

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

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

IN THE MATTER of an application for subdivision and land use
consent for the Amberfield development
pursuant to the Act.

APPLICANT Weston Lea Limited

CONSENT AUTHORITY Hamilton City Council

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

Dated: 12 April 2019

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SUMMARY OF EVIDENCE

1. My name is Ben Maxwell Inger and I am Hamilton Office Manager and a Senior Planner at Harrison Grierson. My evidence provides a planning introduction to the proposal. I summarise my evidence, according to the key headings in this statement, as follows:

Characteristics of the Site and Surrounding Environment (Page 6)

- (a) The 105ha Amberfield site has a range of characteristics, including its location adjacent to the Waikato River and its close proximity to Hamilton's CBD, which make it an important site for the future development of Peacocke as the area transitions from rural to urban land use.

Hamilton City Operative District Plan Zoning and Peacocke Structure Plan (Page 9)

- (b) The Peacocke area has long been earmarked as a location for the City's growth. The zoning of the site under the ODP (Peacocke Character Zone) and the site's location within the PSPA anticipate a range of land uses for the site, including residential, retail/commercial (suburban centre) and open space.

Description of the Proposal (Page 10)

- (c) The proposal includes 833 residential lots, land forming part of the future Peacocke Suburban Centre and a total of approximately 31.6 hectares of vested public open space, comprising reserves for recreation, amenity, esplanade and cultural purposes.

Master Planning Approach (Page 17)

- (d) The proposed development has been through an extensive multi-disciplinary master planning process. The development layout has been informed by investigations, expert assessments and consultation.

Changes in Response to Matters Which Have Arisen (Page 23)

- (e) The Applicant has made refinements and improvements to the proposal following lodgement of the application in response to matters which have arisen. The changes have been documented in further information which has been submitted to HCC.

Status of Waikato Regional Council Resource Consents (Page 24)

- (f) The application includes a joint AEE which was lodged with both HCC and WRC. WRC has confirmed that the applications for regional consents, which are for stormwater discharge, earthworks, a bridge and reclamation of the bed of streams, will be processed without notification. Resource consents from WRC are expected to be granted prior to the commencement of the hearing on the HCC resource consent application.

Conclusion (Page 25)

- (g) The ODP and PSP anticipate growth of the City occurring in Peacocke, including the development of the Amberfield site for residential, retail/commercial and open space land uses.
- (h) In my opinion the approach that has been taken to master planning the site has been appropriate and very robust.

INTRODUCTION

2. My name is Ben Maxwell Inger.
3. I am the Manager at Harrison Grierson, in Hamilton. I hold the qualifications of Bachelor of Planning (Honours) from the University of Auckland. I am a Full Member of the New Zealand Planning Institute.
4. I am a Senior Planner with 13 years' experience. Over this time, I have been employed in private consultancies working for both private and public sector clients, including developers and local authorities in the Waikato region. My experience includes preparation and processing of resource consent applications for residential, commercial and infrastructure projects. I am a current member of the Hamilton City Council's Urban Design Panel.
5. My relevant project experience includes:
 - (a) Subdivision and land use consent applications for a 175-lot development in Raglan for Rangitahi Ltd (2017/2018);
 - (b) Subdivision consent application for a 102-lot residential subdivision in Ruakura, Hamilton for Tainui Group Holdings Ltd (2016/2017);
 - (c) Subdivision and land use consent applications for a 71-lot residential development in Hamilton East for Housing New Zealand Corporation (2016/2017);
 - (d) Planning assistance and project management during the resource consent phase for the Ruakura Inland Port, Hamilton for Tainui Group Holdings Ltd (2015/2016).
6. I have been involved in the Amberfield project since July 2017. My role has involved assisting with co-ordination of specialist inputs into the master planning and resource consent application, assisting Mr Serjeant to prepare and manage the resource consent application and further information, undertaking consultation and maintaining regular communications regarding the applications with HCC and WRC staff. I have a good understanding of the project and the resource consent applications.

7. I am familiar with the application site and the surrounding environment. I have visited the site on several occasions.
8. In preparing this evidence I have read the submissions received on the application, the Section 42A report, the Joint Witness Statements prepared as outcomes of the caucusing of ecological and traffic engineering witnesses and all draft evidence-in-chief for Weston Lea.

CODE OF CONDUCT

9. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
10. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

11. My statement of evidence provides a planning introduction to the proposal. The statutory planning assessment, comments on specific submissions and comments on consent conditions will be addressed separately in the planning evidence of Mr Serjeant. My evidence does not cover the specific resource consent requirements, although I note that it is common ground in the Section 42A report and Mr Serjeant's evidence that the application is a Non-Complying Activity.
12. My evidence covers the following:
 - (a) The characteristics of the site and surrounding environment;
 - (b) A summary of the operative Hamilton District Plan (**ODP**) zoning and the Peacocke Structure Plan Area (**PSPA**) vision;
 - (c) A description of the proposal;
 - (d) The approach taken to master planning the site, including:

- i. the technical work that has been completed to inform and support the development;
 - ii. the consultation that has been undertaken;
 - iii. an overview of the further information that has been prepared in response to matters which have arisen since lodgement; and
- (e) The status of the Waikato Regional Council (**WRC**) resource consent applications.

CHARACTERISTICS OF THE SITE AND SURROUNDING ENVIRONMENT

13. The Amberfield development presents a unique opportunity to develop a large master planned landholding on a site within Hamilton City. The site has unparalleled characteristics, including approximately 2.8km of frontage to the Waikato River and close proximity to Hamilton's central business district (**CBD**) and other key destinations within the City, including Hamilton Gardens, Waikato Hospital and the Hamilton Airport. The site is also held in single land ownership.
14. The site forms the eastern portion of the PSPA, an approximately 720 hectare area identified for future urban development under the ODP. The Amberfield development is the first development that has been master planned within the PSPA. It is also likely to be the first area developed in the Stage 2 area of the PSPA. Accordingly, the proposed development will 'set the scene' for future development in the emerging suburb. Establishing a development on the site that has high levels of amenity and is based on the vision that is set out in the ODP for the PSP (refer to paragraph 33 of my evidence) will be important.
15. The site, excluding the balance lots that will be created as part of the subdivision, is approximately 105 hectares. The site is nearly 15% of the total PSPA area which is 720 hectares¹. The total area of the site, including the balance lots, is approximately 139 hectares. The proposed balance lots are located south of Stubbs Road (Lot 866) and west of Peacockes Road (Lot 867).

¹ ODP, 3.4(a)

16. The site (excluding the balance lots) has approximately 1.8km of frontage to Peacockes Road along its western boundary. The adjoining section of Peacockes Road consists of an approximately 6m wide sealed carriageway within a road reserve with a typical width of 20m. It has no kerb and channel, minimal gravel shoulders and large grass berms.
17. There are two unformed roads which extend east from Peacockes Road into the site. They are Stubbs Road, which is located at the southern end of the site, and an unnamed road which is within the central part of the site. These roads will be formed as part of the proposed development.
18. The development site boundaries were defined at the outset of the project with inputs from the project team. The boundaries were based on consideration of existing cadastral boundaries, stormwater catchment boundaries (the site drains to the Waikato River rather than to the Mangakotukutuku Stream) and determining a suitable area for the development of approximately 1,000 dwellings.
19. The site has a terraced formation and it generally slopes from west to east towards the river. A key feature of the site is an area that is referred to in the application as 'the island' which is topographically separated from the remainder of the site by a gully. The gully depth and width varies but it is up to approximately 20m deep in places.
20. Mr Miller identifies in his evidence that the site contains thirteen small watercourses, most of which comprise mainly short lengths of ephemeral and intermittent waterways, with three of the watercourses containing perennial reaches. The riparian vegetation of most stream lengths is open pasture based vegetation with more developed, permanent riparian cover as the streams approach the Waikato River.
21. The Waikato River riparian area on the site is vegetated for its entire length. Mr Blayney's evidence explains that the riverbank riparian area consists of several different vegetation types with the dominant canopy trees changing between kanuka, mahoe and pest plants such as Chinese privet, tree privet and willow along the river. Other vegetation within the site is relatively sparse. It includes small planted areas, shelterbelts and ornamental gardens associated with two dwellings.

22. The site's terrestrial ecological values include habitat for long-tailed bats, herpetofauna and avifauna. Professor Parsons and Ms Cummings provide details of the values related to long-tailed bats in their evidence. Mr Blayney addresses herpetofauna and avifauna.
23. Dr Parsons and Ms Cummings both share the opinion that the Waikato River and Hammond Bush are important sites for the Hamilton South long-tailed bat population and that long-tailed bats also roost and forage in the Mangakotukutuku Gully which is nearby to the Amberfield site. They confirm that the presence of long-tailed bats flying in and around the site has been confirmed by recent site surveys, particularly their presence around vegetated habitat features. The Waikato River riparian vegetation, east-west shelterbelt and southern gully are all identified by Dr Parsons as significant for bat movement.
24. The studies that Professor Parsons and Ms Cummings they have relied on for this information include radio tracking studies for the Southern Links project which have identified two solitary roosting trees along the margins of the Waikato River adjoining the site and one solitary roosting tree located near the northernmost dwelling on the site.
25. Mr Blayney's evidence sets out his opinion that it is highly unlikely that any lizard species classified At Risk or Threatened are present on the site. The findings of avifauna surveys and observations within the project site were restricted to common native or exotic species, although Mr Blayney considers there is the potential for At Risk shag species utilising the riparian vegetation along the Waikato River margin of the site for roosting or nesting.
26. Mr Hill addresses the historical, cultural and spiritual importance of the site to Waikato-Tainui in his evidence. He outlines the consultation with the Tangata Whenua Working that has empowered Waikato Tainui Iwi and hapū to make informed decisions on the Amberfield development.
27. Mr Gumbley has assessed the archaeological features on the site. His evidence sets out that the site contains numerous Maori horticultural sites. One important pa, the Nukuhau Pa, lies just outside the south east boundary of the Amberfield development, while there are also a number of other pa

surrounding the development area. There are no pa sites within the application site.

28. The site has been farmed since the 1880s and is currently operated by the Applicant as a dairy farm. Existing buildings within the proposed development area of the site include two dwellings, a cow shed and other farm sheds and structures. It is intended that the dairy farm will continue to operate, albeit the area of the farm will be reduced as development of the site occurs. The existing dwellings and rural buildings will be progressively removed.
29. The site and the surrounding environment are currently predominantly characterised by rural land uses. Although the Waikato River is immediately to the east of the site, it is substantially screened from view from most of the site and surrounding areas due to topography and vegetation.
30. Aside from rural land uses, there are also other land uses that exist on the eastern side of the river opposite the site. They include industrial activities, residential dwellings and Hammond Park which are all located within the Riverlea area of Hamilton City opposite the north-eastern part of the site. There are also rural residential land uses, including several large riverside dwellings, which are located within the Waikato District opposite the central and southern parts of the site.
31. One of the significant attributes of the Peacocke area and the application site is its close proximity to the Hamilton CBD. The most direct access to the CBD is currently via Peacockes Road, Bader Street, Normandy Ave and Cobham Drive.

HAMILTON CITY OPERATIVE DISTRICT PLAN ZONING AND PEACOCKE STRUCTURE PLAN

32. The Peacocke area was incorporated into the HCC boundary in 1989 for the express purpose of providing for the City's growth².
33. The majority of the site is within the Peacocke Character Zone under the ODP. Part of the site along the margin of the Waikato River is within the Natural Open Space Zone and Peacockes Road is within the Transport Corridor Zone.

² ODP, 3.4a

Parts of the site are subject to overlays and a designation³. The entire site is also within the PSPA.

34. The PSPA establishes the broad growth pattern for the Peacocke area. The vision for the PSPA is contained in Chapter 3.4 of the ODP, which includes the following statement:

“The vision for the Peacocke area is that it will become a high quality urban environment that is based on urban design best practice, social well-being, and environmental responsibility.

The goal for Peacocke is that development will respond positively to its natural setting and built form to develop a number of well connected neighbourhoods based on an urban development concept that respects and restores the area’s natural environment.”

35. For reasons that I will come to later in this evidence, I am of the view that the development proposal that is the subject of this application has been developed to achieve this vision and goal, through careful consideration of a wide range of matters during the master planning process.
36. Land uses envisaged for the Amberfield site in the PSPA are a mix of residential, retail/commercial (suburban centre) and reserves⁴. The AEE sets out the relevant provisions of the PSP in detail and the key provisions are identified in Mr Serjeant’s evidence.

DESCRIPTION OF THE PROPOSAL

37. The proposal involves the creation of 833 residential lots, two ‘super lots’ that will form part of the future Peacocke Suburban Centre, a generous amount of vested public open space and provision of requisite infrastructure. I detail each of these aspects further below.

³ Significant Natural Areas (Numbers 48 and 54), Waikato River Bank Stability Area, Waikato River and Gully Hazard Area, Group 2 archaeological site (A100 – Borrow Pits), Conical Obstacle Limitation Surface, designation (A106 – Southern Links)

⁴ ODP, Figure 2-1, Appendix 2

Residential Activities

38. A total of 833 residential lots are now proposed. 41 of these have been designed as 'parent lots' with the ability to be further subdivided for medium density housing (duplexes and terraced housing). The development and subdivision of the parent lots will be subject to separate resource consent applications in the future, however, they have been assessed by Mr Mentz to have a possible total capacity of approximately 88 dwellings.
39. Most of the residential lots will be front lots. The residential lot sizes vary from approximately 400m² to over 1300m². The proposed 'parent lots' are between approximately 460m² and 780m². Including the parent lots (which are likely to be further subdivided) the overall mix of lots based on the revised master plan⁵ is set out in the table below.

Lot area	Revised masterplan	
	Proposed number of lots	Percentage of total lots (rounded)
Larger than 700m ²	118	14%
Between 600 and 699m ²	128	15%
Between 500 and 599m ²	283	34%
Between 400 and 499m ²	304	36%
Total	833	

40. The total number of 833 residential lots proposed is a reduction of 29 lots from the proposal that was set out in the application at the time of lodgement. The reason for the reduction to 833 lots is due to changes proposed to the development layout in response to submissions relating to effects on the long-tailed bat, including:
- a) Changes to the north-eastern part of the site to provide a wider open space buffer adjacent to the Waikato River, resulting in a reduction of 27 residential lots; and

⁵ Information on lot mix in this table has been derived from the Amberfield AEE Addendum, Appendix A: Addendum to Urban Design Report (February 2019), pg 5 and adjusted to reflect the subsequent amendments involving Lots 167 and 168

- b) A recent amendment to the proposal, described in further information submitted on 27 March 2019, to retain and enhance the east-west shelterbelt through The Knoll reserve and Lots 167 and 168 as part of the mitigation for effects on the long-tailed bat. This has resulted in a reduction of 2 residential lots because ownership Lots 167 and 168 is now proposed to be transferred to HCC⁶.

41. More details of the changes are contained in paragraph 93 of my evidence.

Suburban Centre

42. Two 'super lots' (Lots 864 and 865) are proposed for the area of the future suburban centre which will be located within the site. The total area of these lots is approximately 6.6ha.
43. The suburban centre will service the wider Peacocke area and its development will rely on a critical mass of resident population following residential development on the site and in the surrounding area. The suburban centre is located centrally within the Amberfield site. It will be easily accessible from the entire Amberfield development, from the shared path network along the river and from other surrounding areas.
44. Illustrative concepts for the potential development have been prepared⁷, but the details of the centre will be developed in the future so that the centre can be established when suitable retail and commercial demand exists and when the needs of the mix of potential tenants of premises are better known. As such, Weston Lea has not sought any resource consents yet for any activities within the centre.
45. The location of the suburban centre is consistent with Figure 2-1 in the PSPA. The illustrative concepts demonstrate that the suburban centre can span both sides of Peacockes Road so the proposal ensures that the intent of the PSPA can be met. I consider that a co-ordinated approach to planning the centre between the landowners on the opposite sides of Peacockes Road would be a good approach. That should happen in the future prior to seeking resource

⁶ Mr Serjeant's evidence describes the proposed ownership and related consent conditions with respect to Lots 167 and 168

⁷ Amberfield AEE, Appendix D: Urban Design Report (May 2018), pg 30

consents for the centre. Mr Serjeant addresses the submissions received on this matter in his evidence.

46. The Urban Design Report assesses that the part of the suburban centre within the Amberfield site can accommodate 5,000m² to 10,000m² Gross Floor Area (**GFA**) of retail or commercial uses as well as a further 50 to 76 medium density dwellings⁸. The ODP does not confirm the expected GFA for the Peacocke suburban centre. It states that *“The size and configuration of the Suburban Centre will be determined in more detail once a retail needs analysis for Peacocke has been developed”*⁹. It will be important to complete such an analysis prior to resource consents being sought for the centre.
47. There is reference to suburban centres typically being 10,000-20,000m² gross floor area within the explanation to Objective 6.2.2 in the Business 1 to 7 Zones chapter¹⁰.
48. The illustrative layouts demonstrate that a suburban centre of this size and character can be physically provided in the location that is planned in the PSPA in the future, supported by medium density residential development.

Open Spaces and Relationship with Waikato River

49. Although the Waikato River is not visually prominent from the site, it provides an important reference point for the development and the adjoining margins will have important recreational and ecological functions. Important urban design features of the development include public roads fronting the reserves along the river, rather than the rear boundaries of residential lots, extensive river edge cycle and walking paths and strong west-east connectivity through direct road linkages and the location of the suburban centre.
50. A total of approximately 11.5 hectares of esplanade reserve is proposed along the full 2.8 km length of the river frontage. Existing river edge vegetation will be retained to avoid and mitigate ecological effects, particularly with respect to long-tailed bats which are known to use the Waikato River corridor as a

⁸ Amberfield AEE, Appendix D: Urban Design Report (May 2018), pg 1

⁹ ODP, 3.4.3.3(a)(ii)

¹⁰ ODP, Chapter 6

corridor for movement and foraging. Additional supplementary planting will be established along the river and within the gully as ecological mitigation.

51. In addition, approximately 10.7 hectares of recreation reserve will be vested through the gully that separates 'the island' from the remainder of the site. The gully will also be a focus for ecological mitigation planting.
52. A network of shared paths for cyclists and pedestrians will be developed within the river esplanade and gully reserves. The shared paths will be formed to a width of 3m. The potential exists for some of the shared paths to form part of the Te Awa Cycleway in the future.
53. The proposal also includes approximately 7.8 hectares of neighbourhood and local amenity reserves. Prior to these reserves being vested, they will be developed in accordance with the Open Space Framework contained in the application.
54. In addition, a further area of vested open space is likely to be provided in the suburban centre in the future. A potential suburban centre 'village park' is indicatively shown in the Urban Design Report¹¹.
55. An archaeological/cultural reserve of 1.59 hectares is proposed which is focused on the location of borrow pits in an area of 'the island' near the river. This location was recommended by the project archaeologist Warren Gumbley and it was selected in consultation with the Tangata Whenua Working Group (**TWWG**). The location of the reserve on a bend of the Waikato River and the visual connection between the reserve and the Nukuhau Pa site, which is south of the Amberfield site, were important factors.
56. A sympathetic approach has been taken to earthworks design to minimise modification to the landform as far as practicable. There are three locations where the existing surface contour is proposed to be unmodified; these are the Local Purpose Reserve near the northern entrance road to the site (Lot 1500), the Recreational Reserve referred to as the Knoll (Lot 1506) and the Historic Reserve (Lot 1510).

¹¹ Amberfield AEE, Appendix D: Urban Design Report (May 2018), Figure 3-6, Figure 4.2 and Figure 4.3

57. The purpose of this is to enable retention of existing features, including vegetation (Lots 1500 and 1506) and archaeological features (Lot 1510). The retention of trees within Lots 1500 and 1506 will improve amenity by assisting to give early stages of the development an established appearance from the outset. The retention of borrow sites within Lot 1510 is important to preserve a representative example of borrow sites. This aspect of the mitigation approach has been proposed and developed in close consultation with the TWWG.
58. The total area of open space has increased following lodgement of the application due to changes to the layout to provide a larger area of esplanade reserve in the north-eastern part of the site for mitigation of effects on long-tailed bats. Excluding the likely future reserve within the suburban centre, the total area of all reserves to be vested is now approximately 31.6 hectares. This represents approximately 30% of the total Amberfield site area. It is over 30% of HCC's 100 hectares expected open space provision for the entire PSP area¹², whereas the application site comprises nearly 15% of the PSP area, as I noted earlier in paragraph 15.

Three Waters Infrastructure

59. The proposal requires a connection to HCC's reticulated wastewater network. Consideration has been given to options involving connections to the Western Interceptor and the Far Eastern Interceptor (**FEI**). Mr O'Callaghan's evidence confirms that a connection to the FEI is proposed, which is the option that the Section 42A report expresses a strong preference for.
60. Water supply will be provided to service all lots within the Amberfield development via an extension of the public reticulated network. The extension will be from HCC's Water Treatment Plant, which is located nearby on Waiora Terrace.
61. Stormwater will be treated and discharged predominantly to ground via a combination of on-lot measures, five stormwater raingarden basins (which will be in public reserves) and bio-retention devices (which will be within road berms). A total of five piped outlets will be constructed along the margins of

¹² Karen Saunders (HCC), Hamilton Southern Links Community Liaison Group Meeting (28 November 2018)

the Waikato River for the purpose of discharging overflows of treated stormwater in large events. This approach has been agreed with HCC and WRC. One of the pipes is designed to extend through the river riparian margin. The other four pipes will have their outlets above the riparian vegetation. There will be other stormwater pipes and outlets elsewhere on the site.

62. There will also be two subsoil drains and outlets along the margins of the Waikato River, one of which is designed to extend through the river riparian margin through SNA 54.

Roading Infrastructure

63. Mr Penny's transportation evidence sets out that the section of Peacockes Road adjacent to the site is proposed to be upgraded to a collector road standard, unless HCC has already upgraded the same section of Peacockes Road to a minor arterial standard. The collector road upgrades may be staged and are proposed to be designed to enable the road to be subsequently upgraded to a minor arterial standard by fixing the positions of the eastern kerb line and adjacent parking and shared path on the same vertical and horizontal alignment as the future minor arterial road.
64. A shared path along the eastern side of the upgraded section of Peacockes Road will link to an off-road shared path along the eastern side of the remaining rural section Peacockes Road between the northern edge of the Amberfield subdivision and the existing urban boundary. This off-road shared path will be generally 2.5m wide and will be constructed along the grass berm.
65. The only potential exception to the off-road shared path being constructed by Weston Lea will be if the section of Peacockes Road north of Amberfield has already been, or is in the process of being, upgraded by HCC. In that case, I understand that the upgraded road will have a shared path.
66. Consent conditions addressing monitoring and potential mitigation in relation to the wider road network have been developed through caucusing by Mr Penny and the traffic experts for HCC and the NZ Transport Agency (**NZTA**). These requirements are only intended to apply prior to the opening of a new bridge over the Waikato River.

67. Mr Penny's evidence describes the typologies and characteristics of the public roads that are proposed within the site. Different road typologies will apply in different areas of the site, depending on the required function.
68. Two road crossings of the gully will be provided to 'the island'. The northern crossing will be constructed over part of the gully that is approximately 14m deep. The bridge which will be approximately 45m long. The southern crossing, which is across part of the gully that is approximately 4m deep, will be a culvert and fill embankment.

Intended Staging

69. Initially, the application sought indicative staging with a total of 10 stages. The Applicant has subsequently agreed to a fixed staging approach following discussions with HCC staff and the total number of stages has been increased to 33 to provide the flexibility that is required¹³. It is proposed that the stages may be undertaken out of sequence, or combined, to respond to market conditions or other eventualities.
70. The subdivision staging will not necessarily be the same as the earthworks staging. Each earthworks stage will be designed and constructed to get as close to an earthworks balance as possible. For most subdivision stages an exact cut-to-fill balance will not be achievable, therefore earthworks will need to extend into the adjacent stage (or stages) to borrow fill material or place surplus cut material.
71. Existing buildings on the site will be removed as the stages proceed.

MASTER PLANNING APPROACH

72. Master planning for Amberfield commenced in July 2017 and continued until just prior to lodgement of the resource consent applications in May 2018.
73. The process to develop the master plan involved multi-disciplinary effort, including urban design, landscape architecture, ecology, archaeology, traffic engineering, geotechnical engineering, civil engineering and hydrology expertise. The project team consists of experienced experts.

¹³

Ensuring the Master Plan Addressed the ODP and PSPA

74. My involvement in the master planning included working with Mr Serjeant to identify and summarise key aspects of the ODP for the project team. We did this early in the master planning phase so that the relevant ODP provisions, including the vision of the PSPA, were well understood by the project team and to ensure that the master plan appropriately responded to them.
75. Early in the master planning phase, Mr Serjeant and I jointly prepared a planning compendium for the purpose of highlighting the relevant aspects of the ODP to the project team experts. Our planning compendium included a table of contents with a description of the key provisions within each section of the ODP. This was useful as the relevant provisions are contained in numerous locations within the ODP.
76. Mr Serjeant and I briefed the project team on the ODP and responded to points of clarification from the project team regarding the ODP and PSPA throughout the master planning phase. We undertook planning reviews of the master plan at regular stages and instructed changes on some matters to address specific standards in the ODP. We also guided the project team on the information that was required to be prepared under the ODP to accompany the resource consent applications.

Preliminary Investigations and Assessments

77. During the early stages of the master planning phase, it was important for the project team and Weston Lea's representatives to collectively define an inclusive vision for the development of the site. Initial steps involved meetings with Weston Lea, the project team, HCC, WRC and tangata whenua (including through the TWWG forum). Investigations and assessments were also undertaken to understand the site and its context and to identify opportunities and constraints.
78. The investigations and assessments that were undertaken to inform the master plan were extensive and wide ranging, including:
 - (a) An urban design assessment of the site context;

- (b) Engagement with tangata whenua to understand the cultural context, including the history of the site and culturally significant features, and to work together to develop the master planning responses;
- (c) Drone survey and infill survey to capture topographical data and aerial photography;
- (d) Geotechnical and soakage investigations to inform constraints mapping, including a desktop geological review, site walkover, hand augers, boreholes, cone penetrometer tests, test pits and soakage tests;
- (e) A Preliminary Site Investigation to consider the potential for contaminated soils to exist;
- (f) Archaeological desktop study, site walkover and investigations;
- (g) Ecological investigations, including aquatic surveys (macroinvertebrates, fish and water quality), a terrestrial vegetation survey, acoustic surveys for bats, a qualitative assessment of habitat values for herpetofauna and avifauna surveys (casual surveys and five-minute bird counts). Reviews were also undertaken of literature and previous ecological studies undertaken in the area;
- (h) Assessment of recreation open space needs, including potential opportunities to take advantage of existing landscape features within the site;
- (i) A flood hazard assessment;
- (j) Water and wastewater services capacity assessments and options; and
- (k) Transportation assessments, including consideration of road cross section requirements (internal roads and Peacockes Road) and assessments of effects on the wider network.

79. The master planning was undertaken in parallel with the preparation of a Sub-Catchment Integrated Catchment Management Plan (**SC-ICMP**). The SC-ICMP was also informed by the initial investigations and assessments.

Design Meetings, Workshops and Presentations

80. In addition to regular project team meetings, several design workshops involving the project team and Weston Lea representatives were held. The workshops involved presentations by numerous experts on their respective areas of expertise and provided the project team and Weston Lea

representatives with the opportunity to gain a better understanding of the opportunities, constraints and potential responses.

81. A presentation to HCC's Urban Design Panel was made in March 2018. Feedback received from the Panel on the vision and design response was very positive, including the following statements:

"...The panel also commends the applicant for a well prepared and comprehensive submission, which addressed the key VISTA issues of connectivity and access, sense of place, public space, lifestyle and sustainability.

The panel particularly appreciated the clearly articulated vision, and the well-considered and sensitive design response. The proposed layout is closely linked to the site's natural and cultural features - where landform is clearly a strong design prompt – skillfully overlaid with a mix of open spaces, vehicular, cycle and pedestrian networks, and a range of building typologies."

82. The Panel made some comments about further design development, although some of the comments made are more relevant to the detail that I expect to be addressed in private covenants rather than through resource consent conditions. Mr Mentz addresses the urban design of the Amberfield proposal in his evidence.

Consultation

83. Weston Lea's representatives have consulted extensively with tangata whenua and a range of stakeholders that includes special interest groups and the community in the south Hamilton area. The purpose of this consultation was both to involve stakeholders and to address the legislative requirements of the applications for resource consent under the RMA.

Tangata Whenua

84. Consultation with tangata whenua was guided by Waikato-Tainui to engagement with two representative groups, Te Ha o te Whenua o Kirikiriroa Committee (THoWK) and Nga Mana Toopu o Kirikiriroa (NaMTok). A TWWG has subsequently been formed for this project. Mr Hill, who has facilitated engagement between Weston Lea and tangata whenua on the project, explains the consultation that has been undertaken and the outcomes in detail

in his evidence, including that eleven hui have been held to date with the TWWG over a period of approximately 19 months.

85. Although I have only attended one hui myself, I have discussed the consultation with Mr Hill and I have read the Cultural Impact Assessment (CIA) which is included in the application. I consider that the engagement with tangata whenua has been comprehensive, undertaken in good faith and that it has resulted in tangible outcomes. These include strengthened relationships between Weston Lea and tangata whenua and the incorporation of a 1.59 hectare cultural/archaeological reserve adjacent to the Waikato River within the master plan.

Interested Parties

86. I assisted to arrange and participated in consultation meetings with the Department of Conservation (**DoC**), Project Echo, WRC and Southern Links representatives prior to lodgement of the application. DoC and Project Echo personnel were consulted in relation to the bat monitoring programme and the results obtained. All of these parties were also consulted to discuss options for mitigation, given their respective interests in biodiversity management efforts in and around southern Hamilton.
87. Following lodgement, further engagement has occurred between ecologists representing the Applicant, DoC, Forest and Bird and the Riverlea Environmental Society. This included meetings with these parties, as well as formal caucusing of the ecologists in February 2019. The matter of focus has been management of effects on long-tailed bats.
88. The Applicant's transportation consultant, Mr Penny, has met with representatives of the NZTA. This occurred both prior and subsequent to lodgement, including two formal caucusing meetings held in January and February 2019. Matters which have been discussed with NZTA include traffic modelling, the overall implementation of arterial roading in Hamilton South, the effects of traffic generation on the State Highway network and mitigation.
89. Mr Penny and I also met with a representative from Cycle Action Waikato in January 2019 to discuss their submission and to explain the proposed provision for cyclists as part of Amberfield. I have also met with

representatives from the Te Awa River Ride Charitable Trust regarding the Amberfield proposal.

Local Community

90. The majority of land within the sub-catchment that the SC-ICMP covers comprises the Amberfield site or other land which is also owned by The Adare Company Ltd (the land holding company that is associated with Weston Lea). Other than that land, there are six other titles that are all partially located within the sub-catchment area, all of which are located west of Peacockes Road to the southwest of the Amberfield site. The six titles are owned by four different landowners.
91. I arranged and attended consultation meetings prior to lodgement of the resource consent application on 14 May 2018 with all but one of landowners within the boundaries of the sub-catchment. Despite best efforts, I was unable to contact the absentee owner of the property at 492 Peacockes Road¹⁴. The outcomes of the consultation, which are summarised in Section 6.2.4 of the AEE, were conveyed to relevant members of the project team.
92. A public information evening was held from 4-7pm on 16 May 2018. I attended the information evening, along with other members of the project team and representatives of Weston Lea. The project team estimated a total turnout of approximately 200-300 people. Feedback from the information evening is summarised in Section 6.2.4 of the AEE.

Conclusion on Master Planning Approach

93. Based on my experience with similar projects, I consider the approach that has been taken to master planning the site to be appropriate and very robust. The details of how the final master plan responds to each technical work stream are contained in the reports attached to the AEE and in the evidence of the various technical experts for the Applicant.
94. The Applicant has remained open minded to refinements and improvements to the proposal during the resource consent processing period which I consider to be reflective of good practice. As I will explain next, in paragraphs 93 to 95 of my evidence, further reviews of specific aspects of the design have

¹⁴

No submission has been received on the applications from this landowner

continued after lodgement of the resource consent application in response to matters which have arisen.

CHANGES AND FURTHER INFORMATION IN RESPONSE TO MATTERS THAT HAVE ARISEN

95. Further technical refinement occurred following lodgement in response to requests for further information and to respond to several submissions that raised concerns in respect of the potential impact of the development on ecology, specifically the long-tailed bat.
96. The further information which has been supplied to HCC includes:
 - (a) Further information to HCC dated 14 June 2018, including clarification regarding the potential consent requirements for a wastewater connection to the FEI, minor changes to the preliminary engineering drawings for the wastewater rising main, clarification of the land affected by the proposed upgrades to Peacockes Road and the associated consent requirements, minor changes to the preliminary engineering drawings for the Peacockes Road upgrades and additional information regarding the stormwater best practicable options.
 - (b) Further information response to HCC, including:
 - i. Response dated 17 August 2018. This addresses most points in HCC's further information request dated 5 July 2018.
 - ii. Peer review of liquefaction assessment dated 5 September 2018.
 - iii. Clarification of further information dated 15 October 2018, including updated stormwater engineering design plans.
 - iv. Water Balancing Report dated 7 December 2018 and submitted to HCC on 10 December 2018.
 - (c) Amberfield AEE Addendum dated 21 February 2019. This included updated urban design, landscape and visual effects, bat ecology, geotechnical and civil engineering assessments and plans in relation to the proposed changes.
 - (d) Further information dated 27 March 2019, which addressed matters that were subject to further discussion with HCC's reporting officer following the submission of the AEE Addendum and during the preparation of the s42A report. The information included revised

scheme plans, drawings and details of the proposed tenure for the east-west shelterbelt, updated district plan overlay drawings, an ecological constraints overlay drawing and clarification of building height limits for lots south of The Knoll reserve.

97. The key changes which have been made following lodgement are:
- (a) Refinements to the stormwater treatment approach to introduce stormwater raingarden basins within public reserves. The basins will reduce the extent of bio-retention devices within road berms.
 - (b) Changes to the development layout in the north-eastern area of the Amberfield site in response to several submissions that raised concerns in respect of the potential impact of the development on ecology, specifically the long-tailed bat. The changes result in an overall reduction of 27 residential lots.
 - (c) Retention and enhancement of an existing shelterbelt of trees located at the southern end of 'The Knoll' reserve and within lots between the western edge of the road bordering the reserve and Peacockes Road. The purpose is to maintain a vegetated corridor across the site for long-tailed bats. Two lots (Lots 167 and 168) will be transferred to HCC's ownership.

STATUS OF WAIKATO REGIONAL COUNCIL RESOURCE CONSENTS

98. The application includes a joint AEE which was lodged with both HCC and WRC. Resource consents are required from WRC for stormwater discharge, earthworks, a bridge and reclamation of the bed of streams.
99. WRC has determined that the applications for the regional consents will be processed without notification. Confirmation of this from the WRC processing officer, Richard Duirs, is contained in Annexure 1 of my evidence. WRC has resolved to extend the processing timeframe for the applications to 19 April to allow time to finalise the conditions and issue the decision. Accordingly, it is likely that the resource consents from WRC will be granted prior to the HCC hearing.
100. The regional consents are expected to be subject to conditions of consent which will address effects due to stormwater discharges, earthworks, the

bridge over the gully and stream modifications. In my opinion, the conditions imposed on the HCC resource consents should not duplicate the conditions imposed on the WRC resource consents, which would be unnecessarily and administratively inefficient. I recommend that the conditions that are suggested in the s42A report should be reviewed once the regional consents have been granted.

CONCLUSION

101. In summary, I conclude that:

- (a) The Peacocke area has long been earmarked as a location for the City's growth. The ODP and PSPA anticipate growth of the City occurring in Peacocke, including the development of the Amberfield site for residential, retail/commercial and open space land uses.
- (b) In my opinion the approach that has been taken to master planning the site has been appropriate and very robust. The Applicant has made refinements and improvements to the proposal following lodgement of the application in response to matters which have arisen.
- (c) Notwithstanding the detailed master planning undertaken and the carefully designed proposal for urbanisation that is fully contemplated by the ODP, the application to HCC is a Non-Complying Activity overall.
- (d) Resource consents from WRC are expected to be granted prior to the commencement of the hearing on the HCC resource consent application. The WRC consents are expected to include conditions related to effects due to stormwater discharges, earthworks, the bridge over the gully and stream modifications.

Dated this 12th day of April 2019



Ben Maxwell Inger

Annexure 1: Correspondence from WRC's Processing Planner

Kate Dickson

From: Gillian Cockerell <Gillian.Cockerell@hcc.govt.nz>
Sent: Tuesday, 12 March 2019 8:58 a.m.
To: Dave Serjeant; Ben Inger
Subject: FW: Westonlea/Amberfield WRC Consents

FYI

From: Richard Duirs <Richard@wainuienvironmental.co.nz>
Sent: Monday, 11 March 2019 3:38 PM
To: Gillian Cockerell <Gillian.Cockerell@hcc.govt.nz>
Cc: Brian Richmond (brian.richmond@waikatoregion.govt.nz) <brian.richmond@waikatoregion.govt.nz>
Subject: Westonlea/Amberfield WRC Consents

Hi Gillian,

Thanks for your call regarding the status of the WRC consents for various activities at the proposed Amberfield development site.

While the proposed development area is relatively significant in scale we are comfortable that the proposed activities can be managed to ensure that the environmental effects of the activities relevant to consideration under the WRP can be managed to ensure that they will be no more than minor including:

- The proposed earthworks activities will be undertaken within a number of separate stages over a number of years and propose implementation of best practice erosion and sediment control measures to minimise any adverse water quality effects within the Waikato River receiving environment;
- Aquatic receiving environments within the site are considered to have low-moderate ecological values. While there will be direct impacts upon some areas, these effects have been determined to be acceptable based upon proposed management methods and offset mitigation i.e stream enhancement;
- Stormwater discharges from the developed site make use of the sites high infiltration soils and hence will predominantly occur to ground and are considered to implement best practice stormwater quality/quantity management methods with overflow discharges to the Waikato River only occurring during significant storm events;

Regarding potentially affected parties - Tangata Whenua have provided their written approval to the proposed activities. HCC have provided their acceptance/agreement to the proposed stormwater management system. There are no other parties that are considered to be adversely affected by the activities subject to consideration through the WRC consents.

For these reasons, we have determined that these consent applications are able to proceed on a non-notified basis.

As discussed, we are assessing the proposed streamworks activities/impacts upon site watercourses in detail and it is anticipated that we will include specific conditions around streamworks construction procedures, management of any resident fish populations during streamworks along with a requirement for the development/approval/implementation of a detailed aquatic habitat enhancement plan - which will be largely based upon the preliminary measures put forward by the applicant.

It is my understanding that your consent process has included consideration of the impacts of the development upon terrestrial fauna with a strong focus upon any effects upon long tailed bats. Can I please confirm that this is the

case and it is your intention to include recommended consent conditions regarding management of these impacts during the works and through long term bat habitat enhancement strategies?

Regards



Richard Duirs Environmental Planner

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