and risks of such options.*
- d. Where necessary and appropriate, recommendations as to any restrictions required for activities in, or uses of, the main linear lake.*

*The consent holder shall, by 31 March every year, prepare an annual report to Hamilton City Council covering activities carried out under this consent in the previous calendar year. This report shall include, but not be limited to:*

- a. An outline of any major physical works carried out in the previous calendar year;*
- b. Maintenance registers of privately owned and maintained stormwater infrastructure ;*
- c. Any remedial works carried out on privately owned and maintained stormwater infrastructure;*
- d. A register of complaints received with regards to main linear lake water quality, and the actions undertaken to resolve those complaints;*
- e. Copies of any periodically updated management plans prepared pursuant to this consent;*
- f. A summary of all monitoring undertaken pursuant to these consents, with a discussion of any unexpected or unusual results. Detailed results of the monitoring shall be provided in appendices; and*
- g. In the event of a storm(s) with a return period of 10 percent Annual Exceedance Probability or greater occurring in the previous calendar year, an evaluation of the performance of the stormwater treatment system, the effects on levels of and water quality in the main linear lake, and any effects of the discharges on the southern gully tributary and the Te Awa Cycleway.*



60. *The main linear lake is to be retained in the private ownership of the consent holder, except where ownership is transferred to the residents' society as detailed in the PDA required under Condition 33.*

#### **Power and Telecommunications Infrastructure**

61. *Prior to the issue of a building consent code of compliance or occupation of a building for any development within the LDP area (excluding earthworks and any enabling and infrastructure construction works), the LDP area shall be serviced by underground telecommunications reticulation (including ducting for computer media), electrical, and where applicable, gas services. Any cost and/or work associated with providing the network utility service shall be a matter that is to be negotiated and completed between the Consent Holder and the relevant service providers.*
62. *That separate connections for telecommunication, power, and where applicable, gas shall be provided prior to any land use activities within the LDP Area being made operational.*
63. *Where not already available, telecommunications reticulation (including ducting for computer media), underground electrical, and where applicable, gas services shall be provided to the boundary of all lots/units. The Consent Holder shall provide written confirmation from each network operator for electricity, telephone and, where applicable, gas services.*

#### **Transportation – Road Design and Infrastructure Upgrades**

64. *The proposed new public road and infrastructure upgrades shall be designed and constructed for the purpose intended, and shall include pedestrian and cycle facilities; traffic facilities; road lighting; accessible services or ducting at intersections and swale crossings; and road drainage as appropriate and indicated on the approved Land Development Plan drawing set.*
65. *The detailed design shall ensure the raingardens and vehicle crossings are located to maximise the number of on-street parking spaces.*
66. *The raingardens shall be designed and located to ensure the safety of all road users including pedestrians.*
67. *In addition to the requirements of Condition 34 and Condition 64 the engineering plans for the lanes shall include vehicle tracking for refuse and recycling and emergency service vehicles, sight distances at corners and intersections, speed management and shared space management, landscape and access arrangements, as is appropriate and indicated on the approved Land Development Plan drawing set. The applicant shall refer to the Austroads Guide to Traffic Management, the Traffic Control Devices Manual and NZTA Speed Management Guide – Toolbox and Appendices to guide development of the lanes.*

#### **Advice note:**

*Where 'super lot' subdivision applications are made, which create an initial large block/lot and whereby further subdivision applications are subsequently made that provide a higher level of detail on layout, it is acknowledged that the requirements of Condition 67 will be applicable at the time of further subdivision of the super lot.*

68. *The form of the internal structure plan intersections and road crossing points shall be generally in accordance with the form shown on Figure 10-29 of the Broad ITA, prepared by Stantec, dated March 2021.*
69. *The design of the road drainage and transportation function must be integrated to ensure both are not compromised in terms of safety and ongoing maintenance to the satisfaction of the General Manager, Development (or nominee).*
70. *The engineering plans shall include details to demonstrate how the staged and long-term integration of vehicle access to the Major Facilities Zone is to be provided for as indicated on Figure 2-20 Appendix 2 of the District Plan as "Potential Vehicle Access into Adventure Park".*
71. *Overhead lighting shall comply with AS/NZS 1158 and the Regional infrastructure Technical Specifications shall be designed and installed in all public roads. Luminaires shall be the LED type, and the consent holder shall instigate at no cost to Council an energy audit of the design as prescribed in AS/NZS 1158.*
72. *Prior to any section 223 certificate for subdivision under the Resource Management Act being issued in the Medium Density Residential zone or the Business 6 zone, or prior to any building being occupied or open for use in the Major Facilities zone, the following improvements are to be completed:*
  - i. *The Te Rapa Road/McKee Street intersection is to be signalised, including any additional works to address adverse transferred effects associated with the signalisation, at the Te Rapa Road/Kapuni Street intersection;*
  - ii. *A pedestrian crossing facility is to be constructed at the existing bus stops on Te Rapa Road adjacent to the Structure Plan area and a bus shelter is to be constructed at the western bus stop location;*
  - iii. *The Te Awa River Ride path from and within the Structure Plan area to Pukete Road is to be upgraded in accordance with CPTED principles. In addition, as much existing cycle route that is within the road corridor as practicable is to be replaced with riverside cycle path from the Structure Plan area to Pukete Road;*
  - iv. *Te Rapa Road on-road cycle safety improvements including targeted road markings, signage and road surfacing work between Hutchinson Road and Church Road; and*
  - v. *Shared path connection along Horotiu Bridge Road from the Te Awa River Ride path to Horotiu Primary School.*
73. *No development in the Medium Density Residential zone or the Business 6 zone or Major Facilities zone shall generate more than 500 vehicle movements in the peak hour measured cumulatively across all zones.*

**Advice note:**

*Vehicle movements relating to development activity, for the purposes of compliance with Condition 73 shall be determined in accordance with the following formula from the 'Te Awa Lakes Land Development Plan Application – Broad Integrated Transportation Assessment', Stantec, 17 March 2021:*

*Vehicle Movements = (Retail GFA x 15.04 trips per 100m<sup>2</sup> GFA x 0.2) + (Low and Medium Density Residential Dwellings x 0.82 (as identified in sections 3 and 4 of the Land Development*

*Consent Package prepared by Ignite)) + (Apartment Units x 0.30 (as identified in section 5 of the Land Development Consent Package prepared by Ignite)*

*Note: Retail GFA shall include that existing retail space developed and located within the existing motorist service centre area.*

*For any other development activities, the Vehicle Movement rate shall be calculated using the same methodology applied in section 11.2.3 of the Broad ITA dated 17<sup>th</sup> March 2021. Specifically, the Vehicle Movement rate shall be enumerated based on the average trip rate guidance from NZTA Research Report 453 (<https://www.nzta.govt.nz/resources/research/reports/453/>) for the corresponding activity. The additional Vehicle Movements associated with these other development activities are required to be included within the cumulative measurement across all zones (and must remain under the 500 vehicle movement threshold).*

- 74. The consent holder shall arrange for an independent Stage 3 (detailed design) and Stage 4 (post-construction) Road Safety Audit of the off-site works described in condition 72. The completed Stage 3 safety audit shall be submitted to the Council with the engineering plans. The completed Stage 4 safety audit shall be submitted to the Council no later than eight weeks following practical completion of the work. The safety audit decisions shall be to the satisfaction of the General Manager, Development (or nominee). The safety audits shall address the items in the 'Road Safety Audit Procedures for Projects (TFM9) (Interim Release May 2013).*
- 75. The consent holder shall arrange for an independent Stage 3 (detailed design) and Stage 4 (post construction) Road Safety Audit of the transport network including the pedestrian and cycle network within the LDP Area. The completed Stage 3 safety audit shall be submitted to the Council with the engineering plans. The completed Stage 4 safety audit shall be submitted to the Council no later than three months after vesting. The safety audit decisions shall be to the satisfaction of the General Manager, Development (or nominee). The safety audits shall address the items in the 'Road Safety Audit Procedures for Projects (TFM9) (Interim Release May 2013).*
- 76. All regulatory signs and markings proposed to be established shall be agreed following engagement with Hamilton City Council prior to completion of engineering design drawings. The signs and marking will only be confirmed through Council's statutory approval processes prior to the confirmation of drawings as "approved for construction".*
- 76A All lanes are to be held in private ownership.*

*Advice Note:*

*To enable public refuse and recycling collection services to access the shared accessways an agreement shall be required prior to lodgement of any survey plan pursuant to s223 and certification pursuant to s224(c), to be in place between the consent holder (and successors) and Hamilton City Council's Waste Compliance Team to cover the indemnities of Hamilton City Council Waste Management contractors entering private land and/or accessways. In any situation that the consent holder refuses to sign such a document HCC will not be responsible for the collection of the private household waste and recycling. A suitably registered contractor will have to be engaged and maintained by the residents. The contact for such discussion is via [Rubbish.andRecycling@hcc.govt.nz](mailto:Rubbish.andRecycling@hcc.govt.nz)*

77. *In accordance with the vehicular property access restrictions identified on the approved Road Hierarchy Plan (Rev A, Boffa Miskell, June 2021), no individual vehicle crossings are to be created across the access restriction area:*
- a. *Along proposed Road 1 between the intersections of Hutchinson Road and Road 25; and*
  - b. *Along the northern side of proposed Hutchinson Road between the intersections of Road 2 and Road 25.*

Advice notes:

- a. *At the time of the relevant future subdivision, the consent holder shall register a consent notice in favour of Council (or other agreed suitable mechanism) for the purpose of vehicular property access management along Road 1 and Hutchinson Road as described in the condition above.*
- b. *The condition above is intended to prevent the establishment of individual vehicle crossings on Hutchinson Road and Road 1 where they would cross a dedicated cycle facility. It does not preclude the future establishment of a transport corridor intersection or service lane provided that priority and continuity of the cycle facility is maintained.*

**Speed Limits**

78. *Prior to commencement of detailed engineering design for any works on Te Rapa Road (north of Hutchinson Road) the consent holder shall engage with Hamilton City Council to confirm the appropriate design speed environment.*

Advice Note:

*The purpose of engagement in relation to speed management on Te Rapa Road is to establish an appropriate speed environment and for an appropriate pedestrian crossing facility to be designed to safely fit within that environment. In the event the current speed environment is able to be reduced to 60km/h in line with the HCC Speed Management Plan (June 2019) it is the intent that raised platform signalised crossing facility will be established. In the absence of this, an alternate and appropriately safe at-grade crossing place is to be established in consultation with Council.*

**Travel Demand Management**

79. *Prior to any section 223 certificate for subdivision under the Resource Management Act being issued in the Medium Density Residential zone or the Business 6 zone, the consent holder shall prepare a Travel Demand Management (TDM) Plan.*
80. *The TDM Plan shall be submitted to the Hamilton City Council, Unit Manager City Development Transportation Unit or nominee for certification. The TDM Plan shall be prepared by a suitably qualified and experienced person and shall be developed after consultation with HCC, WRC, Fonterra Limited, AFFCO New Zealand Limited and the local Te Awa Lakes community.*
81. *The objective of the TDM Plan shall be to implement travel demand management outcomes and provide for public transport, alternative, multi-modal and non-motorised transport initiatives to support and integrate with existing and planned citywide networks. The TDM shall include (but not be limited to):*
- a. *Requirement for the plan, the driving motivation for the plan;*
  - b. *Purpose of the plan, what it is to achieve;*
  - c. *Scope of the TDM plan, the realm of applicability and the environments;*

- d. *Governance structure, accountability, ownership and delivery;*
  - e. *Site audit and data collection, to inform current state of travel and establish a baseline for forming aspirational targets;*
  - f. *Objectives and targets;*
  - g. *Collaboration;*
  - h. *Actions, accountability and implementation; what and how measures will be delivered to achieve the objectives and targets;*
  - i. *Strategy for promoting and marketing the actions;*
  - j. *Commitment and resources, funding and financial commitment to both on-going management of the plan as well as implementation of key actions;*
  - k. *Monitoring and review, feedback for continual improvement; and*
  - l. *Resources.*
82. *The Te Awa Lakes Structure Plan Area Travel Demand Management (TDM) Plan, prepared by Stantec, dated 5 March 2021 shall be put into effect within 12 months following the occupation of buildings within the Te Awa Lakes Medium Density Residential zone or the Business 6 zone.*
83. *The person or entity responsible for implementation of the TDM Plan shall submit to the Hamilton City Council, Manager City Transportation Unit or nominee an Annual Monitoring Report within four weeks of each anniversary of the commencement of the TDM Plan. The Annual Monitoring Report shall report on the objectives and targets, and identify updates and additional measures needed to ensure the TDM Plan is maintained and effective in achieving the objectives and targets.*
84. *The TDM Plan ownership and accountability shall transition to successive owners/entities, as determined by the Governance Board (defined in the TDM Plan).*

#### **Landscape Treatment**

85. *Detailed landscaping plans for the new linear lake, roads and open space areas shall be prepared in general accordance with the plans submitted.*
86. *Landscaping plans shall be submitted at the same time as engineering plans for consideration by the Manager - Parks and Opens Spaces Unit, or nominee. The detailed landscaping plans shall give consideration to minimising long-term maintenance requirements, while still achieving a high-quality amenity and visual buffer between the existing residential neighbourhood and future industrial activity. The detailed landscaping plans shall include the species, size and planting specifications and maintenance programme for all planting, and incorporate ecological diversity into the main linear recreational lake shore habitat including built areas, wetland plants and beach areas.*
87. *The landscaping shall be implemented in accordance with the approved landscaping plans to the satisfaction of the Manager – Parks and Open Space unit or nominee, and at no cost to Council. Any uncompleted works and maintenance required during the defects period, is the responsibility of the consent holder, and may require bonding prior to Council issuing the s224 (c) certificate.*

88. *The design, construction and maintenance of all landscaping and planting shall be in accordance with the Regional Infrastructure Technical Specifications.*

#### **Review Condition**

89. *Hamilton City Council may give notice pursuant to Section 128(1) of the Resource Management Act 1991, of its intention to review the conditions of this resource consent after each anniversary of giving effect to the consent for a period of up to ten years, to review the effectiveness of this resource consent in avoiding, remedying or mitigating any adverse effects on the environment particularly with the provision of any strategic three waters infrastructure, main linear lake water quality (including for the purposes of reviewing the monitoring and reporting requirements in Condition 59), traffic safety and efficiency effects, and alligator weed management.*

#### **Waikato Regional Consents and Authorisations**

90. *Prior to the commencement of any earthworks and construction works (excluding enabling works) relating to activities authorised by this consent, the consent holder shall provide to the HCC Planning Guidance Unit Manager a copy of all required regional consents from the Waikato Regional Council.*

*Advice Note: The purpose of this condition is to ensure the requirements of the National Policy Statement for Freshwater Management, the Waikato Regional Policy Statement, and the Waikato Regional Plan are appropriately addressed through the regional consents in relation to the management of water quality effects in the Waikato River, groundwater drawdown effects and the effects on identified significant habitat of indigenous fauna.*

91. *Prior to the commencement of any earthworks authorised by this consent, the consent holder shall provide to the HCC Planning Guidance Unit Manager a copy of all required permits and authorisations from the Waikato Regional Council related to the Biosecurity Act 1993.*

*Advice Note: The purpose of this condition is to ensure the requirements of the Biosecurity Act Restricted Place Notice relevant to the site and the Waikato Regional Pest Management Plan are appropriately addressed.*

#### **Te Awa River Ride Closure**

92. *The Te Awa River Ride shall not be closed for more than 3 cumulative months without written approval of the Hamilton City Council Parks and Recreation Unit Manager or nominee.*

93. *A Te Awa River Ride Diversion Management Plan shall be submitted for approval by the Parks and Recreation Unit Manager or nominee prior to the Te Awa River Ride being closed for earthworks or construction. No works requiring closure of the Te Awa River Ride shall be undertaken until the Te Awa River Ride Diversion Management Plan is accepted and the requirements of the Plan are implemented. The Te Awa River Ride Diversion Management Plan shall include:*

- Evidence of consultation with the Hamilton City Council Parks and Recreation Unit and City Transportation Unit, and the Te Awa River Ride Trust*
- Details of public notices and advertisement of the closure*
- Advanced signage so that users entering the Te Awa River Ride at other locations are aware of the diversion and increase in route length*
- Signs and markings along the diversion route*

### **Expressway Boundary Definition**

94. *Prior to carrying out any earthworks, or construction works within the Waikato Expressway designation, the consent holder shall physically delineate on the site the extent of the Waikato Expressway designation.*
95. *Prior to undertaking any works within the Waikato Expressway designation the consent holder shall provide to the HCC Planning Guidance Unit Manager a copy of the prior written consent to the works provided by the NZ Transport Agency pursuant to s176(1)(b) of the Resource Management Act.*

### **Surrender of Consent**

96. *Prior to carrying out any Construction Works on the site, the consent holder shall formally surrender Resource Consent 69 03 028.*

### **Pre-Start Requirements**

97. *The consent holder shall appoint a representative(s) prior to commencement of any works authorised by this resource consent, who shall be the Hamilton City Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Hamilton City Council of the representative's name and how they can be contacted prior to this consent being exercised. Should that person(s) change during the term of this resource consent, the consent holder shall immediately inform the Hamilton City Council and shall also give written notice to the Hamilton City of the new representatives name and how they can be contacted.*
98. *Prior to the commencement of earthworks on the site, the consent holder shall arrange and conduct a pre-start site meeting and invite with a minimum of 5 working days notice the Hamilton City Council, Waikato Regional Council (including Waikato Regional Council biosecurity staff), the site representative nominated under condition 97 of this consent, the contractor, and any other party representing the consent holder.*

### **Fees and Charges**

99. *That pursuant to section 36 Resource Management Act 1991, the following fees be paid:*
  - a. *Payment of an additional City Infrastructure Group Fee for auditing the conditions set out in this consent. The fee will be charged on a time-cost recovery basis in accordance with Hamilton City Council's Schedule of Fees and Charges, with adjustments coming into effect at the beginning of each financial year.*
  - b. *Payment of additional Environmental Health fee for assessing consented reporting charged on a time-cost recovery basis in accordance with Hamilton City Council's Schedule of Fees and Charges, with adjustments coming into effect at the beginning of each financial year. The fees will be levied at the completion of the consent review process and will be payable to the Environmental Health Unit upon notification that compliance has been achieved.*
  - c. *All GST requirements with regard to the transferring of assets to Council (e.g. reserves, roads, sewers) being complied with by the completion of the form titled 'GST Requirement/ Asset Register and Tax Invoice'.*

100. *The consent holder shall pay the council any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions of this consent, incurred over and above the initial paid monitoring deposit.*

*Advice note:*

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time as set out in the Council's fees and charges. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

**Advisory Notes**

- The onus rests with the consent holder to demonstrate that completed works meet Council requirements and accepted engineering standards. Therefore, developers should employ suitably qualified and experienced contractors and maintain records of the quality control process.
- All operations affecting in-service Hamilton City Council water, wastewater or stormwater pipelines are to be carried out by Hamilton City Council staff (City Delivery Unit) unless specific approval is given as outlined in the HCC Infrastructure Technical Specifications.
- Any retaining walls greater than 1.5 metres above the natural ground or any retaining wall that are subject to surcharge will require a building consent.
- Retaining walls shall be designed and constructed by a suitably qualified professional taking in to account any future loading which includes any structural load. Retaining walls shall be provided with adequate drainage to avoid seepage through wall and to adjoining properties.
- The Consent Holder is advised that any Lots accessed off the proposed lanes are to be unit titles in accordance with the Operative District Plan.
- That On-Lot Water efficiency measures are to be finalised as part of the subsequent subdivision in accordance with the LDP, and the Consent holder will be required to submit an updated Water Impact Assessment identifying the specific on-lot Stormwater Management Measures to be implemented. The On-Lot Water Efficiency measures to be implemented at the time of Building Consent and thereafter maintained will be imposed as a Consent Notice requirement on the subdivision.

**Development Contributions**

Based on the details of this consent development contributions may be required to be paid in respect of the development pursuant to the Local Government Act (2002) and Council's Development Contributions Policy. A 'Notice of requirement of development contributions' will be



issued separately. Development contributions are not a condition of resource consent and are not subject to any right of appeal within the RMA 1991.

### **Reasons**

Under Section 113 of the RMA the reasons for this decision are:

#### **Consistency with Objectives and Policies**

Subject to compliance with the conditions of consent, granting consent to the proposed activities is not contrary to the relevant objectives and policies and assessment criteria of the Operative Hamilton City District Plan, in particular the objectives and policies at Chapters 3.8.1, 21.2 and 25.2.

#### **Waikato Regional Policy Statement and the Vision and Strategy for the Waikato River**

The Vision and Strategy for the Waikato River and the Waikato Regional Policy Statement will be given effect to by:

- the use of a treatment train approach to management of stormwater discharge from the development comprising proprietary devices such as raingardens, the use of terrestrial wetlands, and the main linear lake itself
- implementation of erosion and sediment control, and alligator weed management measures during construction/earthworks
- ecological restoration and enhancement of the southern gully tributary
- facilitation of residential development of various typologies, consistent with the zoning of the land and density provisions

#### **NES for Soil Contaminants**

An assessment of effects of contaminated soils has been undertaken and was submitted with the application. That assessment, informed by past environmental investigations on the site and through confirmation of the appropriateness of current remediation plans for the site by Councils Contaminated Land officer, indicates that adverse effects on human health and the receiving environment can be appropriately managed by required conditions of consent.

#### **NPS for Urban Development “(NPS-UD)”**

The proposal is consistent with the NPS-UD as the landform to be created and the provisions of services will provide for a range of residential and mixed use development of varying densities, with an appropriate design and adequate level of onsite amenity for the future residents. The proposal will also facilitate development of the land in order to add additional capacity to the housing stock within Hamilton City, one of the Tier 1 local authorities experiencing high growth.

#### **Landscape and Visual**

The enduring adverse landscape and visual effects of granting the consent will be acceptable.

While there will be a significant change to the landscape and visual environment at the site, particularly during the construction phase from viewpoints on the opposite side of the Waikato River, this change is envisaged and enabled by the relevant Operative District Plan provisions governing the Te Awa Lakes development.

### **Cultural**

The cultural effects of the overall activities for which consent are sought, and in particular the establishment and operation of the twin piped discharge to the Waikato River, have been accepted and approved by the Te Awa Lakes Tangata Whenua Working Group. On that basis the adverse cultural effects can be regarded as acceptable.

### **Archaeological**

Any adverse effects will be mitigated to no more than minor levels through the proposed archaeological investigation and Heritage NZ authority process and by the proposed preservation of site S14/284 as a result of its inclusion in the riverside esplanade reserve.

### **Alligator Weed**

The site is the subject of a Restricted Plan Notice under the Biosecurity Act and is actively monitored by Waikato Regional Council Biosecurity staff. Alligator Weed will be managed on the site through a progressive cap and cover methodology under the auspice of an approved Alligator Weed Management Plan and subsequent more detailed Implementation Plans to be approved by WRC (who will also approve the relevant plans on behalf of HCC). Adherence to these approved plans will ensure that potential adverse effects from alligator weed on the site are acceptable.

### **Transportation:**

The potential enduring off-site transportation effects of the development that will be facilitated by the approval of the physical works for which consent is sought will be mitigated to acceptable levels through the requirement to undertake specified network upgrades prior to s223 certification of subdivision in either the Business 6 or Te Awa Lakes Medium Density Residential Zone. These works are set out in the Operative District Plan and have been accepted as a condition of consent by the applicant. Construction traffic effects will be mitigated through the application of temporary traffic management and associated measures.

### **Three Waters**

In terms of water supply and wastewater services to serve the development, Council is satisfied that with appropriate design and upgrades to be certified by Council and undertaken by the consent holder (as required by consent conditions) adverse network effects will be avoided. In terms of stormwater, Council is satisfied that with compliance with the conditions of consent that clarify and require codification through a Private Developers Agreement of the private/public ownership arrangement of the stormwater network to serve the development, adverse stormwater network effects will be minimised.

**Geotechnical**

Subject to compliance with the conditions of the consent, potential adverse geotechnical stability and groundwater settlement effects will be minimised. Future subdivision and building consents for development on the landform adjacent to the Waikato River will require specific District Plan standards centred around avoiding creation of geotechnical instability effects by individual developments to be complied with.

**Ecological**

The overall ecological effects of the land development works can be mitigated to minor levels through the adoption of the measures set out in the overall and specific management plans submitted with the application. A positive ecological effect will be produced through the restoration and enhancement works that are to be carried out in the southern tributary as required by the Operative District Plan, and by the conditions of consent.

**Recreational**

The finite and relatively short term 3 month period that the closure of the Te Awa shared path will be carried out for, coupled with the availability of a practical detour route that is required to be well publicised prior to the path being closed and adequately sign posted during the closure, will mitigate the adverse recreational effects of the proposed activity.

**Overall:**

Having regard to section 104 of the Act, and subject to compliance with the recommended conditions of consent, the actual and potential adverse effects on the environment of granting consent are acceptable as the proposal will promote the sustainable management of natural and physical resources.

## **LAND USE CONSENT DECISION – HABITABLE ROOM ORIENTATION**

*That pursuant to Sections 104 and 104D of the Resource Management Act 1991 and the Hamilton City Operative District Plan, Council grants resource consent to the application by Perry Group Limited (being Resource Consent 10.2021.11468.01) for construction of habitable rooms orientated towards the Waikato Expressway in dwellings within 200 metres of the Waikato Expressway at Hutchinson Road, Horotiu, being Allotment 106 Parish of Horotiu and Section 2 SO Plan 486608, Pt Allotment 105 Horotiu Parish.*

### **Conditions**

Under section 108 of the RMA this consent is subject to the following conditions:

1. All habitable buildings within 200m of the Waikato Expressway carriageway shall be protected from noise arising from outside the building by ensuring they are designed and constructed to meet an indoor design sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in all other habitable rooms. Where the indoor design sound levels can only be achieved with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 - Ventilation of the New Zealand Building Code 2011.
2. An acoustic design certificate, prepared by a suitably qualified and experienced person in building acoustics, shall be provided to Council's Planning Guidance Manager at or before the time of application for building consent. The certificate shall describe the necessary design and construction that achieves the indoor design sound levels and ventilation requirement in Condition 1. The design and construction features described in the certificate shall be incorporated into the detailed design and construction of the building shown in the building plans.

### **Reasons**

Under Section 113 of the RMA the reasons for this decision are:

#### **Acoustics**

Potential adverse effects from the orientation of habitable rooms to the Waikato Expressway will be mitigated subject to compliance with the conditions of consent requiring acoustic treatment of habitable rooms in buildings within 200m of the Waikato Expressway. Waka Kotahi/NZ Transport Agency has provided written approval to the establishment of dwellings within 200m of the Waikato Expressway with habitable rooms facing the Waikato Expressway.

#### **Positive Effects**

Granting consent will generate positive urban design effects through minimising the loss of developable land that would otherwise be required to accommodate internal roads and larger lots, to allow dwellings to be orientated away from the Waikato Expressway.

**Overall:**

Subject to the above conditions, the proposal is not contrary to the relevant objectives and policies of the Operative District Plan.

Having regard to section 104(1)(a) of the Act, the actual and potential adverse effects on the environment of granting consent are acceptable as the proposal is consistent with the relevant assessment criteria and promotes the sustainable management of natural and physical resources.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Grant Kettle', with several overlapping strokes.

**GRANT KETTLE**  
**PLANNING GUIDANCE MANAGER**

For more information please contact:

**Grant Kettle**

Council Building

Garden Place, Hamilton

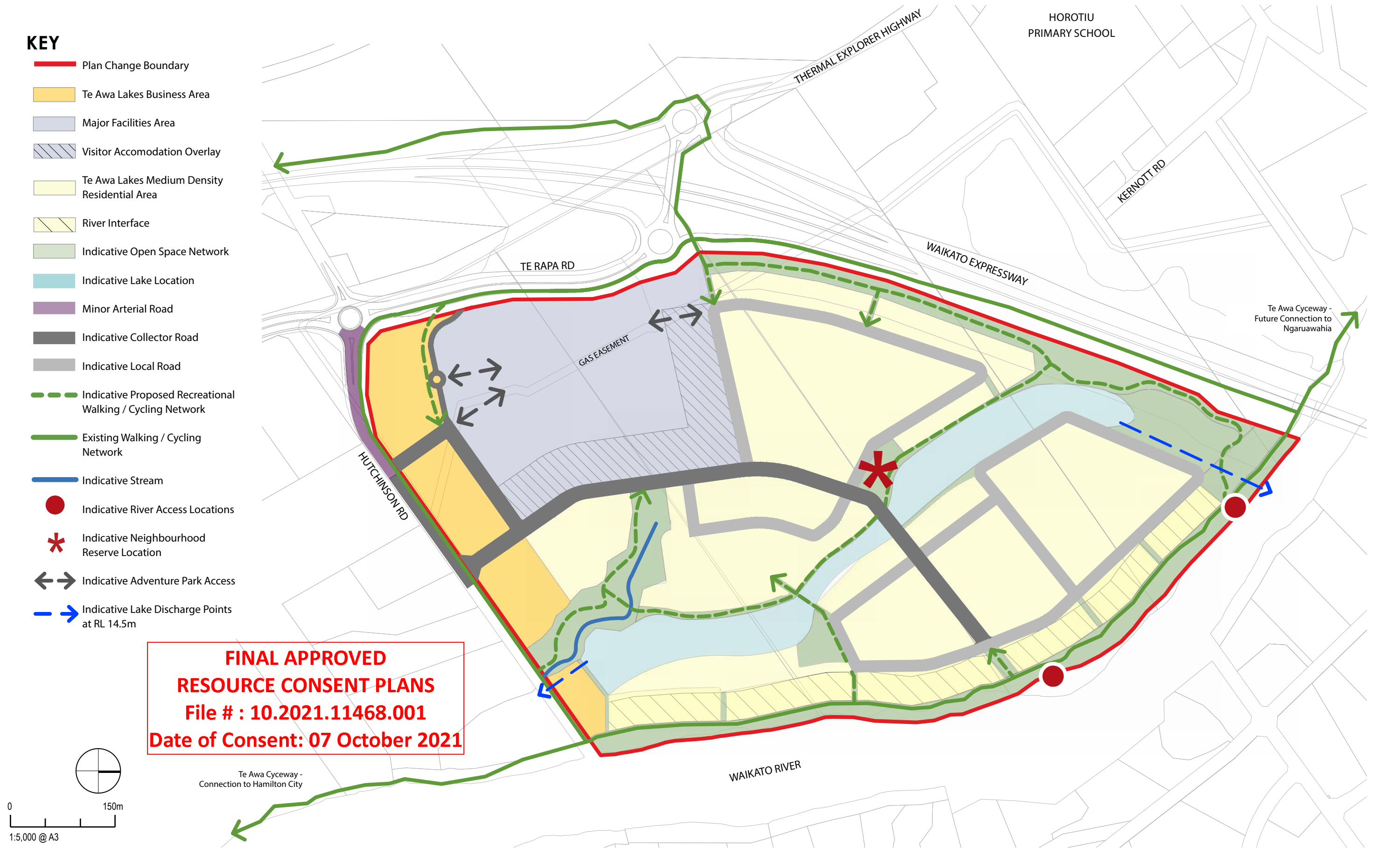
Phone: 07 838 6699

Email: [grant.kettle@hcc.govt.nz](mailto:grant.kettle@hcc.govt.nz)

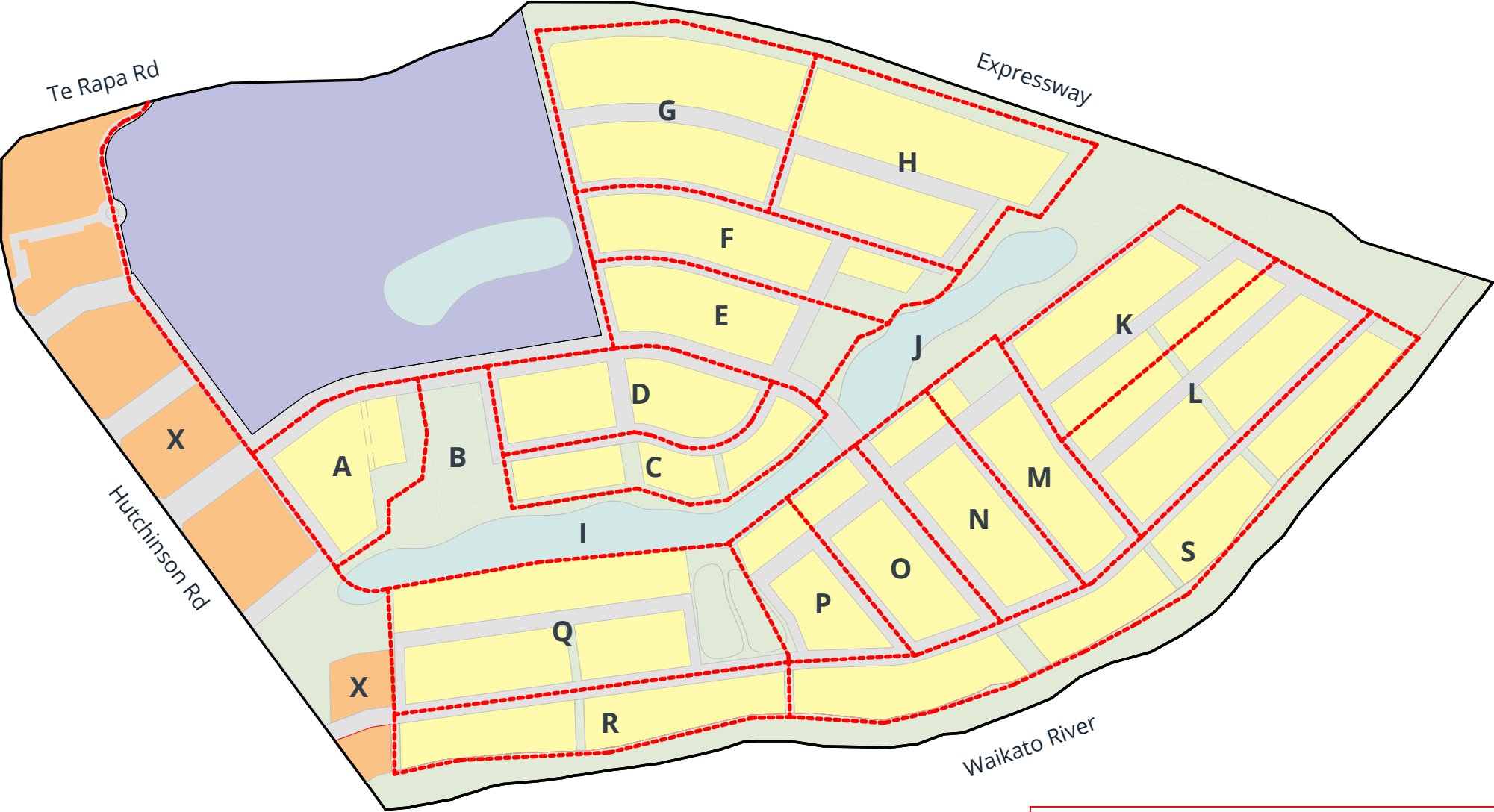
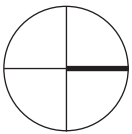
Website: [www.hamilton.co.nz](http://www.hamilton.co.nz)

# FIGURE 2-19: TE AWA LAKES FRAMEWORK PLAN

Received  
PLANNING GUIDANCE  
19 March 2021



2.1 Land Development Plan Areas



**FINAL APPROVED  
RESOURCE CONSENT PLANS**  
File # : 10.2021.11468.001  
Date of Consent: 07 October 2021

Land Development Areas

This land development area plan indicates the development zones with the updated masterplan proposal

Zone

Key

- TAL Medium Density Residential Zone
- TAL Business Zone
- Major Facilities Zone
- Indicative Open Space Network
- Indicative Lake Location

TAL Structure Plan - LDP Areas

Consented:

LDP Area	Yield (Approx)
A	116
B	0
C	162
D	134
E	26
F	42
G	51
H	62
I	0
J	0
K	44
L	47
M	33
N	33
O	32
P	28
Q	42
R	16
S	24
Total	892 +/- 10%

Proposed:

Zone	Total
A	116
B	0
C	129
D	134
E	39
F	59
G	57
H	68
I	0
J	0
K	54
L	56
M	47
N	47
O	35
P	30
Q	73
R	13
S	24
X	100 (n/a)
Total	981

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Scale 1:5000 @ A3

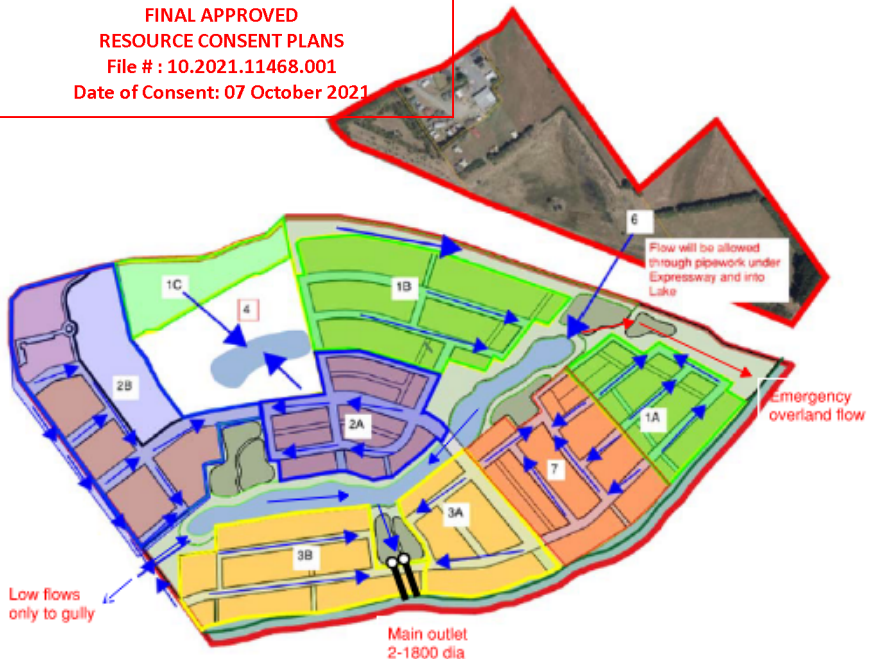




**FINAL APPROVED  
RESOURCE CONSENT PLANS**

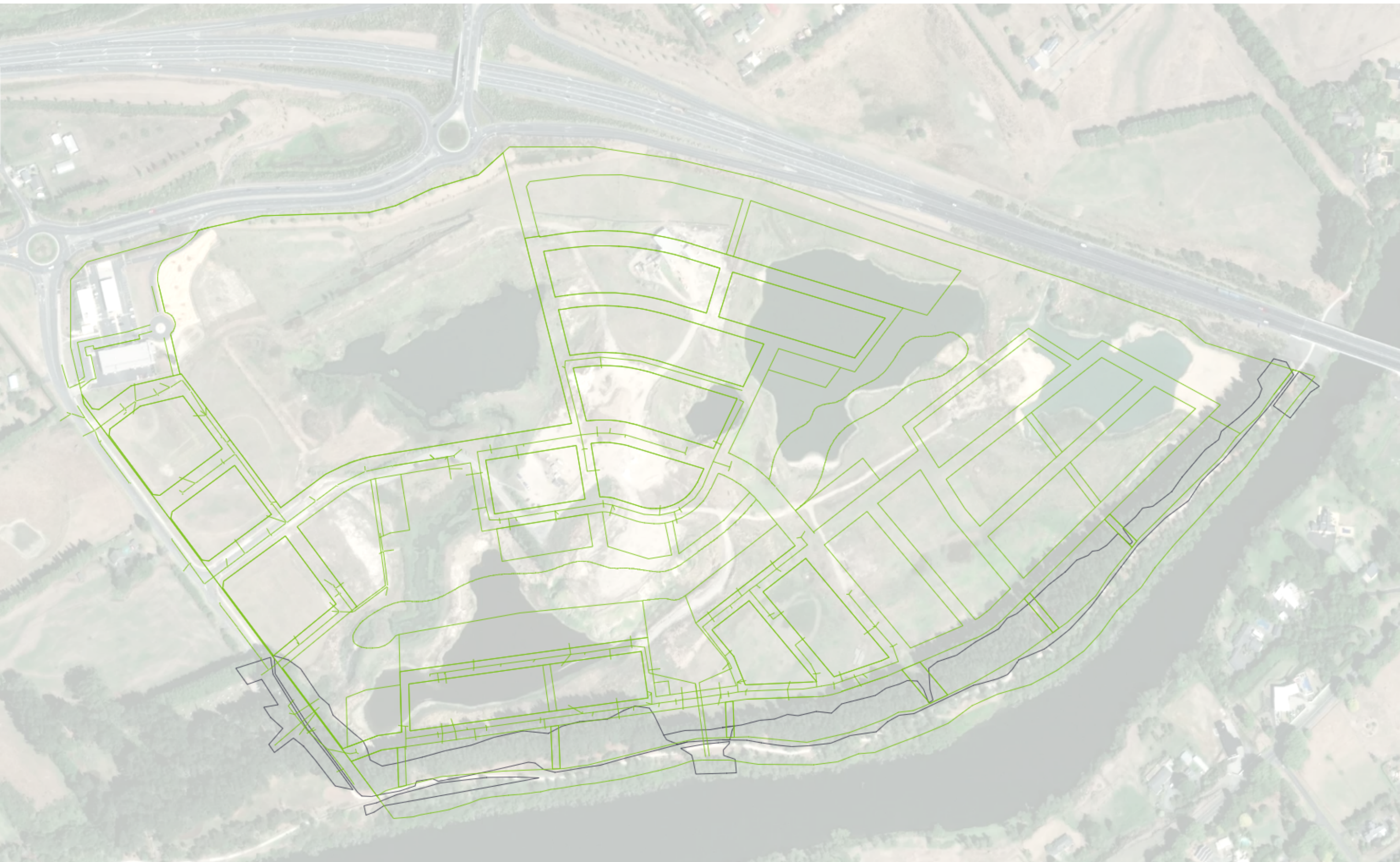
File # : 10.2021.11468.001

Date of Consent: 07 October 2021





## **ATTACHMENT 2**



### **ATTACHMENT 3**

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

**AND**

**IN THE MATTER of Plan Change 9 to the Hamilton City District Plan.**

**JOINT WITNESS STATEMENT (JWS) IN RELATION TO:**

**ECOLOGY and PLANNING (1)**

**14<sup>th</sup> March 2023**

Expert Conferencing Held on: 14<sup>th</sup> March 2023

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Cassidy Armishaw

**1 Attendance:**

1.1 The list of participants is included in the schedule at the end of this Statement.

1.1.1 Claire Moore – a planner employed by Kainga Ora attended as a corporate representative in place of Michael Campbell (expert consultant planner) who was unavailable to attend this session. Michael Campbell is scheduled to attend the Planning expert conference scheduled for 20 March 2023.

1.1.2 Ashiley Sycamore – planner for Department of Conservation was not available to attend this session, therefore a number of submission points raised by DOC have been referred to the next session on the 20<sup>th</sup> March 2023. It was agreed that Kerry Borkin will brief Ashiley on the discussions that took place on the 14<sup>th</sup> March 2023.

**2 Basis of Attendance and Environment Court Practice Note 2023**

2.1 All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council's website.



### **3 Matters considered at Conferencing – Agenda and Outcomes**

#### **3.1 Introductions**

#### **3.2 Code of Conduct**

#### **3.3 Discussion around the key themes identified in the Themes and Issues Report**

#### **3.4 Update from Hamilton City Council on work undertaken since the close of submissions**

#### **3.5 Agenda Items and Outcomes**

**3.5.1** SNA C59 on the Fonterra Te Rapa site – Mark Chrisp’s position is that the RPS criteria are appropriate for identifying SNA’s. Those criteria include an exemption where indigenous vegetation has been created in connection with artificial structures which is the case in relation to part of proposed SNA C59. It is agreed as between Mark Chrisp and Emily Buckingham that the northern and southern gullies (which are a wastewater and stormwater treatment area including various structures) falls within the exemption and should not be identified as an SNA. The balance of SNA C59 extending to the north of the Te Rapa site boundary and along the margin of the Waikato River south of the outfall structure can remain as an SNA. Attachment 1 to this JWS is a diagram showing the area to be deleted from SNA C59.

**3.5.2** 20.3 Activity Status Table, where protected vegetation in SNAs is located in close proximity to existing buildings, which may impede access for maintenance and/or general upkeep of buildings, a change to allow pruning, just like for notable trees. (Kāinga Ora)

Emily Buckingham advised that there was agreement in principle to provide for pruning in proximity to existing buildings. Emily provided the following draft wording: The pruning or maintenance work is within 1m of an existing lawfully established building and is necessary for access and maintenance.

Michael Campbell will provide feedback and the item will be reconsidered on the 20<sup>th</sup> March 2023.

**3.5.3** Regional Council experts (Paul Dutton and Hannah Craven) seek further clarification for the different standards applying to foliage and vegetation removal in SNA’s and notable trees. There is quite a complex suite of rules and standards that apply to these matters the Regional Council experts will give further consideration to these rules and the matter will be scheduled for further discussion at the expert conference at 20<sup>th</sup> March 2023.

**3.5.4** Regional Council experts (Paul Dutton and Hannah Craven) sought amendments to the definition of pest control so that community groups for example could carry out pest control. An amended definition is proposed to read:

*Means any activity undertaken ~~by, or at the direction of a local authority or by a landowner, or occupier~~ for the management of a nuisance plant or animal species that is impacting on the ecological values of a site or area.*

Emily Buckingham and Laura Galt (experts for HCC) agree to this amended definition but consider that there should be some limitations on the vegetation that can be removed in the SNA suite of rules (20.3b). They consider that the provisions in 20.5.6c should apply.

The matter will be scheduled for further discussion at the expert conference at 20<sup>th</sup> March 2023.

**3.5.5** Claire Moore proposed that wording of rule 25.2.3k be amended: *“Pruning and maintenance of the canopy of a tree located within and overhanging the boundary of a Significant Natural Area, provided that Standard 25.2.4.3(b) is complied with”*. Emily Buckingham and Laura Galt (experts for HCC) agree to this amendment.

**3.5.6** Ben Inger proposed one objective and three policies to be included in chapter 20: Natural Environments. These provisions follow from the recent decision on PC5 and give recognition to the city wide nature of providing for longtailed bats. Ben will circulate his proposed provisions and the item will be reconsidered on 20<sup>th</sup> March 2023.

Emily Buckingham, Laura Galt, Sarah Flynn, Hannah Craven and Hannah Mueller agree that this is a city wide matter and will review Ben’s suggestions.

**3.5.7** Submission from the DOC seeking specific reference to the Department of Conservation as an affected party for purposes of notification. As the DOC planner was not available there was limited discussion on this item. However, Ben Inger, Emily Buckingham and Laura Galt advised that they do not agree with the DOC request and consider that the usual RMA notification provisions should apply. This item will be further discussed on 20<sup>th</sup> March 2023.

**3.5.8** Amend Appendix 1.2 (1.2.1(h) - part iii to address effects on indigenous fauna, which is a requirement in other parts of the plan.

Change the wording to:

Effects of the proposal on the natural environment (including existing vegetation and natural land form, and indigenous fauna such as (but not limited to) long-tailed bats and lizards), neighbourhood amenity, and infrastructure.

Emily Buckingham, Laura Galt and Hannah Craven agree to this amended wording.

**3.5.9** The following items were raised in the DOC submission. The DOC planner was not available to attend this session so the items will be rescheduled on the agenda for 20<sup>th</sup> March 2023 however, the following feedback has been recorded by other experts.

A) Biodiversity compensation - the word ‘aquatic’ should be replaced to allow for a wider range of scenarios. (DOC)

Emily Buckingham considers that the word ‘aquatic’ could be deleted.

B) Restoration - amend to specify that restoration must be carried out in accordance with the NES for Freshwater and Hamilton City Council’s Gully Restoration Guide. (DOC)

Ben Inger, Emily Buckingham, Sarah Flynn and Hamish Dean do not consider it would be appropriate to amend the definition for restoration so that it is required to be carried out in accordance with NES for Freshwater and Hamilton City Council’s Gully Restoration Guide.

C) Ecological district – need clarification on what it is. (DOC)

Emily Buckingham agrees that this could read Hamilton Ecological District

- 3.5.10** Ben Inger noted that there are specific rules in the PC5 decision for park furniture, new walkways and cycleways and new infrastructure in SNA's. He suggested clarification should be added to make it clear that the specific rules for the Peacocke Precinct apply rather than the city wide rules. He suggested adding a note following table 20.3. Ben will circulate suggested wording to discuss 20<sup>th</sup> March 2023.

Craig Sharman confirmed that the Plan Change 5 decision provisions are to apply to the Peacocke Precinct and are not to be modified by Plan Change 9 modifying chapter 20 (in relation to the Peacocke Precinct).

- 3.5.11** With regards to the Mistrys' submission (point 4), Emily Buckingham advised that Rule 25.2.3k would cover the scenario where a landowner adjoins but is not within a SNA (such as the Mistrys) – not Rule 20.3a(iii). Rule 25.2.3k isn't limited to where there's a fence and can be used by property owners to maintain their boundaries. Emily does not see any need for objective 20.2(1) and policy 20.2.1(h) to better account for the upkeep of a private boundary edge.

Fraser McNutt (planning expert for the Mistry's) was not available to discuss this item. It will be included in the agenda for the session for 20<sup>th</sup> March 2023.

#### **4 PARTICIPANTS TO JOINT WITNESS STATEMENT**

- 4.1 The participants to this Joint Witness Statement, as listed below, confirm that:
- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
  - (b) They agree to the introduction of the attached information – Refer to 3.5.1 above; and
  - (c) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
  - (d) The matters addressed in this statement are within their area of expertise; and
  - (e) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Independent Facilitator and this is recorded in the schedule below.

#### **Confirmed online 14<sup>th</sup> March 2023**

<b>EXPERT'S NAME &amp; EXPERTISE</b>	<b>PARTY</b>	<b>EXPERT'S CONFIRMATION REFER PARA 4.1</b>
Laura Galt – Planning	Hamilton City Council	Yes
Dr Hannah Mueller – Ecology	Hamilton City Council	Yes
Emily Buckingham – Planning	Hamilton City Council	Yes

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Hamish Dean – Ecology	Hamilton City Council	Yes
Craig Sharman – Planning	Hamilton City Council	Yes
Claire Moore – Planning (corporate)	Kainga Ora (corporate)	N/A
Fraser McNutt – Planning	The Mistry's	Note from facilitator: No response recorded for Fraser as he had to leave the session at a early stage.
Hannah Craven – Planning	Waikato Regional Council	Yes
Paul Dutton – Ecology	Waikato Regional Council	Yes
Dr Sarah Flynn – Ecology	Adare	Yes
Ben Inger – Planning	Adare	Yes
Kerry Borkin – Ecology	Department of Conservation	Yes
Chad Croft – Ecology	Te Awa Lakes	Yes
Mark Chrisp	Fonterra	Yes



**Attachment 1**

