

**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

**EVIDENCE-IN-REPLY OF DAVID FREDERICK SERJEANT
FOR WESTON LEA LIMITED**

Dated: 1 May 2019

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INTRODUCTION

1. My name is David Frederick Serjeant.
2. I submitted a statement of evidence-in-chief (**EIC**) on planning on behalf of Weston Lea Limited dated 12 April 2019.
3. I have the qualifications and experience set out in my EIC.
4. I repeat the confirmation given in my EIC that I have read the Code of Conduct for expert witnesses and that my evidence has been prepared in compliance with that Code.

SCOPE OF EVIDENCE

5. In this evidence-in-reply I respond to various matters raised on planning matters in the evidence of the following witnesses and on the topics indicated in brackets:
 - (a) Andrew Riddell – Department of Conservation (statutory interpretation and significance)
 - (b) Dr Bruce Clarkson – Riverlea Environment Society Inc. (esplanade reserves)
 - (c) Ms Moira Pryde - Department of Conservation (statutory interpretation and significance)
 - (d) Andrew Hill - Ministry of Education (letter about ongoing consultation)
 - (e) Philip Brown – Woolworths (Master plan for Neighbourhood 6 and suburban centre)
 - (f) Carolyn McAlley – Heritage New Zealand (changes to conditions)

STATEMENT OF ANDREW RIDDELL

6. Mr Riddell acknowledges that Ms Cockerell and I have appropriately identified the relevant provisions of the Waikato Regional Policy Statement (**RPS**) and the Hamilton City Operative District Plan (**ODP**).¹ Mr Riddell also notes that there is “much common ground in our respective analyses”. However, in emphasising that his evidence focuses on the long-tailed bat he states:

“This emphasis reflects the threatened species status of long-tailed bats, the general assessment that the ecological value of the site for long-tailed bats is very high, the potential for significant adverse effects on long-tailed bats with this proposal, the assessment that the site meets the criteria for “significance” set out in the Regional Policy Statement, and the general policy direction to avoid adverse effects on long-tailed bats.”²

7. The significance of the site for the long-tailed bat is a principal matter in contention in the case. This is because significance drives the assessment of environmental effects and the ‘avoid, remedy, mitigate’ response. Therefore the statutory framework and the facts upon which opinions on significance are based must be closely examined. Mr Riddell has adopted the findings of Mr Kessels (for Council) and Ms Pryde (for Department of Conservation) on significance,³ without apparent reference to evidence to the alternative findings of Ms Cummings or Dr Parsons on this matter. Consequently, he fails to consider all facts in arriving at his opinion.
8. In this reply, having read the evidence of both the Department of Conservation and Riverlea Environment Society Inc ecologists, I confirm the opinion expressed in my evidence-in-chief and further explain my reasons for disagreeing with Mr Riddell’s opinion.

The relevance of ODP Chapter 20 in the section 104D and 104(1)(b) assessments

9. Mr Riddell disagrees with my finding that all policies in Chapter 20.1 of the ODP are directed only at the mapped and scheduled Significant Natural Areas (**SNA**).⁴ It is his view that because the term is variably used with and without capitals (i.e. both ‘Significant Natural Areas’ and ‘significant natural areas’ are referred to) that the policies apply to more than the mapped SNAs.⁵ This matter is important to the application of section 104D in relation to non-complying activities and to section 104(1)(b) more generally.
10. The ODP is very clear in the Purpose statement of Chapter 20, which states:

“20.1 Purpose *This chapter of the District Plan relates to Significant Natural Areas, significant trees or groups of trees, peat lakes, wetlands and peat lake catchments.”*

² Riddell Evidence para. 20
³ Riddell Evidence footnote 7
⁴ Riddell Evidence para. 107
⁵ Riddell Evidence footnote 21

11. There is no need to interpret this statement further. It is plain in its words and meaning. The Chapter relates to mapped SNAs. To reinforce this, and as already noted in my evidence-in-chief, the Purpose statement goes on to describe how the sites are identified in the Planning Maps and are listed in Schedule 9C and that additional SNAs will be added to the ODP through the First Schedule process under the Act. Objective 20.2.1 also relates only to mapped SNAs, and by implication therefore, so do all of the appurtenant policies.
12. In any event, lower case references to 'significant natural areas' do not occur anywhere in the Chapter 20 policy statements, so that the ODP has been quite deliberate in this regard. There is one other reference to "significant natural areas" in the Peacocke Structure Plan objective 3.4.1.1, which states "Protect and enhance significant natural areas". However, as noted by Mr Riddell,⁶ the Peacocke Structure Plan provisions do not contain policies that address ecological effects.
13. In my evidence-in-chief I have assessed the objectives and policies of Chapter 20 against all areas of the site that, in reliance of the opinion of the Ms Cummings and Dr Parsons, are significant habitats. However, in the strict sense of section 104D (and the test of not being contrary to) and in the section 104(1)(b) assessment, the provisions in Chapter 20 can only be applied to the site's mapped SNA 54 and the very small section of SNA48 on the northwest boundary, which as I have identified in my evidence-in-chief, apply to the riparian margin of the site.

Significant habitats

14. The identification of significant habitats requires the weighing up of all the evidence on this matter in the context of the relevant plan provisions. I have addressed this in my evidence-in-chief. However, in light of the submitter's ecology and planning evidence it is important to re-assess my conclusions.
15. In undertaking the significance assessment I made it quite clear that, despite the above mentioned shortcomings of the ODP in recognising and providing for areas of significant habitat of indigenous fauna (in terms of section 6(c) of the RMA), the provisions of the RPS can be used as a guide in identifying and protecting significant habitat.
16. The key provisions are RPS Policy 11.2:

“Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced.” [my emphasis]

17. In my evidence-in-chief I relied on Dr Parsons’ evidence because it was more specifically focused on the biology of bats and their interaction with parts of the Amberfield site environment. Since the production of evidence-in-chief, the submitter evidence and the outputs from the Southern Links radio-tracking monitoring have been provided. While there is some more detail of bat usage of the site, such as the thermal imaging survey described by Dr Borkin, I consider that the conclusion of Dr Parsons is largely supported. At a landscape scale the most graphic display of significance is the overall core areas and bat home ranges for the Peacocke Structure Plan/Southern Links area depicted on the AECOM plan.⁷ As Ms Cummings states in her evidence-in-reply, *“Neither the Southern Links research, or Dekrout’s research identified the proposed development footprint as part of the core area of activity for any of the radio tracked bats”*.
18. There is very little, if any, support in the research on the bat population for the view that in terms of the RPS criteria in Section 11A for significant habitat that the significant habitat for the site extends beyond the riparian margin (Criteria 3) and the East-West Shelterbelt (Criteria 11).
19. At paragraphs 154 and 155 Mr Riddell reaches the conclusion that as application is contrary to the *“strong avoid adverse effects policy regime”* and *“unambiguous policy direction”* the application must fail, as neither leg of the non-complying activity ‘gateway’ is met.
20. Based on my above analysis I disagree with Mr Riddell as:
 - (a) As a matter of interpretation, the objectives and policies of the ODP in Chapter 20 do not apply beyond the mapped SNAs on site;
 - (b) If a broader approach is taken, the application avoids adverse effects on the site’s riparian margins, such that the *“characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced”*;
 - (c) Further, the East-West Shelterbelt, as a significant bat linkage is being maintained and protected.

21. In paragraph 165 Mr Riddell poses what he considers “*the prime policy consideration...: can a subdivision be designed for the site that is consistent with the intentions for the Peacocke Structure Plan area and that avoids adverse effects on long tailed bats*”? While I note his generalisation (or mis-specification) of the second part of the proposition, in that both section 6(c) and RPS Policy 11.2 refer to significant habitats as being the target of protection, not just anywhere a bat might choose to fly, my answer is clearly “yes” and Amberfield achieves this outcome.

STATEMENT OF BRUCE CLARKSON

22. Dr Clarkson refers to the restoration of the southern gully and the riparian margin as not meeting the compensation additionality criteria. Mr Blayney addresses this point from an ecological point of view in his evidence-in-reply. From a planning point of view Dr Clarkson is incorrect in saying that the restoration area is an expectation of the ODP. The ODP requirement is for a 20 metre esplanade of land to be vested, with no requirement for enhancement. A 20 metre esplanade over the Amberfield riparian margin and the southern gully amounts to approximately 7.2ha of esplanade in the currently degraded state. The Amberfield proposal is for 24.8ha of riparian and gully area fully restored and enhanced.

STATEMENT OF MOIRA PRYDE

23. At paragraph 2.3 of her evidence Ms Pryde refers to “*The presence of long-tailed bats in the Amberfield area triggers significance criteria for representativeness, rarity and distinctiveness as identified in the Waikato Regional Policy Statement (WRPS), Waikato District Plan and the Hamilton District Plan*”. I note that the Waikato District Plan is not directly relevant to the site and that the ODP contains no significance criteria. Therefore, this statement is not correct.

STATEMENT OF ANDREW HILL

24. Mr Hill of Beca Consultants has provided a letter reaffirming the Ministry of Education’s support for the application. Mr Hill advises of the Ministry’s plans for schools in the Peacocke area and asks that Council and Weston Lea consults with it on the staging and timing of the development. I can confirm that Weston Lea will continue with the same consultative approach that it has employed during the preparation of this application to provide opportunities for the necessary social infrastructure to be in place for the future population.

STATEMENT OF PHILIP BROWN

25. Mr Brown provided a cover letter and statement of evidence on behalf of Woolworths NZ Ltd (**Woolworths**). His statement of evidence addresses the lack of a masterplan for all of Neighbourhood 6 and the suburban centre in particular. As set out in my evidence-in-chief, Weston Lea did not proceed with the masterplan for a suburban centre as it considered this planning to be premature. If the subdivision proceeds as anticipated by Weston Lea then I anticipate that the company will collaboratively plan Neighbourhood 6 and the suburban centre with the landowners on the western side of Peacockes Road.
26. While I appreciate that Woolworths has a commercial interest in securing property in the area for a supermarket, I consider that from an RMA perspective there are no adverse social and economic effects in the short to medium term of not having the suburban centre planned and consented.

STATEMENT OF CAROLYN MCALLEY

27. Ms McAlley's evidence focuses on the conditions of consent and recommends a number of amendments to them to more fully account for the matters raised in the Heritage New Zealand Pouhere Taonga (**HNZPT**) submission.
28. Mr Gumbley has addressed Ms McAlley's concerns from an archaeological perspective and has a high level of agreement with the changes recommended, with the exception of the proposed addition to Condition 63(c). In this case Mr Gumbley considers that there are alternative means by which information sharing can be enabled through the inclusion of HNZPT as a consultation party in the preparation of the Archaeological Heritage Reserve Management Plan. At the time of writing this outcome has not been further discussed with HNZPT, however I consider that the matter could be resolved.
29. The agreed changes have been made to the hearing conditions.

UPDATED SET OF CONDITIONS

30. Attached to this statement (as **Annexure A**) is an updated set of consent conditions and a summary statement of changes made. This set of conditions and the summary statement replaces the attachments to my evidence-in-chief.
31. In the Section 42A report Ms Cockerell noted that land use consent conditions still needed to be identified. My approach would be that the conditions relating to subdivision and land use could largely be replicated as there is a considerable

degree of overlap between the activities. However, the Ecological Management and Monitoring Plan conditions do not relate to the subdivision and relate to environmental effects that are enduring beyond the issue of title (principally the planting and monitoring for the long-tailed bat) and should only attach to the land use consent.

Dated this 1st day of May 2019

A handwritten signature in blue ink, appearing to read "D Serjeant". The signature is written in a cursive style with a large initial "D".

David Serjeant

ANNEXURE A: WESTON LEA PROPOSED CONDITIONS HEARING VERSION

SUMMARY OF CONDITIONS CHANGES

1. I have undertaken a review of the consent conditions included in Attachment 4 to the Section 42A Report. I have proposed tracked changes to some of the conditions following liaison with Weston Lea's experts. Many of the experts comment on conditions specific to their areas of expertise within their own evidence.
2. My comments on conditions which follow are not exhaustive and do not cover each and every change that I have proposed. Rather, I have focused my comments on the key differences. Except where I state otherwise, the numbering of the conditions that I refer to is based on the numbering shown in my attached tracked changes.

Staging of Development

3. Conditions 7 and 8 deal with staging. The conditions recommended by the Council officer do not clearly allow for combined or out of sequence staging which is important to ensure there is suitable and reasonable flexibility for the developer to respond to market conditions. The wording that I have proposed ensures that the matters set out in condition 7, which relate to transport, three waters and reserve provisions, must be met or that the staging is otherwise to the satisfaction of HCC. This will ensure that the lots will be appropriately serviced and the effects will be mitigated.

Peacockes Road Upgrade

4. I have proposed two new conditions 10 and 11 to address the proposal for upgrading Peacockes Road to collector road standard, which is Weston Lea's proposal unless HCC has previously upgraded the road prior to Weston Lea implementing its consent. The condition addresses specific requirements for the collector road to ensure that it would readily enable a subsequent further upgrade to minor arterial standard. This includes constructing the pavement and infrastructure along the eastern side of the road in its final location and a specific requirement to consult HCC to ensure that the collector road is constructed on the same vertical and horizontal alignment as the future minor arterial road.

5. My proposed conditions 10 and 11 would apply to the full extent of Peacockes Road adjacent to the site, including the section of Peacockes Road south of the Suburban Centre which HCC has not designated for upgrading. I understand HCC currently has no confirmed plans in place to upgrade that section of Peacockes Road.

Traffic Monitoring

6. The changes proposed to the traffic monitoring conditions (conditions 12 to 20) are based on inputs from Mr Penny to reflect his opinion and the transportation caucusing outcomes, which resulted in very few points of disagreement. It is particularly important that these conditions make it clear that obligations in respect of monitoring and any limitations regarding release of lots and potential mitigation of the wider transport network will cease once the Hamilton Ring Road extension and bridge across the Waikato River are open to traffic.

Construction Traffic Management Plan (CTMP)

7. I have proposed some changes to some of the CTMP conditions (conditions 29 and 30), including removing duplication in the conditions regarding the objective of the CTMP and changing the requirements for letters to be provided from the consultees confirming their requirements for consultation and effects management measures have been met. To avoid the condition requiring actions and agreements by third parties, I have proposed changes to ensure that HCC will retain its certification role having considered evidence of consultation and the related outcomes with the parties involved.

Archaeology

8. Amendments have been made to the Historic Reserve conditions reflecting Mr Gumbley's agreement with the evidence from HNZPT.
9. Condition 64, the earthworks protocols in relation to accidental discovery, has been replaced with the condition in the Waikato Regional Council consents. I understand that this satisfies the concerns of Ms Darmody evidence that Condition 64 be deleted as unnecessary and Mr Gumbley's support for that approach.

10. There is also an advice note at the end of the conditions that acknowledges the need for an archaeological authority for works within the Historic Reserve.

Ecology

11. The proposed changes to the ecology conditions relate mainly to the long-tailed bat as follows:
- a) Condition 69(d) makes the Long-Tailed Bat Management and Monitoring Plan part of the EMMP reflecting the integrated nature of ecological management required for the site.
 - b) Condition 69(e) recognises biosecurity management as a key element of the EMMP.
 - c) Condition 79(c) has been amended to relate to earthworks in each stage. Conditions 79(a) and (b) are the key mitigation conditions, whereas 79(c) relates to general vegetation enhancement.
 - d) Condition 79(i)(i) is repetitive of, and confusing, in relation to Condition 80, and so is deleted.
 - e) The conditions on review of management plans do not relate to any environmental performance and are unnecessary.
 - f) Condition 83 establishes the procedures around the preparation of the Long-Tailed Bat Management and Monitoring Plan, including consultation and formal provision for comment by parties.
 - g) Condition 89 is a new condition relating to the deferral of built development in specific lots so as to allow planting effectively mitigate effects on bat habitat. Condition 90 is a new condition which requires consent notices to be registered in relation to the requirements of condition 89.
 - h) Condition 95 now relates to bat monitoring and the adaptive management response. It identifies parties to be involved in the monitoring plan and its requirement to integrate into monitoring with the Southern Links programme. Monitoring is to be two-yearly to match the Southern Links programme.

- i) I have deleted condition 96 (Section 42A Report numbering) due to the reasons provided in Ms de Lambert's evidence.
- j) I have deleted condition 97 (Section 42A Report numbering) on the basis that Professor Parsons concludes that there will be no residual effects that require an ecological compensation payment to be made.
- k) Condition 100 proposes that the two lots that are part of the East West Shelterbelt are transferred to, but not vested in Council, for bat habitat purposes. In the event that the bat corridor is no longer used, the land is to transfer back to the land owner.
- l) Condition 101 introduces a new condition providing a guarantee for the performance of the implementation of the Gully and Esplanade Reserve Vegetation Management Plan and the Long-Tailed Bat Management and Monitoring Plan, as explained in the supplementary evidence of Jonty Peacocke.

Active Recreation Reserve

- 12. I have deleted conditions 101 and 102 (Section 42A Report numbering) requiring the active recreation reserve to be vested for the reasons that I have set out in my evidence.

Engineering

- 13. Technical changes have been proposed to several civil engineering conditions based on advice that I have received from Mr O'Callaghan, including:
 - a) Deletion of the condition referring to ownership and maintenance of subsoil drains being defined at detailed design stage (condition 42, Section 42A Report numbering). Mr O'Callaghan considers this to be unnecessary.
 - b) Deletion of condition 118 (Section 42A Report numbering) requiring peer review of MSE walls, bridges and other significant structures (which are not described in any more detail than that). I understand

from Mr O'Callaghan that peer reviews can be required as part of the building consent process.

- c) A new condition 124 to differentiate the requirement for water supply on Peacockes Road adjacent to the site from the requirement to the north of it to connect to the existing reticulation.
 - d) A new condition 130 to clearly establish the decommissioning obligations in the event that the wastewater rising main connection to the Far Eastern Interceptor is constructed for an interim period beneath the Waikato River. This reflects the outcomes of engagement with the TWWG.
 - e) Changes to several stormwater related conditions involving soakage testing (condition 138), conveyance of primary and secondary flows from adjacent sub-catchments (condition 140), and overland flow depths (condition 142).
 - f) Deletion of condition 144 (Section 42A Report numbering) requiring easements for secondary flows over down slope lots.
 - g) A change to the defects liability period in condition 156 from 18 months to 12 months for some infrastructure assets (excluding specified stormwater assets).
14. Mr Penny has also recommended deletion of condition 163(1)(j) requiring that a passing bay must be provided for the Lot 1250 right of way. His recommendation is on the basis that the right of way will have a 5.5m formation which will enable two-way vehicle movement, thus obviating the need for a passing bay to be provided.

Weston Lea Proposed Conditions Hearing Version 2 May 2019

That pursuant to Sections 104, 104B, and 104D of the Resource Management Act 1991, the Hamilton City Operative District Plan and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, Council **grants consent** to the application to create a fee-simple subdivision by Weston Lea Ltd, on Lots 1 and 2 DPS 81210 (SA66A/99), Lots 3 and 4 DPS 81210 (SA66A/100), Lot 1 DP 36935 (SA5D/1211), Part Lot 6 and Lot 8 DP 34164 (SA4B/788), Lot 5 DP 17475 (SA718/181), Allotment 87, Part Allotments 93 and 94 Te Rapa Parish (SA528/20), Lot 1 DPS 78023 (SA60A/826), and Pt Lot 10 DPS 7724 (SA7D/254) [owned by Hamilton City Council](#), located at 337 – 461 Peacocks Road, Hamilton, subject to the following conditions being met at the consent holder's expense:

Commented [WL1]: It is not necessary to state who the current owner is in the decision (noting that the decision does not state The Adare Company Ltd as the owner of the other titles listed).

PART A: LAPSING OF CONSENT

Under section 125 of the RMA, this consent lapses eight years after the date it is granted (being XXXX 2027) unless:

1. A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA. For the avoidance of doubt, the survey plan for the final stage must be submitted to Council for approval under section 223 of the RMA prior to the lapse of consent (XXXX 2027) and the subsequent section 224 RMA certification for the final and all stages must be deposited within three years of that approval date; or
2. An application under section 125 of the RMA is made to the council before the consent lapses (eight years) to extend the period after which the consent lapses and the council grants an extension.

PART B: CONDITIONS OF CONSENT ALL STAGES

FEES AND CHARGES – Planning Guidance Unit

3. Pursuant to section 36 Resource Management Act 1991, the following fees and charges be paid:
 - (a) Payment of an additional Development 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) 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'.
 - (c) Payment of additional Environmental Health Unit fees for assessing consented reporting 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. 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.
 - (d) Payment of Planning Guidance overhead charges on a time – cost recovery basis for auditing and confirming compliance with the conditions of each stage of the consent.

REQUIRING AUTHORITY APPROVAL

4. No activities authorised by this consent [within Southern Links Designation \(A106\)](#) may commence unless and until unconditional approval ~~to the subdivision and associated land use for those activities~~ has been obtained from the requiring authority (HCC as road controlling authority) ~~for works within the Southern Links Designation (A106)~~.

WAIKATO REGIONAL COUNCIL CONSENTS

5. No activities authorised by this consent may commence unless and until all relevant Waikato Regional Council consents have been obtained. Copies of these consents shall be provided to the Planning Guidance Unit Manager at least one month prior to construction activities commencing.

PLAN INFORMATION – Planning Guidance

6. The subdivision shall be in general accordance with the information and submitted with the application on 18 May 2018, except as amended by the further information and plans received on 17 August 2018, and the additional information and plans received 22 February 2019, and the following conditions.

STAGING OF DEVELOPMENT

7. Each stage shall be established in an independent manner, addressing the consequences of land subdivision works without detriment to the environment, and adequately addressing the following network utility demands in a stand-alone and self-sustaining manner, including:
 - (a) Provision of a transport network (which is identified as part of the Transport Network Management Plan) that provides for the safe, efficient movement of all modes of transportation and connects to an existing legal formed road;
 - (b) Provision of a water supply system that meets public health standards for potable water and provides sufficient capacity for fire-fighting purposes;
 - (c) Provision of a stormwater system which will mitigate, remedy, or avoiding any adverse effects from stormwater runoff or changes to groundwater levels which may cause stormwater runoff effects; and
 - (d) Provision of a wastewater system which will meet public health standards and will avoid, or appropriately mitigate, any adverse effects associated with wastewater discharge.
 - (e) Provisions of reserves that provide for the amenity of the local population within the stages shown on Harrison Grierson Drawing 14182-1046 Rev 7.
8. The matters set out above shall be satisfied if the development is implemented in the sequence required by the plan and schedule on Harrison Grierson Drawing 141842 – 1046 Rev 7 including the servicing requirements shown in the schedule on the Drawing or equivalent infrastructure is operational. [Combined and out of sequence staging is permitted provided that the matters set out in Condition 7 are met, or are otherwise to the satisfaction of Council.](#)

Commented [WL2]: This is an important change to enable suitable and reasonable flexibility for staging to respond to market conditions. It is not necessary to restrict combined or out of sequence staging.

PEACOCKES ROAD UPGRADE

9. Prior to the implementation of this consent the consent holder shall provide a shared path between the development and the existing urban area on Peacocke Road in general accordance with Figure 20 in the Integrated Traffic Assessment dated May 2018 unless an equivalent shared path facility is provided by the road controlling authority.
10. The consent holder shall upgrade the length of Peacockes Road adjacent to the site to collector road standard with transitions at either end of the site to tie into the existing road over the lengths shown on the drawing prepared by Traffic Design Group reference 13646 C11B Rev 0 dated 9 May 2018. The collector road upgrades may be staged and shall be in accordance with the following requirements:
- (a) The upgrade of Peacockes Road for Stages 1-4 shall be in general accordance with the 'Initial Access Intersection – Peacockes Road' shown on the drawing prepared by Traffic Design Group reference 13646N5B dated 9 May 2018 and included in the Integrated Transport Assessment submitted in Appendix I of the application.
 - (b) For subsequent stages, Peacockes Road must be upgraded to collector road standard from the Entrance for each stage (as shown on Harrison Grierson Drawing 141842-1046 Rev 7) to the north as far as the nearest section of Peacockes Road that has been previously upgraded, including the intersection on Peacockes Road for each Entrance and a transition to the south of the Entrance to tie into the existing road.
 - (c) The collector road upgrade shall include a 9m wide carriageway with kerb and channel, stormwater facilities, bus stops and lighting on both sides and with kerbside parking and a 3m wide shared path within a 7m wide berm on the eastern side and undergrounding of the existing overhead electricity lines. Stormwater infrastructure on the western side may include a temporary swale rather than permanent stormwater infrastructure.
 - (d) The Consent Holder shall consult HCC to ensure that the collector road is constructed with the eastern kerb line and adjacent parking and shared path on the same vertical and horizontal alignment as the future minor arterial road.
11. The requirements of condition 10 will not be required to be met for any sections of Peacockes Road where:
- (a) HCC has previously upgraded the same length of Peacockes Road to either a collector road or minor arterial road standard; or
 - (b) HCC and the Consent Holder both agree that the Consent Holder will upgrade the same length of Peacockes Road to a minor arterial standard.
9. —

TRAFFIC MONITORING

- ~~10-12.~~ Prior to the implementation of this consent, the consent holder shall prepare ~~and implement~~ a monitoring framework for traffic effects following consultation with HCC, NZTA and Waipa District Council (as road controlling authorities). The purpose of the monitoring framework is to establish a baseline and a structure for continued monitoring ~~offor traffic~~road safety, accessibility and efficiency effects as they relate to sensitive sections of the road network. The results of the baseline monitoring will be used to determine whether the effects of the development on network level of service remain acceptable (as defined in Condition x) or trigger intervention.
- ~~11-13.~~ The monitoring framework shall be submitted for certification to the HCC Planning Guidance Unit Manager or nominee and shall demonstrate how the requirements of the relevant road controlling

Commented [WL3]: Conditions 10 and 11 are important because:

- Amberfield has been proposed without reliance on the funding and construction of this infrastructure by HCC;
- A collector road is all that is required to mitigate the effects of the Amberfield development;
- Mr Gray's evidence states that the arterial road upgrades are not expected to be completed by HCC until 2024;
- HCC does not currently have any confirmed plans to construct the Peacockes Road upgrades south of the east-west arterial/suburban centre (and those upgrades are not designated).

The conditions make is clear that the collector road would need to be designed and built to enable subsequent upgrade to minor arterial standard and propose specific requirements to be met to ensure this will be able to be achieved.

Commented [WL4]: The implementation of the monitoring framework is addressed in conditions 13 and 15.

authorities have been addressed. No earthworks or construction activities shall commence until the monitoring framework has been certified by the HCC Planning Guidance Unit Manager or nominee.

~~12-14.~~ The monitoring framework shall include but not be limited to:

- (a) Baseline conditions for road safety and traffic flows ~~including~~ turning movements, ~~safety and accessibility~~ for:
 - (i) SH3 Normandy Avenue/Bader Street/Lorne Street intersections (NZTA and HCC as road controlling authorities);
 - (ii) Bader Street corridor, comprising Bader Street, Norrie Street and Peacockes Road (HCC as road controlling authority);
 - (iii) SH3 Ohaupo Road/Raynes Road/Peacockes Road intersection combination (NZTA, HCC and Waipa DC as road controlling authorities).
 - (iv) Normandy Avenue / Odette Street Intersection.
- (b) Baseline conditions for accessibility~~efficiency~~ for SH3 Normandy Avenue/Bader Street/Lorne Street intersections (NZTA and HCC as road controlling authorities) and the Bader Street corridor (HCC as road controlling authority);
- (c) Baseline conditions for efficiency for SH3 Normandy Avenue/Bader Street/Lorne Street intersections (NZTA and HCC as road controlling authorities);
- ~~(d)~~ For each year, land development and infrastructure progress and timing for the Amberfield Development, including number of lots serviced.
- ~~(e)~~ For each year, the number of 224c certificates issued, building consents issued, building code of compliance certificates for Amberfield and for Peacocke Structure Plan Area (information to be made available by HCC).
- ~~(e)~~(f) Methodologies for traffic monitoring and reporting:
 - (i) The results of baseline and annual traffic monitoring shall be reported to HCC Planning Guidance Manager within two weeks of their completion.
 - (ii) The efficiency monitoring shall measure the average delay per vehicle during the worst 30 minute period on the:
 - A. Normandy Ave northern approach to the Lorne Street intersection
 - B. Normandy Ave southern approach to the Bader Street intersection
 - C. Lorne Street approach to the Normandy Avenue intersection
 - D. Bader Street approach to the Normandy Avenue intersection
 - (iii) The days and periods for monitoring efficiency shall include:
 - A. The period from 7am - 9am
 - B. At least two mid-week days excluding holidays and school holiday periods.
 - (iv) The safety monitoring shall cover all of the intersections tabulated in ~~(143.g-f)~~ below) for all day.

(g) Safety, accessibility and efficiency criteria for the relevant intersections and road corridor are set out in [Table 1](#) ~~the table below~~. The levels of service for those intersections and road corridor must not exceed the thresholds in the table unless otherwise agreed in writing between the consent holder and the relevant road controlling authorities.

Table 1: Thresholds for safety, accessibility and efficiency monitoring criteria

Criterion and measure	Bader/ Normandy/ Lorne	Bader Street Corridor	Peacocke/ Raynes /SH3 Intersection	Normandy / Odette Intersection
Safety				
<i>Collective Risk (High Risk Intersection and High Risk Road Manual)</i>	Low	N / A	High (currently 4 serious crashes in the last 5 years, no fatal)	Low
<i>Injury crash rate (NZTA EEM Crash Prediction)</i>	No Increase from baseline, specific crash rate 0.36, expected crash rate 3.22	No Increase from baseline, specific crash rate 0.93, expected crash rate 3.61	No Increase from baseline, specific crash rate 1.76, expected crash rate 1.80	No Increase from baseline, specific crash rate 0.18, expected crash rate 0.83
<i>Pedestrian and or cyclist crashes</i>	Zero DSI	Zero DSI	Zero DSI	Zero DSI
Accessibility				
<i>Pedestrian crossing (Ave Delay per pedestrian)</i>	One traffic signal cycle	30sec	N/A	N/A
<i>Pedestrian Crossing Facilities</i>	Pedestrian phase	400m intervals	N/A	N/A
Efficiency				
<i>Average Delay/vehicle</i>				
<i>State Highway</i>	5580 seconds	n/a	n/a	n/a
<i>Local Roads</i>	80 seconds	n/a	n/a	n/a

~~13-15.~~ The consent holder shall carry out the traffic monitoring prior to the implementation of this consent to establish baseline traffic conditions in accordance with the requirements of the certified Monitoring framework.

~~14-16.~~ Development beyond 350 lots (s224c certificate issued) may only proceed if the following criteria are satisfied:

- (a) Monitoring by the consent holder or relevant road controlling authority in accordance with the certified monitoring framework shows s that acceptable level of service criteria ~~has~~ have not been exceeded; or

- (b) A solution has been implemented to mitigate the adverse effects of development to the satisfaction of the relevant road controlling authorities on the intersection or corridor where the acceptable level of service criteria has been exceeded; or

Approved in writing by the relevant road controlling authorities where mitigation is committed (design commenced and implementation funding certain) for completion within 12 months of issue of s223c certificates (nominal period for subdivision to be occupied and generate traffic); or the Hamilton Ring Road -or

~~15-17.~~ The Hamilton Ring Road extension and bridge across the Waikato River are open to traffic.

Commented [WL5]: This would provide suitable and appropriate mitigation such that the other criteria listed above would not need to be met.

~~16-18.~~ Within three months of 224c certificates being issued for 350 lots, the consent-holder shall undertake monitoring in accordance with the certified monitoring framework and report the results of the monitoring to the Planning Guidance Unit Manager or nominee. The consent holder shall thereafter undertake and report the monitoring in accordance with certified monitoring framework, on an annual basis until all subdivision stages are completed, or until the Hamilton Ring Road extension and bridge across the Waikato River are open to traffic (whichever comes first); ~~unless otherwise agreed by the road controlling authorities.~~

Commented [WL6]: Monitoring would no longer be required at this point.

~~19.~~ Development beyond 500 lots for residential development (application for s224c certificates issued) may not proceed prior to a solution being implemented and operational to mitigate the adverse effects of development to the satisfaction of the relevant road controlling authorities on the SH3 Normandy Avenue/Bader Street/Lorne Street intersections (NZTA and HCC as road controlling authorities). ~~This condition will be deemed to have been complied with once the Hamilton Ring Road extension and bridge across the Waikato river are open to traffic.~~

~~20.~~ Development beyond 500 lots may proceed irrespective of condition 18 above once the Hamilton Ring Road extension and bridge across the Waikato river are open to traffic.

~~17-21.~~ Monitoring shall no longer be required once the subdivision has been completed or the bridge across the river is open to traffic.

TRANSPORT NETWORK MANAGEMENT PLAN

~~18-22.~~ As part of the detailed design for each subdivision stage, the consent holder shall prepare and submit a Transport Network Management Plan (TNMP), to be certified by the HCC General Manager Development or nominee. TNMPs may be submitted for individual or multiple subdivision stages. The objective of the TNMP is to ensure that any adverse effects on the transport network (being the roads within the Peacocke Structure Plan area and connecting intersections with State Highway 3 and Raynes Road) associated with the operation of the development can be avoided, remedied or mitigated. The TNMP shall describe proposed procedures, requirements and standards necessary for achieving the objective of the TNMP as it relates to the effects of and opportunities for connectivity related to the development and shall include (but not be limited to):

- (a) A Design Philosophy Statement that establishes the standards, philosophies and references for construction final design outcomes required to achieve the objective of the TNMP. This shall include an intersection design philosophy for Peacocke Road that considers consistency of intersection design taking into account road and intersection management and operation.
- (b) The localised traffic impacts on Peacocke Road together with accompanying mitigation measures required as a direct or indirect result of road closures, diversions, new intersection arrangements and other measures needed to accommodate the development, including options for an emergency/alternative access;
- (c) The provision of the cycle infrastructure on Peacocke Road and the design of cycle features

- and whether they are consistent with current best practice guidelines;
- (d) The provision of pedestrian infrastructure on Peacocke Road and whether the design of pedestrian infrastructure is consistent with current best practice guidelines;
 - (e) Consideration of staged bus service infrastructure features on Peacocke Road such as, but not limited to:
 - (i) Bus stopping facilities;
 - (ii) Passenger waiting facilities and shelters with bus information as part of the final road design; and
 - (iii) Bus priority measures at all non-signalised, controlled intersections
 - (f) Pedestrian and cyclist connections on Peacocke Road linking to pedestrian and cycle networks within the Amberfield site.

Commented [WL7]: This reference is unclear. Should refer to specific guidelines. Request that HCC clarify.

Commented [WL8]: This reference is unclear. Should refer to specific guidelines. Request that HCC clarify.

19-23. The detailed engineering design plans for each subdivision stage shall give effect to the requirements of the certified TNMP.

CONSTRUCTION MANAGEMENT PLAN

20-24. Earthworks, enabling works and any other construction activities shall be actively managed to avoid or otherwise remedy or mitigate any off-site nuisance effects, any adverse effects caused by dust, debris, silt laden runoff, noise, vibration matters or matters specified in the Environmental Management Plan (EMP) and related sub-management plans (refer condition to 66) or any other construction-related adverse environmental effects. The CMP shall remain in place until the Completion of Construction Works with the exception of those matters of the EMP that continue beyond the Completion of Construction Work or other construction-related adverse environmental effects.

21-25. Prior to the commencement of earthworks or construction activities onsite (excluding site investigations and enabling works) the Consent Holder shall submit a Construction Management Plan (CMP) to Hamilton Strategic Development Unit Manager or nominee for certification. CMPs may be submitted for individual or multiple stages of construction works. The objective of the CMP is to establish procedures to manage and control any potential off-site nuisance or adverse effects as described in Condition 17 above.

22-26. The Construction Management Plan (CMP) shall include but not limited to:

- (a) Details of the works, intended construction timetable (including construction staging) and hours of operation (refer to Conditions 47 and 48);
- (b) Quality assurance/quality control including but not limited to:
 - (i) Contact details of the person in charge of construction works or other person responsible for implementing this Plan;
 - (ii) staff and contractors' responsibilities;
 - (iii) training requirements for employees, sub-contractors and visitors;
 - (iv) environmental incident and emergency management (including the procedures required under regional consent conditions);
 - (v) communication procedures;
 - (vi) complaints management;
 - (vii) compliance monitoring;

- (viii) environmental reporting;
- (ix) corrective action;
- (x) construction lighting;
- (c) Methods to control dust, debris on roads and silt laden runoff during construction;
- (d) Erosion and sediment control measures to avoid adverse offsite effects arising from the subdivision construction works (refer Condition 25).
- (e) Methods to clean and inspect all machinery to be used to reduce the risk of the spread of weeds and diseases (such as Myrtle Rust), and ensure all seed and/or plant matter has been removed from all machinery and documented in accordance with the document titled 'KEEP IT CLEAN – Machinery hygiene guidelines and logbook to prevent the spread of pests and weeds' (June 2013).
- (f) Measures for the protection of treatment and soakage systems during earthworks periods to ensure sedimentation does not reduce device effectiveness.
- (g) Existing network utilities;
- (h) Traffic Management;
- (i) General methods to mitigate and manage construction noise in order to comply with the noise limits set out in condition 46 below;
- (j) 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 noise limits;
- (k) the methods to engage with stakeholders, including:
 - (i) how the community will be kept informed of progress with Works, including
 - (ii) proposed hours of operation outside normal working hours and Project
 - (iii) construction personnel contact details;
 - (iv) identifying stakeholders such as landowners, road users, local community, iwi, regulatory authorities, industry, network utility operators, road maintenance contractors, emergency services;
 - (v) responding to queries and complaints (in accordance with condition xx);
- (l) any necessary health and safety requirements

23-27. The consent holder shall implement the certified Construction Management Plan, and any updated certified Construction Management Plan.

Advice Note: Any changes to the Construction Management Plan shall be confirmed in writing by the Consent Holder following consultation with Hamilton City Development Unit Manager before implementation.

'Earthworks' means the disturbance of the land surface by moving, removing, placing or replacing soil or earth, by excavation, cutting or filling, but excludes cultivation of land for farming purposes.

'Enabling Works' means the following and similar activities; demolition and/or removal of existing buildings and structures, fencing, tree felling (except as subject to specific conditions of this consent) and removal of any associated underground or above ground services.

'Construction staging' refers to the extent of works undertaken at any one time and may differ from the subdivision staging shown in the approved scheme plans.

24-28. Prior to the commencement of each subsequent stage of construction that is not covered by an earlier CMP which has been certified for multiple stages, the Consent Holder shall provide an

updated Construction Management Plan (CMP) for certification by the Hamilton City Development Unit Manager (or nominee).

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

~~25. Adverse traffic effects, including effects on safety, and adverse effects associated with access to the site must be avoided or otherwise remedied and mitigated to ensure that the transport network functions at an acceptable level of service during the construction phase of development across all stages of the subdivision.~~

Commented [WL9]: The objective of the CTMP is covered in deleted condition 25 below which in turn duplicates the beginning of condition 32. Unnecessary duplication.

26. A Construction Traffic Management Plan (CTMP), shall be prepared by a suitably qualified and experienced person in accordance with the NZTA Code of Practice for Temporary Traffic Management ~~and after consultation with the Territorial Authority Chief Executive or nominee.~~ ~~CTMPs may be submitted for individual or multiple stages of construction works.~~ The CTMP shall be submitted to the HCC General Manager Development or nominee, for certification that the CTMP satisfies the requirements of condition 29 no later than twenty (20) working days prior to the commencement of any stage ~~during of~~ Construction Works. Construction of any relevant stage of the development shall not commence until the Consent Holder has received the HCC General Manager Development or nominee's written certification of the CTMP for that stage of works.

Commented [WL10]: Condition 30 deals with the requirement to consult HCC as road controlling authority (and NZTA and Waipa District Council).

~~27. The objective of the CTMP is to provide a framework of actions and responses which must be implemented by the Consent Holder to ensure that the adverse traffic and access related effects of the construction of the development will be avoided, remedied or mitigated, as required by Condition 24 above.~~

~~28-29.~~

~~29-30.~~ When requesting certification of a CTMP, the Consent Holder shall provide the HCC General Manager Development or nominee with ~~evidence that consultation has been undertaken with a letter from~~ the New Zealand Transport Agency and Hamilton City Council and Waipa District Council as road controlling authorities whose roads are affected by the development's construction traffic, ~~including details of the outcomes of the consultation in relation to, confirming that the Consent Holder has adequately consulted with that road controlling authority in relation to Condition 25 and~~ any effects on their road network and ~~included adequate~~ measures proposed to manage such effects.

Commented [WL11]: Changes to this condition are necessary because it otherwise would require actions by third parties (provision of letters addressing the required matters) as well as an obligation that the consent holder must implement those third parties requirements to manage effects. Whether adequate measures have been proposed in the CTMP in response to outcomes of consultation is a matter that HCC should consider in determining whether to certify the CTMP.

~~30-31.~~ Where the HCC General Manager Development or nominee has implemented processes and/or convened a group to coordinate construction traffic management planning, monitoring of road conditions and implementation of mitigation works, the Consent Holder shall:

- (a) Participate in the construction traffic management planning coordination processes.
- (b) Arrange for a suitably qualified and experienced person to attend meetings when convened.
- (c) Take all reasonable measures in response to the consultation outcomes with the relevant road controlling authority.

~~31-32.~~ The CTMP shall describe the measures which must be carried out to avoid, remedy or mitigate the local and network wide construction traffic effects of the development. In particular (but not limited to), the CTMP shall describe the following as they are applicable to each construction stage for the subdivision and/or the upgrade of Peacocke Road:

- (a) Measures to maintain pedestrian, cycling and vehicle access to roads and property to defined and approved levels of service. The CTMP shall identify notification thresholds and processes for communicating with affected parties and shall consider whether there are specific user needs that require specific responses.

- (b) Measures to maintain access for emergency vehicles, and methods to ensure that emergency service providers are regularly informed of the timing and sequencing of works, road closures and alternative routes.
- (c) How service providers are to be regularly informed of the timing and sequencing of works, any road closures and alternative routes.
- (d) The timing and sequencing of any road closures that will be required and the nature and duration of any traffic management measures that will result, including any temporary restrictions, detours or diversions.
- (e) Measures to ensure safe access to the development site.
- (f) Measures to monitor the performance of the locations listed in Condition 12 against the thresholds for safety, accessibility and efficiency used by development-related construction traffic, and the procedures to be followed where intervention is necessary in order to remain within the thresholds.
- (g) Management and sequencing of construction works to avoid, remedy or mitigate traffic-related adverse effects.
- (h) Routes to be used and times for heavy haulage (and roads and times to be specifically avoided) for development-related Heavy Commercial Vehicles (HCVs) for shifting bulk materials (such as earth fill or pavement materials or water) (Bulk HCVs) and temporary traffic management controls in accordance with the Code of Practice for Temporary Traffic Management.
- (i) Assessment and monitoring of road conditions and response should severe and sudden deficiencies arise directly associated with development-related HCVs.

32-33. The certificated CTMP shall be implemented throughout the period of the construction works.

EARTHWORKS

33-34. Sediment and erosion control measures shall be adopted to avoid where practicable, or otherwise minimise any sediment leaving the site and entering any waterway. Measures may include: the erection of silt fences, stabilisation of entranceways, cut off drains 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" refer to <http://www.waikatoregion.govt.nz>

34-35. Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.

35-36. Construction activity shall be conducted in such a manner which will 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 of a neighbouring site or water.

36-37. A water sprinkler cart or similar must be available on-site during earthworks to mitigate any dust nuisance (when necessary).

37-38. The Consent holder shall engage a Chartered Professional Engineer, experienced in the field of geotechnical engineering, to observe and examine the earthworks required for the development to certify that the testing and works have been completed in accordance with the recommendations of the Engeo Technical Investigation Report dated 16 May 2018 submitted with the application and the further information prepared by Engeo dated 17 August 2018.

- 38-39. The consent holder shall provide an assessment of available measures for the preservation of soil capacity in accordance with Section 8.5.11 - Compacted soil remediation, in the Waikato Regional Stormwater Guideline. Upon the completion of bulk earthworks final curve numbers are to be estimated taking into account compaction on the site and remediation techniques to confirm the sizing of soakage devices.
- 39-40. On completion of earthworks for each stage the geo-professional shall submit a report to the developer and HCC attesting to compliance with the earthworks specifications, inspections carried out, documentation on the testing of the soils for compaction and an assessment of the results. The report shall be accompanied a statement of professional opinion as set in schedule 2A of NZS 4404.
- 40-41. The earthworks, excavation and backfill, are to provide lots suitable for residential development. The standard of compaction of fill material is to meet the specification set out in NZS4431. A method to confirm the compaction achieved is also detailed in NZS4431.
- 41-42. Earthworks specification and associated standard detail drawings shall be provided as part of detailed engineering design.
- 42-43. The "Specific Design Zone" shall be reviewed and revised at detailed engineering design stage.
43. Any building within the "Specific Design Zone" shall address the Key Geotechnical Constraints as detailed in section 14.2 of the Subdivision Geotechnical Report. ~~The ownership and maintenance of subsoil drains must be clearly defined at the detailed engineering design stage where ground improvement and long term slope stability is reliant~~
44. ~~on subsoil drainage to control groundwater levels. Subsoil drainage servicing a residential lot shall be contained within the boundaries of the lot.~~
- 45-44.
- 46-45. All vehicle entrances shall be stabilised and a clean dust free surface created to ensure that silt and sediment is not tracked on to public roads. Where appropriate wheel wash or wash down facilities shall be provided at all proposed vehicle entrances.
- 47-46. All areas of bare earth shall be re-vegetated or re-grassed as soon as practicably possible and within three calendar months following the completion of earthworks. 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.
- 48-47. Any disturbance of SNA 54 will be confined to construction of one subsoil drain and outlet structure as shown in Harrison Grierson Drawing 141842-9052. All works will be confined to the minimum extent required to install the drain. Immediately after the drain and outlet structure has been installed, any vegetation disturbance shall be revegetated with a variety of suitable, locally sourced indigenous plant species, as specified in the EMMP. Maintenance of the revegetated area, included replacement plantings and weed control, shall be undertaken for a period of no less than three years after planting or until such time that a minimum indigenous plant species ground cover of no less than 95.75% is achieved.

Commented [WL12]: Not required.

Commented [WL13]: 75% canopy cover is a sufficient requirement for the cessation of plant maintenance. Refer to Mr Blayney's evidence.

CONSTRUCTION NOISE

- 49-48. All construction work (including earthworks), shall be designed and conducted to ensure that construction noise received at any other site in a residential zone does not exceed the noise limits in Table 2. In the event that any sound level measurements are required they shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.

Table 2: Construction Noise Limits

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

Note: 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.

CONSTRUCTION TRAFFIC

[50-49.](#) No construction-related Bulk HCV traffic may enter or leave the site on Sundays; or on public holidays or after 4.00 pm on working days prior to long weekends.

[51-50.](#) Construction-related Bulk HCVs may only enter or leave the site between be 7.00am – 7.00pm.

CONTAMINATED SOILS

[52-51.](#) All construction and other land development activities authorised by this consent shall be carried out in a manner which is consistent with and/or complies with the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) (NESCS) Regulations 2011.

[53-52.](#) A suitably qualified and experienced practitioner (SQEP) with contaminated land expertise shall investigate the suitability of the land/piece(s) of land (POL(s)) for the proposed development in accordance with the requirements of the RMA ((NESCS) Regulations 2011. The purpose of the investigation is to ensure that development works satisfy the requirements of the NESCS.

[54-53.](#) Prior to any soil disturbance works commencing, the consent holder shall arrange a pre-commencement meeting in relation to the soil contamination investigation. In attendance shall be: A SQEP, HCC Contaminated Land Officer and Compliance Monitoring Officer, the relevant contractors, sub-contractors and works site supervisory staff who are carrying out any works associated with the NESCS part of the project.

[55-54.](#) A Detailed Site Investigation (DSI) shall be completed in accordance with the recommendations of the Preliminary Site Investigation (PSI) Report prepared by Engeo, dated 14 May 2018. The DSI objectives and subsequent design strategy shall ensure adequate soil quality data is collected so the information is appropriate, and representative of any exposure risk posed by activities or industries described in the HAIL. The investigation shall define and delineate the extent of contamination, with an acceptable level of confidence, to determine the applicable standards in the NESCS Regulations. The investigation shall be reported on in accordance with the current edition of Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment. The Report shall be provided to Council's Environmental Health Manager (or nominee) for approval in a certification capacity prior to any earthworks associated with this subdivision being carried out.

[56-55.](#) If the results of the DSI indicate that the soil contamination exceeds the applicable standards a Remedial Action Plan (RAP) shall be prepared and implemented. The RAP shall be prepared in accordance with the current edition of the Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment. The

Plan shall be provided to Council's Environmental Health Manager (or nominee) for approval in a certification capacity prior to any remediation works associated with this subdivision being carried out.

57-56. If any remediation is required, validation sampling shall be undertaken and a Site Validation Report (SVR) shall be prepared after the remediation has been completed to demonstrate that the site is suitable for the intended land use. The report shall be prepared in accordance with the current edition of the Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand, Wellington. The report shall be provided to Council's Environmental Health Manager (or nominee) as soon as practicable after remediation of the site has been completed. Council must be notified of any proposed variations to the RAP and any alternative methods or measures shall be proven to be consistent with the objective of the approved RAP prior to their implementation.

58-57. In the event remedial works are carried out, a Site Validation Report (SVR) shall be prepared that confirms the remediation targets stated in the approved RAP have been achieved. The SVR must adequately demonstrate that no unacceptable risk to human health or the environment remains at the completion of any remedial works and that the piece of land is suitable for the intended use. The report shall include confirmation that all the consenting requirements have been met and compliance approved before development of any POL(s) can occur. A copy of the SVR must be provided to Council's Environmental Health Manager (or nominee) for approval in a certification capacity as soon as practicable after remediation of the POL(s) is completed.

59-58. Any 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 RAP, the disposal site and the relevant authority. Receipts of transport and disposal shall be included in the Site Validation Report.

60-59. If the results of the DSI indicates soil disturbance is required to be managed, a Site Management Plan (SMP) shall be prepared that targets the actual onsite conditions relating to human health exposure, and the actual offsite removal issues relating to appropriate transport and disposal. The SMP shall include the relevant human health-related controls to ensure minimal exposure via the applicable pathways for the duration of the soil disturbance works. The SMP shall include appropriate contingency measures for any previously unidentified contamination being discovered, and an acceptable method and timing for works completion reporting. A copy of the SMP shall be provided to Council's Environmental Health Manager. Any alternative methods or measures shall be proven to be consistent with the objective of the approved SMP prior to their implementation.

ARCHAEOLOGICAL MANAGEMENT AND MONITORING

61-60. The Consent Holder shall ensure that representatives of Nga Mana Toopu o Kirikiriroa, Te Ha o Te Whenua o Kirikiriroa and Waikato Tainui are notified within one month of the proposed commencement of construction works.

62-61. At least one month prior to the commencement of construction works the Consent Holder shall provide the Archaeological Sites Management Plan and Research Strategy prepared in compliance with Heritage NZ Authority 2019/069 to the Manager, Planning Guidance Unit.

63-62. The Consent Holder shall submit a copy of the Annual Archaeological Review report required under Heritage NZ Authority 2019/069 annually to the Manager, Planning Guidance Unit in order to assist Council in monitoring effects.

64-63. ~~No later than forty (40) working days following the completion of construction of the final stage of the subdivision,~~ the Consent Holder shall submit a copy of the Final Archaeological Report required under Heritage NZ Authority 2019/069 to the Manager, Planning Guidance Unit.

Commented [WL14]: Final reports take many months to complete. This timeframe is unachievable and unnecessary.

- ~~65. Earthworks shall be carried out in accordance with the Protocols and Procedures set out in Section 5 of the Archaeological Site Management Plan prepared by W Gumbley Ltd dated 2 July 2018, or any updated Protocols and Procedures which have been approved by Heritage New Zealand Pouhere Taonga. A copy of any updated Protocols and Procedures shall be provided to Council within 10 working days of approval of the change by Heritage New Zealand Pouhere Taonga. If any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, when carrying out construction activities during any stage of the subdivision, the following protocol shall be followed:~~
- ~~66. All work on the site within 10 metres of any part of the discovery, including all earth disturbing machinery and earth moving work shall immediately cease.~~
- ~~67. The area within the 10 metres of any part of the discovery shall be secured to restrict access and ensure remains and/or cultural material remains in situ, and the consent holder or proponent and Council shall be advised of the discovery.~~
- ~~68. Heritage New Zealand Pouhere Taonga shall be notified by the consent holder or proponent so that the appropriate consent procedure can be initiated.~~
- ~~69. The consent holder or its authorized representative shall consult with a representative of the appropriate iwi to determine what further actions are appropriate to safeguard the site of its contents.~~
- ~~70. In the case where human remains have accidentally been discovered or are suspected to have been discovered the following will also be required:~~
- ~~71. The area within the 10 metres of any part of the discovery shall be immediately secured by the contractor in a way which ensures human remains are not further disturbed. The consent holder or proponent shall be advised of the steps taken.~~
- ~~72. The Police shall be notified of the suspected human remains as soon as practicably possible after the remains have been disturbed. The consent holder or proponent shall notify the appropriate iwi, Heritage New Zealand Pouhere Taonga and Council within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.~~
- ~~73-74. Excavation of the site shall not resume until the Police, Heritage New Zealand Pouhere taonga and the relevant iwi have each given the necessary approvals for excavation to proceed.~~

HISTORIC RESERVE

~~74-65.~~ Prior to vesting Lot 1510 (Historic Reserve), the consent holder shall submit to the Manager, Planning Guidance Unit an Archaeological Heritage Reserve Management Plan (AHRMP) for certification. The objective of the AHRMP is to set out how the archaeological site in the reserve will be managed in the future using ICOMOS conservation principles so that the Heritage Reserve does not suffer damage due to landscape works and use. The AHRMP shall include, but not be limited, to:

~~(a)~~ The history of the site and its context within the Amberfield subdivision and the larger Hamilton environs from a cultural, archaeological and historic perspective and identification of the values that are to be conserved;

~~(b)~~ The management and maintenance goals, policies and actions identified to protect the site in perpetuity;

~~(c)~~ What controls will be put in place to manage access to the site;

~~(d)~~ Site interpretation and cultural recognition; and

~~(e)~~ Who will be notified and the remedial action undertaken in the event of damage.

~~75-66.~~ The Consent Holder shall consult and obtain feedback from Hamilton City Council Parks and Recreation Unit Manager (or nominee), Nga Mana Toopu o Kirikiriroa, Te Ha o Te Whenua o Kirikiriroa, ~~and~~ Waikato Tainui ~~and Heritage New Zealand Pouhere Taonga~~ on the detail in the AHRMP prior to submitting the document to the Manager, Planning Guidance Unit. Evidence of the outcomes of this consultation and all feedback received shall be provided within the AHRMP.

ECOLOGICAL MANAGEMENT AND MONITORING

~~76-67.~~ Any adverse effects on terrestrial ecology ~~(excluding long-tailed bats which is subject to separate conditions)~~, shall be avoided, remedied or mitigated through the implementation of an Ecological Management ~~and Monitoring~~ Plan (EMMP) as detailed below.

~~77-68.~~ The EMMP shall be prepared by appropriately qualified and experienced ecologists and submitted to [appropriately qualified person at the Council to be confirmed] for certification at least forty (40) working days prior to the commencement of Construction Works. The EMMP shall include performance measures, actions, methods, and monitoring programmes designed to achieve the objectives specified below. These plans will be co-ordinated with the Open Space Framework and indicative design as set out in Boffa Miskell Drawings A17134 054 Revision H Gully and Esplanade Reserve Vegetation Strategy 14 February 2019, 060 – 062 Cross Sections dated 14 February 2019, 063 Gully Cross Section Enlargement dated 11 May 2018, 064 Gully and Esplanade Reserve Vegetation Palette dated 11 May 2018, and 065 & 65A Gully and Esplanade Reserve Vegetation Palette dated 14 February 2018.

Objective and Content of EMMP

~~69.~~ The objective of the EMMP shall be to demonstrate how the Consent Holder intends to avoid, remedy, mitigate, offset or compensate terrestrial biodiversity values. It shall provide details on how monitoring, management and mitigation of the significant adverse effects of construction activities and future land uses is to be undertaken, including but not limited to effects on:

- (a) Avifauna, with the aim of enhancing the extent and quality of habitat for native species within the gully and the margins of the Waikato River within the site as set out in the Avifauna Management Plan;
- (b) Lizards, with the aim of enhancing the extent and quality of habitat for native species within the gully and the margins of the Waikato River within the site as set out in the Lizard Management Plan; ~~and~~
- ~~(c) —~~
- ~~(c) Biosecurity management to minimise the spread and invasion of pathogens, plant pests and animal pests during construction;~~ Indigenous vegetation values, with the aim of restoring indigenous vegetation to the gullies and margins of the Waikato River within the site as set out in the Gully and Esplanade Reserve Vegetation Management Plan.
- ~~(d) Long-tailed bat, with the aim of minimising impacts on bats and their habitat using best practice techniques and mitigating and compensating for the direct loss of foraging, flyway habitat and any potential roosts using best practice techniques, as set out in the Long-Tailed Bat Management and Monitoring Plan; and~~
- ~~(e) Biosecurity management to minimise the spread and invasion of pathogens, plant pests and animal pests during construction.~~

Note: Wetland and freshwater values are addressed in conditions of consent from Waikato Regional Council.

Actions and Methods for All Management Plans

78-70. All management plans shall include as relevant:

- (a) Identification of areas and timeframes for establishment of advance restoration / mitigation works and planting, as far as practicable ahead of construction activities;
- (b) Provision for the engagement of suitably qualified and experienced ecologists to develop appropriate procedures to manage effects on long-tailed bats, avifauna, and lizards, where habitats are affected;
- (c) The nature of any weed and / or pest control considered appropriate (timing, extent and location) in enhancement / mitigation planting areas;
- (d) The nature and extent of stock proof or other protective fencing (if required) that is to be established around the boundaries of restoration / mitigation planting areas;
- (e) Procedures and protocols for managing Threatened and At Risk species in case they are discovered.

Lizard Management Plan

79-71. A Lizard Management Plan shall be prepared that includes as a minimum: a description of lizard habitat, lizard species present, legal requirements, personnel and disease management, timing survey and recovery and translocation methods, reporting requirements, mitigation commensurate with the number and species of lizards rescued, and incidental kill and harm minimisation protocols.

80-72. The Lizard Management Plan shall include, but not be limited to, the following:

- (a) A description of methodology for incidental capture of native lizard species including but not limited to: handling protocols, relocation protocols, reporting protocols, potential relocation sites, and protocols for dealing with injured or dead lizards encountered during the works.
- (b) A description of the lizard habitat creation and improvement methodology; including discussion of:
 - (i) appropriate plant species to be planted;
 - (ii) appropriate location/s for habitat creation or improvement;
 - (iii) methods for provision of providing additional refugia, e.g. depositing salvaged logs, wood or debris;
 - (iv) any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc; and
 - (v) any weed and pest management to ensure the created and/or improved lizard habitat site/s are maintained as appropriate habitat;
- (c) be updated to achieve consistency with any authorisation given by the Director- General of the Department of Conservation under section 53 of the Wildlife Act 1953 if any such authorisation is required .

81-73. The Lizard Management Plan shall be implemented for the duration of earthworks for each stage of construction.

Avifauna Management

82-74. ~~Include an~~ Avifauna Management Plan shall be prepared that includes as a minimum: pre-construction surveys, nest and roost searches prior to vegetation clearance (with restrictions possible based on findings), pre-drainage checks for ponds to avoid any damage to dabchick nests, and incidental kill and harm minimisation protocols.

83-75. The Avifauna Management Plan shall include, but not be limited to, the following:

- (a) a description of methodology for pre-vegetation clearance nesting bird surveys including a discussion of;
 - (i) the nesting periods of native birds present onsite; and
 - (ii) appropriate timing of vegetation clearance and surveys;
- (b) the details for exclusion zones around nesting birds until fledging of chicks if detected within proposed vegetation clearance areas;
- (c) protocols for dealing with injured or dead birds encountered during the works; and
- (d) be updated to achieve consistency with any authorisation given by the Director- General of the Department of Conservation under section 53 of the Wildlife Act 1953 if any such authorisation is required.

84-76. The Avifauna Management Plan shall be implemented for the duration of earthworks for each stage of consent.

Gully and Esplanade Reserve Vegetation Management Plan

85-77. The Gully and Esplanade Reserve Vegetation Management Plan shall provide design, planting and ongoing management and maintenance for an area no less than 18.50 ha of buffer and amenity planting. This involves 6.44 ha of gully plantings and 2.6 ha of gully riparian planting, and be generally in accordance with Boffa Miskell Drawings A17134 054 Revision H Gully and Esplanade Reserve Vegetation Strategy 14 February 2019, 060 – 062 Cross Sections dated 14 February 2019, 063 Gully Cross Section Enlargement dated 11 May 2018, 064 Gully and Esplanade Reserve Vegetation Palette dated 11 May 2018, and 065 & 65A Gully and Esplanade Reserve Vegetation Palette dated 14 February 2018 and with the *Gully restoration guide: a guide to assist in the ecological restoration of Hamilton's gully system*. Wall, K and B.D. Clarkson 2006: Third Revised Edition. Hamilton City Council.

86-78. The Gully and Esplanade Reserve Vegetation Management Plan shall include as a minimum:

- (a) Methodology for indigenous flora and fauna habitat creation and restoration, in accordance with the objectives and performance standards of the Bat Management and Monitoring plan, the Lizard Management Plan, Indigenous Fish Management and Monitoring Plan and the Avifauna Management Plan:
- (b) Soil type;
- (c) Hydrology.
- (d) Earthworks, including an erosion and sediment control plan.
- (e) Sediment characteristics.
- (f) Timing of works (schedule of work).
- (g) Species to be planted (planting plan).
- (h) Maintenance of planting.
- (i) Weed control.
- (j) Targets for wetland creation in terms of minimum percent cover of native wetland plant species in different planting zones and maximum percent cover of exotic species within all tiers in each zone that must be achieved before the expiry of the maintenance period of the consents. Performance standards linked to specific timeframes. Performance standards shall include, but not be limited to the following:

- (i) The minimum coverage by target native plant species;
- (ii) A full array of indigenous plant species appropriate for the locality, and comprising species represented in proportions and cover expected for natural wetland types found within the Hamilton Ecological District;

87-79. The Gully and Esplanade Reserve Vegetation Management Plan shall provide for:

- (a) The planting of the Northeast Terrace and the East-West Shelterbelt as referred to in Conditions 85 and 86 in the first planting season following the commencement of this consent.
- (b) In addition to a), a 10m buffer planting adjacent to the eastern boundary of the earthworks extent alongside the existing river riparian margin, along the top edges of the southern gully and as generally shown on Boffa Miskell Drawing A17134 040 Proposed Early Planting Outside of Earthworks Extent, to be completed no later than the first planting season following the commencement of this consent.
- (c) The remaining planting outside of the earthworks extent, including the planting of the southern gully, to be completed no later than ~~the third~~two planting seasons prior to earthworks commencing in each construction stage following the commencement of this consent, but subject to any requirements of stream mitigation planting by the Waikato Regional Council;
- (d) Planting within the earthworks footprint will be completed by the first planting season after the earthworks is completed in the area to be planted;
- (e) The project ecologist and landscape architect to mark out vegetation that is to be removed and vegetation that is to be retained onsite prior to construction works; and for the project ecologist to be present when vegetation is cleared to ensure vegetation that is to be retained is not accidentally removed or destroyed;
- (f) A restoration plan, which includes pest plant control, developed by an appropriately experienced and qualified ecologist which details how the habitat and buffering values of non-native vegetation is to be managed, enhanced, and/or replaced to avoid long and short-term potential adverse effects on long-tailed bat, bird, and lizard populations;
- (g) Vegetation within the southern gully and esplanade reserve areas to be managed in such a way to ensure the long-term retention of all large stature trees that provide (or potentially provide) roost habitat for long-tailed-bats;
- (h) Tall stature vegetation within the gully and esplanade reserve areas to be retained in the long term to provide buffering of light, disturbance, and noise into potential long-tailed bat habitats; and
- (i) Plant species within the southern gully system to be selected to provide structural complexity appropriate for copper skink habitat; and for further enhancement of lizard habitat with retained woody debris and natural refugia salvaged from the site.
- ~~(j) Maintain all planting for a minimum period of five years from the date planted to achieve at least 90% cover of indigenous species. The species shall be appropriate for all tiers found in a mature habitat, and shall include ground cover, sub canopy and canopy species (except for wetlands). If monitoring shows that 90% cover has not been achieved after four years of maintenance, the maintenance period shall be extended until that is achieved, or a suitable~~
- ~~(k)(i) mitigation/compensation alternative is agreed in writing between the consent holder and the Council~~ Require all plantings use eco-sourced (Hamilton Ecological District) indigenous plants species appropriate to the locality, and the ecosystem/wetland type being restored

(i.e. the ecosystem/wetland type would have occurred at the locality under natural conditions). These indigenous species shall be represented in appropriate diversity, proportions, cover, and configuration as would be expected for natural examples of the same ecosystem/wetland types within the Hamilton Ecological District.

~~88-80.~~ Plant maintenance shall occur for a maximum of five years or until 75% canopy closure has been achieved, whichever is earlier. Plant maintenance includes the ongoing replacement of plants that do not survive. All invasive weeds and animal pests shall be controlled in accordance with the restoration plan both at the time of initial planting and any replacement planting if required for five years.

~~89-81.~~ The Consent Holder shall submit a Planting Monitoring Report to the Planning Guidance Unit Manager for approval 6 monthly for the first 18 months then annually thereafter for the remaining period to make up a total period of five years. The report shall include, but is not limited to, the following information in respect of each stage:

- (a) Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses);
- (b) Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, visual observation of use by native birds;
- (c) A running record of fertilisation, animal and weed pest control and replacement of dead plants;
- (d) Details on the condition of, and recommendations for maintenance of, any fencing.
- ~~(e)~~ Recommendations for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work shall include a start date for replanting.

~~90. Review of management plans~~

~~91. —~~

~~92. The management plans referred to in the Ecological Management and Monitoring conditions above may be reviewed by the Hamilton City Council at any time.~~

~~93. —~~

~~94. The purpose of any review shall be to identify whether any changes to management procedures contained within the management plan are required in accordance with the outcomes of monitoring and best management practices.~~

~~95. —~~

~~96. The results of the review shall be reported to the Consent Holder. If the review results in amendments to the management plan, the amended sections shall be provided to the Consent Holder for written certification in accordance with conditions ~~100~~.~~

Long-Tailed Bat Management and Monitoring Plan

~~82. A Long-Tailed Bat Management and Monitoring Plan (LTBMMP) shall be prepared after consultation with Hamilton City Council, the Director-General of Conservation, the TWWG and the Riverlea Environment Society Incorporated, to include as a minimum the following matters. This consultation shall take the following form:~~

- ~~(a) The Consent Holder shall prepare a draft LTBMMP for consultation with the parties who shall be given twenty (20) working days to consider and provide written comments on the draft plan.~~

(b) Following this consultation period the Consent Holder may amend the draft plan and shall provide the LTBMMP to be considered for certification, together with the written comments of the consulted parties to the Council.

BAT MANAGEMENT AND MONITORING CONDITIONS

Planting

97-83. Existing riparian vegetation adjacent to the site along the Waikato River shall be enhanced by suitable weed control and infill planting of indigenous species as set out in the Gully and Esplanade Reserve Vegetation Management Plan.

98-84. A vegetative buffer along the riparian margins of the site shall be established and maintained, as shown on Boffa Miskell Drawing A17134 054 Revision H Gully and Esplanade Reserve Vegetation Strategy 14 February 2019 to minimise light spill into the river corridor and Hammond Bush.

99-85. A reserve with bat habitat along the Northeast Terrace shall be established and maintained, as shown on Boffa Miskell Drawings A17134 081 Addendum Figure 3 NE Terrace 19 February 2019 and A17134 078 Addendum Figure 4 Cross Sections 19 February 2019.

100-86. The East-West Shelterbelt shall be retained and enhanced as bat habitat with buffer planting so as to maintain a movement corridor that shelters the bats from the light and wind as shown on Boffa Miskell Drawing A17134 ~~XXX-083~~ Shelterbelt Planting Strategy Rev ~~X-E-8-March~~ April 2019.

Lighting

101-87. A bat-sensitive lighting regime shall be implemented along the riverside roads, the roads adjacent to and crossing the southern gully, and the roads crossing the East-West Shelterbelt. Detailed design of the bat-sensitive lighting regime shall be prepared by a suitably qualified expert in consultation with a suitably experienced bat ecologist and be submitted to PGU-HCC's Planning Guidance Unit Manager or nominee for certification prior to implementation. For the purpose of the detailed design, luminaires shall be of the LED type, and lighting subcategory P5 of Table 2.6 of AS/NZS 1158.3.1:2005.

Commented [WL15]: Covering off Moira's recommendation

Lot Development Deferral

88. Building development on the following lots shall be deferred until a suitably qualified ecologist confirms that the planting specified in each of the following conditions is demonstrated to meet the height and canopy closure performance criteria.

(a) Building development on Lots 42, 45, 46, 49, 50, 53, 54, 57, 58, 61, 63, 64, 67, 68, 71, 72, 75 – 80, 132 – 140, 41 – 44 and 300 – 302 (38 lots) will be deferred until the vegetation comprising the "Buffer planting area located in natural ground not dependent on earthworks" as shown on Boffa Miskell Drawing A17134 081 Revision A achieves 4 m in height and 80% canopy closure.

(b) Building development on Lot 166 will be deferred until the vegetation comprising the "Tall stature buffer planting" as shown on Boffa Miskell Drawing A17134 083 Revision E achieves 4 m in height and 90% canopy closure.

(c) Building development on Lots 236 – 250, 397 – 405, 407 – 409, 411 – 414 and 516 – 522 (38 lots) will be deferred until the vegetation comprising the "10m Width of Early Planting - Stages 7 Onwards" as shown on Boffa Miskell Drawing A17134 040 achieves 4 m in height and 80% canopy closure.

89. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered against the Computer Freehold Register of the lots described in Condition 87 advising that no buildings on the lot may commence construction until the vegetation height and canopy closure

[requirements have been confirmed to have been met by a suitably qualified ecologist. A consent notice shall not be required to be registered if the height and canopy closure requirements have been met prior to a certificate being issued for the relevant subdivision stage pursuant to s224\(c\).](#)

Site Development

~~102-90.~~ Construction activities shall be carried to ensure that bat roost removal and/or habitat loss is avoided or otherwise minimised.

~~103-91.~~ Activities on the site shall be carried [out](#) to ensure that potential bat roost removal is avoided or minimised. Potential bat roost removal shall comply with the specific minimum standards for roost tree identification and monitoring of roost trees before their removal, recognising the limitations for determining roost tree occupancy in some situations.

~~104-92.~~ Long-tailed bat management shall include, but not be limited to, the following procedure and actions:

- (a) Implementation of measures to avoid, remedy or mitigate and monitor roost removal and habitat loss, including a methodology determined by a recognised bat ecologist for:
 - (i) the identification of any actual or potential roost trees and their monitoring before their removal and the preparation of a pre-tree felling protocol following consultation with the Department of Conservation.;
 - (ii) minimising disturbance associated with land development activities around active roosts within the site that do not require removal.
- (b) If any roost trees are identified, details of the provision of alternative roosting sites (including suitable indigenous or exotic trees for roost habitat, their ongoing management to enhance their roosting potential (for example, encouraging cavity formation or providing artificial bat houses), with artificial roosts installed as far in advance of land development as possible;
- (c) Implementation of measures to minimise disturbance from construction activities within the vicinity of any active roosts that are discovered until such roosts are confirmed to be vacant of bats, as determined by a recognised bat ecologist using current best practice.

~~105-93.~~ A record of the above procedures and actions shall be kept and be made available to HCC on request.

Bat Monitoring and Adaptive Management

~~94.~~ [The long-tailed bat monitoring plan shall be developed after consultation with the Director-General of Conservation, HCC, and a nominated Southern Links Project Ecologist. The objective of this consultation is to enable the monitoring to integrate into Southern Links bat monitoring as per the Southern Links EMMP, and contribute to a wider understanding of how development across the PSPA is potentially affecting the long-tailed bat colony.](#)

~~106.~~ [The LTB MMP shall detail the ongoing monitoring and reporting of bat activity, including the establishment of a statistically robust baseline survey and post development monitoring to identify and assess changes in relative bat activity that may occur as a result of the development. The specific priority objective of monitoring shall include determining changes in activity levels relative to increased anthropogenic disturbance adjacent to key habitats \(NE Terrace bat reserve, Waikato River corridor, East-West Shelterbelt and southern gully\) that will be retained and enhanced on site. The consent holder shall undertake the monitoring detailed in condition 93 below to obtain additional data regarding bat populations within the site. The outcomes of the monitoring shall be made available to HCC for the purposes of the development and implementation of the Peacocke Biodiversity Framework.](#)

~~107-95.~~

~~108-96.~~ Bio acoustic monitoring shall be carried out over the long-tailed bat breeding season and peak activity period (beginning November ~~2019~~ to the end of April ~~2020~~), and be carried out ~~at 5 yearly intervals thereafter on a two yearly basis~~ concluding at 15 years and shall ensure adequate site coverage incorporating all potential roosting, commuting and foraging habitats as well as suitable control sites so as to exclude any changes in bat activity that result from off-site changes.

~~97.~~ The outcomes of the ~~two yearly~~ monitoring shall be provided to Council within ~~one two~~ months of completion.

~~109-98.~~ Adaptive management of the development shall be integrated into the LBTMMP to ensure regular feedback and allow management to adapt to any changing conditions found during monitoring. Adaptive management may include additional on-site mitigation measures or the cost of off-site habitat restoration or pest control.

East West Shelterbelt

~~99.~~ For the purposes of maintaining and enhancing the East-West Shelterbelt as bat habitat, Lots 167 and 168 (Lots) shall be transferred to ~~fee simple, with an encumbrance in favour of the landowner, The Adare Company Limited, granting a call option to The Adare Company Limited to purchase back the land from Council at nominal consideration if the monitoring undertaken pursuant to the LBTMPLong-Tailed Bat Management and Monitoring Plan demonstrates that these lots are not being used for bat habitat, bat foraging purposes or as a bat corridor between the Waikato River and the Mangokotukutuku Gully.~~

~~110. HCC and vested as Local Purpose (Ecological) Reserve.~~

Guarantee

~~100.~~ Prior to the exercise of this consent, The Adare Company Limited shall provide surety in the form of a deed of guarantee in favour of the Council to guarantee the performance of specified conditions of consent by the consent holder. The guarantee shall ensure the performance of all those obligations contained within Conditions 76 to 99 in relation to ensuring the implementation of the Gully and Esplanade Reserve Vegetation Management Plan and the Long-Tailed Bat Management and Monitoring Plan.

~~The boundaries of proposed Lots 169, 170 and 182 shall be adjusted as necessary to ensure the root protection zone of the East-West shelterbelt trees are fully contained within the boundaries of the Lots 167 and 168.~~

Residual Adverse Effects on Bats and Environment Compensation

~~Prior to the exercise of this consent the Consent Holder shall make an ecological compensation payment to (TBC – potentially a Trust to be established?) of \$(to be determined), to mitigate potential residual adverse effects on the long tailed bat (including by way of off set mitigation). The purpose of the compensation is to:~~

~~Secure the performance of any monitoring obligations in relation to the long tailed bat; and~~

~~Provide for the mitigation of any residual adverse effect on the long tailed bat caused by the activities enabled by these consents as a contribution to one or more research and /or development projects which have been established for the benefit of long tailed bat protection and habitat enhancement in the Hamilton, Waipa or Waikato Ecological Districts. The project or projects to receive this funding will be nominated by Hamilton City Council, following discussions with the consent holder, DOC and WRC.~~

LANDSCAPING TREATMENT OF RECREATION AND AMENITY RESERVE

~~111-101.~~ Final detailed landscape plans for open space reserves 1 to 7 in “Amberfield Open Space Framework Peacocke, Hamilton” by Boffa Miskell Ltd dated ~~28 February 2019~~ ~~11 May 2018~~ shall be submitted for approval in a technical certification capacity by the Manger Parks and Recreation Unit (or nominee) at the same time as the application for Detailed Engineering Design Plan certification. The Plans shall be generally consistent with the content of Amberfield Open Space Framework Peacocke, Hamilton” by Boffa Miskell Ltd dated 11 May 2018, and amended as required until stamped ‘Accepted’ by the Manager Parks and Recreation (or nominee). No hard or hard or soft landscaping works shall commence on site until the plans are accepted.

~~112-102.~~ The landscaping works shall be implemented in accordance with the Accepted Reserve Plans.

~~113-103.~~ The design, construction and maintenance of all landscaping and planting shall be in accordance with Section 7 of the Waikato Regional Infrastructure Technical Specifications

ACTIVE RECREATION RESERVE

~~114.~~ The residential lots and area of roading shown on the attached plan (refer plan in Appendix I of ~~542A report~~) shall be shown on the survey plan as recreation reserve to vest in Council.

~~115.~~ Placeholder condition

ENGINEERING DESIGN / WORKS

~~116-104.~~ All engineering works associated with all stages of the subdivision shall satisfy the standards and requirements as specified in the following conditions.

~~117-105.~~ All engineering works shall be subject to a works clearance process and must be approved by Council prior to section 224c certification and prior to vesting in Council of any relevant infrastructure assets.

Services

~~118-106.~~ Telecommunications reticulation (including ducting for computer media), underground electrical, shall be provided to all lots.

~~119-107.~~ Reticulated gas services shall be provided to all lots, where this service is available.

~~120-108.~~ The Consent Holder shall obtain a works clearance from each network operator for electricity, telephone and, where applicable, gas services. All network connections to all lots shall occur prior to the issue of certification under Section 224c of the RMA.

~~121-109.~~ The Consent Holder shall provide a works clearance (for network connections), as obtained from each network Utility Operator, at the time of submitting its Works Clearance application.

~~122-110.~~ The Consent Holder shall relocate and place underground the existing overhead electricity transmission lines located within the site ~~and along Peacockes Road~~ within each stage so that they are contained within road reserve, with the exception of the existing overhead electricity transmission line servicing the Riverlea area which may remain above ground from the road reserve/esplanade reserve (Lot 1502) across the Waikato River.

~~123-111.~~ The location and design of the proposed WEL Networks Ltd 11kv terminal structure shall be submitted with the engineering design plans for certification, together with the outcomes of consultation with WEL Networks and HCC. Any required easements shall be shown on the survey plan and duly granted and reserved.

Advice Note:

Any cost and/or work associated with connecting to the network utility service shall be a matter that

Commented [WL16]: Moved to condition 10 as the undergrounding work will be completed as part of the upgrades to Peacockes Road.

is to be negotiated and completed between the Consent Holder and the relevant service providers. The consent authority has no direct or indirect involvement in the assessment or approval of any of the works or costs associated with connecting to a network utility service, in particular, electricity, telecommunications reticulation and where applicable, gas.

Road Construction

[124-112.](#) All new roads shall be designed and constructed for the purpose intended in accordance with accepted plans and with the Waikato Regional Infrastructure Technical Specifications.

[125-113.](#) All works within the public road corridor shall be managed by a contractor operating under a current CAR (Corridor Access Request), made through the www.beforeudig.co.nz website and appropriate traffic management.

[126-114.](#) On completion of site works any roadside damage shall be repaired and the kerb, berm and footpath be reinstated to match the surroundings. The reinstatement work shall not be carried out until all service trenching in the footpath has been completed and shall include the reinstatement of all trenches.

Street Lighting

[127-115.](#) Overhead lighting shall be installed along all public roads constructed as part of the development. Overhead lighting shall be designed to comply with AS/NZS 1158 and the Waikato Regional Infrastructure Technical Specifications (RITS). Luminaires shall be of the LED type, and lighting subcategory P5 of Table 2.6 of AS/NZS 1158.3.1:2005 shall be adopted for the localities indicated in Condition 87 in relation to bat sensitive lighting. The consent holder shall carry out at no cost to Council an energy audit of the design as prescribed in AS/NZS 1158.

Road Safety Audits

[128-116.](#) The Consent Holder shall arrange, at no cost to Council, for an independent detailed design road safety audit (in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline May 2013) to be carried out on the proposed roading design and submitted to the General Manager, HCC Development (or nominee) for approval in a technical certification capacity.

[129-117.](#) Any serious and significant audit findings arising from the detailed design road safety audit shall be resolved to the agreement of the General Manager, HCC Development (or nominee) prior to changes being implemented (as determined by the outcomes of the road safety audit) and construction commencing.

[130-118.](#) The Consent Holder shall arrange, at no cost to Council, for an independent post-construction road safety audit (in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline May 2013) to be carried out on the roading. The safety audit shall be submitted to the General Manager, HCC Development (or nominee) for approval in a technical certification capacity. The audits, and any amendments resulting from the audits, and monitoring shall be undertaken at the expense of the Consent Holder. Any serious and significant audit findings arising from the post construction road safety audit shall be resolved to the agreement of the General Manager, HCC Development (or nominee) prior to changes being implemented and Council accepting responsibility for this facility and issuing of S224C certification.

Structures

[131-119.](#) ~~Specific Engineer Design of MSE walls, bridges and other significant structures shall be peer reviewed.~~ The footing and walls of proposed retaining walls supporting the road corridor shall be within the road corridor.

[132-120.](#) The footing and walls of proposed retaining walls supporting lots adjoining road corridor, shall

Commented [WL17]: Unclear who would peer review and what 'other significant structures' refers to. In any case, this is a building consent matter.

be within the lot boundary.

Street Landscaping

~~133-121.~~ Landscape plans for the road reserves shall be prepared in general accordance with the "Amberfield Open Space Framework Peacocke, Hamilton" by Boffa Miskell Ltd dated 28 February 2019, and be submitted for approval in a technical certification capacity by the Manager Parks and Recreation Unit (or nominee) at the same time as the application for Engineering Works Approval. The landscape plans shall be amended as required until stamped 'Accepted' by the Manager Parks and Recreation Unit (or nominee). No hard or hard or soft landscaping works shall commence on site until the plans are certified.

~~134-122.~~ The landscaping shall be implemented in accordance with the certified landscape plans and to the satisfaction of the Manager Parks and Recreation (or nominee) prior to vesting.

~~135-123.~~ The design, construction and maintenance of all landscaping and planting shall be in accordance with Section 7 of the Waikato Regional Infrastructure Technical Specifications.

Vehicle Crossings

~~136-124.~~ A vehicle crossing location for each lot shall be shown on the engineering plan and constructed to the applicable standard in accordance with the Regional Infrastructure Technical Specifications, Drawing D3.3.5.

Shared Paths

~~137-125.~~ All shared walking and cycling paths shall have a minimum width of 3 metres.

~~138-126.~~ Fencing shall be provided along the length of the Pedestrian Access Lots 1504 & 1505 and limited to a height of 1.2m high for approximately 10m from each end of the accessway in accordance with the Regional Infrastructure Technical Specifications, Drawing D3.8.10.

Water Supply

~~127.~~ A 250mm \varnothing and a 150mm \varnothing water main shall be extended along Peacocke Road [from the existing reticulation supply to the northern entrance to the site](#) to service the site in accordance with the "Water Supply Report" by Jacobs dated 7th May 2018.

~~139-128.~~ [A 250mm \$\varnothing\$ water main shall be extended along the section of Peacockes Road from the northern entrance to the site to the southern end of the site.](#)

~~140-129.~~ Each residential lot must be provided with a separate water supply connection, with no private water supply pipes passing between one lot and another (except where provided for by way of an easement).

~~141-130.~~ The development shall be provided a fire hydrant system to ensure that sufficient water supply is available for fire-fighting and fire protection. The design of the water network shall conform to the Code of Practice for Fire Fighting Water Supplies (SNZ PAS4509)

Wastewater

~~142-131.~~ The consent holder must discharge wastewater from the site into the Far Eastern Interceptor at Crosby Road.

~~143-132.~~ The wastewater rising main described in condition 129 above shall be in place and operational prior to s224c RMA approval for the first subdivision stage.

~~133.~~ Each residential lot shall be provided with a separate wastewater connection, with no private wastewater pipes passing between one lot and another (except where provided for by way of an easement).

~~134.~~ [If the consent holder has used an interim pipeline beneath the Waikato River as part of meeting](#)

Commented [WL18]: Differentiates the water supply requirement adjacent to the site (refer to condition above) from the requirement between the northern end of the site and the existing reticulation.

condition 129, the interim pipeline is to be disconnected, purged, cleaned and abandoned as soon as practicably possible after the HCC full Transfer pumping station and Transfer pipeline are operational.

Commented [WL19]: Reflects commitment given by Weston Lea to the TWWG as well as HCC's requirements.

Stormwater

144-135. 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.

145-136. Flow paths are to be clear of any identified or anticipated building platform and shall accommodate the rainfall runoff in excess of the stormwater reticulation design capacity.

146-137. Stormwater runoff from the site shall be treated and managed in accordance with the Waikato Regional Infrastructure Technical Specifications and the Sub-Catchment Management Plan submitted by Weston Lea Ltd as part of the resource consent application, except insofar as the information in the Sub-Catchment Management Plan is superseded by the further information dated (insert).

147-138. The location for the proposed stormwater communal devices for each stage shall be in general accordance with the Harrison and Grierson plan 141842-1046 Rev 7 submitted as part of the further information on 27 March 2019. The sizing of the stormwater communal devices shall be confirmed at the time of Detailed Engineering Design Plan certification taking into account the required stormwater treatment, attenuation, velocities, maintenance, vehicle access.

148-139. Each stormwater communal device shall be shown on the survey plan for the respective stage as a separate allotment to vest in Council as Drainage Reserve.

149-140. The Raingardens for pre-treatment located within the road reserve will require specific consideration of the following matters at the detailed engineering design stage so that the risks of bypass and operational issues with such small devices are managed:

- (a) operation and maintenance requirements
- (b) suitable sampling points for monitoring
- (c) appropriate media specification and permeability rates
- (d) suitable mulch and plant design

150-141. The consent holder shall demonstrate that all centralised stormwater devices are designed to treat public road runoff and private pervious areas during engineering plan certification stage. Where there is inadequate capacity within centralised devices, additional at source public raingardens disposing to soakage where possible, are to be provided to treat the equivalent remainder of road and run on catchment. Any changes to the post development flow assessment will need to be addressed by further mitigation.

151-142. The consent holder shall undertake soakage testing at the location of proposed public soakage devices at the proposed design depths upon the completion of bulk earthworks, with results provided with the detailed engineering design plans to confirm sizing of devices.

Commented [WL20]: Enables soakage testing to be carried out in areas of cut prior to bulk earthworks being completed which will avoid unnecessary design delays.

152-143. The consent holder shall undertake an assessment of flows that will be discharged to the outfalls and design erosion protection to suit with results provided with the detailed engineering design plans.

153-144. The consent holder shall provide infrastructure to convey primary ~~and secondary~~ flows from the ~~maximum probable existing~~ development scenario from all adjacent sub-catchments currently draining through the site boundaries. The consent holder shall provide infrastructure to convey secondary flows from the maximum probable development scenario from all adjacent sub-catchments currently draining through the site boundaries. This information must be detailed at engineering plan approval stage, with relevant easements in gross demarcated.

~~154.~~ Prior to 223 survey plan certification for the first stage, the consent holder shall undertake consultation with land owners of 71 & 84 Weston Lea Drive in order to determine existing conveyance of primary and secondary flows upstream of proposed site boundaries. Where applicable, private easements or easements in gross as a right to convey stormwater shall be provided for existing upstream flows beyond the site boundaries. ~~The consent holder shall provide private easement boundaries for all down slope properties in order to convey secondary stormwater flows from upstream properties to the relevant road reserve or Jointly Owned Access Lots (JOALs). Any necessary easements shall be shown on the survey plan for the relevant subdivision stage.~~

~~155-145.~~

~~156-146.~~ The consent holder shall undertake an assessment of post-development overland flow paths at detailed engineering design plan certification stage. Calculations detailing flow depths and velocity are required. Any overland flow depths exceeding ~~150mm~~ the attributes associated with the low risk hazard category in HCC's citywide flood hazard report will require modified flowpaths to be provided.

~~157-147.~~ A landscaping plan for all the stormwater management systems prepared in accordance with the requirements of the Waikato Regional Infrastructure Technical Specifications shall be submitted (at the time of detailed engineering design plans) with gardening and five-year maintenance specifications for review and acceptance in a technical certification capacity by the Strategic Development Unit Manager or nominee.

~~158-148.~~ The Consent holder shall submit an updated "Water Efficiency Measures" component of the Sub-Catchment Integrated Catchment Management Plan, to the satisfaction of HCC General Manager Development (or nominee), to reflect any changes to outcomes identified through the detailed engineering design plan acceptance stage. The final stamped accepted specific Water Efficiency Measure Plan is to inform the owner of each residential lot of the accepted Water Efficiency Measure appropriate for this area.

~~159-149.~~ Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of all residential lots advising that the on- lot stormwater system and water efficiency measure certified as part of the detailed engineering design stage shall be installed at the building consent stage and maintained on an ongoing basis.

~~160-150.~~ An Operations and Maintenance Plan (OMP) for the stormwater management system, which demonstrates how the standards/outcomes/conditions set out above shall be achieved, shall be prepared by a suitably qualified expert in urban stormwater management and submitted with the engineering plans for approval in a technical certification capacity by the Council's City Development Unit Manager or nominee.

~~161-151.~~ The OMP shall provide for the operational, maintenance, planting and monitoring measures associated with the stormwater discharge and shall include (but not be limited to) the following:

- (a) Design parameters
- (b) A monitoring programme and any adaptive management required to address downstream water quality
- (c) Measures to minimise public safety risks
- (d) Measures to minimise operational and maintenance safety risks
- (e) Measures to minimise operational expenses
- (f) The information to be provided on as built plans for the device(s) at the completion of construction
- (g) Asset operation details and likely operational costs

- (h) Detail how the stormwater management system 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.
- (i) Transition /Phasing Plan detailing:
 - (i) The construction phase and the staging of the development and how the Planted Stormwater System will be constructed to ensure that the plants will be able to thrive based on the various volume of stormwater generated by the various stages.
 - (ii) The inspection and associated cleaning regime for the Planted Stormwater System, and associated sediment control.
 - (iii) Provide details on how the Temporary stormwater controls will be integrated with the Planted Stormwater System to ensure the Planted Stormwater System is not affected by sediment generated from the various stages of development.

~~162-152.~~ The OMP approved in a technical certification capacity at engineering plan approval stage shall be updated and submitted for approval in a technical certification capacity by Council's City Development Unit Manager or nominee at the time of works clearance. The plan shall include (but not be limited to) the following: As built plans and data sheets for the devices in accordance with HCC Specifications and inspections and monitoring results and any adaptive management.

~~163-153.~~ The certified OMP shall be implemented.

~~164-154.~~ The maintenance and operation of the stormwater management system shall be carried out in accordance with the Waikato Regional Infrastructure Technical Specifications and the certified OMP.

General Engineering Requirements

~~165-155.~~ All engineering works shall be designed and built in accordance with the Waikato Regional Infrastructure Technical Specifications and current best practice. Innovative engineering solutions reflecting the special characteristics of the development will be considered.

~~166-156.~~ Plans for the engineering works, including the works required within the site for each subdivision stage and for public road upgrades (including shared path) along Peacockes Road, shall be submitted for certification by Strategic Development Unit, and shall include plans, cross-sections, longsections and associated details for roading, pavement, water, wastewater and stormwater infrastructure, updated water efficiency measures, right of way formations, vehicles crossing locations, the TNMP, and other relevant items. The plans shall be amended as required until stamped 'accepted' by Strategic Development Unit. The plans may be submitted for stages of construction. No work shall commence on site until plans are accepted, with stamped copies being held on site during the works. All works shall be carried in accordance with the certified plans.

~~167-157.~~ The consent holder shall retain the services of a suitably qualified person (generally a professional land surveyor, engineer or planner) 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 on all engineering plans.

~~168-158.~~ Full as-built plans and asset data for all roading and water and drainage reticulation works shall be submitted for 224c clearance.

DEFECT LIABILITY

~~169-159.~~ The Consent Holder shall comply with the following defects liability periods for the construction, operation and maintenance of infrastructure assets which are to be vested in Council. During the Defects Liability Period, maintenance of the Infrastructure Assets shall be the

responsibility of the consent holder.

~~170-160.~~ A defect liability period of 24 months for all planted treatment and detention devices (on-road rain gardens, centralised planted stormwater device and stormwater storage) and ~~18-12~~ months for all other infrastructure assets vested in Council as per the Waikato Regional Infrastructure Technical Specifications from the date of issue of the section 224(c) Certificate ("Defects Liability Period").

Commented [WL21]: 18 months is longer than the defects liability timeframe that we understand HCC has previously imposed of 12 months for these assets.

~~171-161.~~ If during the Defects Liability Period Council considers that any remedial works need to be carried out in respect of the Infrastructure Assets, the consent holder shall undertake at its own cost such remedial works to the satisfaction of Council. Engineering plans for remedial works shall be submitted to and accepted by Council prior to construction.

REVIEW

~~172-162.~~ Under section 128 of the RMA the conditions of this consent may be reviewed by the Manager, Planning Guidance Unit at the consent holder's cost two years after the commencement of the consent and thereafter at annual intervals to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on the long-tailed bat.

SURVEY PLAN APPROVAL (s223) CONDITIONS – ALL STAGES

~~173-163.~~ Before the Council will approve a survey plan pursuant to s223 of the RMA for the stages shown on Harrison Grierson Drawing 141842 – 1046 Scheme Plan Staging Plan 21/03/19 Rev 7, the following conditions shall be satisfied:

- (a) The consent holder shall obtain Council approval for the road name(s) (in accordance with the Hamilton City Council Naming of Roads, Open Spaces and Council Facilities Policy) for the roads to vest in Council and the name is to be shown on the stage survey plan.
- (b) The stage survey plan shall be in general accordance with the respective stage shown on Harrison Grierson Drawing 141842 – 1046 Scheme Plan Staging Plan 21/03/19 Rev 7 and the specific s223 conditions set out below for the respective stage in addition to any relevant general conditions for all stages that are required to be met for the s223 survey plan certification.

~~164.~~ Lots 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038 shall be shown on the Survey Plans to vest in Hamilton City Council as road at the relevant subdivision stage based on the timing of the Peacockes Road upgrade requirements set out in condition ~~97~~. This condition will not apply if HCC has previously upgraded and vested the same or greater length of Peacockes Road.

~~165.~~ Easements in favour of HCC shall be created where any public wastewater, water supply and stormwater infrastructure are required to be constructed outside of vested public roads or reserves for a temporary period due to the staging of the subdivision. In those situations, the services shall be laid and easements created in locations where public roads or reserves are intended to be vested as part of the subsequent subdivision stages.

Commented [WL22]: Addresses the situation where due to staging there will be some services constructed which will be in the location of future roads to vest. Those services should be covered by public easements over the interim period.

Advice Note:

When subsequent subdivision stages are completed and these temporary easements are longer required due to the vesting of public roads or reserves, the consent holder will need to apply to HCC for the revocation of the temporary easements.

SECTION 224(c) COMPLIANCE CONDITIONS

~~174-166.~~ Before the Council will issue a certificate pursuant to s224(c) of the RMA for the respective stage below, the consent holder shall demonstrate compliance with the general conditions above

as they are applicable to the stage being developed.

SURVEY PLAN APPROVAL (s223) CONDITIONS – INDIVIDUAL STAGES

~~475-167.~~ Before the Council will issue a certificate pursuant to s223 of the RMA for the respective stage below, the following requirements shall be shown on the survey plan.

Advice Note:

Some stages do not have any specific requirements.

STAGE 1

- (1)(a) Lot 2000 shall vest in the Hamilton City Council as road.
- (1)(b) Lots 1500 and 1501 shall vest in in the Hamilton City Council as Local Purpose (Amenity) Reserve.
- (1)(c) Lot 1502 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.
- (1)(d) Lot 1506 shall vest in in the Hamilton City Council as Recreation Reserve.
- (1)(e) Lot 1250 (legal access) be held as to eight undivided one eighth shares by the owners of Lots 31 to 38 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (1)(f) The right of way and services easement 'A' be shown on the survey plan and be duly granted and reserved.
- (1)(g) An encumbrance in favour of Hamilton City Council shall be registered on the title for Lot 25 that records that Lot 25 will not be further subdivided or used for residential purposes. The encumbrance shall be prepared by the Council's lawyers at cost of the consent holder.
- (1)(h) The existing drainage right easement on RT SA528/20 be cancelled pursuant to s243(e) of the RMA as authorised under this consent.

~~(1)(i) All future buildings on Lot 149 shall not exceed a height of RL 47.13 metres for the purpose of maintaining the public view and river outlook to the south from the adjacent recreation reserve.~~

~~(1)(i)(a) Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of proposed Lot 149 advising that the all buildings on the lot shall not exceed a height of RL 47.13 metres for the purpose of maintaining the public view and river outlook to the south from the adjacent recreation reserve.~~

~~Note: At the time of granting of this consent this height limit is approximately 9 metres above finished ground level enabling a two-storey dwelling with a pitched roof.~~

Section 224(c) Compliance Conditions:

~~(1)(j) A passing bay shall be provided on Lot 1250 private way. The passing bay shall be designed and constructed to accommodate 90 percentile vehicles and shall be formed with a surface similar to the vehicle access way. Details of the proposed passing bay shall be submitted at engineering design stage for review and acceptance.~~

STAGE 2 ~~Survey Plan Approval (s223) Conditions:~~

- (2)(a) Lot 2001 shall vest in Hamilton City Council as road.

STAGE 3 ~~Survey Plan Approval (s223) Conditions:~~

- (3)(a) Lot 2002 shall vest in Hamilton City Council as road.

Commented [WL23]: Lot 149 is in Stage 6. These conditions have been shifted to Stage 6 below.

Commented [WL24]: The formation width for the ROW is required to be 5.5m which provides for two way movements. There will be good visibility over the length of the ROW so a passing bay is unnecessary.

- (3)(b) Lots 1504 and 1505 shall be vested in Hamilton City Council as Local Purpose Reserve (Pedestrian Accessway).
- (3)(c) Lot 1258 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 73 and 74 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (3)(d) Lot 1259 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 69 and 70 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (3)(e) Lot 1260 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 65 and 66 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (3)(f) Lot 1261 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 59 and 60 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (3)(g) Lot 1262 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 55 and 56 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (3)(h) Lot 1263 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 51 and 52 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (3)(i) Lot 1264 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 47 and 48 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (3)(j) Lot 1265 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 43 and 44 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (3)(k) The right of way and services easements 'I', 'J', 'K', 'L', 'M', 'N', 'O' & 'P' be shown on the survey plan and be duly granted and reserved.

STAGE 5

[Survey Plan Approval \(s223\) Conditions:](#)

- (5)(a) Lot 2003 shall vest in Hamilton City Council as road.
- (5)(b) Lot 1503 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.

~~5(e) The height of any future buildings on Lot 149 shall not exceed a maximum height of 9 metres (RL 47.13) to maintain river views from the adjoining recreation reserve.~~

~~5(d) A consent notice condition~~ **STAGE 6**

Commented [WL25]: Lot 149 is in Stage 6. These conditions have been shifted to Stage 6 below.

Survey Plan Approval (s223) Conditions:

- (6)(a) Lot 2003 shall vest in Hamilton City Council as road.
- (6)(b) Lot 1251 hereon (legal access) be held as to four undivided one quarter shares by the owners of Lots 149 to 152 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (6)(c) Lot 1252 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 174 and 175 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (6)(d) Lot 1253 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 170 and 171 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.
- (6)(e) The right of way and services easements 'B', 'C' & 'D' be shown on the survey plan and be duly granted and reserved.

(6)(f) All future buildings on Lot 149 shall not exceed a height of RL 47.13 metres for the purpose of maintaining the public view and river outlook to the south from the adjacent recreation reserve.

(6)(g) Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of proposed Lot 149 advising that all buildings on the lot shall not exceed a height of RL 47.13 metres for the purpose of maintaining the public view and river outlook to the south from the adjacent recreation reserve.

Note: At the time of granting of this consent this height limit is approximately 9 metres above finished ground level enabling a two-storey dwelling with a pitched roof.

STAGE 7

Survey Plan Approval (s223) Conditions:

- (7)(a) Lot 2005 shall vest in Hamilton City Council as road.
- (7)(b) Lots 1507 and 1509 shall vest in in the Hamilton City Council as Recreation Reserve.
- (7)(c) Lot 1518 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.

STAGE 8

Survey Plan Approval (s223) Conditions:

- (8)(a) Lot 2006 shall vest in Hamilton City Council as road.

STAGE 9

Survey Plan Approval (s223) Conditions:

- ~~(9)(a) The Survey Plan for Stage 9 shall show:~~

(9)(ab) Lot 2007 shall vest in Hamilton City Council as road. (9)(be)

Lot 1103 shall vest in Hamilton City Council as Utility Lot.

STAGE 10

[Survey Plan Approval \(s223\) Conditions:](#)

(10)(a) Lot 2008 shall vest in Hamilton City Council as road.

(10)(b) Lot 1510 shall vest in the Hamilton City Council as Recreation Reserve.

(10)(c) Lot 1512 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.

(10)(d) Lot 1513 shall vest in the Hamilton City Council as Historic Reserve.

(10)(e) Lot 1101 shall vest in Hamilton City Council as Utility Lot.

STAGE 11

[Survey Plan Approval \(s223\) Conditions:](#)

(11)(a) Lot 2009 shall vest in Hamilton City Council as road.

(11)(b) Lot 1511 shall vest in the Hamilton City Council as Recreation Reserve.

(11)(c) Lot 1254 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 390 to 391 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

(11)(d) The right of way and services easement 'E' be shown on the survey plan and be duly granted and reserved.

STAGE 12

[Survey Plan Approval \(s223\) Conditions:](#)

(12)(a) Lot 2010 shall vest in Hamilton City Council as road.

STAGE 13

[Survey Plan Approval \(s223\) Conditions:](#)

(13)(a) Lot 2011 shall vest in Hamilton City Council as road.

STAGE 14

[Survey Plan Approval \(s223\) Conditions:](#)

(14)(a) Lot 2012 shall vest in Hamilton City Council as road.

(14)(b) Lot 1514 shall vest in Hamilton City Council as Local Purpose (Esplanade) Reserve.

(14)(c) Lot 1515 shall vest in the Hamilton City Council as Recreation Reserve.

STAGE 15

[Survey Plan Approval \(s223\) Conditions:](#)

(15)(a) Lot 2013 shall vest in Hamilton City Council as road.

STAGE 16

[Survey Plan Approval \(s223\) Conditions:](#)

(16)(a) Lot 2014 shall vest in Hamilton City Council as road.

STAGE 17

[Survey Plan Approval \(s223\) Conditions:](#)

(17)(a) Lots 2015 and 2016 shall vest in Hamilton City Council as road.

STAGE 19

[Survey Plan Approval \(s223\) Conditions:](#)

(19)(a) Lot 2017 shall vest in the Hamilton City Council as road.

(19)(b) Lots 1507 and 1517 shall vest in in the Hamilton City Council as Recreation Reserve.

(19)(c) Lot 1102 shall vest in Hamilton City Council as Utility Lot.

STAGE 20

[Survey Plan Approval \(s223\) Conditions:](#)

(20)(a) Lot 2018 shall vest in the Hamilton City Council as road.

STAGE 21

[Survey Plan Approval \(s223\) Conditions:](#)

(21)(a) Lots 2019, 2027, 2028 and 2029 shall vest in the Hamilton City Council as road. (21)(b)

Lot 1516 shall vest in in the Hamilton City Council as Recreation Reserve.

STAGE 22

[Survey Plan Approval \(s223\) Conditions:](#)

(22)(a) Lot 2020 shall vest in the Hamilton City Council as road.

STAGE 23

[Survey Plan Approval \(s223\) Conditions:](#)

(23)(a) Lots 2021 and 2039 shall vest in the Hamilton City Council as road.

STAGE 24

[Survey Plan Approval \(s223\) Conditions:](#)

(24)(a) Lots 2022 and 2023 shall vest in the Hamilton City Council as road.

STAGE 25

[Survey Plan Approval \(s223\) Conditions:](#)

(25)(a) Lot 2024 shall vest in the Hamilton City Council as road.

(25)(b) Lot 1255 hereon (legal access) be held as to three undivided one third shares by the owners of Lots 806 to 808 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

(25)(c) Lot 1256 hereon (legal access) be held as to three undivided one third shares by the owners of Lots 818 to 820 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

(25)(d) Lot 1257 hereon (legal access) be held as to nine undivided one ninth shares by the owners of Lots 821 to 824 and 831 to 835 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.

(25)(e) The right of way and services easements 'F', 'G' & 'H' be shown on the survey plan and be duly granted and reserved.

STAGE 26

[Survey Plan Approval \(s223\) Conditions:](#)

(26)(a) Lot 2025 shall vest in the Hamilton City Council as road.

PART C: REVOCATION OF COVENANT

That pursuant to sections 240(5) and 241(3) of the Resource Management Act 1991, Hamilton City Council hereby cancels Covenant Instrument B416556 as it relates to Lot 1 DPS 78023 (SA60A/826) and Allotment 87 and Part Allotments 93-94 of the Parish of Te Rapa (SA528/20).

Note: A request at the time of s223 certification for the first stage of the subdivision is required to be made at the Consent Holders expense to Council's Solicitors, Tompkins Wake to have Covenant Instrument B416556 removed from Record of Titles SA60A/826 and SA528/20 in accordance with the requirements of section 240(5) of the Resource Management Act 1991.

PART D: REVOCATION OF AMALGAMATION OF ALLOTMENTS

Record of Title SA66A/99

That pursuant to Section 241(3), Resource Management Act 1991, Council cancels the amalgamation conditions holding Lots 1-2 DPS 81210 as held within Record of Title SA66A/99.

Record of Title SA66A/100

That pursuant to Section 241(3), Resource Management Act 1991, Council cancels the amalgamation conditions holding Lots 3-4 DPS 81210 as held within Record of Title SA66A/100.

PART E: REVOCATION OF EASEMENTS

Pursuant to section 243(e) Resource Management Act 1991, Hamilton City Council, the local authority hereby consents to the surrender of the drainage rights easement created by conveyance 236231 (R235/[566556](#)) insofar as it affects the land contained in Part Allotment 93 – 94 Parish of Te Rapa (Record of Title SA 528/20).

ADVISORY NOTES

- *Compliance with the conditions of this resource consent does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.*
- [In particular the potential need for archaeological authority pursuant to the Heritage New Zealand Pouhere Taonga Act for works within the proposed Historic Reserve](#)

Planning Guidance - general

- *Any reports or plans to be submitted, in fulfilment of conditions of this consent, must be addressed to the Manager, Planning Guidance Unit.*
- *Street numbering will be determined at time of 223 Certification approval and will be in accordance with the Australian/New Zealand Standard AS/NZS 4819:2011 Rural and urban addressing and **must be adhered to**.*
- *If this property is on-sold to a new owner(s) please ensure that a copy of this resource consent is forwarded to the new owner(s).*

Building

- *All building works should be in compliance with the Building Act 2004.*

Strategic Development Unit

- *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 (SDU)) unless specific approval is given as outlined in the Waikato Regional Infrastructure Technical Specifications.*
- *Undertaking of any works resulting in storm water discharge, earthworks and site development will need to comply with the relevant requirements of the Waikato Regional Council and any associated resource consents.*
- *That Consent Holder is required to obtain and arrange for any easements required to accommodate and maintain the proposed Stormwater and Waste Water solutions.*
- *That the Consent Holder shall obtain all Building Consents required constructing all proposed retaining walls and structures.*
- *A full set of asbuilt plans and a register of all assets to be transferred to Council (reserves, roads, water, wastewater and stormwater infrastructure) shall be submitted to Strategic Development Unit at the completion of works (ref Hamilton City Council form GST Requirement/Asset Register and Tax Invoice and Data Spreadsheets).*
- *Connecting to the network shall occur prior to the issuance of certification under Section 224c of the RMA.*