

HAMILTON CITY COUNCIL
HEARING OF RESOURCE CONSENT APPLICATIONS BY WESTON LEA LIMITED
DIRECTIONS OF COMMISSIONER HEARING PANEL: No. 9

Publicly Notified Applications

Applications by Weston Lea Limited to develop approximately 105 hectares of land adjoining the western bank of the Waikato River in Peacocke Hamilton at 337-461 Peacockes Road, Hamilton. The location is fully described by the application for resource consent. The subdivision and development will provide for 862 dwellings on individual certificates of title. In addition, there will be two large lots proposed adjacent to Peacockes Road to be development in the future for a mixed use residential/commercial centre (development of these lots is not part of current applications). Earthworks, new roading, cycleways, walkways, additional planting within a retained esplanade, and three waters infrastructure are required to enable to the development and a number of open space areas are included in the applications.

The Panel confirmed in their direction dated 28 June 2019 that they would provide written questions for the Applicant's lighting expert Mr Kessner to respond to in writing. In addition, we wish to determine a date for provision of the further s42A report and a date for the reconvened hearing.

Accordingly, we make the following directions:

Written Questions and Responses

The Panel direct Mr Kessner to consider and respond to the following:

- a. Can he provide examples of lighting conditions that would protect bats or fauna?
- b. In respect of any examples provided, further explain:
 - i. Whether the proposed lighting conditions as originally conceived in those examples in fact offered adequate protection; or
 - ii. Did the lighting conditions originally proposed require adjustment to offer suitable protection or to address other concerns?
 - iii. If adjustments were made, what were the triggers for the changes?
- c. If the lighting conditions from the examples did not offer adequate protection explain:
 - i. why not; and
 - ii. were there examples that should have had measures and were not, causing fauna loss?
- d. In this case, does he consider that the mitigation proposed by the applicant would provide sufficient protection for a bat species at the threat level?
- e. If so, or if not, please explain why.
- f. In considering the above, what overall recommendations would he make about lighting conditions (either as to suitable conditions or other plan) to ensure the threshold of either no net loss or improved habitat for the bats is achieved?

Answers to those questions should be filed on or by 24 July 2019.

Given Mr Kessner will not be available for the reconvened hearing, the Panel, if they have any further questions of Mr Kessner following receipt of his written responses, will advise the parties and a teleconference will be arranged prior to 23 August 2019.

Section 42A Report

The Panel direct that the further s42A report be provided by close of business on Friday 16 August 2019 to all parties.

Reconvened Hearing

The hearing is to be reconvened at 9am, Thursday 5 September 2019, at a venue to be advised.

Dated this 10th day of July 2019

A handwritten signature in black ink, appearing to read 'Bill Wasley', written in a cursive style.

Bill Wasley

Commissioner Chair
on behalf of the Hearing Panel