

BEFORE AN INDEPENDENT COMMISSIONER

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a hearing by an Independent Commissioner for an application by Te Kauwhata Land Ltd for resource consent to subdivide 25 Wayside Road, Te Kauwhata, into 163 residential allotments as a non-complying activity under the Operative Waikato District Plan 2013.

BETWEEN **TE KAUWHATA LAND LIMITED**

The Applicant

AND **WAIKATO DISTRICT COUNCIL**

Territorial authority

STATEMENT OF EVIDENCE OF CHRISTOPHER JOHN DAWSON

Dated: 5 February 2018

INTRODUCTION

1. My name is Christopher John Dawson and I hold the position of Planning Project Manager at Bloxam Burnett and Olliver (BBO), a firm of consulting engineers, planners and surveyors based in Hamilton. I have held this position since 2011. Prior to that I worked as a Senior Planner at Waikato District Council and I have 22 years of experience in this field.
2. I hold the Qualifications of a Diploma in Parks and Recreation Management with Distinction from Lincoln University (1988), a Bachelor of Social Science with First Class Honours majoring in Geography and Resources and Environmental Planning (1996) and a Post-Graduate Diploma in Resources and Environmental Planning, both from Waikato University (1997).
3. I am a full member of the New Zealand Planning Institute and the Resource Management Law Association. I am also an accredited decision maker under the Ministry for the Environment's Making Good Decisions Programme and an Honorary Lecturer in the Environmental Planning Programme at the University of Waikato. I have also completed a Certificate in Public Participation through the International Association for Public Participation (IAP2).
4. I have read and agree to comply with the Code of Conduct for Expert Witnesses Practice Note (2014) although the hearing is not bound by Environment Court procedures. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another technical expert.
5. I have substantial experience in the preparation and processing of applications for resource consent in particular in the Waikato and Bay of Plenty Regions. My experience includes representing the interests of both private and public-sector Clients.
6. I am familiar with the statutory framework that is relevant to the current proposal, having jointly prepared the Assessment of Environmental Effects reporting on behalf of the Applicant, providing expert planning evidence at the Environment Court hearing for the Te Kauwhata Structure

Plan, and having a working knowledge of the Operative Waikato District Plan 2013 provisions.

7. In relation to this hearing I am presenting expert planning evidence on behalf of Te Kauwhata Land Ltd (TKL). TKL is seeking resource consent from the Waikato District Council (WDC) for the subdivision of the site into 163 residential lots within the Te Kauwhata West Living Zone including the vesting of associated road and local purpose reserve allotments; and land use consent to enable the construction of retaining walls exceeding the permitted heights, construction of show homes prior to the issue of titles and without water and wastewater connections, and associated signage and traffic movements from the show homes.
8. I was both involved with and oversaw the preparation of the Assessment of Environmental Effects report and coordinated the technical inputs from the sub-consultant team on landscape and urban design, transportation and civil design/ infrastructural issues.
9. The scope of my instructions in relation to the TKL subdivision can be broadly described as follows:
 - a) Correspond and consult with the Waikato District Council and other stakeholders;
 - b) Prepare the necessary Assessment of Environmental Effects reporting to lodge with WDC, including responding to Further Information Requests and reviewing Draft Conditions of Consent; and
 - c) Management of sub-consultants' inputs into the Assessment of Environmental Effects report, collation of information and reviews of the sub-consultants' reports.
10. I am familiar with the site and surrounding environment, having undertaken site visits in June of 2016 and more recently in October of 2017.
11. Unless I state otherwise, my evidence is within my sphere of experience and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

EXECUTIVE SUMMARY

12. The TKL proposal provides for the development of 163 residential lots on a topographically challenging residentially zoned site in the Te Kauwhata West Living Zone. The proposal involves substantial bulk earthworks at the development stage of the project to provide good gradients for the internal road network along with better gradients for each residential lot. Stormwater will be managed through two large engineered wetlands (one in the western catchment and one in the eastern catchment) in a manner that will appropriately mitigate stormwater effects and provide water quality treatment, detention of storm flows and attenuation to less than pre-development rates.
13. The proposed internal road network will provide good connectivity both within the development and to and from surrounding sites and the local road network. The larger block sizes and use of rear lots is an appropriate response to the site topography. The existing high point on the site will be engineered to provide a neighbourhood reserve that connects well to surrounding roads and provides views out to the surrounding landscape. A comprehensive landscape planting plan is proposed to ensure that planting in the road reserve, laneways, residential lots, neighbourhood reserve and the wetlands will be attractive and well maintained. A number of consent conditions are proposed to ensure that yard setbacks, fence heights and planting will maintain good urban amenity throughout the development.

SCOPE OF EVIDENCE

14. I am presenting expert planning evidence in support of the application for resource consent by TKL. My evidence covers:
 - a) Background to the TKL application, the Silverspur consented environment and the purpose of the TKL application;
 - b) A description of the Application in front of the Commissioner and the relevant rules and activity status' applicable to the applications;
 - c) A summary of the s92 Further Information Requests received by TKL;
 - d) An analysis of the submissions received via s95A notification;

- e) An Assessment of the Environmental Effects of the proposal above those of the existing environment;
 - f) A discussion on the effects of precedent;
 - g) An analysis of the TKL proposal against the relevant objectives and policies of the District Plan;
 - h) A statutory assessment of the proposal in relation to Part 2 of the RMA and matters under s104; and
 - i) A discussion on the draft conditions of consent including concluding statements.
15. In preparing this evidence I have read the opinions expressed through submissions received through the public notification process. I have also read the WDC Planners s42A report and recommendations that consent be declined. I do not agree with the conclusions of the WDC Planners s42A report. My reasons for that disagreement are established within the actual and potential environmental effects assessment of this evidence and the technical evidence of the supporting experts.
16. My evidence is read in conjunction of that expert evidence to be presented by the following persons:
- a) Mr Ian McAlley, Director of Te Kauwhata Land Limited and Director of McAlley Group Ltd.
 - b) Mr Dave Mansergh, Director and Landscape Architect of Mansergh Graham Landscape Architects.
 - c) Mr Michael Graham, Director and Landscape Architect of Mansergh Graham Landscape Architects.
 - d) Mr Alasdair Gray, Transportation Engineer of Gray Matter Ltd.

BACKGROUND TO THE APPLICATION

17. In March 2016, BBO was approached by Te Kauwhata Land Ltd to prepare and lodge an application for resource consent (subdivision) to the Waikato District Council for a 165-lot subdivision of the subject site. At this stage, the prior Silverspur consent (SUB0163/14) provided for a four-staged subdivision to create 130 residential lots, five lots to vest as road, two access lots, two lots for local purpose drainage reserves and one lot for a local purpose recreation reserve. The property had been sold to TKL as a consented, undeveloped site covered by a remnant vineyard and

required the progression of detailed engineering design to implement the consent.

18. While progressing detailed engineering design on that consent, TKL identified multiple technical difficulties with the proposed layout of the Silverspur subdivision, in particular the roading and allotment layout due to the topography of the site.
19. More details on these difficulties are provided within the supporting expert evidence of Mr McAlley, My Gray and Mr Mansergh. TKL subsequently sought a new subdivision consent; comprising 165 lots over seven stages, six local roads to vest, eighteen jointly owned access lots, two local purpose drainage reserves and one local purpose recreation reserve. The hilltop reserve was also to be cut down by four meters and a raised knoll constructed within the north-eastern extent of the reserve
20. Following lodgement of that application on 21 July 2016, WDC issued a letter returning the application as incomplete pursuant to s88 of the RMA. Within that letter, WDC highlighted requests for further information covering covenants, infrastructure, works within the local purpose reserve on the adjoining Jetco land, site coverage standards multi-modal transport and the evaluation of alternatives to the engineering design.
21. Following the return of the first application, BBO lodged a second revised application (SUB0009/17) on 23 December 2016. Variations to that application from the initial issue included the introduction of requirements for land use consent in relation to the infringements of the proposal with Rules 21B.8 (Impervious Surfaces) and 21B.12 (Building Coverage), and the use and construction of four show homes as commercial activities prior to receiving individual titles over their respective allotments. No other variations to the number of allotments, laneway lots and rear lots or neighbourhood blocks were proposed.
22. Concurrent to that process, TKL prepared and lodged an application under s127 of the RMA to vary the conditions of the prior Silverspur consent. The purpose of that application was to create one additional development stage (i.e. from four to five), to increase the size of one local purpose drainage reserve, define the time of remediation and bulk construction earthworks and to transfer the ownership of the northern

'spur' to the adjoining Jetco development. That consent application was granted by Council on 25 November 2016 and forms the existing environment referred to within the current TKL application. That consent is referenced as SUB0163/14.01, a copy of which is provided as **Appendix 2** to this evidence.

23. This application has been varied twice during the processing of the assessment of environmental effects, both times before the issue of the s95A notice.

24. The first variations to the application were introduced to WDC through the return of information after the receipt of the first s92 Request for Further Information letter, and consisted of the following changes to the application:
 - a) Reduction in the number of Lots from 165 to 164 to accommodate an enlarged stormwater pond on Lot 202; and
 - b) Removal of Laneway Lot A and replacement with Lot 200 comprising a 14m wide road to service six allotments and future development potential on adjoining Lot 1 DP 385781;

25. The second variations to the scope of the application were provided to Council post lodgement of the second response to the s92 Request for Further Information. The variations to the scope of the application were in reference to a reduced lot number, alterations to the design of the stormwater pond and for the introduction of a re-designed reserve lot; specifically:
 - c) Stormwater Pond (Lot 202): This pond has been increased in size to discharge the 1:100-year ARI event at 80% of pre-development flows to the downstream catchment and uses battered earth banks rather than the use of retaining and gabion basket structures to reduce requirements for maintenance post vesting of the pond;
 - d) 163 Lot subdivision: To accommodate the larger area required for Lot 202 subject to the revised pond design, allotment 155 has been removed from the adjoining Country Living boundary. A summary table of the resultant block variations in relation to Silverspur was included within the response; and

- e) Recreation Reserve (Lot 214): In response to Council's comments the Applicant has prepared a concept reserve design based on the Silverspur design contours (i.e. retaining the current knoll height) and has formally submitted the Plan as Reserve Concept Plan 5A. The Applicant considers that this is not the preferred urban design outcome of the subdivision.
 - f) The Applicant now requests that consent is granted for a reserve concept, the detail of which can be agreed with Council prior to works commencing. That proposal comes in light of the further feedback from Harrison Grierson that the Applicant only received with the s 42A report, as discussed below.
26. Requests for further information have been issued on two occasions, the first on 12 April 2017 and the second on 15 September 2017. An outline of both requests and the responses provided by the Applicant are described later within this evidence.
27. The Applicant has sought and obtained the necessary resource consents from the Waikato Regional Council to remediate and conduct bulk earthworks to the Silverspur design levels within the western section of the site. Those works have been completed in part and 'give effect' to the Silverspur consent. The undertaking of further earthworks at this stage is impractical until the Applicant can obtain the necessary consents from WDC for earthworks levels to implement the TKL layout.
28. The Applicant has also already obtained resource consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and has completed those initial remediation works.
29. The Applicant requested a copy of the Harrison Grierson feedback following the s 92 response where an alternative reserve design was proposed. That alternative was due to criticism of the changes to height and landform that were set out in the first Harrison Grierson peer review dated 4 April 2017. Despite email requests from Counsel and a LGOIMA request to Council¹ neither the Harrison Grierson comments set out in Ms Jack's evidence dated 13 September 2017 nor the commentary on the s

¹ Dated 18 October 2017.

92 response (dated 8 November 2017) which is appended to the original report, was provided to the Applicant until the s 42A report was circulated on 22 November 2017. That delay meant that the Applicant was unable to consider alternatives or design changes that could meet the Harrison Grierson concerns.

30. Given this delay, the applicant now seeks consent for a generalised reserve design which would enable further work to be undertaken with respect to reserve layout, accessibility, topography and planting. The wording for a reserve parameters condition is included as draft condition 64 in **Appendix 2**. Given that the reserve is to be vested in Council, such an approach would enable the concept to be discussed and agreed with Council reserves staff as part of the design process.

THE APPLICATION SITE AND APPLICATION

31. The site is an irregular shaped parcel of land, bounded by Wayside Road to the south-west, the adjoining Jetco development to the north-east, Country Living zoned land to the north-west and Te Kauwhata West Living zoned land to the south-east. Connections to Travers Road are provided via internal roads in the adjoining Jetco development. Within the outer-lying vicinity lies Te Kauwhata Road and the Waikato Expressway Rangiriri Section.
32. The site has a legal address of 24 Wayside Road and comprises a total land holding of 16.52ha. Topographically the site is divided into two portions, the western and eastern amphitheatres, by a prominent ridgeline running north to south, the natural high point of the ridgeline being within the location of the recreation reserve. Two springs are located within the low-lying basins of the amphitheatres, one located each side of the ridgeline within those locations identified as local purpose drainage reserves to vest.
33. The site has a legal description of Lot 306 DP 495940, held within Certificate of Title 729040.
34. The site is zoned Te Kauwhata West Living under the District Plan and is subject to a Remediation Policy Area overlay. The purpose of the Remediation Policy Area is to avoid adverse effects of development on

the nearby Whangamarino Wetland RAMSAR site. In particular, soil disturbance, sediment runoff, vegetation clearance or the discharge of contaminants directly related to subdivision, use or development must be managed to avoid adverse effects on water quality in recognition of historic land uses within the Structure Plan area.

35. The Hilltop reserve location is zoned as Recreation Reserve (Waikato) but has no additional policy notations that would denote some landscape significance such as Landscape Policy Area or Ridgeline Policy Area. Given the conclusion reached by the reporting planner in the s42A report, I consider it important to set out my opinion in relation to the policy platform provided by the Operative District Plan with respect to the Te Kauwhata West Living Zone and the hilltop recreation reserve in particular.
36. As stated in paragraph 6 above, I worked for the Waikato District Council as a consultant in respect of the development of the Te Kauwhata Structure Plan which included working with the team of staff and consultants to undertake site investigations and prepare the Structure Plan provisions. This included appearing as an expert witness on behalf of the Council in the Environment Court in March 2012 in front of Judge Smith to defend an appeal on the zoning of the Wayside Road to Travers Road area of the Te Kauwhata Structure Plan.
37. Mr Mansergh of Mansergh Graham Landscape Architects was engaged by Council to provide expert landscape and urban design evidence for the Environment Court hearing. Mr Mansergh's evidence for the Te Kauwhata Structure Plan Environment Court hearing comprised an urban design and landscape assessment of the land between Wayside Road and Travers Road that was proposed to be rezoned.
38. Mr Mansergh states in his evidence for TKL that:

The landform was assessed by myself, as part of my broader assessment of effects, and was not found to be an outstanding natural feature or landscape within the context of the RMA. I also note that it was not identified as such in the technical landscape reports that informed the s32 analysis for the operative Waikato District Plan (pre-variation).²

² Dave Mansergh evidence, paragraph 12

39. The reporting planner has quoted a number of extracts from Mr Mansergh's evidence to the Environment Court, however in my view a more relevant opinion is that expressed through the Environment Court decision³. The reporting planner appears to consider that the Te Kauwhata West Living Zone has a role to play as a transitional zone, one that is: "*consistent with the character of an environment transitioning between rural and urban.*"⁴ I disagree.

40. The Environment Court found in its decision on the Te Kauwhata Structure Plan:

...that Country Living zones have a legitimate role on a permanent basis to provide a buffer between rural areas and residential areas.⁵

41. The Court went on to state:

42. [73] There was some discussion by witnesses for the appellants as to whether or not there should be some form of large lot along the common boundary with the residential zone. We acknowledge that the area on D will be visible to people such as Mr Peach living in the dip off Wayside Road. For the most part, after planting and growth of trees, there will be partial views of houses, it will be clear that there will be a greater concentration of houses in the Te Kauwhata West Living Zone, that within the Country Living Zone, but this will be most obvious to those with boundaries adjacent.

[74] Overall there is a buffer area on M relating to the low-lying wetlands, which provides an adequate buffer between sites. In respect of the boundary on D, which abuts the Country Living Zone, there was some discussion about whether the Court should provide larger sections, say 1,200 m² – 1,800 m² or 40 m common boundaries for each lot, or some other mechanism for control. We recognise that the hillside will be visible, and even larger sites immediately adjacent to the boundary will not prevent views of other buildings further into the subdivision.

[75] A reduced density on the new zone boundary could reduce the impacts on privacy and lessen the impact on spaciousness that is an important element of living in some countryside living areas. We

³ Te Kauwhata Action Group Incorporated and Waikato District Council - NZEnvC83

⁴ TKL s42A report, pg 26

⁵ NZEnvC83; para 56.

consider sections 30 m wide with a 6 m setback from the zone boundary could achieve this. We do not think such a section on the zone boundary provision is necessary where a road separates the two zonings, but only where properties from each zone abut each other.

[76] We recognise that houses in close proximity to the site boundary between Country Living and Te Kauwhata West Living Zones create clear contrast in housing density.

43. In my view, it is the Country Living Zone itself that provides the transition between rural and urban land uses. The requirement for larger lots along the northern boundary of the TKL site which borders onto the Country Living Zone to the north as required by Rule 21B.19 (a) (iii) then provides the only buffer required within the TKL site. The Te Kauwhata West Living Zone does not act as a transition zone between rural and urban zones. That is the function of the Country Living Zone.

Activity Status – Silverspur

44. The Silverspur application was processed as a Non-Complying activity under the Operative District Plan. The Non-Complying status of the application was solely due to a breach of Rule 21B.28 Staging whereby the rule required compliance with Figure 1 – Te Kauwhata West Living Zone Stage One Staging Plan of the District Plan. Ms Salmon was the reporting planner and she concluded that the staging provisions were in place to reduce the occurrence of ad hoc development and to ensure that appropriate infrastructure is in place to cope with the anticipated level of development. She also concluded that the intent of the staging rule could be achieved through mitigation and that any adverse effect was considered to be no more than minor⁶.

Activity status - TKL

45. The activity status of the TKL proposal is also non-complying by virtue of a breach of three District Plan rules as follows:
- a) *Rule 21B.28 Staging rule* – the TKL proposal breaches this rule in exactly the same manner as the Silverspur application. The TKL reporting planner has concluded that any adverse effects associated

⁶ Silverspur s42A report, pg 18

with the breach of this rule will be temporary and no more than minor⁷.
I concur with this conclusion.

- b) *Rule 21.10 Showhomes* – the TKL proposal breaches this rule in that it is proposed to construct four residential homes that will be used as showhomes to market the development. These showhomes will be constructed on locations on the site that have direct access to existing formed roads but will initially operate without access to utility services such as water and wastewater (until such services are extended to reach the site). The TKL reporting planner has concluded that any adverse effects arising from the breach of this rule will be no more than minor⁸. I concur with this conclusion.
- c) *Rule 21B.12 – Building Coverage* – the TKL proposal will breach this rule which states that the construction of a building is a permitted activity if (a) the total building coverage on lots with a net site area of 650 m² and less than 700 m² does not exceed 25%, or the total building coverage on lots with a net site area of 700 m² or greater does not exceed 35%.

The TKL proposal seeks dispensation from this rule and proposes a blanket maximum of 30% site coverage (when measured against net site area) and with a self-imposed maximum building coverage of 280 m² (irrespective of lot size). These requirements are proposed to be enforced by consent notice and a draft consent notice condition has been included in the draft conditions of consent⁹. This results in an overall reduction in the total built area of the TKL subdivision (when compared to the Silverspur consent) and is assessed further by Mr Graham in his evidence¹⁰.

The TKL reporting planner has concluded that the effects associated with a 30% building coverage limit across all lots are considered to be within the permitted threshold and have therefore been disregarded¹¹.

⁷ TKL s42A report, pg 51

⁸ TKL s42A report, pg 39

⁹ Refer to condition 53 in Appendix 2

¹⁰ Michael Graham evidence; para 87 - 90

¹¹ TKL s42A report, pg 15

46. In conclusion, the TKL proposal is a Non-Complying activity by virtue of breaches of three rules in the Operative District Plan whereas the Silverspur application was Non-Complying by virtue of a breach of a single rule, however the outcome is the same and the TKL proposal remains as a Non-Complying activity. Importantly, the TKL s42A report concludes that the breaches of the three rules that cause the Non Complying status are either considered to be minor or within the permitted threshold.
47. Prior to the preparation of this evidence, a review of the s95A summary of the application as issued by WDC and the non-compliances identified by TKL has been undertaken. That review has been provided to WDC prior to the issue of the s42A report to ensure consistency between both parties as to the activity status' of any non-compliances prior to the hearing. A copy of the reviewed assessment is provided for reference within **Appendix 3** of this evidence. I rely on this table throughout this report to identify and comment on the effects of the TKL subdivision.
48. That review has highlighted differences in the conclusions of the rule assessment, in particular regarding the following rules:
- g) 21.16 (Access, Vehicle Entrances, Parking, Loading and Manoeuvring Spaces);
 - h) 21.38 (Signs -Advertising Signs);
 - i) 21.41 (Number of Dwellings);
 - j) 21.43 (Minimum Site Area – Dwelling);
 - k) 21.46A (Non-Residential Building);
 - l) 21.66 (Road Access), previously assessed as compliant by TKL;
 - m) 21.73 (Traffic Generation);
 - n) 21B.9 (Fences);
 - o) 21B.11 (Connection to Onsite Services), previously assessed as compliant by TKL;
 - p) 21B.22 (Building Platform), previously assessed as compliant by TKL;
 - q) 28.22 (Earthworks);
 - r) A14 (Access and Vehicle Entrances);
 - s) A22 (Provision for Connection to Land Beyond the Site), previously assessed as compliant by TKL;
 - t) A23 (Roads); and

u) A24 (Indicative Roads), previously assessed as compliant by TKL.

49. Although there were discrepancies, the overall activity status of the applications does not change. Subdivision consent is required as a non-complying activity. Land use consent is required as a non-complying activity.

FURTHER INFORMATION REQUESTS

50. WDC has issued two Requests for Further Information pursuant to s92 of the Act. The first Request for Further Information was issued by WDC on 12 April 2017 and covered fifteen (15) points of clarification, broadly relating to engineering design of the internal roads, wastewater and stormwater management, land use consent requirements for the establishment of show-homes, consent under the Waikato Regional Plan, the peer review of the Landscape and Visual Assessment prepared by Mr Graham and building platform matters
51. A response to the first Request for Information was provided to WDC on 19th July 2017. The response consisted of two letters, the first addressing the specific matters of clarification included within the WDC letter while the second stressed subsequent amendments to the consent conditions and Assessment of Environmental Effects, applied the direction of the Future Proof Growth Strategy and addressed commentary made in the Peer Review Report of Mr Graham's Landscape and Visual Assessment in relation to the decisions of the Environment Court on the Te Kauwhata Structure Plan.
52. The significant focus of the first response to the s92 Request has been on the assertions and conclusions of the Urban and Landscape Peer Review Report prepared by Harrison Grierson Ltd. It has been repeatedly confirmed within that response that the assertions and conclusions have been based on misinterpretations of the Environment Court rulings, the Structure Plan and subsequent planning provisions of the District Plan. That opinion is still held by the Applicant and is reaffirmed within the evidence of Mr Graham.
53. A second Request for Further Information was issued electronically by the WDC Processing Planner to Dr Forret on 15th September 2017. The

stated purpose of the second Request for Further Information was to clarify commentary made in the supplementary reports to the first Request for Further Information, request an updated rule assessment in relation to the layout change (the loss of Lot 165), request a detailed analysis of non-complying allotments, request an analysis of the ability for linkages to adjoining development and to direct the Applicant to disregard the existing environment established by the Silverspur consent.

54. A response to the second Request for Further Information was provided to WDC on 27th September 2017. Aspects of the response letter did not seek to provide additional information to WDC prior to the notification of the application. Specifically, the information which was not provided was in reference to the overall volumes and depths of cut in response to the preferred design of the hilltop reserve by WDC and separation of those volumes with earthworks required by the land use consent for the site.
55. The reasoning behind the refusal in part to provide information to WDC prior to the issue of the s42A report was due to timing matters and reliance on third party proposals. It also related to a lack of feedback from WDC as to the future design of the hilltop reserve which was not made prior to this hearing process being initiated. Therefore, while the Applicant has reverted to a Hilltop Reserve design retaining the overall height of the Silverspur reserve, the preferred urban-design led reserve is considered to result in a more desirable outcome both for the Applicant and community. Essentially the Applicant had to choose an approach that best addressed the criticism raised in the Harrison Grierson report regarding the changes to the Hilltop Reserve's landform. Without any feedback regarding the alternative design option the Applicant elected to progress the design that retained the original height as that seemed to be the most significant issue in the landscape peer review.
56. The position of the applicant is now that it seeks consent for both options for the hilltop reserve on the basis that this provides the maximum flexibility to achieve an outcome for the reserve that meets the local recreation and amenity needs of the community while providing an attractive local purpose reserve when vested in the Council. In my view, a condition of consent can be approved that provides for specific

engineering design to be approved prior to construction being commenced provided certain parameters are met. I have included proposed condition 64 in **Appendix 2** of this evidence, having discussed the wording with Mr Graham.

57. A close analysis of the objectives and policies of the District Plan in relation to the Hilltop Recreation reserve options is included later within this evidence.

ANALYSIS OF SUBMISSIONS RECEIVED

58. Pursuant to Section 95A, on the 30th September 2017 WDC publicly notified the application to all except those immediately adjacent landowners who had provided their written approval. The submission period closed on the 30th October 2017. Twelve submissions, three in support and nine in opposition, were received by WDC. One submission, that of the Nga Muka Development Trust, was a late submission received on the 31st October. I see no reasons outlined within the submission not to accept the submission. In my view, neither the Applicant nor any other party will be adversely affected by accepting the late submission. A list of the submitters and address relative to the site is set out in the following table:

Submitter:	Property Address:	Support/Oppose
New Zealand Transport Agency	N/A	Oppose
Timothy John Hinton	129 Travers Road, Te Kauwhata	Oppose
Kevin & Wendy Peach	62B Wayside Road, Te Kauwhata	Oppose
Nigel James Patterson	62A Wayside Road, Te Kauwhata	Oppose
Jennifer Lindsay Kelly	N/A	Oppose
Brian Jones (Submission 1)	62D Wayside Road, Te Kauwhata	Support
Brian Jones (Submission 2)	62D Wayside Road, Te Kauwhata	Support

Katrina J Poloa-Weir	52 Wayside Road, Te Kauwhata	Oppose
Belinda Lisa Cox	78 Travers Road, Te Kauwhata	Oppose
Ian Hartley	17 Green Acres Drive, Te Kauwhata	Oppose
Ian & Juliet Sunde	126 Travers Road, Te Kauwhata	Oppose
Nga Muka Development Trust	N/A	Support

59. The issues raised by these submitters have been summarised as consisting of the following matters:

- a) Reverse sensitivity effects of noise sensitive activities within the effects area of the Waikato Expressway – Rangiriri Section (nationally significant);
- b) Average section sizes are sought to be 875m² in accordance with the provisions of the Te Kauwhata West Living Zone;
- c) Rear sections are sought to be limited to 10% of neighbourhood blocks in accordance with the provisions of the Te Kauwhata West Living Zone;
- d) Minimum boundary width of 30m is sought for lots adjacent to the Country Living Zone in accordance with the provisions of the Te Kauwhata West Living Zone;
- e) Staging of the subdivision is sought to be in accordance with the staging developed by the Environment Court as adopted into the Te Kauwhata Structure Plan;
- f) Dispensing and/ or disregard to the Silverspur subdivision consent as the existing environment;
- g) The development has a lack of green space or recreational space;
- h) The development is generally inconsistent with the character of Te Kauwhata Village and the Te Kauwhata West Living Zone;
- i) Planting of the Country Living boundary is not suitable mitigation for the effects of reduced size allotments;

- j) Boundary fencing adjoining Lot 2 DPS 74076 (K J Poloa-Weir) to be suitable for rural purpose;
- k) Lots 148 and 149 are sought to meet the minimum 900m2 allotment size provision of the Te Kauwhata West Living Zone to provide a 'gateway' to the Country Living Zone;
- l) Reductions in the size of sections adversely effects the natural contour/ topography of the land;
- m) Increased areas of impervious surfaces increase runoff flows and affects the ability of the receiving environment to cope with natural drainage processes; and
- n) Transition between the Country Living and Te Kauwhata West Living Zones creates aesthetics and reduces the effects of contrasts.

60. Those submissions are addressed accordingly throughout this evidence. For the purposes of clarification, submission points not summarised above must also be addressed.

61. Mr Jones, Submitter 6 and 7, has raised external effects of flooding on the property owned by the submitter as a result of earthworks activities being undertaken onsite under the Silverspur consent. This is not a matter for the Commissioner to address within this hearing, nor under consent conditions. The site is subject to monitoring by Waikato Regional Council's Compliance Officer and is a matter for the Regional Council to enforce the conditions of their consents. Nevertheless, the Applicant has noted that the flooding subjected to Mr Jones is not caused by the Silverspur earthworks, but by the stormwater management methods implemented by the New Zealand Transport Agency during construction of the Waikato Expressway, Rangiriri Section. I will not comment on this further and Mr McAlley has addressed questions on this subject in his evidence.

62. It is noted that Mr Jones has submitted in support of the application within both submissions and has indicated approval to the consents be granted.

63. Nga Muka Development Trust, Submission 12, has submitted in support of the TKL application. The submission raises comments on consultation

which have been addressed within the expert evidence of Mr McAlley and will not be readdressed here. The submission also raises matters to be managed between the Submitter and the Applicant external to this hearing process, specifically involvement in street naming and local project initiatives. The Applicant will continue to consult with this party after the close of this consents process.

64. Where conditions of consent have been volunteered by the Applicant, any issued raised by the submitters addressed through consent conditions are referenced within that section of this evidence and are not discussed here.
65. All other submission points raised are addressed within the assessment of the existing environment earlier in this evidence and within the assessment of environmental effects.

ASSESSMENT OF ENVIRONMENTAL EFFECTS – SECTION 104D(1)(a)

Existing Environment

66. The existing environment includes any permitted activities in the Operative District Plan along with any existing resource consents that are likely to be implemented.
67. TKL purchased the site along with the consent issued to Silverspur on 30 April 2015. This consent involved a four-stage subdivision consent to establish 130 residential lots on the site. Subsequent to the issue of the consent in April 2015, TKL obtained a further consent pursuant to section 127 of the RMA vary a number of aspects of the proposal¹². In my view this amended consent issued by Council on 25 November 2016 constitutes the existing environment against which the TKL proposal must be assessed apart from several retaining walls that were not shown on the original Silverspur retaining wall plan as noted in paragraph 75 of my evidence.
68. The reporting planner states in the s42A report that she does not consider the Silverspur consent to be part of the existing environment because of a number of retaining walls that were not specifically included in the

¹² See Appendix 1

retaining wall plan included as part of the application and that would require additional resource consents to implement. I disagree.

69. While the retaining wall plan only referred to several retaining walls at the rear of residential sections and fronting the stormwater management reserves in Stages 1, 2 and 4 of the Silverspur development, also included in the application was a cut and fill plan relating to the overall development. That plan is attached to the evidence of Mr McAlley¹³ and clearly demonstrates that significant cuts and fills would be required across the site to develop the roading network and provide access to the residential lots. It is not open to Council to argue that those earthworks were not contemplated in the Silverspur application or subdivision consent.
70. It is common practice in subdivision applications that a concept design is prepared based on a reasonable level of information on the site including preliminary geotechnical information, site topography and preliminary design of roading and other infrastructure. This was the level of information provided as part of the Silverspur application.
71. As noted by Mr McAlley¹⁴ additional investment in site investigations took place after the granting of consent as the detailed design continued and this is where the challenges posed by the approved consent were encountered. While the resultant Silverspur development is able to be constructed, the result would be a development incorporating steep roading gradients, steep lots and a hilltop reserve that would not provide the appropriate accessibility or amenity desired in a community reserve. Mr McAlley states that: “creating sections with significant slope on them creates, in my opinion, potentially large portions of unusable land within a lot, particularly for private outdoor space. The result can be poor on-site amenity and also uncoordinated retaining and fencing¹⁵. It would also result in significant lot by lot earthworks needing to be undertaken by new owners to create useful building platforms and driveways.
72. I also note that the Silverspur consent envisaged that the earthworks proposed for the site would be divided into three distinct stages being:

¹³ Evidence of Mr McAlley; Attachment 2

¹⁴ Evidence of Mr McAlley; paragraphs 3.5 to 3.14

¹⁵ Evidence of Ian McAlley, paragraph 3.15

- a) *Remediation earthworks;*
- b) *Bulk earthworks*
- c) *Construction earthworks (including trenching of services and cutting of road alignments).*

73. These stages are recognised in conditions 7 (a), (b) and (c) of the amended consent issued in November 2016 whereby each type of earthworks warrants its own set of documents and sign off procedure by the Council.
74. It is also relevant that the Silverspur development is required to prepare a set of detailed engineering plans in accordance with the technical specifications set out in condition 9¹⁶ and that all plans would then be submitted to Council for approval prior to construction as per condition 11. This normal process of design would have demonstrated the extent of retaining required to stabilise the sides of each of the new roads to vest in Council and would have been designed and confirmed as part of that process. It would also have demonstrated the retaining walls that were required to ensure appropriate stability for each road and lot.
75. I note further that condition 11 only required specific engineering design for the right of way to Lot 131. Otherwise, only the road layout and vehicle crossings needed to service individual allotments were required to have engineering approval. There was no condition requiring the driveways to be formed or designed and this is appropriate given that the location and length of the driveway cannot be confirmed until the size, location and orientation of the final dwelling is known. This would only be confirmed after the title is issued and the lot sold to a property owner or housing developer.
76. Mr Graham has now produced an amended retaining wall plan as part of his evidence that reflects the subdivision layout that was approved under Silverspur and with the retaining walls that would be required based on the current understanding of the slopes and heights involved¹⁷. This plan shows the following:

¹⁶ Operative Waikato District Plan 2013, Hamilton Infrastructure Technical Specifications 2014 and Waikato District Council supplement 2014.

¹⁷ Michael Graham graphic evidence, plans C20 & C21

- a) The majority of the retaining walls required for the Silverspur development were shown on the original retaining wall plan. This includes the retaining walls adjacent to Silverspur Lots 116, 115¹⁸, 50, 54, 55, 56, 58, 59, 60, 61, 62, 63, 96, 97, 98, 99 & 100¹⁹.
 - b) While the retaining walls required around the northern, western, southern²⁰ and eastern²¹ boundaries of the proposed hilltop reserve were not shown on the original Silverspur plan they would have been required to retain the hilltop reserve slope and protect the new road that will vest in Council. The need for these retaining walls would have been clear as the detailed design process for the infrastructure progressed as required by conditions 8, 9, 11 and 12 of the Silverspur consent. In my view this means that all of these retaining walls can be considered to be part of the Silverspur consent and therefore part of the existing environment.
 - c) The retaining walls to the rear of Lots 88, 89, 90, 91, 92, 93 & 94 were not shown on the original Silverspur retaining wall plan. In my view this means that these retaining walls would have required additional consents and cannot be considered as part of the existing environment.
77. In my view it is important to recognise that the bulk earthworks plans and contours prepared for the Silverspur consent application would be refined as detailed design was progressed. This process includes detailed engineering design, further Geotech investigations and detailed design of the underground infrastructure such as water, wastewater and stormwater utilities. In the normal course of design this detailed design process as required by the Silverspur conditions 9, 10, 11 & 12 would uncover additional refinements to gradients, cuts and fills.
78. This is a standard approach to the development of a subdivision plan and would be in line with the “generally in accordance” approach whereby an application is approved on the basis of the information submitted with the consent application and is refined further as more information is obtained, investigations are completed, and reports are prepared.

¹⁸ Retaining walls surrounding the western stormwater pond

¹⁹ Retaining walls surrounding the eastern stormwater pond & adjacent to the right of way to lots 96 to 100.

²⁰ Adjacent to lots 108 & 107

²¹ Just north of Lot 101

79. In my view, the existing environment consented under the Silverspur consent included the development of 129 lots, the formation of the roading network with all of the required retaining walls needed as part of the road development and retaining walls for those lots shown on the Silverspur development plans. This means that the majority of the retaining walls now shown on the Mansergh Graham Silverspur retaining wall plan can be considered as part of the existing environment. As set out above in paragraph 76 above, the retaining walls associated with seven lots in the eastern part of the Silverspur site were not included on the Silverspur plans and these lots would require additional consents for the retaining walls at the rear of each lot. This aspect of the Silverspur development is not considered to be part of the existing environment.
80. In my view the gradients achieved at the completion of the bulk earthworks under the original Silverspur consent would have left the majority of the individual lots with significant slopes. This would have meant that many of the new owners of these lots would require additional consent to undertake earthworks within each lot and build retaining walls sufficient to provide a flat building platform.
81. The other aspects of the existing environment are that the western portion of the bulk earthworks for the TKL site were completed in part in the 2016/2017 construction season and that the adjacent landowner (Jetco) has completed its bulk earthworks and most of its final earthworks on the eastern side of the hilltop reserve area including the removal of the original trees that lined the hilltop along with the grass and agricultural fencing.
82. As both the TKL subdivision and land use consents are non-complying activities, the threshold test of s104D(1)(a) applies. A Consent Authority may grant consent for a non-complying activity pursuant to this test only if it is satisfied that the adverse effects of an activity on the environment will be minor.
83. Case law has previously found that in circumstances where a non-complying activity will have less adverse effect on the environment than a permitted activity, the grant of consent for the non-complying activity will

not be a significant threat to the integrity of the district plan.²² In my view that conclusion must also apply where the non-complying activity will not result in any greater adverse effect.

Assessment of Environmental Effects

84. I have provided as **Appendix 6** a table which sets out a summary of the effects associated with the TKL development. The effects assessment has been carried out on the basis that the Silverspur consent can be implemented and therefore forms part of the existing environment against which the effects of the TKL proposal should be measured.

Geotechnical

85. Adverse geotechnical effects are considered to be less than minor on the basis that Opus' geotechnical consultants have concluded that while the scheme design has changed from Silverspur to TKL, the geotechnical issues remain unchanged.

Earthworks

86. The total volume of earthworks associated with the TKL proposal is 379,000 m³ of total cut/fill volume which is greater than the Silverspur cut/fill earthworks volume of 291,875 m³. The Silverspur earthworks design involved cuts of up to 5 metres and fills up to a maximum of 6 metres with some retaining walls up to 8 metres high around the hilltop reserve. By comparison, the TKL proposal involved cuts up to 6 metres, fills up to 6.8 metres in depth and retaining walls up to 3 metres in height.
87. Table 1 below provides a summary of the earthworks volumes and effects when comparing the Silverspur consent and the TKL proposal.

²² [The Trustees of the Estate of Chisnall v Tasman DC](#) W093/95 (PT).

	Estimated Bulk Earthworks volume in m³	Estimated off site truck movements (assuming 6m³ per truck)	Indicative duration of bulk earthworks	Potential truck movements and duration of post title earthworks
Silverspur as consented	291,875 m ³ (including volume of material to be brought from off site.)	11,830 (23,660 movements)	175 days or 6 months (assuming 10,000 m ³ over a 6 day working week)	100 truck loads over 3 days per lot (assuming 600 m ³ of earthworks per lot)
TKL proposal	379,000 m ³ (including volume of excess cut material to potentially be moved off site)	5,000 (10,000 truck movements)	227 days or 7.5 months (assuming 10,000 m ³ over a 6 day working week)	25 truck loads over 1 day per lot (assuming 150 m ³ of earthworks per lot)

Table 1

88. A key difference is that the TKL earthworks modify the site topography consistent with the residential zoning of the site and achieve improved road gradients and provides better overall accessibility.²³ The integration of the TKL earthworks design with the regrading of the site to accommodate future house platforms will also substantially reduce the need for secondary earthworks at the time of building consent and also ensure that the bulk earthworks and secondary earthworks will be done at the same time while the erosion and sediment controls are in place. This will reduce the potential for off-site sediment transport during weather events and also the effects of multiple lot by lot earthworks projects involving transport of excess material off site. This is demonstrated above in Table 1 which shows a 75% reduction in post title earthworks under the TKL proposal when compared against the consented Silverspur proposal.
89. While the total volume of earthworks associated with the TKL proposal is higher than the Silverspur proposal, the number of truck movements required to transport cut to waste material off site and bring in imported fill material is substantially higher under the Silverspur consent than the TKL proposal. This is because a higher proportion of the TKL earthworks involve moving earth around within the site as opposed to transporting material on and off the site.

²³ Alasdair Gray evidence, paragraph 37 & 38

90. In addition, the consented Silverspur development would have required individual landowners to undertake further site by site earthworks in order to achieve useable building platforms on many of the lots. This would have contributed to additional heavy traffic movements along with the onsite effects associated with piecemeal, lot by lot earthworks such as noise, dust and sediment run-off.
91. Mr Graham states that: *“This is consistent with the UDG wherein it is recognised that earthworks are anticipated, and a degree of modification to the topography of the site is part of the urbanisation process. This is expressed within the UDG under Oga6 Assessment Criteria; Natural Environment; Is the **general appearance** of the existing topography maintained? [Emphasis added]. The TKL subdivision retains the general appearance of the topography resulting in a subdivision on undulating topography with a reserve located on the highest point within the subdivision.”²⁴*
92. Mr Graham concludes that a simple quantitative assessment of the earthworks volumes does not demonstrate the total picture associated with the effects of those earthworks. *“The qualitative evaluation of the final landform in terms of intended use and integration with the surrounding environment is a significant aspect. The effect of earthworks is relative to what is considered an appropriate response to the site to achieve the intended outcome”²⁵.*
93. The TKL site is located in a residential zone and the primary purpose of the zone is to provide land for housing. Undertaking sufficient earthworks in a single coordinated approach to achieve improved road gradients and accessibility is appropriate as reflected in Appendix Oga Te Kauwhata Urban Design Guide, which includes Assessment Criteria that pose the following questions:
- a) *Is the general appearance of the existing topography maintained?*
 - b) *Are natural landmarks such as ridges, valleys or knolls used to maintain character and differentiate one neighbourhood from the next?²⁶*

²⁴ Michael Graham evidence, para 124

²⁵ Michael Graham evidence, para 126

²⁶ Urban Design Guide, Te Kauwhata West Living Zone, Oga6, pg 20

94. In reliance on the evidence of Mr Graham, the general appearance of the existing topography will be maintained within the TKL development and the existing high point within the site will be maintained as a recreation reserve. In my view when assessed against the existing environment of the Silverspur consent, the adverse effects associated with earthworks are considered to be no more than minor.

Hilltop reserve

95. The TKL s42A report concludes that the modification and lowering of the hilltop reserve as proposed by TKL in its original application (*Engineered Contour Reserve*) would reduce the ability of the hilltop to add identity and focus to the subdivision and reduce its ability to provide a visual connection to the surrounding rural environment. The planner also considered that the amendments to the hilltop feature would not retain the natural contour and would involve additional earthworks, both of which were seen as adverse effects. However, the s42A report did express support for the reduced size of the TKL reserve when compared with the Silverspur reserve.
96. Just prior to notification, the applicant amended the application to put forward an amended hilltop reserve proposal (*Existing High Point Reserve*) that retained the existing height and location of the high point while resulting in steeper gradients around the reserve perimeter. While not the preference of the applicant, this was put forward to satisfy the concerns raised by Harrison Grierson (HG) on behalf of the Council. No feedback from HG was received.
97. In my view the preferred design outcome for the hilltop reserve is the *Engineered Contour Reserve* as originally proposed. This retains views to the landscape surrounding the TKL site and retains the site contours (noting that the District Plan does not identify the knoll or the adjacent ridgeline as landscape features in their own right) in a form that is generally in accordance with the original topography. Importantly, Mr Graham notes in his evidence that the *Engineered Contour Reserve* maintains consistency with the Waikato District Council Parks Strategy (2014) which requires neighbourhood parks to have three access points,

50% flat usable land, an open frontage and allow for a reasonable mix of activities including play space, playgrounds, gardens and quiet space²⁷.

98. In comparison, the Silverspur design for the hilltop reserve comprised a total reserve area of 12,712 m² of which 4,306 m² was considered steep enough to be unusable with a slope of greater than 1:6²⁸. As noted by Michael Graham in his evidence²⁹, the Silverspur hilltop reserve was well in excess of the preferred size range for a neighbourhood reserve (3,000 – 5,000 m²) and provided less connectivity to the local road network due to the substantial retaining walls that would have been required along with road boundaries of the reserve to the west and north.
99. In my view the appropriate process for the design of this important neighbourhood reserve is to include a draft condition that requires a concept plan for the reserve to be developed by the consent holder for the approval of the Council. The condition could include key parameters that would be achieved with the concept design including minimum reserve size, height of the knoll, minimum area of easy gradient land within the reserve for playground equipment and a requirement for public access to the top. A draft condition has been included as condition 64 in **Appendix 2** for consideration.

Amenity and Urban Design

100. The reporting planner concludes in her s42A report that the urban design and amenity effects associated with the TKL proposal are significant and certainly more than minor.³⁰ I disagree and set out my assessment below.
101. The s42A report assessed these effects based on the differences in design between the consented Silverspur proposal and the TKL proposal. For ease of reference, I have grouped my analysis based on the same topic areas.

Realignment of Bragato Way and enlargement of the stormwater reserve

102. The reporting planner relies on the advice of HG to confirm her view that the realignment of Bragato Way to a more meandering alignment and the

²⁷ Michael Graham evidence, paragraph 145

²⁸ Michael Graham evidence, graphic bundle Plan C4, pg 18

²⁹ Michael Graham evidence, paragraph 139

³⁰ TKL s42A report, pg 39

increase in size of the stormwater reserve on the Country Living Zone boundary are both positive changes and she supports these amendments. I concur with this conclusion.

Increase in cut across the Hilltop reserve

103. The reporting planner relies on the HG report to conclude that the *Engineered Contour Reserve* reduces the ability of the reserve to add identity and focus to the reserve and also reduces the ability to achieve a visual connection out to the rural area. I disagree and have set out my opinion in relation to the hilltop reserve above in paragraphs 90 to 93 of my evidence. The hilltop is not noted as a landscape feature in its own right in the District Plan and the *Engineered Contour Reserve* will result in the high point being reduced by only 2 metres while still maintaining views out to the surrounding landscape. This option will achieve the outcomes sought by both the District Plan, the Te Kauwhata Urban Design Guide and the Waikato District Council Parks Strategy (2014). Mr Graham's evidence shows that the hilltop is lower than at least 5 other sites in the nearby Te Kauwhata West area³¹. In my view any adverse effects arising from the *Engineered Contour Reserve* option will be minor.

Realignment of Road D and reduction in size and change in shape of the hilltop reserve

104. The reporting planner relies on the advice of HG for her opinion that there is a tension between retaining the natural contours of the reserve and providing an accessible space for a reserve. I note that HG supports the reduced size of the reserve. Ms Salmon also raises a question as to whether the height of the reserve in comparison to the height of the surrounding residential lots would mean that views out to the surrounding landscape will be blocked in any way.
105. The realignment of Road D and the reduction in size and shape of the hilltop reserve were both developed to achieve a better outcome for this important recreation reserve. The change in Road D was developed so that the road fits better with the site contour while the *Engineered Contour Reserve* option provides more functional reserve space, more accessible

³¹ Refer to Plan C5C in Appendix 2 pg 21 of Michael Grahams evidence

routes to and from the reserve, multiple entry points and it also reduces the areas of steep gradient where barriers from falling may be required.

106. I have previously stated in my evidence that the District Plan does not give any special landscape status to the knoll and therefore there is no requirement to maintain the height and natural contour of the knoll as presently constituted³². The zoning of the site for residential purposes and the need to achieve reasonable gradients within the site for roading and building requirements drives a need to reshape the land (while still retaining a natural looking contour) for these purposes. In addition, information has been provided to Council demonstrating that the views out to the surrounding environment will be maintained no matter which reserve option is selected.³³ In my view, and in reliance on the evidence of Mr Graham, the *Engineered Contour Reserve* is in accordance with the Waikato District Parks Strategy (2014)³⁴.

Realignment of eastern drainage reserve

107. The HG report supports the realignment of the drainage reserve east of the knoll as it more closely aligns with the topography and provides views into the site when approached from the south (through the adjacent Jetco development). Ms Salmon notes that while the drainage reserve provides the opportunity for a walkway to be developed, there is no proposal to form a walkway on the adjacent Jetco development to the north.
108. I concur with the HG conclusion and consider that the realigned drainage reserve will provide additional green space within the development and is logical given the site topography.

Removal of Road C from the TKL plan

109. Ms Salmon raises some concerns over the removal of Road C which provided a link from the TKL site north to the Jetco site in the Silverspur proposal³⁵. This link was removed due to the significant challenges posed by the steep topography and the extent of retaining walls that would be required to stabilise a road in this position. Importantly, Jetco as the

³² Dawson evidence, paragraphs 95 & 154

³³ Refer to Plan C7 in Appendix 2 pg 25 of Michael Grahams evidence

³⁴ Michael Graham evidence, paragraph 145

³⁵ TKL s42A report, page 33

adjacent developer to the north has received Council approval to remove the corresponding link within their site.

110. I do not agree that the removal of Road C reduces the connectivity of the TKL proposal. In my view the practical challenges posed by the construction of a road in this location are significant including costs for construction and additional retaining. The removal of the link from the northern end by Jetco means that, at best, a road in this location would be a cul-de-sac anyway and would not contribute to connectivity with the Jetco subdivision. However, Ms Salmon indicates that she is concerned over connectivity at both a block level and a neighbourhood level³⁶.
111. Mr Graham notes in his evidence that one of the key factors influencing the TKL road design has been accessibility and states that: *“fundamental to the layout of the TKL subdivision has been the intention to achieve gradients that make the subdivision more accessible and therefore more permeable. In some instances, due to the steeper contours this has resulted in larger block sizes to achieve a more accessible perimeter road gradient, particularly around the site high point. Comment has been made that this reduces permeability as the larger block size increases the overall length of the block perimeter. I consider this fails to recognise the crucial aspect that is key to this design factor; that the connection is able to be used. A modest increase in perimeter length but with broader utility to a wider demographic is not less permeable but more permeable.”*³⁷
112. In my view there is no adverse effect arising from the removal of Road C, particularly as the opportunity for connectivity has been lost due to WDC granting approval to Jetco omit the link. The road gradients achieved by the TKL design are a marked improvement on the Silverspur consent and will achieve good connectivity and permeability through the development.

Increase in block depth and number of rear lots.

113. The TKL s42A concludes that the increased block depth and therefore number of rear lots, removes the options available to landowners to allow more room for earth batters and vegetation to nestle the dwellings into the landscape and step the dwellings into the topography and integrate

³⁶ TKL s42A report, page 33

³⁷ Michael Graham evidence, paragraph 121 - 122

retaining walls into the buildings. Ms Salmon concludes that this approach moves away from what the District Plan is trying to achieve³⁸.

114. I disagree. The design response to include larger block sizes and therefore a greater proportion of rear lots was taken to create an efficient subdivision design on a topographically challenging site that balanced good urban design principles with efficient lot and block sizes. A series of design responses have been implemented specifically to address the usual challenges associated with rear lots. The option of rear lots is also considered in the Urban Design Guide for the Te Kauwhata West Living Zone which states that:

It is acknowledged that while the number of rear lots should be minimised, they are unavoidable in some locations due to irregular land parcel shapes and steep topography. In these circumstances, short cul-de-sacs with good streetscape amenity are considered a better solution³⁹.

115. The primary method has been to design “laneways” or 8 m wide access lots to each set of rear lots. Each laneway will act as an area of shared space that is accessible and attractive. The graphic evidence of Mr Graham demonstrates the laneway design which includes areas of locally appropriate native grasses and concrete footpaths next to mountable kerbs⁴⁰.
116. As Mr Graham concludes: “I consider these laneways offer a better alternative to the more traditional, narrow right of ways serving rear lots, by providing specifically designed wider access with improved visibility and amenity, controlling boundary fence heights on adjacent lots and opening the rear lots to the laneway streetscape.”⁴¹ The controls imposed on those lots adjacent to the laneways to maintain an open streetscape appearance are contained in the draft conditions included as **Appendix 2** to my evidence.
117. The draft conditions include controls on boundary fences fronting a public road or reserve lot to be no higher than 1200 mm (condition 49), boundary

³⁸ TKL s42A report, pg 34

³⁹ Urban Design Guide, Te Kauwhata West Living Zone; Og 3.1.2 (pg 19)

⁴⁰ Evidence of Michael Graham, Plans C2 & C2A in graphic evidence

⁴¹ Evidence of Michael Graham, para 40

fences fronting a laneway lot to be no higher than 1200 mm (condition 50) and a requirement that the planting within the laneway lots are to be maintained in perpetuity by the joint owners of those lots (condition 51). Condition 52 also requires that one of the yard setbacks within each lot is to be a minimum of 6 metres measured from any boundary other than a road boundary. This will assist the TKL development to achieve the spatial delineation and separation anticipated by the zoning⁴².

118. Mr Graham concludes that the non-compliance with the number of rear lots will not result in noticeable effects on amenity due to the internal location of the rear lots and the treatment of the laneways and that the overall effect of the rear lots will be minimal⁴³. I rely on his evidence for my opinion that any adverse effects arising from the number of rear lots will be minor.

Increase in lot number

119. The s42A report considers that the number of lots within the TKL development will result in a visible perception of increased density from some locations within the site. In addition, Ms Salmon considers that the higher level of impervious surfaces and the higher number of rooftops will also lead to a perception of increased density.⁴⁴
120. The TKL development includes an additional 34 lots over and above that consented for the site under the Silverspur consent. The increase in yield arises from changes to the contour of the site that allow for more accessible road gradients and site access. The smaller lot sizes assist in responding to the relatively steep topography of the TKL site when compared to all other sites in the Te Kauwhata West Living Zone by enabling more frequent, smaller height changes across the site and therefore a reduction in the number and height of retaining walls. An additional outcome is the ability to make more efficient use of the scarce land resource that is residential land and to provide a greater variety of lot sizes providing variety to a wider cross section of purchasers.
121. The TKL s92 response provided on 19 July 2017 contained a table that set out a compliance assessment for all those lots that could not comply

⁴² Evidence of Michael Graham, para 114

⁴³ Evidence of Michael Graham, para 86

⁴⁴ TKL s42A, page 35-36

with the provisions of Rule 21B.22. This rule is a sizing requirement to ensure that the lots created by subdivision are capable of achieving a minimum sized building platform.

122. Rule 21B.22 provides an alternative when the requirements of Rule 21B.22 (b) (i) cannot be met with the alternative being compliance with Rule 21B.22 (b) (ii) to demonstrate that “a footprint for a standard single level dwelling with a minimum floor area of at least 200 m²” can be accommodated.
123. The table (see **Appendix 4** of my evidence) demonstrates the following:
 - a) All of the 163 lots can accommodate an outdoor living court and a service court that complies with the District Plan requirements.
 - b) 132 (81%) of the lots contained in the table are able to fit a compliant 250 m² building platform within the yard requirements.
 - c) 31 (19%) of the lots contained in the table show a standard single level dwelling with additional areas shown in red that demonstrate the maximum sized dwelling that is possible under the self-imposed 30% site coverage (condition 53 in **Appendix 2**) and then other areas shown in green that demonstrate the maximum size possible under the usual requirements of Rule 21B.12.1 (a) and (b) which provide for a 200 m² building footprint design within the yards.
124. This table shows that all of the lots in the table can fit either a compliant 250 m² building platform or a 200 m² building footprint design within yards. However, the overall result (taking into account the self-imposed 30% site coverage limit of draft condition 53⁴⁵) is that every lot is capable of accommodating a dwelling that covers no more than 30% of the site within the yard setbacks while still fitting a compliant outdoor living court and service court.
125. The outcome of this approach is that while the TKL proposal involves an increase of 34 lots across the development, the self-imposed limits on site coverage along with the maintenance of covenants on rear yard setbacks and fencing height limits means that there will be a reduction in the overall

⁴⁵ Draft condition 53 = .the maximum site building coverage permissible on each residential lot shall be 30% of the applicable net site area, with a maximum building coverage of 280 m² and the maximum impermeable surfaces per lot (inclusive of building coverage) shall be no more than 50% of the net site area.

site coverage when compared to Silverspur. The amount of the difference is significant with 4802 m² less site coverage for the TKL development than Silverspur⁴⁶.

126. As Mr Graham concludes: “Typically an increase in the number of lots becomes manifest through an increase in both the number and extent of site coverage. As the finer grain of the TKL development does not generate an increase in overall site coverage, anticipated by the reduction in average lot area, the overall effect of the reduced average lot size is not considered to be significant”⁴⁷.

127. The Operative District Plan Explanations and Reasons section applying to Building Coverage recognises that the amount of building coverage in an area affects the perception of intensity of that development. The Explanation reads:

The amount of building coverage permitted can affect the open space nature of a neighbourhood and can change the perception of the intensity of development. The amount of building coverage allowed varies with each zone, depending on the level of amenity expected. Most zones require a lower level of building coverage in order to allow enough space around buildings for landscaping.

The amount of building coverage permitted in the Te Kauwhata Structure Plan area is lower than elsewhere in residential areas of the district, in order to take into account topography, low impact stormwater management requirements and the need to retain village character⁴⁸.

128. Given that the TKL proposal includes a condition ensuring that there will be no more than 30% building coverage on each lot⁴⁹ this means that the resultant intensity of the TKL development will not adversely affect the character of the Te Kauwhata village. Michael Graham reached the same conclusion in his evidence⁵⁰ when he states that the finer grain of the TKL subdivision will result in less adverse effects than the adverse effects of the Silverspur development.

⁴⁶ Michael Graham evidence, para 88

⁴⁷ Michael Graham evidence, para 90

⁴⁸ Operative Waikato District Plan; Chapter 29: 29.3 - Explanations and Reasons, Building Coverage, pg 29:19

⁴⁹ Chris Dawson evidence, Appendix 2, Draft condition 53

⁵⁰ Michael Graham evidence, paragraph 149 - 161

129. The reporting planner has also stated that the increase in density will be evident from high points within the site and along a portion of Bragato Way.⁵¹ I disagree and rely on the evidence of Mr Graham in this regard when he states that: *“While the proposed subdivision does present a finer grain of development than the consented Silverspur subdivision, as the undulating terrain does not typically allow views of the entire development as a whole, this comparison will not be readily obtained.”*⁵²
130. In my view, any adverse effects of the increase in the number of lots will be more than offset by the more detailed site earthworks across the site, the early design of the building platforms as part of the bulk earthworks and the reduction in total building coverage. Overall, in my view the TKL development will integrate more sensitively with the landscape and provide a reduction in adverse amenity effects when compared with Silverspur.

Subdivision staging

131. The s42A report for the Silverspur consent⁵³ concluded that any adverse effects arising from the breach of the staging rule would be no more than minor on the basis that all relevant servicing infrastructure was in place and the entire site is zoned for residential development, therefore the adverse effects arising from the construction of the subdivision were anticipated. The TKL proposal has a similar staging sequence to the Silverspur proposal and in my view the adverse effects of the breach of the staging rule by the TKL proposal will remain as no more than minor.

Contaminated land

132. The Silverspur proposal provided a Preliminary Site Investigation (PSI) report which was accepted by Council staff. The TKL developer has now provided an appropriate Detailed Site Investigation report and Remedial Action Plan and these have been implemented. Remediation earthworks have now been largely completed on the western portion of the site by the TKL developer. Adverse effects associated with contaminated land will continue to be no more than minor.

⁵¹ TKL s42A report, pg 36

⁵² Michael Graham evidence, para 75

⁵³ Silverspur s42A report, pg 18

Ecological Effects

133. The key potential adverse ecological effects relate to the downstream effects of development on the Whangamarino wetland and Lake Waikare from improperly treated stormwater runoff. The Silverspur proposal included planting within the road reserve and the drainage reserve. The s42A report for the Silverspur proposal concluded that any adverse ecological effects would be no more than minor.
134. Stormwater management for the TKL proposal has been investigated by Wainui Environmental in their s92 response dated 6th July 2017. This response stated that the TKL stormwater design had taken into account the additional residential lots and the proposal to increase the maximum building coverage to 30% (with a maximum building coverage of 280 m² on lots with 800 m² or more site area and a maximum impermeable surface per lot of 50% of net site area). The Wainui report concluded that the TKL stormwater design would appropriately mitigate stormwater effects and provide appropriate water quality treatment, detention of storm flows and attenuation to pre-development rates. In addition, the western wetland has been increased in size to provide additional attenuation.
135. The reporting planner has concluded⁵⁴ that the adverse ecological effects associated with the TKL proposal remain less than minor on the basis of the updated design provided and I agree with that conclusion.

Land transport and safety effects

136. The Silverspur s42A report concluded that any adverse effects on land transport and traffic safety would be less than minor. I note that the TKL s42A report concludes that the effects associated with adopting a roading network that is largely the same remain as no more than minor. The changes introduced as part of the TKL proposal include different road gradients, additional traffic generation arising from the additional lots, minor adjustments to the collector road location and creation of a reduced legal width public road in place of a consented private right of way under Silverspur. The reporting planner concludes that any adverse effects on the safety and efficiency aspects of the TKL project will be no more than

⁵⁴ Paragraph 8.8, page 49 Section 42A report.

minor with the exception of the creation of a reduced width public road A in place of a consented right of way under the Silverspur consent.

137. Public road A is located in the same location as the right of way under the Silverspur consent although the TKL public road A is now proposed to connect through to the adjacent property (Lot 1 DP 385781) at their request. Mr Gray concludes that the main transport effects of the reduced width are reduced flexibility for future changes and risks for manoeuvring. Given that there is a limited catchment for traffic from the adjacent Lot 1 DP 385781 (and that lot also has direct access to Wayside Road) Mr Gray concludes that risks associated with a change in role are negligible. I also note that written approval to the reduced width road has been provided by the owner of adjacent Lot 1 DP 385781.
138. Mr Gray concludes that the reduced width public road provides sufficient sight distance at the intersection, sufficient space for services, carriageway features and landscaping and does not make any significant difference for vehicle access. He also notes that the proposed road reserve and carriageway will be wider than the 9-m road reserve and 5.7 m carriageway width set out in NZS4404:2010 Land Development and Subdivision Infrastructure table 3.2 for access to up to 20 dwellings.
139. In my view, and in reliance on the evidence of Mr Gray, any adverse effects arising from the under-width public road A will be no more than minor.

Infrastructure Effects

140. Adverse effects on infrastructure including water and wastewater were assessed for Silverspur as being less than minor and all lots could be adequately serviced. The additional lots proposed for TKL can also be serviced for infrastructure and the additional stormwater can be appropriately mitigated as set out above. On that basis it is my view that there is no change in adverse effects on infrastructure between Silverspur and TKL and it remains less than minor.

Building Coverage

141. At paragraph 42 c of my evidence I discussed the adverse effects of the building coverage associated with the additional 30 lots proposed under

TKL and concurred with the reporting planner who considered the effects of this breach to be within the permitted baseline. Mr Graham concludes in his evidence that the effect of this self-imposed limit on building coverage is a reduction of the total square metres of building across the TKL site by 4,802 m² (or the equivalent of 20 x 240 m² houses)⁵⁵. In my view the adverse effects of a blanket maximum 30% site coverage (when measured against net site area) and with a self-imposed maximum building coverage of 280 m² (irrespective of lot size) will therefore be no more than minor.

142. The additional lots in the TKL development will in turn enable an increased number of smaller houses with the consequential benefits of more efficient use of the residential land resource.

OBJECTIVES AND POLICIES ASSESSMENT – SECTION 104D(1)(b)

143. As both the TKL subdivision and land use consents are non-complying activities, the threshold test of s104D(1)(b) also applies. A Consent Authority may grant consent for a non-complying activity pursuant to s104D(1)(b) only if it is satisfied that the activity will not be contrary to the objectives and policies of a Plan or Proposed Plan.
144. A summary of all relevant objectives and policies of the District Plan assessed below is provided as **Appendix 5** to this evidence. I have set out below an analysis of these objectives and policies in relation to the TKL proposal and deal with them on a topic by topic basis.

Chapter 1A – District Growth Strategy

145. The section describes the District's approach to strategic growth management, an approach focussed on ensuring that growth is sustainable in the long term. This means ensuring that essential infrastructure services are available in a timely and economic manner and that growth is targeted at the right areas where it can add to existing communities.
146. Objective 1A.4.1 requires that: "*Residential and rural residential areas achieve and maintain high amenity values.*" This objective is then achieved by a number of policies that direct that development is

⁵⁵ Michael Graham evidence, para 151

sympathetic to their existing character⁵⁶, occurs in accordance with a structure plan for the area⁵⁷ and provides choice and a variety of housing types⁵⁸.

147. The TKL development will be sympathetic to the existing character in that larger lots are provided along the northern boundary of the development adjacent to the Country Living Zone land. As set out in the Environment Court decision, the provision of this requirement for larger lots “*could reduce the impacts on privacy and lessen the impact on spaciousness*” arising from the difference in densities between the two zones. The larger lots along the northern boundary of the TKL proposal in combination with the amenity planting⁵⁹ and rural type fencing⁶⁰ will ensure that adverse effects on the adjacent Country Living zone, which I consider is part of the existing character of the area, will be reduced.
148. In addition, the TKL proposal to regrade the topography of the site while still retaining the highpoint and vesting it in Council as a reserve will retain the existing character of the land while recognising that some reshaping is required to facilitate residential development.
149. The TKL proposal will be generally in accordance with the Te Kauwhata Structure Plan in terms of the road network layout and the provision of the hilltop reserve. In addition, the TKL proposal will provide a greater choice in terms of lot sizes across the development and therefore be able to offer increased choice of housing to the market. In my view the TKL proposal will be consistent with this objective and these policies.
150. Objective 1A.4.5 states that: “*Development patterns support the cost-effective maintenance, provision and efficient use of both existing and new infrastructure and services.*” A number of policies support this objective; the most relevant being those that require the location, type and density of subdivision to ensure that infrastructure and services can be provided economically and used efficiently⁶¹, subdivision is located and staged to ensure it is supported by existing or planned infrastructure⁶² and

⁵⁶ Policy 1A.4.2

⁵⁷ Policy 1A.4.3

⁵⁸ Policy 1A.4.4

⁵⁹ Draft conditions 36 & 37

⁶⁰ Draft condition 35

⁶¹ Policy 1A.4.6

⁶² Policy 1A.4.7

avoids effects, including reverse sensitivity effects on significant infrastructure⁶³.

151. The TKL proposal is located where it can access an existing roading network and where it can be serviced with water and wastewater utilities. Proposed stormwater devices including the western and eastern wetlands will address stormwater management. The additional 34 lots that are proposed over and above the 129 lots consented under the Silverspur consent also means that the existing and planned utility infrastructure will be used more economically (i.e. an additional 34 lots will be serviced for only a relatively small increase in the length of water and wastewater pipes).
152. At the time of preparing this evidence, TKL was in discussions with with the NZ Transport Agency over an appropriate consent notice to be applied to those western lots that are subject to the increased noise effects of State Highway One. In this manner, reverse sensitivity effects on those residents will be avoided due to the appropriate internal noise environment being maintained in any affected dwelling. In my view and anticipating that NZTA will accept the draft consent conditions offered, the TKL proposal will be strongly consistent with Objective 1A.4.5 and its related policies.

Landscape and Visual Amenity Values

153. Objective 3.4.1 states that: “*Landscapes and visual amenity values, as viewed from public places, are retained and enhanced.*” The Reasons and Explanation for this section provides an insight into Objective 3.4.1 and its associated Policies. It states that: “*the design and management of subdivision, use and development needs to respond to the visual amenity requirements of the locality....*” The objectives of retention and enhancement of landscape values may not necessarily both be attained by the same development or in the same place. In addition, the policy recognises that the landscape characteristics and amenity values of the zone in which the activity is located must be taken into account when seeking to avoid adverse effects.⁶⁴”

⁶³ Policy 1A.4.10

⁶⁴ Operative Waikato District Plan, section 3.5.1, pg3.7

154. Policy 3.4.2 then provides additional direction for achieving Objective 3.4.1. The policy states that natural features and landscapes and general amenity values should be protected from inappropriate development by locating buildings, so they do not dominate the landscape, designing subdivisions so that building platforms, fences and vehicle accesses are located sympathetically in the landscape, mitigating earthworks effects by limiting the area and length of time bare earth is exposed and locating roads so their visual impacts are minimised.
155. Policy 3.4.2 (fb) states that development should avoid, remedy or mitigate any adverse effects in accordance with the landscape and visual amenity effects of the zone in which the activity is located. The Te Kauwhata Urban Design Guide provides some additional direction in this matter when it states that: *“This proposed reserve keeps the highest point of the Travers/Wayside block as a green feature and preserves natural character in what will become an urbanised area. The reserve is envisaged as a neighbourhood passive open space approximately 1.25 hectares in area with views of the wetland, town centre and Lake Waikare⁶⁵.”*
156. The Urban Design guide also states that: *“urban design should integrate the natural environment into the public realm as a feature in the town’s layout to reinforce and enhance character. In Te Kauwhata this includes the gently rolling landform, Lake Waikare, the Whangamarino wetland and the streams that flow into them”*. The Natural Character Plan also notes that the hilltop is to be protected as a natural feature.⁶⁶
157. In my view the TKL proposal achieves this objective and the related policies. Although the site is to be reshaped to provide better contours for a road network, residential lots and a more accessible and usable hilltop reserve, the rolling nature of the site is generally retained⁶⁷. The high point of the site will still be clearly visible from outside the site and the hilltop reserve will be developed as a recreational feature.
158. The reporting planner has concluded that the achievement of lower gradient roads and flatter building platforms must be weighed against

⁶⁵ Te Kauwhata West Living Zone – Urban Design Guide, Oga7.5 Hilltop reserve

⁶⁶ Te Kauwhata West Living Zone – Urban Design Guide, Figure 36 Natural Character Plan pg 22

⁶⁷ Michael Graham evidence, paragraph 124

retaining the natural contours of the site. I disagree. The hilltop reserve has not been identified as an Outstanding Natural Landscape (ONL) nor has it been identified as a Ridgeline Policy Area in the District Plan. Features that fall into either of these categories are subject to their own section in the District Plan (section 3.2) along with specific objectives and policies that deal with issues of development and change in relation to those features.

159. The hilltop reserve is a localised, site-specific high point that will be retained as part of the development of the site for residential purposes which is the primary purpose of the Te Kauwhata West Living Zone. Furthermore, the overall natural contour of the site will be maintained; it is just that the predevelopment existing contour will be altered. As previously detailed, the approved Silverspur consent already enables significant cutting and filling to occur on the site as part of the subdivision earthworks, therefore the contour of the site is already able to be altered.
160. Mr Graham has stated in his evidence that in the development of the Structure Plan: *“other than the provision of an outlook to the wider landscape due to elevation and preserves natural character in what will become an urbanised area, the particular contours of the knoll itself were not considered of special significance at that time⁶⁸.”* In my view this means that while retaining the high point of the site as a recreation reserve is important to retain the natural character of the locality it does not mean having to retain the *existing* natural contours of the site nor does it mean having to maintain the high point at its current height and existing form. That would be in contravention of the direction provided by Policy 3.4.2 (fb) where adverse effects need to be managed consistent with the visual amenity effects anticipated in the zone in which the activity is located. In this case, the TKL site is zoned for residential purposes and this should be the primary driver for the amenity expectations for the site.

Chapter 6 – Built Environment

161. The first Built Environment Objective 6.2.1 states: *“Development that is connected or grouped around infrastructure.”* This Objective is underpinned by two policies that direct that subdivision should have a

⁶⁸ Michael Graham evidence, paragraph 137

density, scale and intensity that ensures efficient use of land, public facilities and utilities, and there should be a focus on development in existing towns and villages. Objective 6.6.1 is closely related in that it requires that: “*Adverse effects of use and development are avoided by the provision of wastewater and stormwater disposal, supply of water, energy and telecommunications*”.

162. The TKL development is located on land zoned for residential purposes in the Operative Waikato District Plan. The 163 lots that are proposed under the TKL proposal will make more efficient use of the existing road network and existing water and wastewater utilities than the Silverspur consent by providing for an additional 34 lots within the same site with no more roading and limited additional underground infrastructure lines required. Mr Gray concludes in his evidence that the additional traffic movements generated by the TKL proposal will be well within the capacity of the road network⁶⁹.
163. The infrastructure assessment work carried out by Wainui Environmental confirms that the site can be serviced for wastewater services and will be adequately serviced for stormwater disposal. The reporting planner also concludes in the s42A report that stormwater can be managed appropriately and that effects on the wider environment will be no more than minor⁷⁰. In my view the TKL proposal will be consistent with and not contrary to both Objective 6.2.1 and 6.6.1 and the related policies.
164. Objective 6.8.1 “*Investments in strategic nationally and regionally important utilities, and industrial and research sites are protected.*” The only strategic utility that is located nearby is the Waikato Expressway which lies directly west of the site. TKL has almost reached an agreement with NZTA over the wording of a consent notice to ensure that all dwellings on lots that lie within the noise effects area of the State Highway are constructed such that they can achieve a minimum design noise level of 40 dBA inside all habitable rooms⁷¹. In my view and in reliance on the approval of NZTA to the proposed condition wording, this means that the investment in the Waikato Expressway by NZTA will be protected to the

⁶⁹ Alasdair Gray evidence; paragraph 17

⁷⁰ TKL s42A report, pg 47

⁷¹ See draft conditions 56, 57 & 58 in Appendix 2

extent that potential reverse sensitivity effects of highway noise on some of the TKL lots will be mitigated and therefore the proposal will be consistent with this Objective.

Land Transport Network

165. Objective 8.2.1 states that: “*An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.*” Several policies set out the manner in which this is to be achieved including the direction that subdivision is at a scale that is consistent with the existing road network and does not compromise its efficiency⁷². Other policies state that the objective is achieved by promoting good design of road networks and provision for all modes of transport including pedestrians, cyclists and the disabled⁷³. Additional objective 15A.2.31 and related policies are specifically focussed on Te Kauwhata.
166. Mr Gray has set out in his evidence an evaluation of the TKL proposal and concludes that the improved road gradients in comparison to the Silverspur consent will result in a more accessible transportation network, easier property access and a greater likelihood of walking and cycling⁷⁴. He also concludes that the adverse effects will be no more than minor⁷⁵. I also note that the reporting planner has largely accepted the transportation evidence of Mr Gray apart from the issue of the underwidth public Road A which I have addressed earlier at paragraphs 137 to 140 of my evidence. In my view this means that Mr Gray’s assessment of the benefits of improved road gradients and improved accessibility for all modes of transport is also accepted by the Council reporting planner.
167. Objective 8.4.1 directs that “*Land transport networks are provided, while not compromising the qualities and character of surrounding environments.*” This is then achieved by Policy 8.4.2 that requires that the adverse effects of road construction, maintenance and operation are managed appropriately. Effects to be considered include stormwater, contamination, disturbance to natural landforms and road noise.

⁷² Policy 8.2.2B

⁷³ Policy 8.2.3 d)

⁷⁴ Alasdair Gray evidence, para 38

⁷⁵ Alasdair Gray evidence, para 66

168. Previously in my evidence I addressed the effects of stormwater⁷⁶, and contamination⁷⁷ and concluded that both of these effects are appropriately mitigated. In relation to disturbance to natural landforms, I have set out my view above in paragraphs 154 to 161 of my evidence but in summary my view is that the residential zoning of the TKL site means that it is appropriate to regrade the site in a manner that retains the natural high point and a natural looking finished contour while achieving more accessible road gradients and easier contoured building platforms than achieved under the Silverspur consent.
169. In my view the TKL proposal will be consistent with Objective 8.2.1 and Objective 15A.2.31 and all related policies.

Contaminated Land

170. Objective 9.2.1 states that: *“Human health or the environment is not harmed by the use or development of contaminated land.”* Policy 9.2.3 then states that remediation must occur before development of a contaminated site is to occur.
171. Consents under the NES were obtained as part of the Silverspur consent. Bulk earthworks took place across the western portion of the TKL site over the 2016/2017 summer construction season in accordance with those consents. As part of those works, initial remedial earthworks have been completed and an interim Site Validation Report (SVR) provided to Council and accepted.
172. Should consent be granted, then the revised conditions included as Attachment 3 contain condition 20 (Soil Remediation) which will require that appropriate testing and reporting are carried out in accordance with the NES consent. In my view the proposal will be entirely in accordance with the Contaminated land objective and policy.

⁷⁶ Paragraph 129

⁷⁷ Paragraph 128

Amenity Values

173. Objective 13.2.1 states that: “*Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised.*” Policy 13.2.5 provides further direction that those amenity values are to be protected from the adverse effects of noise, vibration, vehicle emissions, stormwater, parking and loading areas and traffic congestion.
174. The development of the TKL subdivision will result in construction effects arising however these will be temporary in nature and consistent with the zoning of the land. The proposed development approach which has the overall site earthworked to provide improved road gradients and ease the building platform contours will mean a reduction in post construction, lot by lot earthworks associated with house building. Stormwater will be managed appropriately using a combination of swales, roadside drainage and the western and eastern stormwater ponds. The evidence of Mr Gray is that traffic from the TKL proposal can be safely accommodated within the existing road network. In my view the proposal will be consistent with this objective and policy.
175. The other key objective under Amenity Values is Objective 13.4.1 which states that “*Amenity values of sites and localities maintained or enhanced by subdivision, building and development.*” Policy 13.4.2 provides further direction that development should reflect the natural and physical qualities of the area, that buildings should have a bulk and location consistent with the neighbourhood, that there is sufficient private open space and public open space, that connectivity is retained, and reverse sensitivity effects mitigated.
176. The reporting planner concludes in her s42A report that the proposal is contrary to the objectives and policies of the Operative District Plan in relation to amenity values due to the number of rear lots, density, reduced area for planting, terraced building platforms, reduced size and contours of the hilltop reserve and compliance with the TK West Living Urban Design Guide. I disagree.
177. I have discussed the effects of the number of rear lots in paragraphs 113 to 118 of my evidence. In my view the layout of the TKL development

with larger block sizes and specifically designed 8-metre-wide laneway lots to provide access is a practical response to a topographically steep and awkwardly shaped site. The proposed draft conditions provide certainty that the fences surrounding the laneways will be limited to 1.2 metres in height⁷⁸ and that at least one of the yards will be a minimum of 6 metres⁷⁹. This will have the effect of opening each laneway and the lots it serves up to the public road. In addition, each laneway will have specific planting maintained in perpetuity⁸⁰, therefore ensuring ongoing amenity benefits. Both Mr Graham and HG state that the number of rear lots will not result in adverse amenity effects⁸¹ nor will the rear lots be readily discernible external to the site. I agree with their conclusions.

178. I have addressed the concerns relating to the increased number of lots at paragraphs 119 to 131 of my evidence. The limit on site coverage combined with the mandatory 6 metre rear yard means that overall there is a 4802 m² reduction in total area of buildings within the TKL development when compared with the Silverspur consent. I rely on the evidence of Mr Graham for my view that the TKL development will integrate more sensitively with the landscape and provide a reduction in adverse amenity effects when compared with Silverspur.
179. The TKL development includes carefully designed earthworks to regrade the site while still retaining the general location of the hilltop reserve. In my view this will retain the natural looking contours of the site while recognising that the site is zoned for residential purposes and should be usable for those purposes. The TKL proposal includes an extensive planting regime that includes specimen trees in the streetscape, specimen trees and hedge planting along the boundary with the Country Living Zone, specimen trees in the laneways and within the residential lots. Specimen trees, swale and amenity plantings are also provided for within the stormwater reserve areas which are substantially larger than those consented under the Silverspur consent.
180. I have discussed the hilltop reserve above at paragraphs 154 to 161 of my evidence. In my view the proposed Engineered Contour Reserve

⁷⁸ Appendix 2, draft condition 50

⁷⁹ Appendix 2, draft condition 52

⁸⁰ Appendix 2, draft condition 51

⁸¹ Michael Graham evidence para 86 / HG report para 4.5.7

option in combination with proposed draft condition 64 will provide an appropriately contoured, accessible and visible high point to the TKL development that will provide views out to the surrounding landscape. The proposed reserve will also be consistent with the Council's Parks Strategy 2014.

181. Ms Salmon considers that the proposal will be inconsistent with the TK West Living Urban Design Guide. Mr Graham discusses the UDG in his evidence and considers the development to be generally consistent with it. In my view the TKL development offers improved permeability due to the better gradient for the internal roads, better design of overall earthworks to provide a site topography that enables lower gradient roads while also facilitating better gradient building platforms as part of the same package. These two aspects then enable minimal use of retaining walls, which is anticipated by the UDG as a tool to provide a more usable development⁸².
182. In my view the proposal will be consistent with Objective 13.4.1 and Policy 13.4.2.

Social, Cultural and Economic Wellbeing

183. Objective 11.2.1 states that: "*towns, villages, neighbourhoods and localities have social coherence and a sense of place.*" This objective is achieved by Policy 11.2.3 where there is a clear difference in development densities between urban and rural areas and where focal points including natural and built features are retained and enhanced.
184. The TKL proposal provides for a series of larger lots with screen and specimen tree planting along the northern boundary with the Country Living Zone which will have the effect of softening the change between the two zones and reducing the amenity effects on the landowners immediately to the north of the site. The hilltop feature within the site will be retained as part of a recreation reserve to be vested in the Council. In my view the proposal will be consistent with Objective 11.2.1 and its related policies.

⁸² TK West Living Urban Design Guide, Figure 31, pg 17

185. Objective 11.2.7 states that: “*Valued social and cultural characteristics of communities are retained.*” This objective is to be achieved by a series of policies that ensure that activities will be sensitive to the existing social and cultural characteristics of communities and that activities in Te Kauwhata should contribute to the evolving social and cultural characteristics derived from the towns setting near the Whangamarino wetland and its low and medium density residential character.
186. The TKL development has been designed to work sensitively with the existing landscape and provide an attractive, well planted and well-connected neighbourhood. The regrading of the site will enable better road gradients making the streets accessible for all modes of transport while still retaining a high point on the site for a local purpose reserve. This reserve will be well designed in accordance with the Council’s Parks Strategy and will retain views out to the surrounding landscape including the Whangamarino wetland and Lake Waikare. Consultation with tangata whenua being the Nga Muka Development Trust has taken place and will be ongoing through the development of the project. In my view the proposal will be consistent with Objective 11.2.7 and the relevant policies.

Recreation

187. Objective 15.2.1 states that: “*Public green open space and recreational facilities are available to meet the needs of the community.*” This objective is underpinned by policies that direct that subdivision and development must contribute to the provision of public green open space, recreation and development should be consistent with the nature of the local environment including protection of landforms and recreation facilities should be located so as to avoid adverse effects on the environment, including reverse sensitivity effects.
188. I have already discussed the hilltop reserve above at paragraphs 94 to 98 of my evidence. The reporting planner considers that the reduced size and shape of the reserve and its single connection point to a public road means that the proposal is inconsistent with this Objective. I disagree.
189. The TKL proposal involves the careful design of a public reserve that is appropriate for the site and consistent with the direction contained in the Councils Park Strategy 2014, which I consider to define the “needs of the

community”. The reserve will retain a high point that is sufficient to enable views out to the surrounding landscape, it will have three connection points onto local public roads (one of which will be accessible) and at approximately 7654 m² in size is close to the preferred range of reserve sizes as set out in the Parks Strategy (3,000 m² to 5,000 m²). I note that Harrison Grierson also concludes that the size of the proposed reserve is acceptable from an urban design perspective.⁸³

190. I have already set out my view that the high point in the TKL site is not a landscape feature to be protected in its own right⁸⁴. There is no direction in the District Plan that seeks to protect the landform surrounding the high point and the entire TKL site has a residential zoning. In my view the regrading of the site to accommodate residential development in combination with the retention of the high point as a recreation reserve will be entirely consistent with Objective 15.2.1 and its related policies.

Te Kauwhata Structure Plan

191. Objective 15A.2.1 directs that: “*Te Kauwhata village characteristics are maintained and enhanced.*” Policy 15A.2.2 then expands on this to require that development contribute to the characteristics of the village through; residential lots that contain significant open space, retaining amenity trees, a strong association with rural amenity values, public open space that is conveniently accessed and highly visible, integration of buildings, private open space and public open space and compliance with the Te Kauwhata West Living Urban Design Guide.
192. In my view the proposed TKL development will be consistent with this Objective and the related policy. While the development will contain a number of lots that are smaller than 650 m², the limit on site coverage of 30% in combination with a mandatory 6 metre rear yard for all rear lots will maintain an appropriate ratio of private open space for each lot. In other words, the proportion of open space to houses will be the same.
193. In addition, the requirement for extensive amenity planting along the Country Living Zone boundary, on the public roads, the drainage wetlands, within the laneways and within each residential lot will soften

⁸³ TKL s42A report, page 32

⁸⁴ Dawson evidence, paragraphs 150 - 157

views of the development from surrounding locations. While the site does not have many existing amenity trees, the size and location of the two wetlands (which will be planted) along with the proposed plantings within the hilltop reserve will provide good amenity within the development.

194. The design of the hilltop reserve will ensure that the high point of the site is retained as a feature and the proposed condition will ensure that the finished design achieves connectivity to the public roads, open space and a minimum size and gradient for specific parts of the reserve. In my view the proposal will also be consistent with the principles of the Te Kauwhata West Living Urban Design Guide and the Te Kauwhata Structure Plan.
195. The road network will be generally in accordance with that set out in the Structure Plan, the size of the lots along the Country Living Zone boundary will be sufficient to provide a buffer for adjacent properties to the north and the finished contour of the site will retain a natural looking appearance. The combination of lot sizes together with conditions relating to providing a 6 metre rear yard on “laneway lots”, a maximum of 1.2 metre high fences along laneway lots and along road frontages and extensive planting throughout the development will provide a high level of amenity.
196. Objective 15A.2.7 states that: “*Landscape, open space and amenity values of Te Kauwhata are maintained and enhanced.*” This objective is then achieved through Policies 15A.2.8 and 15A.2.9 which direct that development retains natural land contours and minimises earthworks, that visually prominent areas are retained as open space, urban lot sizes are appropriate and public open space has substantial road frontage.
197. I have set out my view above at paragraphs 86 to 94 in relation to earthworks and paragraphs 95 to 99 in relation to the hilltop reserve. I confirm my opinion that the objective and policy regime points to a need to retain natural land contours but not the existing land contour of the TKL site given that the site is not recognised for any specific features or landscape significance in the District Plan. In addition, the proposed reserve will be in accordance with the Council’s Parks Strategy 2014 which requires that Neighbourhood parks are located so as to provide

access to an open space park within a 10 to 15 minute walk of any residential property in an urban area.⁸⁵

198. The approach to earthworks has been to incorporate a regrading of the site and the preparation of specific building platforms on each lot as part of the same earthworks project. This will minimise the need for secondary earthworks associated with building houses on each lot.
199. The hilltop reserve will be maintained as a public open space and vested in Waikato District Council and will have substantial frontage to two public roads along with three pedestrian connections (one accessible). In my view the approach to the lot sizes is appropriate given the topography of the site, the approach to ensuring that each lot is capable of fitting an appropriate sized building platform that is under the 30% site coverage. In my view the proposed TKL development will be consistent with Objective 15A.2.7 and its related policies.
200. Objective 15A.2.10 states that: “*Diverse living and working environments in Te Kauwhata create a positive sense of place and neighbourhood identity.*” This objective is then achieved through Policies 15A.2.11 and 15A.2.12 which direct that development is designed to provide a variety of living environments and has high amenity values through good urban design principles.
201. In my view the range of lot sizes provided in the TKL development will appeal to a range of house buyers and provide a diversity of living environments across the site. The evidence of Mr Graham confirms that the TKL proposal works within the constraints of the site, recognises its relationship to the wider development area and responds appropriately to the structure plan. It also achieves a connected street network that integrates the natural site features and locates the residential lots to provide solar gain and usable outdoor areas.⁸⁶ The existing high point of the site will be retained as a feature and developed as a recreation reserve in accordance with the principles of the Council's Parks Strategy. In my view the TKL proposal will be consistent with Objective 15A.2.10 and its related policies.

⁸⁵ Waikato District Council Parks Strategy 2014: paragraph 2.2.2

⁸⁶ Michael Graham evidence, paragraph 118

202. The final Objective 15A.2.15 requires that: “*urban expansion in Te Kauwhata occurs in accordance with the progressive and integrated development of infrastructure*”. The TKL site has access to a formed public road and is able to be serviced with water and wastewater infrastructure. In addition, a stormwater management approach has been developed that will appropriately attenuate and clean stormwater from the site. The proposal will be consistent with this Objective.
203. In my view the TKL proposal will be consistent with all of the relevant Objectives and Policies of the Waikato District Plan relating to Te Kauwhata specifically and development generally.

SECTION 104 EVALUATION

204. As outlined above, the following activity classifications apply to the resource consents which are being sought:
- a) Land use consent as a non-complying activity under the Operative Waikato District Plan
 - b) Subdivision consent as a non-complying activity under the Operative Waikato District Plan
205. Section 104 sets out the matters the Consent Authority must have regard to. They are subject to the overriding provisions of Part 2. The relevant matters in s104 can be summarised as:
- a) *Any actual and potential effects on the environment of allowing the activity;*
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*
 - b) *Any relevant provisions of*
 - i) a National Environmental Standard;*
 - ii)*
 - iii) a national policy statement;*
 - iv)*
 - v) A regional policy statement or proposed regional policy Statement; and*
 - vi) Any relevant provisions of a Plan or Proposed Plan;*

c) Any other matter the Consent Authority considers relevant and reasonably necessary to determine the application.

206. Those matters have been assessed in detail further below.

Section 104D

207. As the proposed subdivision and land use consents are non-complying activities, an assessment of the applications against s104D is required. Pursuant to s104D of the RMA if a proposal is a non-complying activity then it must pass a “threshold test” that acts as an additional test for non-complying activities. To pass the threshold test, a Consent Authority must be satisfied that the adverse effects of the activity on the environment will be minor (s104D(1)(a)) or that the activity will not be contrary to the objectives and policies of the District Plan (s104D(1)(b)). If the application fails both tests of s104D then the application must be declined.

208. A detailed evaluation of the TKL application has been undertaken in consideration of both tests imposed by s104D(1)(a) and (b) within the above evidence. I have set out my view in relation to the effects of the TKL proposal at paragraphs 66 to 143 of my evidence and in relation to the Objectives and Policies of the Operative Waikato District Plan at paragraphs 144 to 204 of my evidence.

209. In my view the proposal passes both threshold tests in that the adverse effects of the activity on the environment will be minor and the activity will not be contrary to the relevant objectives and policies of the Operative Waikato District Plan.

Section 104 (a) Actual and Potential Effects

210. I have assessed the effects of the TKL proposal at paragraphs 66 to 143 of my evidence.

Section 104(ab) Positive Effects

211. Amendments made to the RMA through the Resource Management Amendment Act 2017 have inserted provisions into Section 104 relevant for assessment through this application. Section 104(ab) states the Consent Authority must have regard to any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the

environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

212. The TKL proposal will result in a number of positive effects arising from the development. The proposal will result in the development of two substantial wetlands with associated planting and a comprehensive array of planting across the development including specimen trees in the streetscape, specimen trees and hedges along the Country Living Zone boundary and specimen trees within the laneways and lots⁸⁷.
213. Controls will be put in place to ensure that fence heights are limited to 1200 mm along all public roads and reserve boundaries⁸⁸, a mandatory yard setback of 6 metres for one boundary is maintained within each lot⁸⁹, a maximum site coverage of 30% for each lot across the entire development is maintained⁹⁰, and a well-designed and connected neighbourhood reserve is developed that is consistent with Council's Parks Strategy⁹¹.
214. These are all positive effects that will offset the effects that would normally be associated with an increase in the density of lots and the number of rear lots that are accessed via laneways. However, as I have concluded at paragraphs 113 to 118 of my evidence any adverse effects arising from the number of rear lots will be no more than minor. I have also concluded at paragraphs 119 to 131 of my evidence that the effects of the increase in the density of the lots will not be significant.

Section 104 (b) (i) Any Relevant Provisions of a National Environmental Standard

215. The TKL site has some contamination arising from historic horticultural activities. The applicant has obtained the relevant consents required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Soil) and carried out some of the remediation required under those consents. Proposed condition 20 in the draft conditions in **Appendix 2** requires that

⁸⁷ Draft conditions 35, 36 & 37 & 47 a) 1 - 5

⁸⁸ Draft condition 49

⁸⁹ Draft condition 52

⁹⁰ Draft condition 53

⁹¹ Draft condition 64

appropriate remediation and reporting be carried out. In my view the proposal will be consistent with the requirements of the NES Soil.

Section 104 (b) (iii) National Policy Statement on Urban Development Capacity 2016

216. Section 104(1)(b)(iii) of the RMA states the Consent Authority must, subject to Part 2, have regard to any relevant provisions of a National Policy Statement. Of those policy statements available, the National Policy Statement for Urban Development Capacity 2016 (NPS-UDC) is determined to be applicable to an assessment of the TKL subdivision.

217. The Ministry for the Environment published the NPS-UDC in October 2016 which became operative on 1 December 2016. The purpose of the NPS-UDC is set out in the preamble but the key direction it contains can be summarised as follows:

“This national policy statement provides direction to decision makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- *Enable urban environments to grow and change in response to the changing needs of the communities and future generations; and*
- *Provide enough space for their populations to happily live and work. This can be both through allowing development to “go up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.*

This national policy statement aims to ensure that planning decisions enable the supply of housing to meet demand. This will contribute to minimising artificially inflated house prices at all levels and contribute to housing affordability overall.

This national policy statement requires Councils to provide in their plans enough development capacity to ensure that demand can be met. This includes both the total aggregate demand, and also the demand for different types, sizes and locations⁹².

218. The NPS-UDC contains different policy directives depending on whether or not the respective Territorial Authority is considered to be a high growth urban area as defined in the NPS-UDC. The Introductory Guide to the

⁹² National Policy Statement on Urban Development Capacity 2016 at Preamble, Page 3.

NPS-UDC confirms that the territorial area of the Waikato District Council is a high growth urban area⁹³. The NPS-UDC targets different policies at high growth areas such as the Waikato District and provides greater direction in terms of planning for future growth. Waikato District must ensure, among other matters, that there is sufficient development capacity in the short, medium and long-term, ensure there is sufficient land to promote choice [of housing options], promote the efficient use of land and infrastructure, limit adverse effects on competition, provide an additional margin of feasible capacity, actively monitor market and price indicators and produce a housing and business development capacity assessment.

219. The Waikato District does not have designated growth areas under the NPS-UDC, rather the NPS addresses the entire District as a high growth area. As such, all objectives and policies of the NPS-UDC apply to the District, with those of particular relevance being OA1⁹⁴, OA2⁹⁵ and OA3⁹⁶.
220. Through a design led response, TKL has provided for a range of lot sizes and housing typologies, and as highlighted by Mr McAlley, provides for a range of choice, with larger lots appealing to more established home owners and smaller lots to first home buyers. The TKL proposal comprises a more efficient use of land than the Silverspur consented development while providing more accessible road gradients, a well-designed and connected hilltop reserve and substantial amenity planting throughout the development. The accessible road gradients will support all modes of transport including pedestrians, cyclists and those with limited mobility.
221. This means that the TKL proposal goes some way towards providing an effective and efficient urban environment as required by Objective OA1. The TKL proposal will also provide an additional 34 dwellings within the site therefore assisting in meeting the demand for housing within the

⁹³ Introductory Guide on the NPS-UDC 2016 (November 2016), Table 1, Page 9.

⁹⁴ OA1 - *effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing*".

⁹⁵ OA2 – *urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.*

⁹⁶ OA3 – *Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.*

existing residential land resource in Te Kauwhata going some way towards meeting Objective OA2.

222. In my view, the TKL proposal goes further to meeting the objectives of the NPS-UDC as set out above than the development approved under the Silverspur consent. Overall, in my view the TKL proposal aligns more closely with the objectives and policies of the NPS-UDC, a higher order document which the District Plan must give effect to and thereby must be given greater weight under the application of s104.

Section 104 (b) (v) any relevant provisions of a regional policy statement or proposed regional policy statement

223. Section 104(1)(b)(v) of the RMA states the Consent Authority must, subject to Part 2, have regard to any relevant provisions of a regional policy statement or proposed regional policy statement. The Waikato Regional Policy Statement (WRPS) was made operative on 28th April 2016 and includes the Vision and Strategy in Section 2. The Vision and Strategy is deemed to be part of the WRPS as per s11 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

224. The key issue of the WRPS relating to this proposal relates to the management of the form and shape of the built environment as follows:

***“Issue 1.4 Managing the Built Environment:** Development of the built environment including infrastructure has the potential to positively or negatively impact on our ability to sustainably manage natural and physical resources and provide for our wellbeing.*

225. The key objective associated with that issue is Objective 3.12 – Built Environment. That objective seeks to ensure that development of the built environment and associated land use occurs in an integrated, sustainable and planned manner. Following on from that objective are several supporting policies. Those most relevant to this proposal are as follows:

- c) Policy 6.1 – Planned and Co-ordinated Subdivision, Use and Development;
- d) Policy 6.3 – Co-ordinating Growth and Infrastructure;
- e) Policy 6.14 – Adopting Future Proof Land Use Pattern; and
- f) Policy 6.15 – Density Targets for Future Proof Area.

226. The TKL proposal is located within the Te Kauwhata Structure Plan area, an area that has been comprehensively planned in terms of access and infrastructure utilities, reserves. The Te Kauwhata Structure Plan provisions have been designed to facilitate a high quality urban environment with good connectivity both within the site and to and from adjacent sites and to the local road network and convenient access to neighbourhood reserves. The proposal is consistent with the Future Proof land use pattern and goes further in implementing a more compact urban environment as set out in Policy 6.15. In my view the TKL proposal will be consistent with Objective 3.12 and the related policies from the WRPS.

Section 104(1)(c) - Any Other Matters

227. Section 104(1)(c) of the RMA requires a Consent Authority to have consideration to any other matters relevant and reasonably necessary to determine the application. The application and the supporting documents submitted within the s92 Responses have contained references to the application of the existing environment when making an evaluation on the environmental effects of an activity. Dr Forret includes a detailed evaluation of the application in reference to the existing environment and receiving environment within her submissions which I rely upon for the purposes of this report. However, I have provided a summary of the application of that case law to the TKL subdivision as follows.

228. Case law is clear that the TKL application must be assessed in respect of the effects on the environment that are different from the effects that would reasonably be expected to arise due to the consented subdivision as if it were to be fully implemented⁹⁷. That position is further solidified through the Court of Appeals decision in *Far North District Council v Te Rūnanga ā Iwi o Ngāti Kahu* which states that Consent Authorities must take into account the future state of the environment, including unimplemented consents, when determining effects for the purposes of assessing an application under s104 of the RMA⁹⁸. In this regard, it is my opinion that the TKL has given effect to that consent through implementation and as such the effects assessment of the activity has rightly been restricted to those of the variations to the Silverspur consent as it may be implemented.

⁹⁷ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] 12 ELRNZ 299, [2006] NZRMA 424.

⁹⁸ *Far North District Council v Te Rūnanga ā Iwi o Ngāti Kahu* CA705/2011 [2013] NZCA 221

229. Another matter to consider under Section 104(1)(c) is the current Plan Change 20 application to the Waikato District Plan for the Lakeside Development Limited (LDL). The LDL plan change is seeking to rezone 194 hectares of land on the southern boundary of the existing Te Kauwhata village for residential purposes. The submissions and further submission periods have now closed and the plan change is to be heard by two independent hearing commissioners in mid-March 2018. The plan change is seeking to develop: areas of medium density housing generally consistent with the existing lot sizes in Te Kauwhata; high density housing to provide a diversity of housing choice; and a retirement village.
230. Given that the plan change has not yet been heard and determined it is too early in the statutory process to discuss a potential outcome, however it does demonstrate the level of demand in the Te Kauwhata area for residential housing. In addition, the Waikato District Council has been successful in obtaining money from the Housing Infrastructure Fund (HIF) for the development and upgrading of infrastructure associated with the expansion of Te Kauwhata, including the development of the LDL proposal.

Precedent effects

231. Precedent is not an explicit effect mentioned in the RMA however precedent effects are relevant factors for decision makers to take into account when considering an application for a non-complying activity. The discretion to address precedent effects is a relevant consideration under s 104(1)(c) rather than under s 104D. The nature of the activity as non-complying of itself suggests that the activity will be exceptional in that location.
232. Precedent effects are generally described as effects that may influence a decision in the future. Therefore, while the granting of a resource consent does not establish a precedent, the granting of that consent may influence how the effects of another application on the environment are dealt with. It is important to note that precedent cannot be relevant as a cumulative effect. The fact that future applications for similar activities might follow is not an environmental effect.

233. There are only three aspects of the TKL proposal that are classed as Non-Complying activities; being the staging, the show homes not being immediately reticulated and the building coverage. I have already discussed my view on these issues in paragraphs 42 a), b) and c) of my evidence. I briefly summarise my views on each of these areas below.
234. In relation to the staging non-compliance, the Waikato District Council has granted successive resource consents for subdivision within the Te Kauwhata West Living Zone and Te Kauwhata Structure Plan Area. Those subdivisions include the original Silverspur consent, the Jetco development adjoining the site and the Hornsby Earthmovers subdivision on Travers Road to the north-east of the TKL site.
235. These decisions all allude to the purpose of the staging requirements to reduce the occurrence of ad-hoc development within the area through which the amenity of developed areas can be matured, infrastructure can be provided to service areas of future development potential and demand for housing would be met to avoid an oversupply of sections.
236. The decisions also conclude that these issues are addressed through conditions requiring amenity planting and managing the adverse effects of earthworks. The TKL proposal is able to be serviced with existing roading and other infrastructure as confirmed by Peter Henderson. In addition, given the high level of demand for house lots as evidenced by the current private plan change in process through the Council, concerns about an oversupply of sections and long delays in developing the land will be unfounded in my view. In my view, the same conclusions about the non-complying rules that were reached in the other consents are also applicable in the TKL proposal.
237. In relation to the showhomes, while they will be built ahead of the water and wastewater infrastructure, they will be accessed from an existing formed public road and temporary solutions exist to address the short term needs of Show home staff until the underground utilities are installed. The s42A report author concludes that any adverse effects of this non compliance will be minor and I agree.

238. In relation to the building coverage, the non-compliance with this rule was discussed at paragraph 42 c) of my evidence. The self imposed consent notice limiting the building coverage to 30% is assessed by the s42A author as within the permitted threshold and I agree. This requirement will result in an overall reduction in the amount of building coverage on the TKL site when compared with that possible under the Silverspur consent.
239. In my opinion the environmental effects of TKL are no different from those identified within the respective decisions set out above and the precedent effects of the TKL subdivision in relation to the non complying rules will be no more than minor.
240. The other aspects of the TKL proposal that require discussion in terms of precedent are the number of rear lots and the lot sizes. Both the number of rear lots and the lot sizes are a response to the specific topography of the TKL site. The TKL site is more topographically diverse than any other site in the Te Kauwhata West Living Zone and therefore poses more challenges in terms of developing a workable residential environment with a high level of amenity.
241. As discussed in the evidence of Mr Graham⁹⁹, the approach to the development of rear lots and the approach to the lot sizes was in response to the challenging topography, the need to create efficient block and lot sizes and a desire to provide an appealing subdivision product.

Approvals to the Application – Section 104(3)(a)(ii)

242. Section 104(3)(a)(ii) of the RMA states the Consent Authority must not consider any effect on a person who has given written approval to the application. As contained within the s92 Response to WDC (dated 19th July 2017) written approvals were received from five (5) immediately adjoining parties to the site. For the purposes of the effects assessment, environmental effects have been disregarded on the following parties:
- d) Craig McIntosh & Janine Dunlop, 124 Te Kauwhata Road – Lot 2 DP 306539;
 - e) Michael Boldero, 4 Wayside Road – Lot 1 DP 306359;

⁹⁹ Evidence of Michael Graham, paragraphs 84 - 90

- f) Stephanie Smith, 106 Te Kauwhata Road – Lot 307 DP 495940;
- g) Alistair Smith (Greenways Orchards Ltd), 16 Wayside Road – Lot 1 DP 385781; and
- h) Todd Potter (Jetco Waikato Ltd), 136 Travers Road – Lot 301 DP 495940.

CONSULTATION

243. As I have stated within the scope of this evidence, a detailed description of the consultation undertaken to date has been included within the supporting evidence of Mr McAlley. I have reviewed that evidence and accordingly include a summarised assessment of the consultation completed under the following paragraphs.
244. I agree with Mr McAlley in his approach to the continuation of meaningful and effective engagement and participation with affected parties and tangata whenua and note this aligns with the requests of Nga Muka Development Trust within their submission on this application.
245. As at the time of completing my evidence, TKL was awaiting the written confirmation from NZTA that with the imposition of proposed draft conditions 56, 57 and 58, they have no further concerns with the development. In my opinion effective consultation has taken place with NZTA.

STATUTORY ASSESSMENT UNDER THE RMA

Part 2

246. Part 2 of the RMA sets out the purpose and principles of the Act. The overall purpose of the RMA is to promote the sustainable management of natural and physical resources. 'Sustainable management' is defined as:

“Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- b) *Safeguarding the life-supporting capacity of water, air, soil, and ecosystems; and*
- c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.*

247. Having had regard to the definition of sustainable management in Section 5(2) of the RMA, the approval of the application for subdivision consent by TKL will provide for the more efficient use of land and infrastructural resources in support of residential development and use, while avoiding, remedying and mitigating adverse effects of the existing environment, inclusive of the additional 34 residential allotments above the existing environment as proposed by the Silverspur consent; in a manner that will consequently provide for the social, economic and cultural well-being of the Te Kauwhata community, including their health and safety.

248. It is noted that the definition of effects includes positive effects that may be derived from a use of natural and physical resources. In my view positive effects include not only those conditions that are proposed that will offset any effects arising from the number of rear lots and the density of the lots but also the positive effects arising from a better gradient throughout the development that will encourage other modes of transport such as walking and cycling. In addition, the Engineered Contour Reserve will provide a well-designed and easily accessible neighbourhood reserve on the high point of the site.

Section 6

249. Section 6 of the RMA contains ‘matters of national importance’ that must be recognised and provided for. The s6 matters that are relevant to this application are:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance.

- e) *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga”.*

250. The application has been evaluated in relation to matters of interest to Maori, their cultural sites, waahi tapu and taonga through the assessment

of s8 of the RMA below. In my view, the TKL application will uphold and provide for cultural principles throughout and following the implementation of consent. On that basis it is my opinion that s6 has been recognised and provided for by TKL.

251. In relation to other matters of national importance, none are relevant to site; being that the application does not relate to the coastal environment, does not contain any outstanding natural feature or landscape, does not contain any areas of significant indigenous vegetation or habitat of indigenous fauna, contain historic heritage, affect customary rights or exacerbate the risks to development from natural hazards.

Section 7

252. Section 7 of the RMA lists the matters that a Consent Authority is required to have particular regard to in achieving the purpose of the RMA. The listed matters are not a threshold test or criteria but, where a proposal raises issues of the kind listed, they are to be given particular regard. The s7 matters that are relevant to this application are:

“In achieving the purpose of this Act, all person exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

- a) Kaitiakitanga;*
- b) The efficient use and development of natural and physical resources;*
- c) The maintenance and enhancement of amenity values; and*
- f) Maintenance and enhancement of the quality of the environment”.*

253. As set out above in my evidence, the applicant has consulted with local iwi, who provided a submission in support of the proposal. Consultation with iwi will be ongoing through the development of the project including the opportunity to provide karakia at groundbreaking. In my view this is evidence that the applicant is providing local iwi with the opportunity to exercise some stewardship.

254. The TKL proposal represents a more efficient use and development of the relatively scarce resource of residentially zoned land that is capable of being serviced with roading and all necessary infrastructure. The evidence of Mr Graham, Mr Gray and Mr McAlley and my evidence as set

out above has demonstrated that the TKL proposal is an appropriate, design led response to a topographically challenging site.

255. The overall approach including the earthworks philosophy, the enlarged stormwater wetlands, the Engineered Contour Reserve, the stepped approach to the gradients and the proposed landscaping will all assist in maintaining and enhancing the amenity of the site and the wider locality of Te Kauwhata West. It then follows that the quality of the local environment will be maintained and enhanced by the proposal. In my view the proposal will have due regard to the requirements of section 7 of the Act.

Section 8

256. Section 8 of the RMA relates to providing for the principles of the Treaty of Waitangi. The principles of the Treaty have been set by the Court of Appeal and interpreted by the Waitangi Tribunal of comprising partnership, reciprocity, autonomy, active protection and mutual benefit. In my view the principles of Section 8 have been provided for within the approach to consultation and environmental mitigation. There are no known sites of cultural significance or archaeological sites on the TKL site and effects will be controlled in a manner that ensure consistency with the Vision and Strategy for the Waikato River.
257. In my opinion, consultation with iwi representatives of the Nga Muka Development Trust has been consistent and genuine and followed the appropriate channels and process as set by the iwi representatives. A meeting has been held and information has been shared, including a whakarite (blessing) of the site, with both parties seeking to maintain an ongoing relationship. The consultation and ongoing objectives of this relationship are noted further within the evidence of Mr McAlley.
258. Based on the above conclusions, the brief of supporting evidence and the conclusions of the Assessment of Environmental Effects report it is my opinion that approval of the application would be consistent with the Treaty principles and overall sustainable management aims of the RMA.

ANALYSIS OF CONDITIONS OF CONSENT

259. The s42A report provided a comprehensive set of conditions for the commissioner, should consent be granted. I have reviewed those conditions and provided an updated set in **Appendix 2** to my evidence. This latest version has captured those conditions originally proposed by TKL, those conditions proposed by the Council in the s42A report, additional conditions proposed by TKL as a result of information provided after the receipt of the S42A report along with agreements reached after the s42A report such as with NZTA.
260. In my view the latest set of conditions are comprehensive and provide certainty to both the Council, the applicant and the community that the TKL proposal will be implemented in a manner consistent with the application.

CONCLUSION

261. In my view the TKL proposal represents the sustainable use of a large, topographically challenging site in the Te Kauwhata West Living Zone. The TKL proposal sets out an appropriate design response to the topography and does so in a manner that will provide 164 residential lots located in a well contoured, well landscaped environment. The proposed hilltop reserve will provide an attractive, accessible neighbourhood reserve that will provide views out to the surrounding landscape. In my view the TKL proposal represents the sustainable use of a physical resource consistent with the requirements of the Resource Management Act.

Dated this 5 February 2018



Christopher John Dawson

Appendix 1
Silverspur s127 decision

Your Ref

In reply please quote
SUB0163/14.01

If calling, please ask for
Summer Salmon

25 November 2016

Murray Wallace
Blue Wallace Surveyors Limited
PO Box 38
Waikato Mail Centre
Hamilton 3240

Postal Address

Private Bag 544
Ngaruawahia, 3742
New Zealand

0800 492 452
www.waikatodistrict.govt.nz

Dear Sir

**APPLICATION BY TE KAUPHATA LAND LIMITED FOR SUBDIVISION CONSENT AT
24 WAYSIDE ROAD TE KAUPHATA**

You are advised that your application has now been determined and has been granted. Please find enclosed a copy of the Decision and the Consent.

A Lapsing of Consents

Your attention is drawn to section 125 of the Resource Management Act 1991. A summary of that section is that a resource consent lapses on the expiry of five years after the date of commencement of the consent, or after the expiry of such shorter or longer period as is expressly provided for in the consent, unless

- (a) The consent is given effect to, before the end of that period; or
- (b) An application which meets the criteria specified in section 125 is made to the Council.

B Compliance with Conditions

Please note that unless a specific time limit is stated in the conditions imposed by the Council when granting this consent, all conditions must be complied with before the use to which the consent relates is established.

C Changes to Conditions

Your attention is drawn to section 127 of the Resource Management Act 1991 which enables an application to be made at any time to Council to change or cancel any condition of this consent. Any such application should be accompanied by a deposit of \$1,300.00 for Land Use and Subdivision consents

D Review of Decision on non-notified application

Your attention is drawn to section 357 of the Resource Management Act 1991. This section provides that there is a right of objection to Council in respect of this decision. Section 357(5) requires:

Any such objection shall be made by notice in writing to the Council, setting out the reasons for the objection and should be accompanied by a deposit of \$1,300.00. This objection should be made within 15 working days after the decision or requirement being notified to that person, or within such further time as may in any case be allowed by the consent of the Council.

E Right of Appeal

Your attention is drawn to the Resource Management Act 1991 sections 120 and 121 and also the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153, Regulations 16 – 19. Some key provisions to note are as follows:

- (i) You may appeal against the decision of the Council by lodging a Notice of Appeal in the prescribed form with the Registrar of the Environment Court and with the Council within 15 working days of the receipt by you, or the person who filed the application on your behalf, of the Council's decision. The address of the Environment Court is as follows:

The Registrar
Environment Court
P O Box 7147
Wellesley Street
AUCKLAND

Specialist Court and Tribunal Centre
Level 2
41 Federal Street (Cnr Wyndham and Federal Streets)
AUCKLAND CITY
Telephone: 09 916 9091
Fax: 09 916 9090

- (ii) The appeal must be in the form prescribed by the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153 or to like effect. The regulations may be purchased from Bennetts Government Bookshop, or they (and the RMA itself) are accessible on-line at www.legislation.govt.nz. The form is identified as Form 34 in the regulations.
- (iii) A filing fee of \$511.11 GST inclusive must accompany every document by which appeal proceedings are commenced.
- (iv) Section 121 of the Resource Management Act 1991 sets out important information as to the persons upon whom the appeal must be served and the time when service must take place. It is essential that these provisions be adhered to. Failure to do so may result in your appeal being struck out.

If you are in any doubt as to the procedures to be followed it is strongly recommended that you consult a lawyer.

Yours faithfully



Beryl McCauley
CONSENTS ADMINISTRATION

Cc: Te Kauwhata Land Limited
PO Box 9041
Waikato Mail Centre
Hamilton 3240

Decision on Application to Change or Cancel Resource Consent Conditions

(Section 127, Resource Management Act 1991)



www.waikatodistrict.govt.nz

Pursuant to Sections 34(A)(1) and 127 of the Resource Management Act 1991, the Waikato District Council, under delegated authority, gives approval for changes to conditions of an approved resource consent as follows:

Application Number: SUB0163/14.01

Resource Consent Number: SUB0163/14

Applicant: Te Kauwhata Land Limited

Subject: s127 change of consent conditions to create an additional stage of development, increase the size of a local purpose reserve, clearly define the timing of remediation, bulk and construction earthworks and recognise the transfer of ownership of a strip of land previously included in the subdivision.

Location Address: 24 Wayside Road TE KAUWHATA

Legal Description: Lot 306 DP 495940 comprised in Computer Freehold Register 729040

The resource consent is now subject to the Amended Conditions detailed in the attached Schedule 1.

The reasons for this decision are detailed in the attached Schedule 2.

A handwritten signature in blue ink, appearing to read "Kim...", is written over a horizontal line.

CONSENTS TEAM LEADER

Dated: 25/11/16



Schedule 1

Conditions of Consent

Resource Consent No: SUB0163/14.01

Changes shown in *italics* and/or underlined.

All stages

For the purposes of this consent, any reference to 'residential lots' within this section titled 'All Stages' shall be taken to mean the residential lots created within the relevant stage as follows:

- Stage 1 A: Lots 1 to 11 (inclusive), and Lots 123 to 130 (inclusive);
- Stage 1 B: Lots 12 to 32 (inclusive), Lot 54, Lot 116 and Lots 118 to 122 (inclusive);
- Stage 2: Lots 33 to 53 (inclusive);
- Stage 3: Lots 55 to 70 (inclusive), and Lots 106 to 115 (inclusive);
- Stage 4: Lots 71 to 105 (inclusive).

General

- 1 The Land Transfer Plan to give effect to this resource consent shall be generally consistent with the application and any further information provided by the applicant for SUB0163/14 and the approved plans prepared by Blue Wallace Surveyors Ltd, Ref 14/012, dated November 2016, as follows:
 - (a) Lots 1 – 116 & 118 - 144 being a subdivision of Lot 306 DP 495940 Wayside Road Stages 1-4 Wayside Road – Te Kauwhata, Prepared for Te Kauwhata Land Limited, Drawing 4 of 11;
 - (b) Staging Plan – Overall Staging Plan, Drawing 4 of 11;
 - (c) Staging Plan – Stage 1A Detail Plan, Drawing 5 of 11;
 - (d) Staging Plan – Stage 1B Detail Plan, Drawing 6 of 11;
 - (e) Staging Plan – Stage 2 Detail Plan, Drawing 7 of 11;
 - (f) Staging Plan – Stage 3 Detail Plan, Drawing 8 of 11;
 - (g) Staging Plan – Stage 3 Roundabout Detail Plan, Drawing 9 of 11;
 - (h) Staging Plan – Stage 4 Detail Plan, Drawing 10 of 11;
 - (i) Lots 1-145 being a subdivision of Lot 306 DP 495940 Stormwater Catchment Plan, Drawing 11 of 11.

Copies of the approved plans are attached.

- 2 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 3 Council's processing fees are to be paid in accordance with the Council's schedule of fees and charges prior to the signing of the s224 certificate.
- 4 A competent and suitably qualified engineer shall be employed to prepare all engineering design plans required to be submitted to Council and to supervise and provide certification of the approved engineering works in accordance with the Hamilton Infrastructure Technical Specifications.

- 5 Prior to s223 and s224 approval all buildings shall comply with the permitted activity rules relating to building coverage, setbacks, and daylight angles relative to the new boundaries.
- 6 The five stages of the subdivision shall be completed in numerical order (i.e. Stage IA through to Stage 4) as depicted on the approved staging plan.

Advice Note

This condition is imposed to ensure the appropriate infrastructure is available to each residential allotment.

Prior to application for approval of the survey plan (s223), the Consent Holder shall comply with the following conditions:

- 7 *No earthworks or construction works shall commence prior to approval of the following documents as required by the subsequent conditions:*
 - (a) *Remediation Earthworks:*
 - (i) *The Detailed Site Investigation Report; and*
 - (ii) *The Remedial Action Plan*
 - (b) *Bulk Earthworks:*
 - (i) *Site Validation report; and*
 - (ii) *Geotechnical Assessment Report:*
Note: The Site Validation Report and Geotechnical Assessment Report may only relate to the areas where remediation has been confirmed as completed, enabling bulk earthworks to commence.
 - (c) *Construction earthworks (including trenching of services and cutting of road alignments):*
 - (i) *Engineering design plans for applicable Stage supported by Geotechnical Assessment for that Stage.*

Geotechnical Assessment Report

- 8 A Geotechnical Assessment Report informing the subdivision layout and infrastructure design shall be submitted to and approved by Council.

The report shall include/address those matters as set out in Section 2.2.3(a) – (n) within the Hamilton Infrastructure Technical Specifications.

Where works are proposed to be staged, the engineering design shall include information regarding how earthworks, stormwater and road formation shall be managed at the stage boundary and/or development boundaries.

The report shall be undertaken in accordance with (but not be limited to) the following:

- (a) Hamilton Infrastructure Technical Specifications;
- (b) The restrictions and recommendations identified in the report prepared by Paul King of OPUS entitled, 'Concept Stormwater Management Plan, ref: 3-38720.00, dated 5 September 2014', including 'Stage I Geotechnical Assessment Report, ref: 3-38720.00/004HC, dated 15 August 2014', and subsequent report 'Addendum to Stage I Geotechnical Assessment Report' ref: 3-38720.00, dated 7 April 2015 and Addendum Stormwater Report dated 17 May 2015 prepared by OPUS.

Specific design requirements for the construction of residential buildings within any of the residential lots shall be subject to a Consent Notice under s221 of the

Resource Management Act 1991.

Engineering Design Plans

- 9 All engineering design shall be undertaken in accordance with (but not be limited to) the following:
- (a) The Operative Waikato District Plan 2013;
 - (b) Hamilton Infrastructure Technical Specifications: 2014 and the Waikato District Council Supplement: 2014;
 - (c) Waikato District Council Water Supply Bylaw 2014;
 - (d) The restrictions and recommendations identified in the 'Concept Stormwater Management Plan', ref: 3-38720.00, dated 5 September 2014', including 'Stage 1 Geotechnical Assessment Report, ref: 3-38720.00/004HC, dated 15 August 2014', and subsequent report 'Addendum to Stage 1 Geotechnical Assessment Report' ref: 3-38720.00, dated 7 April 2015 prepared by OPUS, and Addendum Stormwater report dated 17 May 2015 prepared by OPUS;
 - (e) Plans titled 'Proposed Engineering Works – Stages 1-4, Services Plans' ref: 14/012 drawings 1-4, dated May 2015.

Three Waters

- 10 Detailed engineering plans including calculations and specifications shall be submitted to and approved by the Council for the following:
- (a) Water reticulation including water connections for all residential lots and connection/s into the existing public network;
 - (b) Wastewater reticulation including the wastewater pump station to be constructed within Stage 1A;
 - (c) Stormwater management system including reticulation serving all residential lots, stormwater treatment and detention devices (i.e. ponds constructed within Stages 1A and 3) and overland flow paths.

Roading

- 11 Detailed engineering plans including calculations and specifications shall be submitted to and approved by the Council for the following:
- (a) The intersection between Wayside Road and Road A as depicted on the approved subdivision scheme plans (Version # 14) in accordance with Austroads: Guide to Road Design, Part 4A;
 - (b) The upgrade of Wayside Road to a semi-urban collector road standard along the full length of the subject property road including intersection widening and footpath, services berm, kerb and channel and on-street parking along the eastern side of Wayside Road;
 - (c) Roads A to G as depicted on the approved subdivision scheme plans (Version # 14);
 - (d) Lot 131 (Right of Way A) as depicted on the approved subdivision scheme plans (Version # 14);
 - (e) Road layout plan including parking arrangements, road marking, signs, vehicle crossings, street lighting and landscaping.

Advice Note:

Refer Appendix A of the Waikato District Plan for typical road cross sections showing service lines for Te Kauwhata Structure Plan Area.

Retaining Walls

- 12 A detailed engineering plan including calculations and specifications for retaining walls as depicted on the approved 'Retaining Wall Plan' shall be designed by a suitably qualified engineer and shall be submitted to and approved by the Council.
The design shall include/incorporate the following:
- (a) Location and dimensions of retaining walls
 - (b) All retaining walls exceeding 1.5m in height shall require a barrier fence of a minimum height of 1.1m and a maximum height of 1.2m on top of the wall and the barrier fence shall be of a visually permeable construction (e.g. pool fencing).

Advice Note:

Building Consents will be required for any proposed retaining walls not exempt under Schedule 1 of the Building Act 2004.

Easements

- 13 Easements for rights of way and rights to drain water and wastewater shall be shown on the survey plan and included in the memorandum.
- 14 Easements in gross in favour of Council for all public water, wastewater (including rising mains) and stormwater reticulation located in private property shall be shown on the survey plan and included in the memorandum.
- The width of the easement over the pipe line shall be in accordance with the 'Easement Policy' of the Waikato District Council.
- 15 Easements in gross for the right to drain stormwater in favour of the Council over all identified overland flowpaths that have been approved by the Council shall be shown on the survey plan and included in the memorandum.

Prior to application for issuance of the S224(c) certification, the Consent Holder shall comply with the following conditions:

General

- 16 Easements in gross shall be prepared by the Consent Holder's Solicitor and shall include Council's standard conditions for easements in gross for the right to drain public water, wastewater and stormwater.
- 17 Written Confirmation shall be provided from network utility operators for telecommunications and energy supply confirming that the connections and reticulations have been placed underground to the boundaries of each residential lot and balance lot within each stage.

Prior to commencement of works including earthworks

- 18 The consent holder shall notify Council (Team Leader Land Development Engineer or delegated officer) in writing, of their intention to begin works, a minimum of 14 days prior to commencement.

Soil Remediation

- 19 The following reports prepared by a suitably qualified and experienced practitioner in accordance with the Ministry for the Environment Contaminated Land Management Guidelines, shall be submitted to and approved by the Council:

- (a) A DSI addressing the areas of potential contamination;
- (b) A RAP addressing the remediation of all areas of confirmed contamination, as per the findings of the DSI;

Advice Note:

If the RAP requires earthworks in excess of consented volumes and/or areas a variation to this consent or a new consent may be required.

Pre-Construction Meeting

- 20 A Pre-Construction Meeting shall be held for each stage of construction to confirm the following;
- (a) Auditing requirements;
 - (a) Provisional dates and notification lead time for verification tests;
 - (b) Quality System Checklist requirements.
- 21 Erosion and sediment controls shall be put in place in accordance with the requirements of the approved Geotechnical Assessment Report and shall remain in place to the satisfaction of Council.

Remediation Earthworks

Site Validation Report

- 22 A Site Validation Report prepared by a suitably qualified and experienced practitioner in accordance with the Ministry for the Environment Contaminated Land Management Guidelines, shall be submitted to and approved by the Council.

The report shall verify that all contaminated areas identified in the submitted DSI report have been satisfactorily remediated in accordance with the approved RAP and that soils on site meet applicable soil contaminant standards as set by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

No construction works or earthworks, other than remediation earthworks shall commence prior to approval being given.

During Earthworks

- 23 Earthworks shall be undertaken in accordance with the approved Geotechnical Assessment Report.

Advice Note:

The consent holder is to be advised that any consented works within the road reserve requires an approved Corridor Access Request (CAR). An application for a CAR is to be made to the Council's Roading Compliance Officer including appropriate Traffic Management Plan in accordance with the Hamilton Infrastructure Technical Specifications 2014.

Post-Earthworks

Geotechnical Completion Report

- 24 A Geotechnical Completion Report as per NZS4404: 2010 Section 2.6 shall be submitted to and approved by the Council.

The report shall be accompanied by a statement of professional opinion on the suitability of land for building construction as per NZS4404: 2010 Schedule 2A.

No construction works shall commence prior to approval being given.

If earthworks are staged a Geotechnical Completion Report shall be submitted and approved prior to commencement of construction within each stage.

Overland Flows

- 25 A completion report from a suitably qualified engineer shall be submitted to and approved by the Council to confirm that stormwater overland flow paths comply with Rule 5.3 of Appendix B of the Waikato District Plan and the recommendations contained within the s92 response letter ref: 3038720.00 dated 11 May 2015 prepared by OPUS.

The constructed overland flow paths and discharge points shall be clearly provided on an as-built plan provided by a Licensed Cadastral Surveyor.

During Construction

- 26 The consent holder shall undertake all construction works in accordance with the approved engineering plans.

Accidental Discovery Protocol

- 27 In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking works to give effect to the conditions of this consent, the works in the area of the discovery shall cease immediately, and Iwi and the Council shall be notified within 48 hours. Works may recommence with the written approval of the Council. Such approval shall be given after the Council has considered:
- Tangata Whenua interests and values;
 - The consent holder's interests;
 - Any archaeological or scientific evidence.

- 28 The consent holder shall construct a fence and plant a hedge directly behind the fence along the full length of the rear (north-western) property boundary of Lots 110 - 116 and Lots 118 - 128 and Lot 130 (inclusive).

The fence and the hedge shall not exceed a height of 1.2m and 1.5m respectively.

The fence shall be of a post and rail construction.

- 29 The Consent Holder shall install a permanent datum in terms of Moturiki Datum, physically on a common public location where each subsequent owner/s of all lots within all stages of the subdivision has/have legal access in accordance with the Hamilton City Council Infrastructure Technical Specifications. The exact N-E position/s of this/these datum/s shall be detailed on a site plan, to the satisfaction of Council.

Post Construction

Certification

- 30 The following as-built information, in accordance with the requirements of the Hamilton Infrastructure Technical Specifications, shall be provided to the satisfaction of the Council for:
- Stormwater, wastewater and water networks, including all stormwater treatment and detention devices and pump stations;
 - Roading and access lots, pavements, footpaths, and street furniture including lighting.

- 31 A “Producer Statement – Construction” shall be provided for each separate works (including retaining walls) undertaken as part of the consented subdivision to the satisfaction of Council.

Advice Note:

An acceptable format for certification upon completion of works can be found in the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(ii).

- 32 A “Certificate of Completion of Development Works” prepared and signed by the Developers Representative, shall be provided to confirm that all consented works have been carried out in accordance with the approved plans, appropriate standards and all relevant reports to the satisfaction of Council

Advice Note:

An acceptable format for a “Certificate of Completion of Development Works” can be found from the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(i).

- 33 Prior to wastewater and stormwater reticulations being accepted as public assets by the Council, the consent holder shall undertake a CCTV inspection, with accompanying log sheets, of all new sewer and stormwater pipes including all connections greater than 100mm diameter in accordance with the latest version NZ Pipe Inspection Manual. The CCTV inspection and log sheets, shall be forwarded to the Council or delegated officer for appraisal prior to requesting a final inspection.

- 34 A schedule of vested assets detailing cost and a brief description within the categories of roading (including street lights, street furniture and street plants), water, wastewater and stormwater shall be provided to Council.

- 35 A defects liability period of twelve months commencing from the date of issue of the 224(c) certificate shall apply for assets to vest. A bond amount set at one and a quarter times the estimated cost of the works, as agreed, or, in the absence of an agreement, as estimated by Council, is required for the duration of the defects liability period.

All costs associated with the provision of a bond will be the responsibility of the consent holder.

In accordance with section 221 of the Resource Management Act 1991 the following conditions shall apply on an ongoing basis by the subdividing owner and subsequent owners and shall be registered against the relevant certificates of title.

- 36 The current and future owners of all residential lots shall be advised that:
- (a) at the time of building consent application, they undertake foundation design in accordance with the restrictions and recommendations identified in the approved Geotechnical Completion Report unless an alternative report for proposed foundation works, undertaken by a suitably qualified and experienced Geotechnical Engineer, is approved in writing by Council;

- (b) water tanks shall be a maximum of 1m above the finished ground level and where possible water tanks shall be located at the rear of the dwelling or incorporated into the design of a building which prevents the tank being visible from the road.
- 37 The current and future owners of Lots 101, 102, 108, 109, 116 and 138 shall be advised that any fencing along boundaries abutting recreation or drainage reserves shall be a maximum 1.2m in height and shall be of a visually permeable construction.
- 38 The current and future owners of Lots 110 - 116 and 118 - 128 and Lot 130 (inclusive) shall be advised of the following:
- (a) A minimum of one specimen tree (pb95 or larger) shall be planted in the rear yard within the first planting season (April to September) following occupation of a dwelling within the lot. If the specimen tree dies or is damaged or is removed then it shall be replaced within six weeks with a similar species of the same size and thereafter maintained by the consent holder;
- (b) The existing post and rail fence and the hedge planted directly behind the fence located along the full length of the rear (north-western) property boundary shall be retained and maintained in perpetuity. The fence and the hedge shall not exceed a height of 1.2m and 1.5m respectively.
- 39 The current and future owners of Lots 129 and 130 shall be advised that their property is located in close proximity to a substation located on Lot 1 DPS 39290. Where land use activities on this property are carried out in accordance with the relevant plan requirements, the property owner, or their successor in title shall not bring any proceedings for damages, negligence or nuisance arising from the use of that land; or make nor lodge; nor be party to; nor finance nor contribute to the cost of any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any activity on the property, including without limitation, any action to require the surrounding landowners/occupiers to modify the operations carried out on their land.
- 40 Consent notices shall be prepared by Council's Solicitor at the consent holders cost.

Advice Note:

Please request your consent notice be prepared prior to requesting 224c approval.

STAGE IA

Prior to application for approval of the survey plan (s223), the Consent Holder shall comply with the following conditions:

Amalgamation Condition

- 41 That Lot 131 hereon (Right of Way A - legal access) be held as four undivided one-fourth shares by the owners of Lots 6-9 hereon and that individual Computer Freehold Registers be issued in accordance therewith (refer LINZ Request # 1312688).

Prior to the application for s224 approval the Consent Holder shall comply with the following Conditions:

- 42 Lot 131 (Right of Way A) and entrance and entrances to Lot 3 and Lot 129 shall be constructed.
- 43 Lot 145 shall vest in Council as road.
- 44 Lot 133 shall vest in Council as Local Purpose Reserve – Drainage.

Advice Note:

Pursuant to Section 106(2) of the Local Government Act 2002 Development Contributions for the following services (GST inclusive) shall be paid to Waikato District Council for the additional lots:

Infrastructure	Number of additional HEU's	Fee per lot	Total Amount
Community Facilities	19	\$ 3,061.00	\$58,159.00
District Wide Roding	19	\$ 535.00	\$10,165.00
Roads and Transport	19	\$6,790.00	\$129,010.00
Stormwater	19	\$493.00	\$9,367.00
Wastewater	19	\$7,514.00	\$142,766.00
Water	19	\$12,390.00	\$235,410.00
Total Development Contributions			\$584,877.00

The amounts of the contributions payable at the time of issue of a Section 224(c) Certificate are those fees and charges prevailing at the time the application for resource consent was lodged.

Pursuant to section 208(a) of the Local Government Act 2002 a territorial authority may in the case of a development contribution required under section 198(1)(a), withhold a certificate under section 224(c) of the Resource Management Act 1991 until the required development contribution has been paid.

STAGE 1B

Prior to the application for s224 approval the Consent Holder shall comply with the following Conditions:

45 The entrances to Lot 12, Lot 31, Lot 32 and Lot 54 shall be constructed.

46 Lot 132 shall vest in Council as road.

Advice Note:

Pursuant to Section 106(2) of the Local Government Act 2002 Development Contributions for the following services (GST inclusive) shall be paid to Waikato District Council for the additional lots:

Infrastructure	Number of additional HEU's	Fee per lot	Total Amount
Community Facilities	28	\$ 3,061.00	\$85,708.00
District Wide Rooding	28	\$ 535.00	\$14,980.00
Roads and Transport	28	\$6,790.00	\$190,120.00
Stormwater	28	\$493.00	\$13,804.00
Wastewater	28	\$7,514.00	\$210,392.00
Water	28	\$12,390.00	\$346,920.00
Total Development Contributions			\$861,924.00

The amounts of the contributions payable at the time of issue of a Section 224(c) Certificate are those fees and charges prevailing at the time the application for resource consent was lodged. Pursuant to section 208(a) of the Local Government Act 2002 a territorial authority may in the case of a development contribution required under section 198(1)(a), withhold a certificate under section 224(c) of the Resource Management Act 1991 until the required development contribution has been paid.

STAGE 2

Prior to application for approval of the survey plan (s223), the Consent Holder shall comply with the following conditions:

Engineering Plans

- 47 A detailed engineering plan including calculations and specifications shall be submitted to and approved by the Council for the following:
- (a) Rights of Way C & D as depicted on the approved subdivision scheme plans (Version # 14) for Stage 2;
 - (b) The entrance to serve the Rights of Way C & D as depicted on the approved subdivision scheme plans (Version # 14) for Stage 2.

Prior to the application for s224 approval the Consent Holder shall comply with the following Conditions:

- 48 Rights of Way C & D and their respective entrances shall be constructed.
- 49 Lot 134 shall vest in Council as road.

Advice Note:

Pursuant to Section 106(2) of the Local Government Act 2002 Development Contributions for the following services (GST inclusive) shall be paid to Waikato District Council for the additional lots:

Infrastructure	Number of additional HEU's	Fee per lot	Total Amount
Community Facilities	21	\$ 3,061.00	\$64,281.00
District Wide Roding	21	\$ 535.00	\$11,235.00
Roads and Transport	21	\$6,790.00	\$142,590.00
Stormwater	21	\$493.00	\$10,353.00
Wastewater	21	\$7,514.00	\$157,794.00
Water	21	\$12,390.00	\$260,190.00
Total Development Contributions			\$646,443.00

The amounts of the contributions payable at the time of issue of a Section 224(c) Certificate are those fees and charges prevailing at the time the application for resource consent was lodged.

Pursuant to section 208(a) of the Local Government Act 2002 a territorial authority may in the case of a development contribution required under section 198(1)(a), withhold a certificate under section 224(c) of the Resource Management Act 1991 until the required development contribution has been paid.

STAGE 3**Prior to the application for s224 approval the Consent Holder shall comply with the following Conditions:**

- 50 Entrances to Lot 58, Lot 69, Lot 70, Lot 106, Lot 111 and Lot 112 shall be constructed.
- 51 Lots 136 and 137 shall vest in Council as road.
- 52 A property valuation by an independent property valuer for Lot 135 (Recreation reserve) shall be obtained by both Council and the consent holder and provided to Council, with the valuation date being the date of approval of the subdivision.
- 53 Lot 135 shall vest in Council as Recreation Reserve.
- 54 The consent holder shall provide evidence that the stormwater pond on the adjoining property at 132 Travers Road being Lot 2 DP 464879 comprised in Computer Freehold Register 618010 (which Catchment 3 of the subdivision as shown on the approved Catchment Plan will discharge into), has been constructed to standard and the asset and land on which the pond is located has been vested in Council.

Advice Note:

Pursuant to Section 106(2) of the Local Government Act 2002 Development Contributions for the following services (GST inclusive) shall be paid to Waikato District Council for the additional lots:

Infrastructure	Number of additional HEU's	Fee per lot	Total Amount
Community Facilities	26	\$ 3,061.00	\$79,586.00
District Wide Roding	26	\$ 535.00	\$13,910.00
Roads and Transport	26	\$6,790.00	\$176,540.00
Stormwater	26	\$493.00	\$12,818.00
Wastewater	26	\$7,514.00	\$195,364.00
Water	26	\$12,390.00	\$322,140.00
Total Development Contributions			\$800,358.00

The amounts of the contributions payable at the time of issue of a Section 224(c) Certificate are those fees and charges prevailing at the time the application for resource consent was lodged.

Pursuant to section 208(a) of the Local Government Act 2002 a territorial authority may in the case of a development contribution required under section 198(1)(a), withhold a certificate under section 224(c) of the Resource Management Act 1991 until the required development contribution has been paid.

STAGE 4

Prior to application for approval of the survey plan (s223), the Consent Holder shall comply with the following conditions:

Amalgamation Condition

55 That Lot 138 hereon (legal access) be held as four undivided one-fourth shares by the owners of Lots 98-101 hereon and that individual Computer Freehold Registers be issued in accordance therewith (refer LINZ Request # 1312688).

56 Deleted.

Engineering Design Plan

57 Detailed engineering plans including calculations and specifications shall be submitted to and approved by the Council for the following:

- (a) Lot 138 (Right of Way G) and Rights of Way E & F as depicted on the approved subdivision scheme plans (Version # 14) for stage 4;
- (b) The entrance to serve Lot 138 and the Rights of Way E & F as depicted on the approved subdivision scheme plans (Version # 14) for Stage 4.

Prior to the application for s224 approval the Consent Holder shall comply with the following Conditions:

58 Lot 138 (Right of Way G) and Rights of Way E & F and their respective entrances and entrances to Lot 81, Lot 93, Lot 96, Lot 104 shall be constructed.

59 Lot 140 shall vest in Council as road.

60 Lot 139 shall vest in Council as Local Purpose Reserve – Drainage.

Advice Note:

Pursuant to Section 106(2) of the Local Government Act 2002 Development Contributions for the following services (GST inclusive) shall be paid to Waikato District Council for the additional lots:

Infrastructure	Number of additional HEU's	Fee per lot	Total Amount
Community Facilities	34	\$ 3,061.00	\$104,074.00
District Wide Roding	34	\$ 535.00	\$18,190.00
Roads and Transport	34	\$6,790.00	\$230,860.00
Stormwater	34	\$493.00	\$16,762.00
Wastewater	34	\$7,514.00	\$255,476.00
Water	34	\$12,390.00	\$421,260.00
Total Development Contributions			\$1,046,622.00

The amounts of the contributions payable at the time of issue of a Section 224(c) Certificate are those fees and charges prevailing at the time the application for resource consent was lodged.

Pursuant to section 208(a) of the Local Government Act 2002 a territorial authority may in the case of a development contribution required under section 198(1)(a), withhold a certificate under section 224(c) of the Resource Management Act 1991 until the required development contribution has been paid.



Schedule 2

Reasons for Decision

Resource Consent No: SUB0163/14.01

- I. Council is satisfied that the changes to conditions can be granted pursuant to section 127 of the Resource Management Act, on a non-notified basis, for the following reasons:
 - (a) That the changes are such that potential adverse effects on the environment will be acceptable and the scale of effects are not considered to be more than that which was originally consented to;
 - (b) That the changes will be consistent with the relevant objectives and policies of the Operative District Plan; and
 - (c) That the changes meet the purpose and principles of the Resource Management Act 1991.



MEMORANDUM OF EASEMENT		
PURPOSE	SERV. TENE. SHOWN	DOM. TENE.
RIGHT OF WAY RIGHT TO CONVEY ELECTRICITY, TELECOMMUNI- CATIONS AND CABLES AND MEDIA & WATER RIGHT TO DRAIN STORMWATER SEWAGE	LOT 131 HEREON	LOTS 6-9 HEREON
	BALANCE LOT 141 HEREON	LOTS 1-5, 130 HEREON
	LOT 50 HEREON	LOT 51 HEREON
	LOT 51 HEREON	LOT 50 HEREON
	LOT 86 HEREON	LOT 87 HEREON
	LOT 97 HEREON	LOTS 36 HEREON
	LOT 138 HEREON	LOTS 98-101 HEREON

AMALGAMATION CONDITION
 THAT LOT 131 (HEREON LEGAL ACCESS) BE HELD AS FOUR UNDIVIDED ONE-FOURTH SHARES BY THE OWNERS OF LOTS 6-9 HEREON, AND THAT INDIVIDUAL COMPUTER FREEHOLD REGISTRARS BE ISSUED IN ACCORDANCE THEREWITH.
 (SEE LINZ REQUEST)

AMALGAMATION CONDITION
 THAT LOT 138 (HEREON LEGAL ACCESS) BE HELD AS FOUR UNDIVIDED ONE-FOURTH SHARES BY THE OWNERS OF LOTS 98-101 HEREON, AND THAT INDIVIDUAL COMPUTER FREEHOLD REGISTRARS BE ISSUED IN ACCORDANCE THEREWITH.
 (SEE LINZ REQUEST)

NOTE:
 1) ALL AREAS AND DIMENSIONS SUBJECT TO FINAL SURVEY AND APPROVAL FROM THE WAIKATO DISTRICT COUNCIL
 2) LEGAL DESCRIPTION: LOT 306 DP-485940 (CT. 729040) 16.5166 ha. LIVING ZONE TE KAUPHATA WEST
 3) TOTAL AREA.
 4) ZONE: LIVING ZONE TE KAUPHATA WEST
 5) AERIAL PHOTO SUBJECT TO DISTORTION
 6) ALL LEVELS ARE IN TERMS OF MOTURIKI DATUM

SCALE: 1:2500 @A3, 1:1250 @A1 DATE: 2 NOVEMBER 2016

No.	Amendment	By	Date	Designed	WAB / MNY
1	APPLICATION SCHEME PLAN #0 02-11-16	JAC	11/15	Drawn	JAC
2				Checked	
3				Approved	

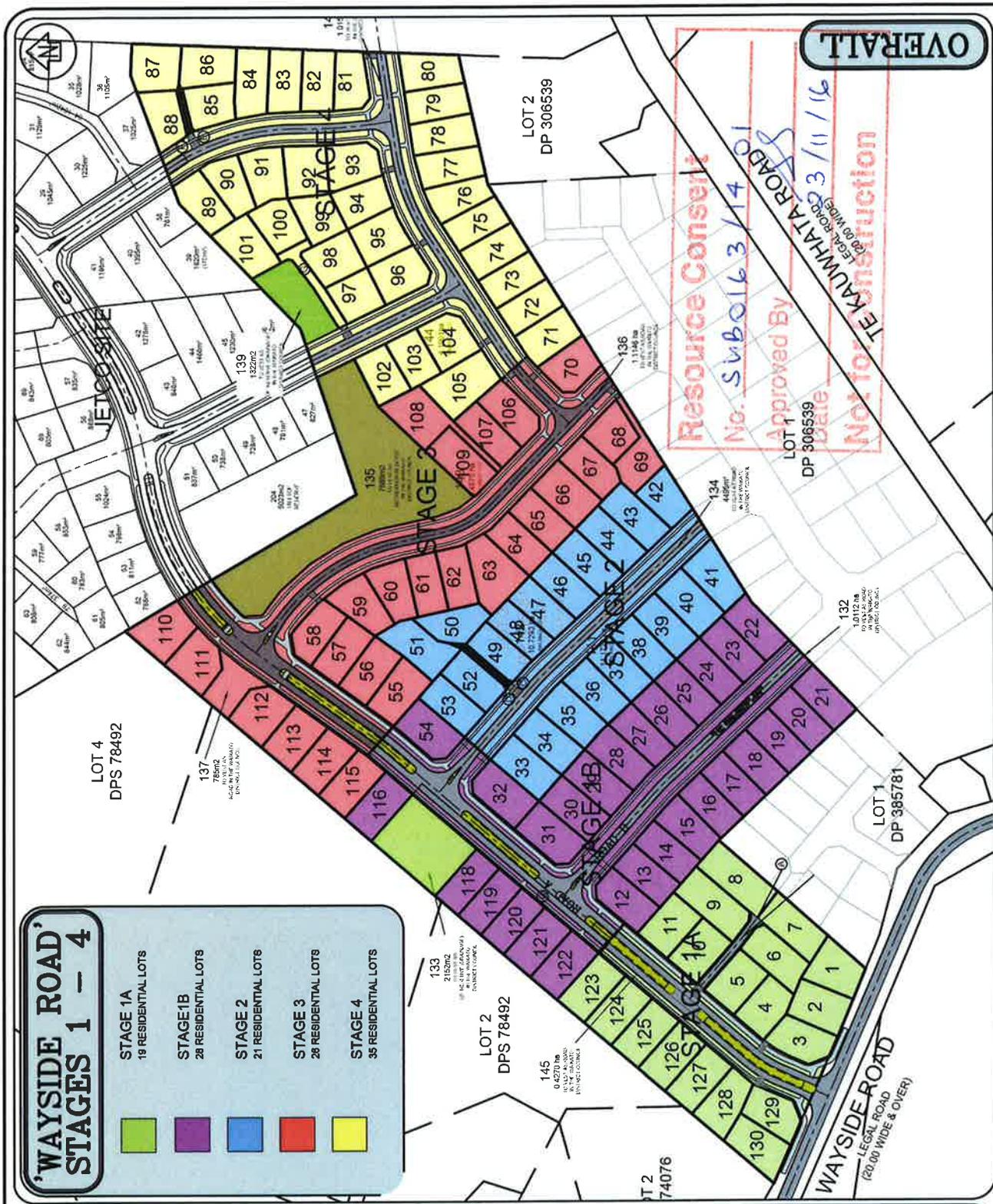
FILE REFERENCE: 14/012
 DRAWING NO: 2 OF 11

Version #9

LOTS 1 - 116 & 118 - 145 RESIDENTIAL SUBDIVISION OF
 LOT 306 DP 495940 - STAGES 1 - 4
 WAYSIDE ROAD - TE KAUPHATA
 PREPARED FOR: TE KAUPHATA LAND LTD

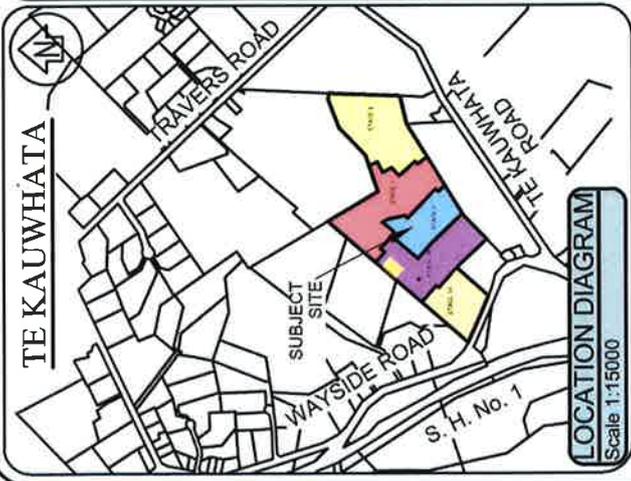
Blue Wallace
 Surveyors Ltd.
 25 Harwood Street, P. O. Box 38,
 Hamilton Central, HAMILTON.
 Phone: (07) 839 7796, Fax: (07) 839 4455

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'WAYSIDE ROAD' STAGES 1 - 4

	STAGE 1A 19 RESIDENTIAL LOTS
	STAGE 1B 28 RESIDENTIAL LOTS
	STAGE 2 21 RESIDENTIAL LOTS
	STAGE 3 28 RESIDENTIAL LOTS
	STAGE 4 35 RESIDENTIAL LOTS



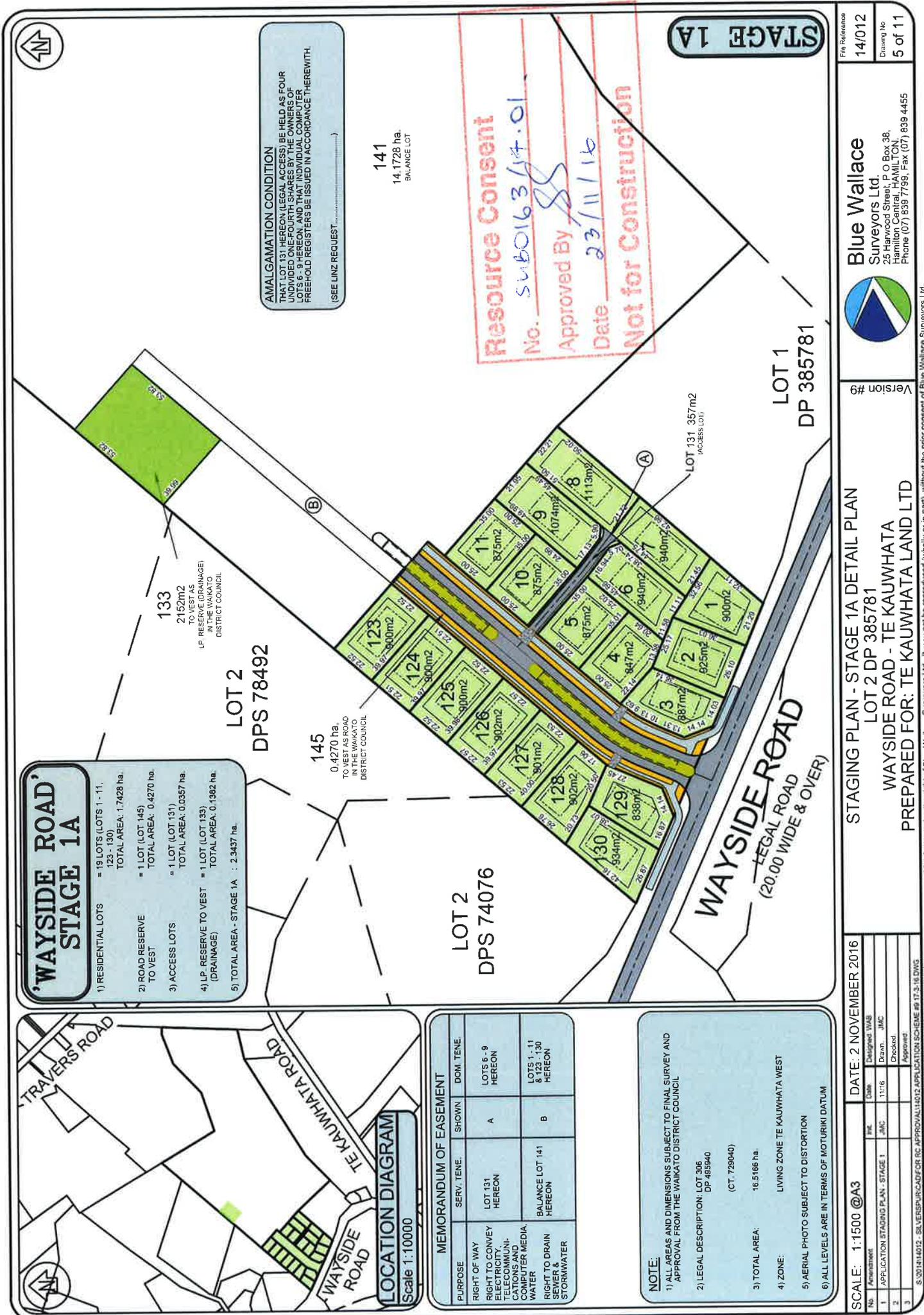
NOTE:

- 1) ALL AREAS AND DIMENSIONS SUBJECT TO FINAL SURVEY AND APPROVAL FROM THE WAIKATO DISTRICT COUNCIL
- 2) LEGAL DESCRIPTION: LOT 306 DP 485940 (CT. 728040) 16.5168 ha. LIVING ZONE TE KAUWHATA WEST
- 3) TOTAL AREA: 16.5168 ha.
- 4) ZONE: LIVING ZONE TE KAUWHATA WEST
- 5) AERIAL PHOTO SUBJECT TO DISTORTION
- 6) ALL LEVELS ARE IN TERMS OF MOTURIKI DATUM

Resource Consent
 No. SUBO163/14
 Approved By
 DATE
 TE KAUWHATA ROAD
 LEGAL ROAD 20.000 WIDE
Not for Construction

OVERALL

STAGING PLAN - OVERALL STAGING PLAN LOT 2 DP 385781 WAYSIDE ROAD - TE KAUWHATA PREPARED FOR: TE KAUWHATA LAND LTD		Version #9	File Reference 14/012
SCALE: 1:2500 @A3 DATE: 2 NOVEMBER 2016 No. Amendment: 1 Date: 11/16 Designed: WAG Drawn: JMC Checked: JMC Approved: JMC		Blue Wallace Surveyors Ltd. 25 Harwood Street, P O Box 38, Hamilton Central, HAMILTON, Phone (07) 839 7799, Fax (07) 839 4455	Drawing No 4 of 11
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STAGE 1A

Resource Consent
 No. Sub0163/17.01
 Approved By SS
 Date 23/11/16
Not for Construction

AMALGAMATION CONDITION
 THAT LOT 131 HEREOF (LEGAL ACCESS) BE HELD AS FOUR UNDIVIDED ONE-FOURTH SHARES BY THE OWNERS OF THE BALANCE LOTS. THE BALANCE LOTS MUST BE REGISTERED AS FREEHOLD REGISTRARS BE ISSUED IN ACCORDANCE THEREWITH.
 (SEE LINZ REQUEST.....)

141
 14.1728 ha.
 BALANCE LOT

'WAYSIDE ROAD' STAGE 1A

1) RESIDENTIAL LOTS = 19 LOTS (LOTS 1 - 11, 123 - 130)
 TOTAL AREA: 1.7428 ha.

2) ROAD RESERVE TO VEST = 1 LOT (LOT 145)
 TOTAL AREA: 0.4270 ha.

3) ACCESS LOTS = 1 LOT (LOT 131)
 TOTAL AREA: 0.0357 ha.

4) LP RESERVE TO VEST (DRAINAGE) = 1 LOT (LOT 133)
 TOTAL AREA: 0.1382 ha.

5) TOTAL AREA - STAGE 1A : 2.3437 ha.



MEMORANDUM OF EASEMENT

PURPOSE	SERV. TENE.	SHOWN	DOM. TENE.
RIGHT OF WAY RIGHT TO CONVEY ELECTRICITY, TELECOMMUN. COMPUTER MEDIA, WATER	LOT 131 HEREON	A	LOTS 6 - 9 HEREON
RIGHT TO DRAIN STORMWATER	BALANCE LOT 141 HEREON	B	LOTS 1 - 11 & 123 - 130 HEREON

NOTE:

1) ALL AREAS AND DIMENSIONS SUBJECT TO FINAL SURVEY AND APPROVAL FROM THE WAIKATO DISTRICT COUNCIL

2) LEGAL DESCRIPTION: LOT 305
 DP 485840
 (CT. 729040)

3) TOTAL AREA: 16.5166 ha.

4) ZONE: LIVING ZONE TE KAUWHATA WEST

5) AERIAL PHOTO SUBJECT TO DISTORTION

6) ALL LEVELS ARE IN TERMS OF MOTURIKI DATUM

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 Hamilton Central, HAMILTON,
 Phone (07) 839 7799; Fax (07) 839 4455

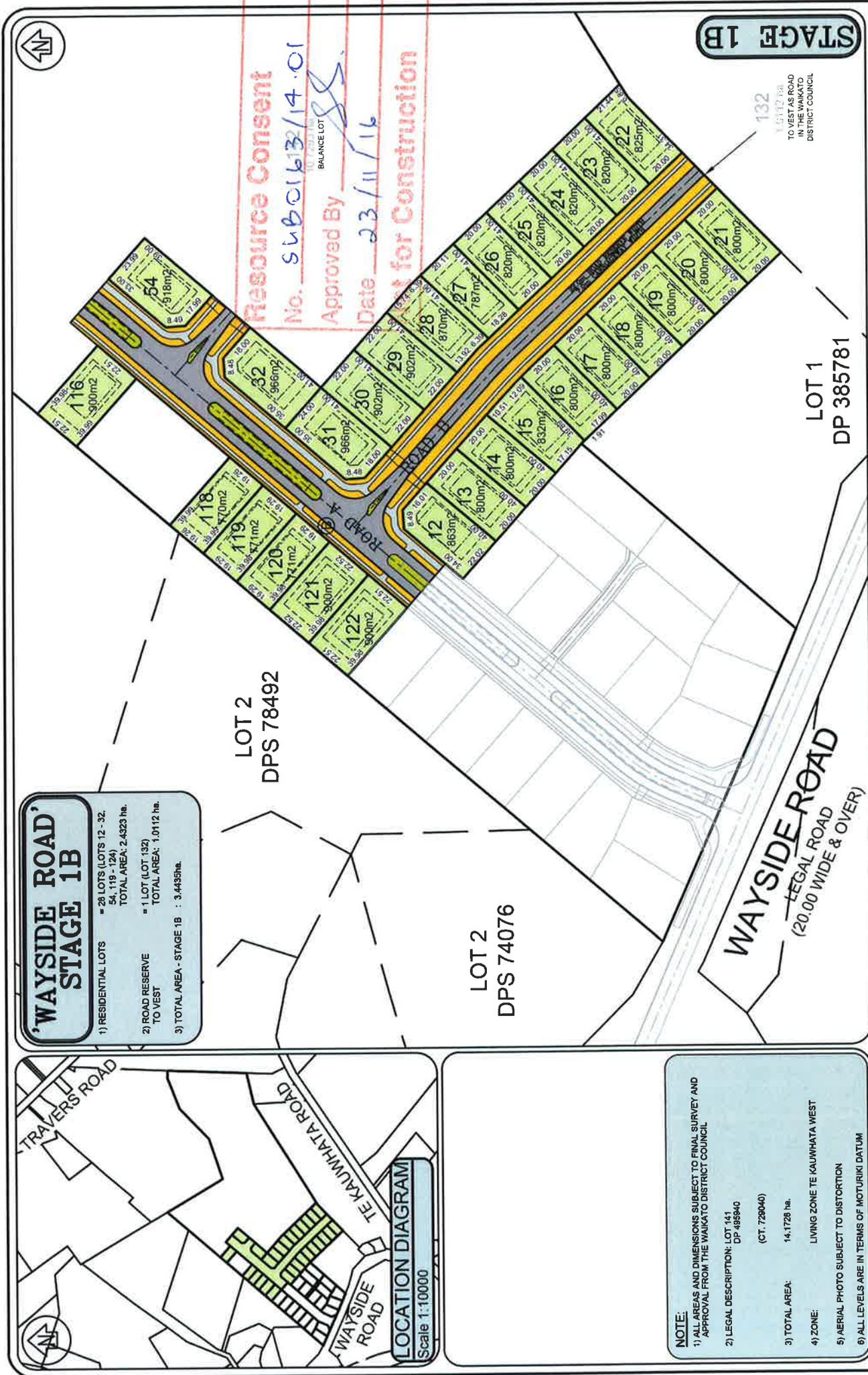
File Reference: 14/012
 Drawing No: 5 of 11

Version #
 STAGING PLAN - STAGE 1A DETAIL PLAN
 LOT 2 DP 385781
 WAYSIDE ROAD - TE KAUWHATA
 PREPARED FOR: TE KAUWHATA LAND LTD

No.	APPROVED	DATE	DESIGNED	DRAWN	CHECKED	APPROVED
1	JAC	11/16	JAC	JAC	JAC	JAC
2	JAC	11/16	JAC	JAC	JAC	JAC
3	JAC	11/16	JAC	JAC	JAC	JAC

SCALE: 1:1500 @A3
 DATE: 2 NOVEMBER 2016

S:\2014\14012 - SILVERSPOURCE/DCR APPROVAL\14012 APPLICATION SCHEME #17-3-16 DWG
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STAGE 1B

File Reference
14/012
Drawing No
6 of 11

'WAYSIDE ROAD' STAGE 1B

1) RESIDENTIAL LOTS = 28 LOTS (LOTS 12 - 32, 54, 119 - 124)
TOTAL AREA: 2,4323 ha.

2) ROAD RESERVE TO WEST = 1 LOT (LOT 132)
TOTAL AREA: 1,0112 ha.

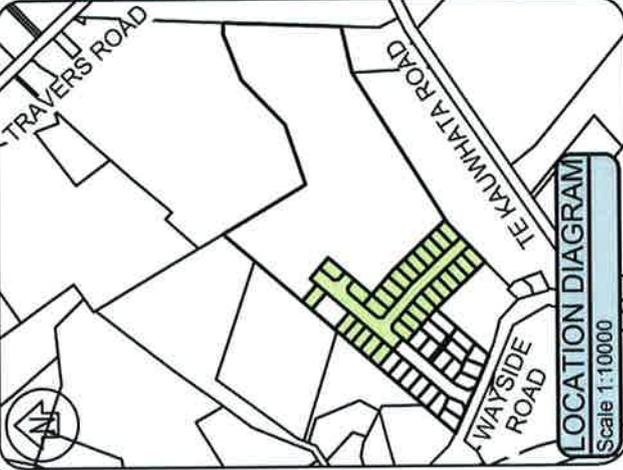
3) TOTAL AREA - STAGE 1B : 3,4435ha.

LOT 2
DPS 78492

LOT 2
DPS 74076

LOT 1
DP 385781

WAYSIDE ROAD
LEGAL ROAD
(20.00 WIDE & OVER)



LOCATION DIAGRAM
Scale 1:10000

NOTE:

- 1) ALL AREAS AND DIMENSIONS SUBJECT TO FINAL SURVEY AND APPROVAL FROM THE WAIKATO DISTRICT COUNCIL.
- 2) LEGAL DESCRIPTION: LOT 141 DP 485840 (CT. 728040)
- 3) TOTAL AREA: 14,1728 ha.
- 4) ZONE: LIVING ZONE TE KAUWHATA WEST
- 5) AERIAL PHOTO SUBJECT TO DISTORTION
- 6) ALL LEVELS ARE IN TERMS OF MOTURIKI DATUM

STAGING PLAN - STAGE 1B DETAIL PLAN
LOT 306 DP 495040
WAYSIDE ROAD - TE KAUWHATA
PREPARED FOR: TE KAUWHATA LAND LTD

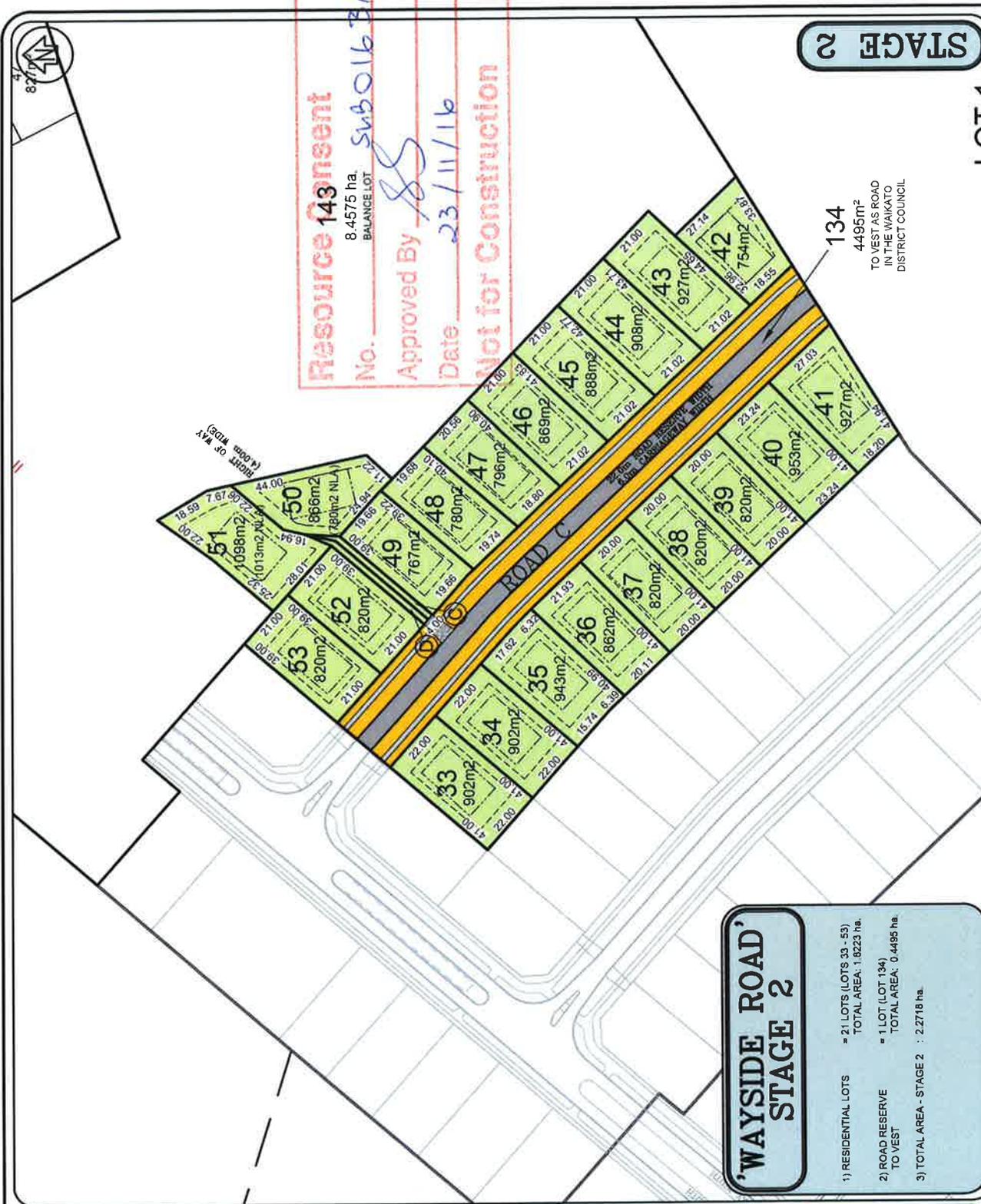
No	Amendment	Date	By	Checked	Approved
1	APPLICATION STAGING PLAN - STAGE 1	11/16	Craven, JAC	Checked	Approved
2					
3					

SCALE: 1:1500 @A3
DATE: 2 NOVEMBER 2016

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Surveyors Ltd.
25 Harwood Street, P. O. Box 38,
Hamilton Central, HAMILTON,
Phone (07) 839 7799, Fax (07) 839 4455



Version #9
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Version #99
Version #100



Resource Consent

No. Sub 0163/14

Approved By *[Signature]*

Date 23/11/16

Not for Construction

8.4575 ha.
BALANCE LOT

STAGE 2

File Reference
14/012

Drawing No
7 of 11

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Hamilton Central, HAMILTON,
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Version #9

STAGING PLAN - STAGE 2 DETAIL PLAN
LOT 306 DP 495940
WAYSIDE ROAD - TE KAUWHATA
PREPARED FOR: **TE KAUWHATA LAND LTD**

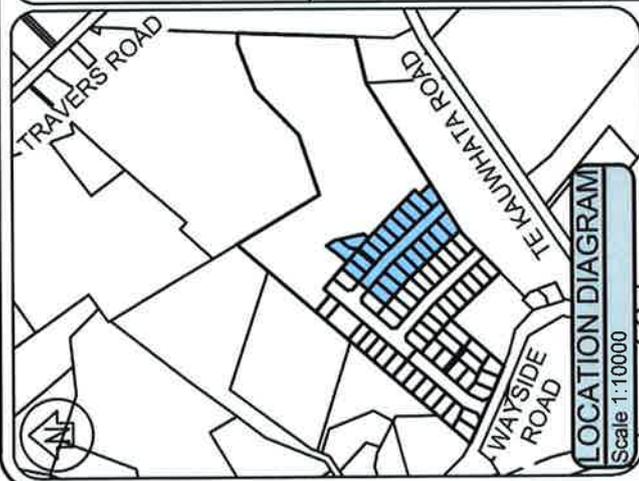
SCALE: 1:1250 @A3		DATE: 2 NOVEMBER 2016	
No.	Author/Drawn	CHK	Date
1	APPLICATION STAGING PLAN - STAGE 2	JMC	11/16
2		Drawn	JMC
3		Checked	
		Approved	

'WAYSIDE ROAD' STAGE 2

1) RESIDENTIAL LOTS = 21 LOTS (LOTS 33 - 53)
TOTAL AREA: 1,8223 ha.

2) ROAD RESERVE TO VEST = 1 LOT (LOT 134)
TOTAL AREA: 0,4495 ha.

3) TOTAL AREA - STAGE 2 : 2,2718 ha.



MEMORANDUM OF EASEMENT			
PURPOSE	SERV. TENE	SHOWN	DOM. TENE
RIGHT OF WAY	LOT 50 HEREON	C	LOT 51 HEREON
RIGHT TO CONVEY TELECOMMUNICATIONS AND COMPUTER MEDIA	LOT 51 HEREON	D	LOT 50 HEREON
RIGHT TO DRAIN SEWER & STORMWATER	LOT 51 HEREON	D	LOT 50 HEREON

NOTE:

1) ALL AREAS AND DIMENSIONS SUBJECT TO FINAL SURVEY AND APPROVAL FROM THE WAIKATO DISTRICT COUNCIL

2) LEGAL DESCRIPTION: LOT 142 DP-495940 (CT: 729040)

3) TOTAL AREA: 10,7293 ha

4) ZONE: LIVING ZONE TE KAUWHATA WEST

5) AERIAL PHOTO SUBJECT TO DISTORTION

6) ALL LEVELS ARE IN TERMS OF MOTURIKI DATUM

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'WAYSIDE ROAD' STAGE 3

1) RESIDENTIAL LOTS (LOTS 55 - 70, 108 - 115)
TOTAL AREA: 2,3054 ha.

2) ROAD RESERVE TO VEST
= 2 LOTS (LOTS 136 & 137)
TOTAL AREA: 1,1931 ha.

3) RECREATION RESERVE TO VEST
= 1 LOT (LOT 135)
TOTAL AREA: 0,7689 ha.

4) TOTAL AREA - STAGE 3 : 4,2674 ha.

NOTE:

1) ALL AREAS AND DIMENSIONS SUBJECT TO FINAL SURVEY AND APPROVAL FROM THE WAIKATO DISTRICT COUNCIL

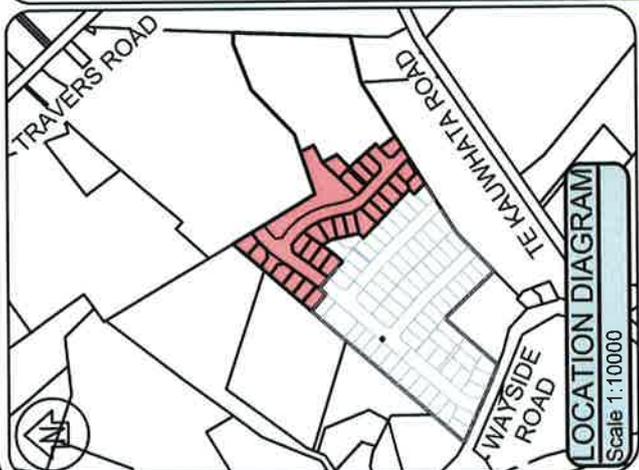
2) LEGAL DESCRIPTION: LOT 142 (DP 495940 (CT 728040))

3) TOTAL AREA: 8 4575ha

4) ZONE: LIVING ZONE TE KAUWHATA WEST

5) AERIAL PHOTO SUBJECT TO DISTORTION

6) ALL LEVELS ARE IN TERMS OF MOTURIKI DATUM



SCALE: 1:1250 @A3		DATE: 2 NOVEMBER 2016
No.	Amendment	Date
1	APPLICATION STAGING PLAN - STAGE 3	11/16
2		
3		

FILE	DESIGNED	WAB
JWC	JWC	JWC
CHECKED		
APPROVED		

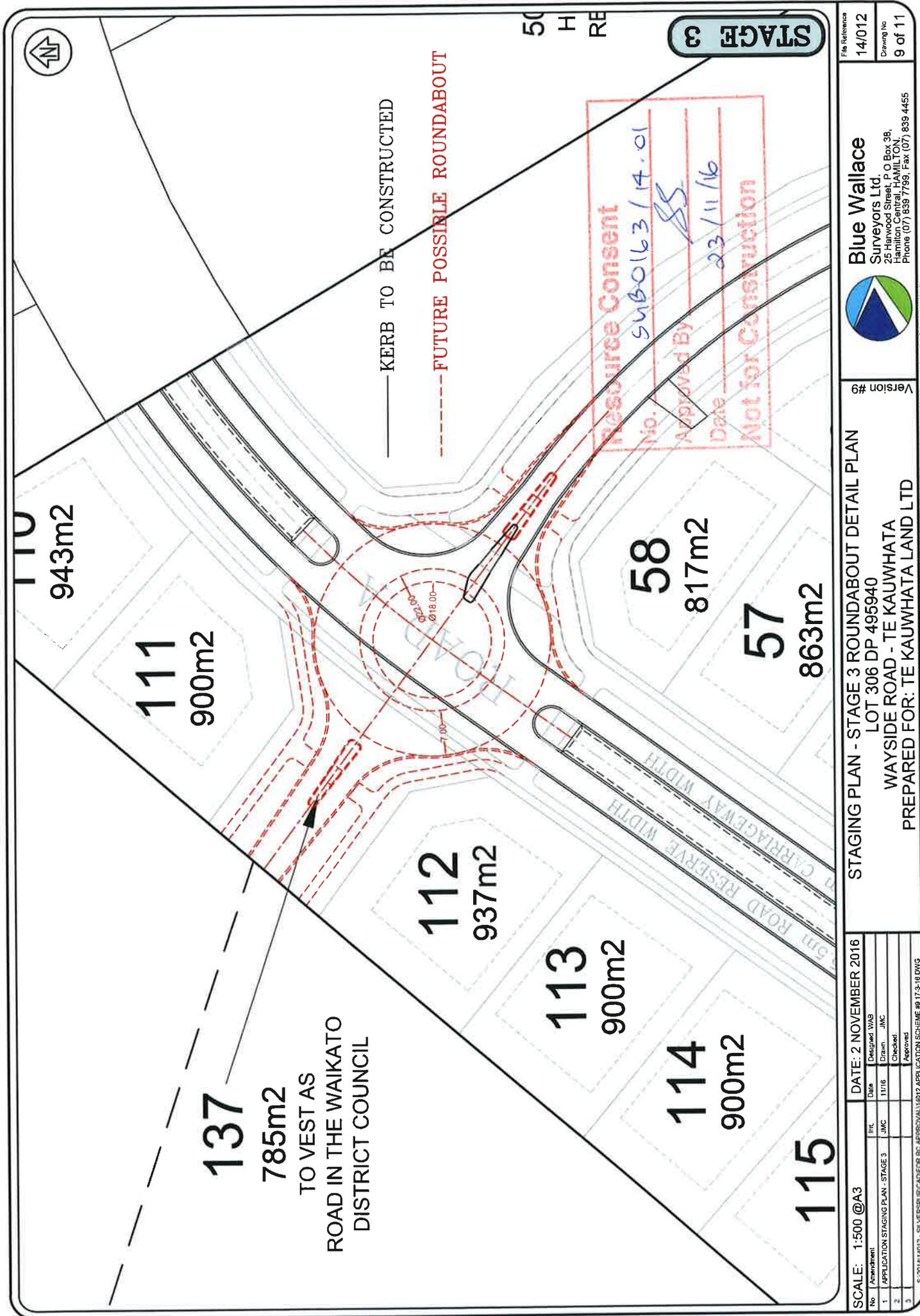
STAGING PLAN - STAGE 3 DETAIL PLAN
LOT 306 DP 495940
WAYSIDE ROAD - TE KAUWHATA
PREPARED FOR: TE KAUWHATA LAND LTD

Version # 9

File Reference 14/012
Drawing No 8 of 11

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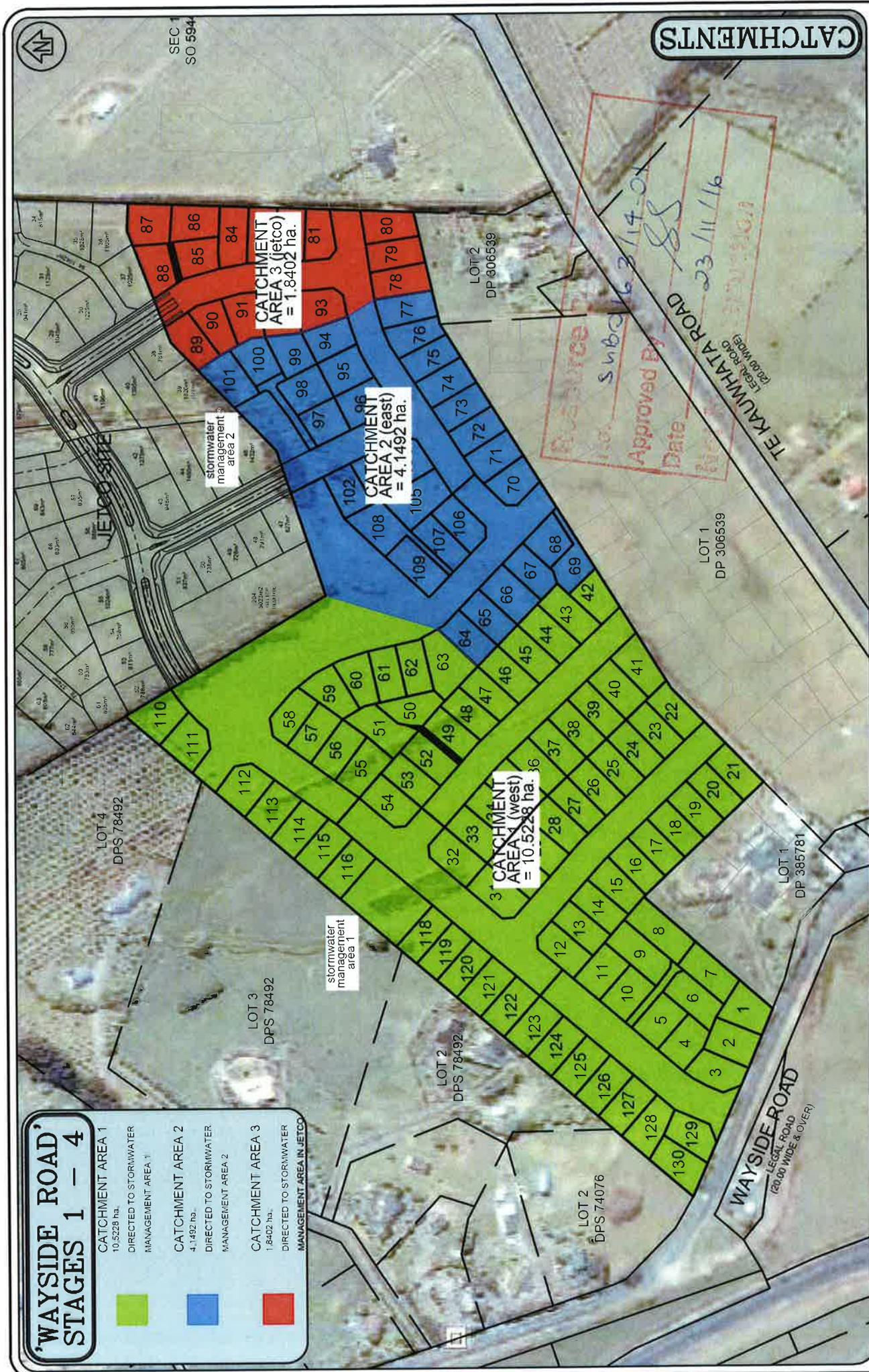
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SCALE: 1:500 @A3 No Amendment ETC Date Designed WAB Drawn JMC Checked Approved		DATE: 2 NOVEMBER 2016
1 APPLICATION STAGING PLAN - STAGE 3 JMC 11/16		STAGING PLAN - STAGE 3 ROUNDABOUT DETAIL PLAN LOT 306 DP 495940 WAYSIDE ROAD - TE KAUPHATA PREPARED FOR: TE KAUPHATA LAND LTD
2		Version #
3		File Reference 14/012
S:\2016\16012 - SILVERSPUR/CAD/FOR RD APPROVAL/16012 APPLICATION SCHEME 16 17-3-16 DWG		Drawing No 9 of 11

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 25 Harwood Street, P O Box 38,
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SCALE: 1:2500 @A3, 1:1250 @A1	DATE: 2 NOVEMBER 2016
No. 1 Amendment	Drawn: WAS / RW
1 APPLICATION SCHEME PLAN No. 2-11-2016	Drawn: JNC
2	Checked:
3	Approved:

Version #9

File Reference: 14/012
Drawing No: 11 of 11

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Surveyors Ltd.
25 Harwood Street, P. O. Box 38,
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Phone (07) 839 7799, Fax (07) 839 4455

Version #9

LOTS 1 - 145 BEING A SUBDIVISION OF
LOT 306 DP 495940
WAYSIDE ROAD - TE KAUWHATA
PREPARED FOR: TE KAUWHATA LAND LTD

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Appendix 2
Draft Consent conditions

Draft Conditions of Consent

Te Kauwhata Land Ltd (TKL) SUB0009/17

5 February 2018

Key: Different text used to show source of condition wording as follows:

- General conditions shared between documents,
- varied and/ or new conditions proposed by WDC,
- conditions proposed by TKL not shared between documents; and,
- proposed changes to new and/ or varied conditions put forward by TKL in response to WDC draft conditions.

All Stages

For the purposes of this consent, any reference to 'residential lots' within this section titled 'All Stages' shall be taken to mean the residential lots created within the relevant stages as follows:

- Stage 1A: Lots 1 to 15, Lots 157-163 and Lots 200, 201 and 202 (inclusive);
- Stage 1B: Lots 16 to 44, Lots 155 and 156 and Lots 203, 204 and 205 (inclusive);
- Stage 2: Lots 45 to 80, Lots 150 to 154 and Lots 206 to 212 (inclusive);
- Stage 3A: Lots 81 to 90, Lots 146 to 149, and Lots 213 to 216 (inclusive);
- Stage 3B: Lots 91 to 107, Lots 137 to 145, and Lots 217 to 221 (inclusive);
- Stage 4A: Lots 112 to 126, Lots 133 and 134, Lots 223 to 224 (inclusive) and Lot 226; and
- Stage 4B: Lots 108 to 111, Lots 127 to 132, Lots 135 and 136 and Lots 222, 225 and 227 (inclusive).

General

1. The Land Transfer Plan to give effect to this resource consent shall be generally consistent with the application and any further information provided by the applicant for SUB/0009/17 and the approved plans prepared by Blue Wallace Surveyors Ltd, Ref. 14/012, dated 29 August 2017, as follows:
 - a) Staging Plan – Overall Staging Plan, Drawing No. 4 of 13;
 - b) Staging Plan – Stage 1A Detail Plan, Drawing No. 5 of 13;
 - c) Staging Plan – Stage 1B Detail Plan, Drawing No. 6 of 13;
 - d) Staging Plan – Stage 2 Detail Plan, Drawing No. 7 of 13;
 - e) Staging Plan – Stage 3A Detail Plan, Drawing No. 8 of 13;
 - f) Staging Plan – Stage 3A Roundabout Detail Plan, Drawing No. 9 of 13;
 - g) Staging Plan – Stage 3B Detail Plan, Drawing No. 10 of 13;
 - h) Staging Plan – Stage 4A Detail Plan, Drawing No. 11 of 13; and
 - i) Staging Plan – Stage 4B Detail Plan, Drawing No. 12 of 13.

Copies of the approved plans are attached.

2. Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs and any applicable additional charges incurred by the Waikato District Council when monitoring the conditions of this consent.
3. Council's processing fees are to be paid in accordance with the Council's schedule of fees and charges prior to the signing of the s224 certificate.

4. A competent and suitably qualified professional shall be employed to prepare all engineering design plans required to be submitted to Council and to supervise and provide certification of the approved engineering works in accordance with the Hamilton Infrastructure Technical Specifications.
5. Prior to s223 and s224 approval all buildings existing at that time shall comply with the permitted activity rules relating to building coverage, setbacks, and daylight angles relative to the new boundaries.
6. Where stages are constructed out of numerical order, the consent holder shall ensure that appropriate services and legal and physical access is provided to each stage. Where assets and/ or land to be vested are temporarily held in private ownership, easements in gross in favour of Council shall be provided to allow for access and maintenance.

Advice Note: This condition is imposed to ensure the appropriate infrastructure and access is available to each stage and residential allotment.

Monitoring

7. The Consent Holder shall notify the Waikato District Council Monitoring Department in writing two weeks prior to the commencement of activities associated with this consent.
8. That the Consent Holder shall pay the Waikato District Council all actual and reasonable costs and additional charges in respect of monitoring the conditions of this consent in accordance with Section 36 of the Resource Management Act 1991.

Duration of the Consent

9. For the purposes of section 125 and 116(1) of the Resource Management Act 1991, this consent shall lapse after a period of 5 years following the date of granting this consent.

Prior to application for approval of the survey plan (s223), the Consent Holder shall comply with the following conditions:

10. Earthworks and construction works can commence following approval of the following documents as required by the subsequent conditions, noting earthworks may include the transportation of contaminated material and/or excess/unsuitable material off-site and the importation of material onto the site as necessary to complete all earthworks and subdivision development activities, so long as a Construction Traffic Management Plan has first been prepared and approved in accordance with Condition 22:
 - a) Remediation Earthworks:
 - i. The Detailed Site Investigation Report; and,
 - ii. The Remedial Action Plan.
 - b) Bulk earthworks, the above plus the:
 - i. Site Validation Report; and,
 - ii. Geotechnical Assessment Report.
 - iii. The hilltop reserve concept plan required by condition 64
 - c) Construction earthworks (including trenching of services and cutting of road alignments), the above plus the:
 - i. Engineering Design Plans for the applicable Stage supported by Geotechnical Assessment for that Stage.

Advice note: The Site Validation Report and Geotechnical Assessment Report need only relate to areas where the remediation has been confirmed as completed, enabling bulk earthworks to commence.

Geotechnical Assessment Report

11. A Geotechnical Assessment Report informing the earthworks, subdivision layout and infrastructure design shall be submitted to and approved by Council for the applicable stage of works.

The report shall include/address those matters as set out in Section 2.2.3(a) – (n) within the Hamilton Infrastructure Technical Specifications.

Where works are proposed to be staged, the engineering design shall include information regarding how earthworks, stormwater and road formation shall be managed at the stage boundary and/or development boundaries.

The report shall be undertaken in accordance with (but not be limited to) the following:

- a) Hamilton Infrastructure Technical Specifications;
- b) The restrictions and recommendations identified in the report prepared by Paul King of OPUS entitled, 'Concept Stormwater Management Plan, ref: 3-38720.00, dated 5 September 2014', including 'Stage 1 Geotechnical Assessment Report, ref: 3-38720.004HC, dated 15 August 2014', and subsequent report 'Addendum to Stage 1 Geotechnical Assessment Report, ref: 3-38720.00, dated 7 April 2015 and Addendum Stormwater Report dated 17 May 2015' prepared by OPUS.

Specific design requirements for the construction of residential dwellings within any of the residential lots shall be subject to a Consent Notice under s221 of the Resource Management Act 1991.

Engineering Design Plans

12. All engineering design shall be undertaken in accordance with (but not be limited to) the following:

- a) The Operative Waikato District Plan 2013;
- b) Hamilton Infrastructure Technical Specifications: 2014 and the Waikato District Council Supplement: 2014;
- c) Waikato District Council Water Supply Bylaw 2014;
- d) The restrictions and recommendations identified in the 'Concept Stormwater Management Plan, ref: 3-38720.00, dated 5 September 2014', including 'Stage 1 Geotechnical Assessment Report, ref: 3-38720.004HC, dated 15 August 2014' and subsequent report 'Addendum to Stage 1 Geotechnical Assessment Report, ref: 3-38720.00, dated 7 April 2015 and Addendum Stormwater Report dated 17 May 2015' prepared by OPUS.
- e) Plans titled 'Proposed Engineering Works – Stages 1-4, Services Plan' ref: 14/012, Drawings 1-4, dated May 2015 prepared by Blue Wallace Ltd.
- f) The Hilltop Reserve Concept Plan required by condition 64 of this consent.

Three Waters

13. Detailed engineering plans including calculations and specifications shall be submitted to and approved by the Council for the following:

- a) Water Reticulation: The design is to include but not be limited to the following:
 - i) All internal reticulation;

- ii) Provide a cross-road connection to provide circulation, at stage boundaries and development boundaries as they are encountered. An air valve shall be installed where the water main gradient is uphill at the boundary;
 - iii) Provide reticulation to the boundary of adjacent stages and adjacent properties;
 - iv) Installation of individual connections for all lots;
 - v) Installation of marker posts for valves as required;
 - vi) Designed to resist the effects of liquefaction;
 - vii) Taking into consideration any recommendations in the Geotechnical Completion Report.
- b) Wastewater Reticulation: The design is to include but not be limited to the following:
- i) Pump station/ rising main design and pump station commissioning plan in Stage 1A or Stage 3B (whichever Stage is constructed first);
 - ii) Wastewater lines laid within road reserve unless impractical to do so;
 - iii) Each lot shall be provided with a gravity connection;
 - iv) Proposed upgrades and timing of upgrades of the Jetco Pump Station and Travers Road Main;
 - v) Provide reticulation to boundary of adjacent stages and adjacent properties;
 - vi) Easements for gravity and rising main reticulation as appropriate;
 - vii) Take into consideration any recommendations in the Geotechnical Completion Report.
- c) Stormwater Management System: Detailed Engineering Plans including calculations and specifications shall be submitted to and approved by the Council for the following:
- i) The primary system shall be designed to cater for all runoff from each residential lot, for a 10-year storm event (with a 16.8% allowance for climate change). The primary system design shall demonstrate that the receiving reticulated network can accept the discharge without surcharge;
 - ii) Pond design (Lot 202) including Planting Plan in Stage 1A;
 - iii) Pond design (Lot 220) including Planting Plan in Stage 3B;
 - iv) The design shall include recommendations for maintenance of onsite stormwater management, which may be subject to consent notices on titles to ensure ongoing maintenance of these systems;
 - v) The stormwater management shall attenuate the 2 and 10-year ARI event to pre-development rates and provide flood attenuation of the 100-year ARI to 80% of pre-development flows;
 - vi) ARI flows in excess of the 10-year storm event and up to and including the 100-year storm event are to be contained within defined overland flow paths and comply with Appendix B of the Waikato District Plan and the Hamilton City Infrastructure Technical Specification;
 - vii) Take into consideration any recommendations in the Geotechnical Completion Report;
 - viii) All weather legal access to Lot 202.
 - ix) All weather legal access to Lot 220.

Roading

14. Detailed engineering plans including calculations and specifications shall be submitted to and approved by the Council for the following:
- a) Widening of Wayside Road adjacent to the subdivision to provide a 4m carriageway width from the existing centreline and provide a 1.5m footpath;
 - b) All internal roads (within Lots 200, 201, 205, 212, 215, 216, 221, 226 and 227);

- c) All rights of way and entrances to rights of way (within Lots 203, 204, 206-211, 213, 217-219 and 222-225);
- d) Stormwater management;
- e) Subdivision footpath and kerb and channel on Wayside Road shall extend adjacent to the subdivision with suitable transitions at subdivision boundaries;
- f) The Consent Holder shall appoint a qualified and experienced Traffic Engineer to undertake both design and post construction safety audits of the Wayside Road and Bragato Way intersection and the Bragato Way and Road C intersection;
- g) Temporary turning heads shall be provided at the end of roads that are to continue into subsequent stages, unless otherwise agreed;
- h) Street lighting in accordance with the Hamilton Infrastructure Technical Specifications;
- i) Proposed planting within the road reserve;
- j) Takes into account any recommendations in the [Geotechnical Completion Report](#).
- k) Dimensions and details demonstrating that Waikato DC's requirements for visibility at intersections and driveways on Wayside Road will be satisfied for the speed environment expected at the time of construction;
- l) Detailed design for Roads narrower than 20m to consider services, parking, footpaths, visibility at intersections, entranceways, etc. to avoid the potential risks from reduced manoeuvring space.

Advice Note: Refer Appendix A of the Waikato District Plan for typical road cross-sections showing service lines for the Te Kauwhata Structure Plan Area.

Easements

- 15. Easements for rights of way and rights to drain water and wastewater shall be shown on the survey plan and included in the memorandum.
- 16. Easements in gross in favour of Council for all public water and wastewater (including rising mains) and stormwater reticulation located in private property shall be shown on the survey plan and included in the memorandum.

The width of the easement over the pipeline shall be in accordance with the 'Easement Policy' of the Waikato District Council.

- 17. Easements in gross for the right to drain stormwater in favour of the Council over all identified overland flowpaths that have been approved by the Council shall be shown on the survey plan and included in the memorandum.

Prior to application for the issuance of the s224(c) certification, the Consent Holder shall comply with the following conditions:

General

- 18. Easements in gross shall be prepared by the Consent Holder's Solicitor and shall include Council's standard conditions for easements in gross for the right to drain public water, wastewater and stormwater.

19. Written confirmation shall be provided from network utility operators for telecommunications and energy supply confirming that the connections and reticulations have been placed underground to the boundaries of each residential lot and balance lot within each stage.

Prior to commencement of works including earthworks:

Soil Remediation

20. The following reports prepared by a suitably qualified and experienced practitioner in accordance with the Ministry for the Environment Contaminated Land Management Guidelines, shall be submitted to and approved by the Council:
- a) A DSI addressing the areas of potential contamination;
 - b) A RAP addressing the remediation of all areas of confirmed contamination, as per the findings of the DSI;

Advice note: If the RAP requires earthworks in excess of consented volumes and/or areas a variation to this consent or a new consent may be required.

Construction Management Plan

21. The Consent Holder shall submit an overall Construction Management Plan (CMP) for the proposed works. The CMP shall be submitted to, and approved by, Waikato District Council. The CMP shall include, but not be limited to, the following:
- a) A pre-construction meeting to be held to confirm:
 - i) Auditing requirements;
 - ii) Provisional dates and notification lead time for verification tests;
 - iii) Quality System Checklist requirements.
 - b) A list of sub-contractors and their role;
 - c) Quality System Checklists;
 - d) A project organisation chart or Gant Chart showing the order of construction and the probable timeline for "Waikato District Council Hold Points" as agreed with the Waikato District Council.

Construction Traffic Management Plan

22. A Construction Traffic Management Plan (CTMP) shall be prepared by a suitably qualified and experienced Traffic Engineer and shall be submitted to Waikato District Council, no less than 20 working days prior to the construction works, for approval. The CTMP shall include the following:
- a) The site manager who would act as the point of contact for residents who have concerns with or queries regarding the construction activity;
 - b) The hours of construction activity, programming and timing of key construction phases;
 - c) Consultation with Waikato District Council roading staff, residents within close proximity to the site entrance at Wayside Road and the NZ Transport Agency;
 - d) Driver behaviour guidelines for contracted services/ staff;
 - e) Procedures for dealing with complaints;
 - f) The measures that will be used to ensure that vehicles leaving the site do not deposit soil or other debris off-site, and if they do, the remedial measures to be undertaken;
 - g) An approved Temporary Traffic Management Plan in accordance with the NZTA Code of Practice for Temporary Traffic Management (CoPTTM), including:
 - i) Minimising the level and duration of disruption to traffic;
 - ii) The movement routes and volume of construction traffic on adjacent roads and the expected hours that this would occur.

23. The Consent Holder shall provide copy(ies) of Resource Consent(s) from the Waikato Regional Council or written confirmation from Waikato Regional Council that a Resource Consent(s) is (are) not required for the following (as they relate to the particular stage/area of works):

- a) Earthworks:
- b) Stormwater discharge to the existing watercourses.

24. The Consent Holder shall put erosion and sediment control measures in place in accordance with the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009, prior to undertaking earthworks.

Advice note: This condition is superseded where the consent holder is undertaking earthworks under the controls of a granted resource consent from the Waikato Regional Council.

Remediation Earthworks:

Site Validation Report

25. A Site Validation Report prepared by a suitably qualified and experienced practitioner in accordance with the Ministry for the Environment Contaminated Land Management Guidelines, shall be submitted to and approved by the Council.

The report shall verify that all contaminated areas identified in the submitted DSI report have been satisfactorily remediated in accordance with the approved RAP and that remaining soils on site meet applicable soil contaminant standards as set by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 or the standards as identified in the approved Remedial Action Plan.

No construction works or earthworks, other than remediation earthworks shall commence prior to the Site Validation Report being approved for the applicable stage of the development.

Advice Note: Site Validation Reporting may be undertaken in a staged manner to suit earthworks operations.

During earthworks:

26. Earthworks shall be undertaken in accordance with the approved Geotechnical Assessment Report.

Advice note: The Consent Holder is to be advised that any consented works within the road reserve requires an approved Corridor Access Request (CAR). An application for a CAR is to be made to the Council's Roading Compliance Officer including an appropriate Traffic Management Plan in accordance with the Hamilton City Infrastructure Technical Specifications 2014.

Hours of Operation

27. That the hours of operation for the site shall be as follows:

- a) Monday to Saturday 7.30am to 6.00pm

No site works associated with this consent shall be undertaken on Sundays or Public Holidays.

Dust

28. Earthworks shall be managed to ensure that dust and noise emissions do not cause an objectionable and/ or offensive effect beyond the boundaries of the site to the satisfaction of Waikato District Council.

Advice note: For the purpose of Condition 28 of this resource consent, the Waikato District Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council deems it so after having regard to:

- a) The frequency, intensity, duration, amount, effect and location of the suspended or particulate matter; and/or
- b) Receipt of complaints from neighbours or the public; or
- c) Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been received.

29. The Consent Holder shall provide the Waikato District Council with a Dust Management and Monitoring Plan, which details the measures and procedures of each stage in the development, that will be put in place during the duration of earthworks activities to operate in a manner that will result in compliance with the dust management conditions of this consent and to minimise the potential for dust nuisance and adverse effects arising from the operation of this activity. The plan shall be lodged for review and approval with the Waikato District Council acting in a technical certification capacity at least one month prior to the commencement of earthworks activities on the site. The plan shall be reviewed and updated by the Consent Holder when required in consultation with the Waikato District Council. The plan shall address but not be limited to, the following:

- a) Specific management procedures for the use of a water cart and other dust suppression methods for control of dust from access roads and working areas.
- b) Specific management procedures for the control of dust from open areas.
- c) Other actions necessary to comply with the requirements of this resource consent.
- d) Proposed monitoring measures and reporting procedures.

Advice note: This condition is superseded where the consent holder is undertaking earthworks under the controls of a granted resource consent from the Waikato Regional Council.

Complaints

30. The Consent Holder shall maintain and keep a complaints register for complaints regarding all aspects of operations at the site related to the exercise of this consent, received by the Consent Holder. The register shall record:

- a) The date, time and duration of the event/incident (if possible, specify the nature of the incident e.g. dust nuisance was detected);
- b) The possible cause of the event/incident;
- c) The weather conditions and wind direction at the site when the event/incident allegedly occurred;
- d) Any corrective action undertaken by the Consent Holder in response to the complaint; and
- e) Any other relevant information.

The register shall be available to the Waikato District Council at all reasonable times. Complaints received by the Consent Holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Waikato District Council within 2 days of the complaint being received.

Post earthworks:

Geotechnical Completion Report

31. A Geotechnical Completion Report as per NZS4404: 2010 Section 2.6 shall be submitted to and approved by the Council.

The report shall be accompanied by a statement of professional opinion on the suitability of land for building construction as per NZS4404: 2010 Schedule 2A.

No construction works (including trenching of services, cutting of road alignments, establishing section profiles) shall commence prior to approval being given.

Where earthworks are staged, a Geotechnical Completion Report shall be submitted and approved prior to commencement of construction within each stage.

Overland Flows

32. A completion report from a suitably qualified person shall be submitted to and approved by the Council to confirm that the stormwater overland flow paths comply with Rule 5.3 of Appendix B of the Waikato District Plan and the recommendations contained within the s92 Response Letter ref: 3038720.00 dated 11 May 2015 prepared by OPUS.

The constructed overland flow paths and discharge points shall be clearly shown on an as-built plan provided by a Licensed Cadastral Surveyor.

Advice note: The format for the "Statement of Professional Opinion as to Suitability of Completed Earthworks" can be found in the earthworks section of Hamilton Infrastructure Technical Specification. Recommendations of the Geotechnical Completion Report, if appropriate, shall be subject to a consent notice under s221 of the Resource Management Act 1991.

During construction:

33. The Consent Holder shall undertake all construction works in accordance with the approved engineering plans.

Accidental Discovery Protocol

34. In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking works to give effect to the conditions of this consent, the works in the area of the discovery shall cease immediately, and Iwi and the Council shall be notified within 48 hours. Works may recommence with the written approval of the Council. Such approval shall be given after the Council has considered:

- a) Tangata Whenua interests and values;
- b) The Consent Holder's interests; and
- c) Any archaeological or scientific evidence.

Fencing and Landscaping

35. The Consent Holder shall construct a stock proof and dog proof post and wire mesh fence of no more than 1.5 m in height adjacent to the Country Living boundary of Lots 147 to 154, Lots 155 to 161 and Lots 163 and 202 (inclusive) and pay all costs attributable to such work. The fence construction required under this condition may be split into the relevant stages of construction as required.

36. The Consent Holder shall plant a hedge within the fence required under condition 35 on the common boundary adjacent to the Country Living Zone of Lots 147 to 154, Lots 155 to 161 and Lots 163 and 202 (inclusive) and pay all costs attributable to such work. The hedge shall be planted and maintained so that the maximum height of the hedge does not exceed 1.2m.
37. The Consent Holder shall plant the common boundary of the adjacent Country Living zone on Lots 147 to 154, Lots 155 to 161 and Lot 163 (inclusive) with the specimen tree plantings recommended and located on the attached Mansergh Graham Plan (C1) in general accordance with the identified locations. All planting work shall be conducted at the Consent Holders cost and undertaken within the next available planting season. The planting required under this condition may be split into the relevant stages of construction as required.

Moturiki Datum

38. The Consent Holder shall install a permanent datum in terms of Moturiki Datum, physically on a common public location where each subsequent owner(s) of all lots within all stages of the subdivision have legal access in accordance with the Hamilton City Infrastructure Technical Specifications. The exact N-E position(s) of this/ these datum(s) shall be detailed on a site plan, to the satisfaction of Council.

Show Homes

39. The establishment and use of a dwelling on Lots 1, 2, 124 and 163 as a 'show home' shall only be for the prescribed purposes of the sale of sections and/ or house and land packages by the respective property owner, their representatives and authorised Contractors. Once the prescribed use of the dwelling as a 'show home' has ceased, the dwelling shall then be used for residential purposes unless a resource consent is granted by Waikato District Council for any other activity.

Post construction:

Certification

40. The following as-built information, in accordance with the requirements of the Hamilton Infrastructure Technical Specifications, shall be provided to the satisfaction of the Council for:
- a) Stormwater, wastewater and water networks, including all stormwater treatment and detention devices and pump stations;
 - b) Roading and access lots, pavements and footpaths and street furniture including lighting.
41. A "Producer Statement – Construction" shall be provided for each separate works (including retaining walls) undertaken as part of the consented subdivision to the satisfaction of Council.

Advice note: An acceptable format for certification upon completion of works can be found in the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(ii).

42. A "Certificate of Completion of Development Works" prepared and signed by the Developers Representative, shall be provided to confirm that all consented works have been carried out in accordance with the approved plans, appropriate standards and all relevant reports to the satisfaction of Council.

Advice note: An acceptable format for a "Certificate of Completion of Development Works" can be found from the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(i).

43. Prior to wastewater and stormwater reticulations being accepted as public assets by the Council, the consent holder shall undertake a CCTV inspection, with accompanying log sheets, of all new sewer and stormwater pipes including all connections greater than 100mm diameter in accordance with the latest version NZ Pipe Inspection Manual. The CCTV inspection and log sheets, shall be forwarded to the Council or delegated officer for appraisal prior to requesting a final inspection.
44. A schedule of vested assets detailing cost and a brief description within the categories of roading (including street lights, street furniture and street plants), water, wastewater and stormwater shall be provided to Council.
45. A defects liability period of twelve months commencing from the date of issue of the 224(c) certificate shall apply for assets to vest. A bond amount set at one and a quarter times the estimated cost of the works, as agreed, or, in the absence of an agreement, as estimated by Council, is required for the duration of the defects liability period.

All costs associated with the provision of a bond will be the responsibility of the consent holder.

In accordance with Section 221 of the Resource Management Act 1991 the following conditions shall apply on an ongoing basis by the subdividing owner and subsequent owners and shall be registered against the relevant Certificates of Title:

46. The current and future owners of all residential lots shall be advised that:
 - a) At the time of building consent application, they undertake foundation design in accordance with the restrictions and recommendations identified in the approved Geotechnical Completion Report unless where an alternative report for proposed foundation works, undertaken by a suitably qualified and experienced Geotechnical Engineer, is approved in writing by Council;
 - b) Any water tanks shall be a maximum of 1m above the finished ground level and where possible water tanks shall be located at the rear of the dwelling or incorporated into the design of a building which prevents the tank being visible from the road.
47. The current and future owners of all residential lots shall be advised that:
 - a) Prior to Code of Compliance for a dwelling, a specimen tree shall be planted between the dwelling and the road boundary of each lot (where a lot has more than one road boundary this requirement shall only apply to one of the road boundaries). The specimen tree shall meet the following requirements:
 - 1) At the time of planting, the specimen tree shall have a minimum size of pb95 and shall reach a mature height of no more than 8m.
 - 2) Where the street frontage is located to the northern aspect of the property, the tree shall be deciduous.
 - 3) Where the street frontage is located to the southern aspect of the property, the tree shall be evergreen.

- 4) In positioning the specimen tree, care shall be given to the mature canopy size of the tree and location to ensure it is clear of any buildings or driveways and does not shade outdoor living areas.
- 5) Specimen tree species shall be restricted to the following:
 - Acer 'Bloodgold' (Maple Tree);
 - Acer rubrum (Red Maple);
 - Cornus florida 'Stokes Pink' (Flowering Dogwood);
 - Prunus yedoensis 'Awanui' (Flowering Cherry);
 - Magnolia 'Aurora'; and
 - Magnolia grandiflora 'Ferruginea' (Evergreen Magnolia).

48. The current and future owners of Lots 147 to 161 (inclusive) and Lot 163 shall be advised of the following:

- a) The post and wire mesh fence located on the common boundary of the adjacent Country Living zone and Lots 147 to 154 and Lots 155 to 161 (inclusive) and Lot 163 shall be retained and maintained, to a stock and dog proof standard in perpetuity. The fence shall not exceed a height of 1500 mm.
- b) The specimen trees and hedging planted in accordance with Conditions 36 and 37 of this consent shall be maintained in perpetuity at the cost of the owner of each lot. Where planting is required to be replaced, this shall be undertaken within the next available planting season with an identical or similar species to that which is to be replaced. Hedging shall be maintained to not exceed a height of 1200 mm.

49. The current and future owners of all residential Lots within the development shall be advised that all boundary fences fronting a public road or reserve lot shall be no higher than 1200 mm high.

50. The current and future owners of the following lots within the development shall be advised that all boundary fences bordering an access to (a) rear lot(s) shall be no higher than 1200 mm high, being:

- (a) Lots 6, 8, 9, 10, 11, 13, 31, 34, 37, 40, 49, 52, 55, 58, 59, 63, 64, 67, 70, 73, 74, 77, 78, 87, 90, 94, 95, 98, 99, 108, 111, 112, 115, 121, 124, 126, 127, 128, 129, 130, 131, 132, 133, 138, 139, 140, 142 & 145.

51. The current and future owners of the following lots within the development shall be advised that all plantings undertaken within those laneways Lots 'B' to 'R' shall maintain those plantings in perpetuity at the cost of the owners. Where planting is required to be replaced, this shall be undertaken within the next available planting season with an identical or similar species to that which is to be replaced. Those lots are:

- a) Lots 32, 33, 38, 39, 50, 51, 56, 57, 60 – 62, 65, 66, 71, 72, 75, 76, 88, 89, 95 – 98, 109, 110, 113, 114, 122, 123, 128 – 132, 138, 139, 143 and 144.

52. The current and future owners of all lots within the development shall be advised that no building shall be erected within those yards specified within the relevant District Plan, and one (1) yard shall be a minimum of 6m, measured from any boundary other than a boundary with a road, except where resource consent has been granted for a yard encroachment.

53. The current and future owners of all lots within the development shall be advised that the maximum site building coverage permissible on each residential lot shall be 30% of the applicable net site area,

with a maximum building coverage of 280m²; and the maximum impermeable surfaces per lot (inclusive of building coverage) shall be no more than 50% of the net site area.

54. The current and future owners of all residential lots shall be advised that:
- a) For all lots within the development where those lots have frontage to a road to be vested as a Public Road, all dwellings shall have a front entrance oriented to that road.
55. The current and future owners of all residential lots shall be advised that:
- a) For all lots within those neighbourhood blocks identified as Blocks 1, 2 and 4 to 11 inclusive as shown on the Blue Wallace Plan entitled 'Site/ Lot Area Analysis Plan', ref: 14/012, Drawing No. 3 of 3 dated 29 August 2017; no more than three dwellings on any three lots within those neighbourhood blocks fronting the same road shall have an exterior cladding and roofing combination of the same colour and materials as another dwelling within that block and fronting the same road.

Advice note: This consent notice does not apply to those lots within Neighbourhood Block 3 as the corresponding number of lots within that block does not breach the 3-lot maximum as outlined above.

Prior to an application for approval of the survey plan (s223) for Stage 1A, the Consent Holder shall comply with the following conditions:

Mitigation of Road Noise from State Highway 1 (SH1)

56. If the Consent Holder does not propose to apply the consent notice proposed within Condition 58, then the Consent Holder shall provide an acoustic report prepared by a suitably qualified and experienced acoustic specialist assessing if the predicted noise levels within habitable rooms of future dwellings or noise sensitive activities on Lots 1-9 and 161-163 (inclusive) will be 40dB LAeq(24h) or less. The assessment undertaken can take into account the positive effects of topographical relief and/ or other mitigation measures proposed to be constructed/ established onsite, or offsite as part of the development. The assessment must take into account future permitted use of the State Highway Network by the addition of 3dB to existing measured or predicted levels.

Prior to the issue of s224 for Stage 1A:

57. If an acoustic report was provided in accordance with Condition 56 and that report shows any habitable rooms within a future dwelling or noise sensitive activity on Lots 1-9 and 161-163 (inclusive) will have a predicted noise level of more than 40dB LAeq(24h), then in accordance with s221 of the Resource Management Act 1991, the following conditions (i)-(iii) shall be registered against the relevant Certificate(s) of Title:

Or:

58. If an acoustic report was not provided in accordance with Condition 56, then in accordance with s221 of the Resource Management Act 1991, the following conditions (i)-(iii) shall be registered against the Certificates of Title of Lots 1-9 and 161-164 (inclusive):
- i) The current and future owners of any residential dwelling or noise sensitive activity shall be advised that, at the time of building consent, the dwelling or noise sensitive activity must be designed in such a manner so as to achieve a design noise level of 40dB LAeq(24h) inside all habitable rooms.

- ii) If a dwelling or noise sensitive activity has been designed in a particular manner to achieve a design noise level of 40dB LAeq(24h) inside all habitable rooms then the current and future owners must maintain that dwelling or noise sensitive activity in a manner that maintains the design noise level of 40dB LAeq(24h) inside all habitable rooms.
- iii) If it is necessary to have doors and windows closed to achieve the acoustic standard specified above, an alternative ventilation system shall be provided to achieve the following:
 - a. Ventilation must be provided to meet Clause G4 of the New Zealand Building Code. At the same time, the ventilation system shall not exceed a noise level of 35dB LAeq(30s) within main living rooms and 30dB LAeq(30s) within other habitable rooms, when measured 1m away from the grille or diffuser.
 - b. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 changes per hour.
 - c. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C.
- iv) For those lots subject to conditions (i)-(iii) above, a design report prepared by a suitably qualified and experienced acoustic specialist must be submitted to the Waikato District Council's Compliance Officer, demonstrating compliance with those conditions. The design must take into account future permitted use of the State Highway Network by the addition of 3dB to existing measured or predicted levels.

Advice note: For the purposes of this consent, habitable rooms shall be defined so as to mean any room that is part of a building used for a noise sensitive activity, apart from those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.

Advice note: For the purposes of this consent, noise sensitive activities shall be defined so as to mean residential activities (including residential accommodation in buildings which have other uses such as commercial or industrial premises), marae, spaces within buildings used for overnight patient medical care, and teaching areas and sleeping rooms in buildings used as educational facilities.

59. This property is located adjacent to sites zoned 'Country Living' where rural lifestyle activities occur, including the keeping of livestock, agricultural management practices such as agrochemical spraying, use of farm machinery and other similar activities. Where land use activities on the adjacent Country Living zoned land are carried out in accordance with the relevant District Plan permitted activity standards and/ or in accordance with existing use rights, the property owner, or their successor in title shall not:
- a) Bring any proceedings for damages, negligence or nuisance arising from the use of that land; or
 - i) Make nor lodge; nor
 - ii) Be party to; nor
 - iii) Finance nor contribute to the cost of;
 - b) Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any rural lifestyle activity on the adjacent Country Living zoned land, including without limitation any action to require the adjacent landowners/ occupiers to modify their activities carried out on their land.
- Furthermore, the property owner is obliged to inform any tenant, leaseholder and/ or occupier that they too are subject to the restrictions contained within this consent notice.

60. The current and future owners of Lots 162 and 163 shall be advised that their property is located in close proximity to a substation located on Lot 1 DPS 39290. Where land use activities are carried out on this property in accordance with the relevant District Plan requirements, the property owner, or their successor in title shall not bring any proceedings for damages, negligence or nuisance arising from the use of that land; nor make nor lodge; nor be party to; nor finance nor contribute to the cost of any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any activity on the property, including without limitation, any action to require the surrounding landowners/ occupiers to modify the operations carried out on their land.

61. Consent notices shall be prepared by Council's Solicitor at the Consent Holders expense.

Advice note: Please request your consent notice be prepared prior to requesting s224(c) approval.

Staging:

62. This consent is not required to be given effect to in the numerical stage order. The consent can be given effect to in any numerical order provided that the Consent Holder demonstrates appropriate connections have been made to the necessary infrastructure services.

Hilltop Reserve design

63. Prior to undertaking any earthworks within the area noted as the hilltop reserve, the consent holder shall prepare a concept plan for the reserve for approval by the Waikato District Council in a certification capacity. The concept plan shall demonstrate the manner in which the following standards are achieved:

- a. The reserve, in combination with the reserve land to the north shall be a minimum of 0.75 hectares in area;
- b. The reserve shall contain a minimum area of 16 m by 16 m at a grade of no greater than 1:15 to provide sufficient space for a playground;
- c. The high point of the reserve shall be no less than 42 m RL.
- d. The reserve shall provide a pedestrian connection to at least one adjacent public road.

Once the concept plan is approved by Council, the applicable earthworks plans required by condition 10 and the engineering design plans for the development as required by condition 12 shall incorporate the design features contained in the approved reserve concept plan to the satisfaction of the Council. The consent holder shall implement the concept plan.

Appendix 3
Operative Waikato District Plan
Rule assessment

Appendix 3 – Operative Waikato District Plan Rule Assessment

Operative Waikato District Plan Rule Assessment			
Rule	Explanation	Compliance	Comment
Chapter 21: Living Zone			
21.10 Type of Activity	<p>Any activity that complies with all the effects and building rules is a permitted activity if it is a:</p> <ul style="list-style-type: none"> (a) Residential activity, or (b) Home occupation that meets the conditions for a permitted activity, or (c) Temporary event that meets the conditions for a permitted activity, or (d) Neighbourhood park or (e) Network utility, or (f) Home stay..... 	No	<p>The proposal to build 4 showhomes on specific lots in the development fronting Wayside Road and within Stage 4A prior to the issue of title for any or all lots is a Discretionary activity under Rule 21.10.2. Showhomes are a commercial activity that do not meet the conditions of home occupations. Floor and elevation plans for each individual showhome are to be assessed for compliance at building consent stage on Lots 1, 2, 124 and 163.</p> <p>Status: Discretionary</p>
21.13 Onsite Services	<p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> a) The site is connected to a telecommunications network and energy supply network, or has a standalone energy supply, and b) The site is <ul style="list-style-type: none"> i) Connected to reticulated water supply, stormwater and wastewater disposal networks where available, that complies with Appendix B (Engineering Standards), or ii) Provided with an alternative method of water supply, stormwater and 	No	<p>The proposed show homes on Lots 1, 2 and 163 (Stage 1A) and Lot 124 (Stage 4A) will be established onsite before the subdivision is completed and therefore cannot be connected to permanent reticulation until such time as it is extended into the internal road network within Stages 1A and 4A.</p> <p>All permanent reticulated services will be placed underground in accordance with easements identified on the attached subdivision scheme plans and in the application's Assessment of Environmental Effects. Temporary services are to meet the requirements of wastewater and stormwater treatment fields as per Appendix B of the District Plan and will be assessed as compliant at the time of building consent.</p>

Appendix 3 – Operative Waikato District Plan Rule Assessment

	wastewater disposal that complies with Appendix B. c) Services are placed underground where reticulated services are already underground.		Status: Discretionary
21.16 Access, Vehicle Entrance, parking, loading and Manoeuvring Space	Shall be provided in accordance with Appendix A (Traffic).	No	An assessment of compliance indicates the proposed subdivision will not comply with Rules A14, A21, A21.A, A22, A23 and A24. Status: Restricted Discretionary Assessment Criteria: Refer to Assessment of Appendix A
21.17 Vehicle Movements	Any activity is a permitted activity if: a) It does not involve more than 30 vehicle movements per day; and b) No more than 4 of these movements are heavy vehicle movements.	No	Construction activity for the subdivision will likely exceed this number of vehicle movements. The showhome activities will likely generate between 10vpd and 20vpd per showhome per day. This equates to a total of 80vpd, 60vpd generated via the showhomes fronting Wayside Road and 20vpd via access to the Jetco block. The subdivision is expected to generate approximately 1,667 traffic movements per day as outlined in the Traffic Impact Assessment prepared by Gray Matter Consultants Ltd. This report identifies that although a significant number of vehicles will be required to access Wayside Road until such a time as the Jetco connection is constructed, the corridor has sufficient reserve capacity to accommodate the additional traffic. The majority of movements will therefore be to the southern roundabout, utilising the Te Kauwhata Interchange as part of the Waikato Expressway's Rangiriri Section and Te Kauwhata Road. Peak hour traffic will equate to approximately 231 vehicles per hour on Wayside Road.

Appendix 3 – Operative Waikato District Plan Rule Assessment

			Status: Discretionary
21.19 Construction Noise	<p>Any activity is a permitted activity if:</p> <p>a) It is designed and conducted so that construction noise from the activity complies with Appendix N (Construction Noise).</p>	Yes	<p>All works onsite will be conducted to the construction noise standards. These are further subject to the 5dBa reduction as works are expected to last longer than 20 weeks. A condition of consent is expected to be imposed regarding compliance with the Construction Noise standard.</p> <p>Status: Permitted</p>
21.22 Dust, Smoke, Fumes, Odour or Ground Level	<p>Any activity is a permitted activity if:</p> <p>a) There is no objectionable or offensive dust, smoke, fumes or odour having adverse effects at any other site, and</p> <p>b) Stockpiles of loose material are contained or maintained to prevent dispersal of the material into the air, and</p> <p>c) N/A.</p>	Yes	<p>The proposed subdivision requires substantial earthworks to be conducted to ensure level building platforms and suitable roading foundations are provided for the site. Where earthworks are required to be undertaken within dry, windy conditions, stockpiles and exposed soils shall be required to be covered via watercart applications and the use of either re-grassing or hay mulch methods. Moreover, the exposure of areas of soil will not be undertaken where these conditions are prevalent as determined by meteorological forecasts. Where earthworks are proposed, further staging of these works shall ensure that only minor areas of land are exposed at any one time. It is considered that these mitigation methods will be sufficient to ensure the activity does not generate any objectionable dust, smoke, fumes or odour.</p> <p>Waikato Regional Council have already granted earthworks consent for the site and works are underway on the western two thirds of the site. Where works are undertaken in accordance with the consent conditions of that consent it is further expected that the activity will be in compliance with this rule.</p>

Appendix 3 – Operative Waikato District Plan Rule Assessment

			Status: Permitted
21.38 Signs – Advertising Signs	<p>Any activity is a permitted activity if an advertising sign visible from a public place:</p> <ul style="list-style-type: none"> a) Relates to goods or services available on the site, or is a property name sign, and b) Is the only sign on the site, and c) Does not exceed 0.25m², and d) Is not illuminated, flashing or moving, and e) Does not exceed 2m in height, and f) Is not on a road reserve, except for a traffic sign or a safety sign erected by a public authority, and <p>Despite (a), (b) and (c) the following advertising signs are permitted if they comply with (d) to (f):</p> <ul style="list-style-type: none"> g) Real estate 'For Sale' signs relating to the site, provided that there are no more than 3 signs per site and no sign is larger than 1m². 	No	<p>The site currently has three road frontages, the predominant frontage being with Wayside Road to the south-west, while the Jetco development provides two roading connections to the site. It is proposed to have a sign at each frontage of 3m² in size detailing subdivision layout plans as well as directional signage to direct prospective property purchasers. Further, two additional signs would be located within the subdivision which would be moved as the subdivision develops, the purpose of the signs to show prospective purchasers which lots are sold and which are still available for purchase. These signs will not be illuminated, flashing or moving however will exceed the height, size, number and detail restrictions of Rule 21.38.</p> <p>Any variation to the signage by the building contractors must meet the signage requirements of the District Plan and are to be assessed individually on application by those contractors.</p> <p>Status: Discretionary</p>
21.41 Number of Dwellings	<p>Construction of a dwelling, other than a dependant person's dwelling, is a permitted activity if after completion:</p> <ul style="list-style-type: none"> a) There is only one dwelling on the land contained in the certificate of title. 	No	<p>It is proposed that up to 4 show homes will be constructed onsite demonstrating the potential built options for prospective property purchasers. These show homes are expected to be constructed before individual allotment subdivision is completed for the site. These show homes are ideally located on Lots 1,2 and 163 due to their ability to have access direct to Wayside Road. with an additional show home located on Lot 124 in Stage 4A of the subdivision, accessed through the existing Jetco subdivision. Therefore, there is no reliance on the main collector spine road to be completed prior to construction in order for access to each showhome.</p>

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			Status: Discretionary
21.43 Minimum site area – dwelling	<p>Construction or alteration of a dwelling is a permitted activity if:</p> <ul style="list-style-type: none"> a) The site is connected to a reticulated wastewater system, or b) The net site area is at least 2500 m². 	No	<p>The 4 showhomes will be constructed prior to the connection of the site to full services including wastewater, which will be developed as the initial stages of the subdivision are completed. The showhomes will all be located on lots that directly front onto Wayside Road so can be developed ahead of the construction of internal site roads. The infringement of this rule will only be a temporary situation until the need for the showhome is finished and all 4 homes are connected to reticulated services and sold to private buyers.</p> <p>Temporary services are to meet the requirements of wastewater and stormwater treatment fields as per Appendix B of the District Plan and will be assessed as compliant at the time of building consent.</p> <p>Status: Restricted Discretionary Assessment Criteria: Discretion reserved over:</p> <ul style="list-style-type: none"> • Effects on amenity, health and safety and the environment. • Wastewater treatment system.
21.44 Building Height	<p>Construction or alteration of a building or structure is a permitted activity if:</p> <ul style="list-style-type: none"> a) The height does not exceed 7.5m, b) N/A c) N/A d) N/A 	Yes	<p>No part of any building or structure will be above a height of 7.5m from the ground level on each allotment. Compliance with this rule can be determined at the time of building consent applications to WDC for each allotment.</p> <p>Status: Permitted</p>

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21.45 Daylight Admission	<p>Construction or alteration of a building is a permitted activity if:</p> <p>a) The building does not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p>	Yes	<p>No part of any building constructed on each allotment will protrude through the height control plane at every point of the site boundary. Building height is restricted under Rule 21.44 above to 7.5m. As with the above height rule, compliance can be assessed at the time of building consent application to WDC for buildings on any allotment.</p> <p>Status: Permitted</p>
21.46A Non-Residential Building	<p>Construction or alteration of a non-residential building is a permitted activity if:</p> <p>a) The gross floor area of the building does not exceed 70m².</p>	No	<p>All show homes proposed to be constructed will each have a gross floor area greater than 70m², being that those homes will be converted to a final residential use at the completion of the property sales period.</p> <p>Status: Discretionary</p>
21.47 Living Court	<p>An outdoor living court shall be provided for the exclusive use of the resident and accessible from the living space and,</p> <p>a) Either on the ground floor the living court shall be a minimum of 80m² capable of containing a 6m diameter circle, or...</p>	Yes	<p>Each lot can contain an outdoor living space for the exclusive use of the occupants of that allotment with a minimum footprint of 80m² and capable of containing a 6m diameter circle within a complying location. The accessibility of the outdoor living court from a living area of the dwelling shall be determined at the time of building consent for any allotment. It is noted that the building footprints submitted within the non-complying lot plans are indicative only (for the purposes of demonstrating a 200m² dwelling) and as such the location of the outdoor living court in relation to those footprints cannot be determined as a non-compliance.</p> <p>Status: Permitted</p>
21.48 Service Court	<p>A service court shall be provided with a minimum area of 15m² capable of containing a 3m diameter circle.</p>	Yes	<p>Each lot is capable of containing a service court with a minimum size of 15m² and capable of containing a 3m diameter circle in a complying location within that court and</p>

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			<p>can be confirmed as compliant at the time of building consent applications for dwellings on all lots. For all buildings on non-compliant lots (i.e. those which are unable to accommodate the 250m² building platform rectangle) compliant service courts have been denoted. Service courts shown exceed the minimum size requirement by 6m².</p> <p>Status: Permitted</p>
21.65 Frontage	Every allotment with a road boundary other than an access or utility allotment shall have a width along the road boundary of at least 15m.	No	<p>The attached subdivision scheme plans demonstrate all lots, with the exception of lots 90 and 91, will have complying road boundary lengths of at least 15m. Lot 90 has a total length of 14.14m. Lot 91 has a total length of 13.96m. The visual effect of this non-compliance is considered to be negligible.</p> <p>It is noted that the average road frontage within Block 8 of the site (containing Lots 90 and 91) is 21.82m.</p> <p>Status: Discretionary</p>
21.66 Road Access	Every allotment shall be provided with vehicle access to a public road formed in accordance with Appendix A (Traffic) and Appendix B (Engineering Standards)	No	<p>All lots are provided with legal access to a public road, however the assessment of vehicle access under Rule A14 of Appendix A demonstrates three lots with access to Wayside Road are not expected to comply with the spacing requirements for an 80kh/hr speed environment.</p> <p>Status: Restricted Discretionary Assessment Criteria: Discretion restricted over:</p> <ul style="list-style-type: none"> • Safety and efficiency of roads, entrances and access. • Stormwater management. • Effects on local amenity values. • Space for utilities.

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			<ul style="list-style-type: none"> • The potential of the site or adjoining land for future development. • Traffic generation by activities to be served by the access. • Need for traffic control measures on District roads due to increased traffic from the activity. • Adequacy of the access for its intended use; Refer to Pages 18-20 of the attached Gray Matter reporting (TIA) and paragraphs 5.3.7 and 5.3.8 of the AEE. • .
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21.69 On-site Services	<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) Provision is made to connect to a telecommunications network and energy supply network, and b) N/A, c) Services are placed underground where: <ul style="list-style-type: none"> i. A new road is required as part of the subdivision. 	Yes	<p>The proposal will connect to power and telecommunications networks. Letters have been sent to WEL Networks and Chorus for confirmation and the replies confirming service availability for each stage have been received. Given that both services were available for the Silverspur consent, it is anticipated that this will also be the case for this proposal.</p> <p>Status: Controlled Assessment Criteria: Control reserved over</p> <ul style="list-style-type: none"> • Health and safety; Utilities are to be undergrounded. • Amenity effects; As per the above 'Health and Safety'. • Matters referred to in Appendix B (Engineering Standards); To be confirmed at detailed design stage. • Easements to facilitate development beyond the site. Refer the proposed easements on the attached Subdivision Scheme Plans.
21.73 Traffic Generation	Traffic generation by likely land uses following the subdivision shall not alter the status or function of	No	Wayside Road currently operates as a Local Road. Following the subdivision and subsequent development of the site for residential purposes the function of this road will be altered to

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	roads in the road hierarchy as described in Appendix A (Traffic).		<p>that of a Collector Road. Alterations to the function of Wayside Road following the subdivision are detailed within the evidence of Mr Gray.</p> <p>Status: Restricted Discretionary Assessment Criteria: Discretion restricted to</p> <ul style="list-style-type: none"> • Capacity and quality of the road surface; To be confirmed at a detailed design stage. • Function of the public road; Refer to Page 22 of the TIA and paragraph 5.3.10 of the AEE. • Safety and efficiency of the road network; Refer to Page 23 of the TIA and paragraphs 5.3.11 and 5.3.12 of the AEE. • Safety of road users. As per above 'Safety and Efficiency of the Roding Network'.
Schedule 21B: Te Kauwhata West Living Zone			
21B.4 Remediation Policy Area	Any subdivision or development is a Restricted Discretionary activity. Discretion is restricted to the nature and extent of the contamination, the effects of the contamination and the proposed methodology for land remediation.	Yes	The proposed subdivision is overlaid by the Remediation Policy Area overlay. Site contamination assessments have been prepared by Environmental and Groundwater Services and Opus Ltd considered to constitute preliminary and detailed site investigations. It has been determined within the Remedial Action Plan prepared by Opus that earthworks associated with road and platform construction shall require mixing of soil where hotspots have been identified and removal of soil where appropriate and replacement with cleanfill. These measures are considered sufficient to ensure the adverse effects of contamination have less than minor adverse effects on human health. Further, site validation testing and testing of the soils on each individual completed residential allotment will be required as part of the remediation process.

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			<p>Status: Restricted Discretionary Assessment Criteria: Discretion restricted to</p> <ul style="list-style-type: none"> • The nature and extent of contamination of the land; Refer to the Environmental Site Assessments attached as Appendices 5 and 6. • The effects of contamination on buildings, ecological and amenity values, soil quality, surface and groundwater quality and the wider environment; Refer to Section 5.5 of the AEE. • The proposed methodology for the remediation of the land, including the provision and contents of a Remediation Plan; Refer to the attached WDC and WRC approved RAP. • The onsite and offsite risks during and after remediation works; As per the above mentioned approved RAP. • Ongoing management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on the environment. As per the above mentioned approved RAP.
<p>21B.5 Earthworks (including filling using imported fill) - General</p>	<p>Any activity is a permitted activity if:</p> <ol style="list-style-type: none"> N/A; Earthworks comply with Appendix B; All exposed earth is revegetated to achieve 80% groundcover within 12 months of the earthworks being commenced; Earthworks retain sediment onsite through the implementation and maintenance of sediment controls; Earthworks do not adversely affect other land through changes in natural water flows or established drainage paths; 	<p>Yes</p>	<p>All onsite earthworks will be undertaken in accordance with the controls specified within the consents granted by Waikato Regional Council for the subdivision. Management of erosion and sediment control will be via an approved Erosion and Sediment Control Plan to mitigate any actual or potential adverse effects. Onsite earthworks will further utilise natural drainage paths for detention and treatment of surface runoff before discharge to existing drainage channels.</p> <p>It is expected there will be an excess of topsoil onsite and therefore removal of topsoil offsite will be required as part of the subdivision development process. Depending upon the</p>

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	<ul style="list-style-type: none"> f) N/A; g) N/A. 		<p>success of the remediation programme and the quality of material found on the site there may be the need to import material as necessary to complete the earthworks programme.</p> <p>Status: Permitted</p>
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<p>21B.6 Earthworks (including filling using imported fill) - Location and Scale</p>	<p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> a) Retaining walls are at least 3m apart and 3m from any existing building, structure or any other fill or cut batter, and b) Retaining walls that are not part of a building foundation: <ul style="list-style-type: none"> i) Do not exceed 0.5m in height within 3m of a road boundary, and ii) Do not exceed 1.5m in height elsewhere on the allotment and are at least 1.5m from the boundary, and c) N/A; d) N/A; e) Earthworks do not disturb or move more than 100m³ within a site in a single calendar year; and f) Earthworks do not cause the height of any batter to exceed 1.5m, and g) Earthworks do not exceed 400m². 	<p>No</p>	<p>The proposal is non-compliant with this rule based on the following analysis:</p> <ul style="list-style-type: none"> a) The retaining plan details retaining within Stages 3B and 4B of the site adjacent to vehicle entrances is likely to be within 3m of adjoining walls or another cut or fill batter; b) Retaining walls will be required to a maximum height of 3m incorporated within the lot and streetscape design of the site as demonstrated on the retaining plan. Retaining will be restricted to the allotment boundaries where required. Where the ground level difference is 1 metre, this will be benched and stabilised earthworks rather than a standard wooden face where geotechnically practical; c) N/A; d) N/A; e) Consent is required for earthworks totalling 379,000 m³ of cut and fill which includes the volume of excess cut material to potentially be moved off site. The revised totals take into account the loss of 1 allotment from the 164-lot proposal and the revised stormwater pond design. Prior works have already been consented by Waikato Regional Council in the attached decisions. f) The maximum batter height of all earthworks will not exceed a height of 1m in accordance with the retaining plan, however, if it is possible to use batter banks and avoid retaining over the height of 1m, this will be
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			<p>undertaken, but only under direct supervision and authorisation of the Geotech engineer;</p> <p>g) Earthworks are required to be undertaken over the majority of the site area and will likely require the transportation of excess topsoil offsite and the importation of some material onto the site.</p> <p>Status: Discretionary</p>
<p>21B.8 Impervious Surfaces</p>	<p>Any activity is a permitted activity if:</p> <p>a) On lots with a net site area of 650m² and less than 700m² it does not result in more than 35% of the site being an impervious surface, or</p> <p>b) On lots with a net site area of 700m² and greater it does not result in more than 40% of the site being an impervious surface, and</p> <p>c) Stormwater is managed in accordance with Appendix B (Engineering Standards)</p>	<p>No</p>	<p>The proposal is non-compliant with this rule based on the following analysis:</p> <p>a) Based on the self-imposed maximum site coverage control of 30% for all new buildings on each lot, irrespective of size, and considering the potential coverage of each lot for manoeuvring surfaces, it is likely that impervious surfaces (including building coverage) will be greater than 35%;</p> <p>b) Based on the self-imposed maximum site coverage control of 30% for all new buildings on each lot, irrespective of size, and considering the potential coverage of each lot for manoeuvring surfaces, it is unlikely that coverage will be greater than 40%, but potentially could be, therefore a total impervious surface allowance of 50% of net site area is sought;</p> <p>c) Yes, stormwater will be managed in accordance with the methodology described in the AEE and in the attached Opus infrastructure reporting.</p> <p>Status: Restricted Discretionary</p> <p>Assessment Criteria: Discretion restricted to</p> <ul style="list-style-type: none"> • Stormwater runoff effects; Refer to Section 5.8 of the AEE and the attached Opus assessment in Appendix 8. • Mitigation including onsite water storage; As per the above.

			<ul style="list-style-type: none"> • Matters referred to in Appendix B (Engineering Standards). To be confirmed at detailed design stage.
21B.9 Fences	<p>Any activity is a permitted activity if:</p> <p>a) Fences along a road frontage, public open space and side boundaries within 3m of the road:</p> <p>i) Do not exceed 1m in height, and</p> <p>ii) Do not exceed 1m in height where a retaining wall and a fence is combined, or</p> <p>iii) Do not exceed 1.8m in height and are of transparent construction, and</p> <p>b) Fences along the northern boundary of the Te Kauwhata West Living Zone adjacent to the Country Living Zone are of rural post and wire construction, and</p> <p>c) For lots with frontage to two public roads, the fence fronting the road with the greater traffic volume:</p> <p>i) Does not exceed 1m in height at the corner of the lot, and</p> <p>ii) Does not exceed 0.5m height increments at 5m intervals, and</p> <p>iii) Is of transparent construction.</p>	No	<p>The proposal is non-compliant with this rule based on the following analysis:</p> <p>a) All lots with a boundary adjoining a public road, reserve or laneway lot are proposed to have a maximum boundary fence height of 1.2m. This fencing will be of a height greater than 1.2m where above retaining at the road frontage or laneway frontage of Lots 49, 52-53, 68-70, 73, 74, 77, 81 108, 111, 129. 131-133 and 154. Fencing on any other boundary will be a maximum height of 1.8m however will not be visually permeable to provide for privacy of the outdoor living area of each dwelling.</p> <p>b) The proposal will comply. A consent notice is proposed for a 7-wire rural post and batten fence on the CLZ boundary at a maximum height of 1.2m. This type of fence is proposed to ensure that it is stock proof and that dogs cannot get from neighbouring dwellings into the rural residential properties.</p> <p>c) This fencing will not be transparent however is of a size to ensure visibility of the streetscape, with a maximum height imposed as per the above commentary in (a).</p> <p>Status: Restricted Discretionary Assessment Criteria: Discretion restricted to</p> <ul style="list-style-type: none"> • Building materials and design; The District Plan has no controls regulating design of fencing and as such it is conditional on the desires of the future lot purchaser however it is proposed that a 7-wire post and batten fence be consent noticed where those lots front the boundary of the Country Living zone.

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			<ul style="list-style-type: none"> • Height; To be controlled via way of imposed 1.2m high consent notices where fronting a reserve, adjacent zone, public road or laneway lot. • Effects on amenity; The above proposed height consent notice will ensure passive surveillance of those spaces and assists with creating a legible streetscape. • Public space visibility. As per the above.
<p>21B.11 Connection to Onsite Services</p>	<p>Construction or alteration of a building is a permitted activity if:</p> <ol style="list-style-type: none"> a) For a building containing sanitary facilities it is connected to reticulated water supply, stormwater and wastewater disposal networks that comply with Appendix B (Engineering Standards), and b) For a building exceeding 10m² stormwater is managed using low impact design features that comply with the requirements of Appendix B prior to connecting to the Council network. 	<p>No</p>	<p>The proposed show homes on Lots 1, 2 and 163 (Stage 1A) and Lot 124 (Stage 4A) will be established onsite before the subdivision is completed and therefore cannot be connected to permanent reticulation until such time as it is extended into the internal road network within Stages 1A and 4A.</p> <p>All permanent reticulated services will be placed underground in accordance with easements identified on the attached subdivision scheme plans and in the application's Assessment of Environmental Effects. Temporary services are to meet the requirements of wastewater and stormwater treatment fields as per Appendix B of the District Plan and will be assessed as compliant at the time of building consent.</p> <p>Status: Non-Complying</p>

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<p>21B.12 Building Coverage</p>	<p>Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> a) The total building coverage on lots with a net site area of 650m² and less than 700m² does not exceed 25%, or b) The total building coverage on lots with a net site area of 700m² or greater does not exceed 35% 	<p>No</p>	<p>The proposal seeks dispensation from this rule and proposes a blanket maximum of 30% site coverage (measured against net site area) with a maximum building coverage allowed (irrespective of lot size) of 280m².</p> <p>As not all lots can contain the 250m² building platform rectangle, 30% site coverage allows for the construction of a 200m² building within the setback requirements (including the self-imposed setbacks) as shown on the attached non-complying lot plans (Appendix 6). Where those plans show blue sections, these are to be excluded at construction, and the extensions in red included to meet the 200m².</p> <p>As a direct result of the self-imposed/ proposed blanket net site coverage, a reduction in the total built area of the subdivision can be achieved where compared to the consented Silverspur development. This is reflected in the totals below:</p> <p>Consented total built area – Silverspur: 41,204m² Proposed total built area – TKL: 34,439m²</p> <p>Status: Non-Complying</p>
<p>21B.13 Living Court (Position)</p>	<p>Construction or alteration of a dwelling is a permitted activity if:</p> <ul style="list-style-type: none"> a) An outdoor living court shall be provided located between 45 degrees north east through north to 90 degrees west of the dwelling measured from the southernmost part of the dwelling. 	<p>Yes</p>	<p>All outdoor living areas will be provided in a complying location on each allotment and can be confirmed as compliant at the time of building consent applications for dwellings on all lots. For all buildings on non-compliant lots (i.e. those which are unable to accommodate the 250m² building platform rectangle) compliant outdoor living courts have been shown.</p> <p>Status: Permitted</p>
<p>21B.14 Garage setback – Road boundary</p>	<p>Construction or alteration of a building on a lot with road frontage exceeding 14m is a permitted activity if the garage is setback at least:</p>	<p>Yes</p>	<p>All lots will have a garage setback from the road frontage by 6m and from part or whole of the front façade of a building to that road frontage. Although the attached non-compliant lot</p>

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	<p>a) 6m from the road boundary and setback further than another part of the building if the garage door faces the road.</p>		<p>plans demonstrate lots 18-28, 81, 103, 121, 125 and 126 as having the garage in front of the façade of the building, these plans are not locked in for construction on those lots (i.e. no dispensation is required as the plans are to demonstrate a 200m² building footprint) and design by the future lot purchaser can alleviate that non-compliance shown. Compliance with both District Plan and self-imposed setback requirements can be addressed on all lots at the time of building consent.</p> <p>Status: Permitted</p>
<p>21B.15 Building Setbacks in Te Kauwhata West Living Zone</p>	<p>Construction or alteration of a building is a permitted activity if:</p> <p>a) on allotments 600m² or greater and less than 800m² it is set back at least</p> <ol style="list-style-type: none"> i. 6m from a rear boundary, and ii. 6 m from a road boundary iii. 1.5m from one side boundary other than a road boundary, and iv. 3m from any other boundary that is not a road boundary, and v. 1.5m from every vehicle access to another site, and <p>b) on allotments 800m² or greater it is set back at least</p> <ol style="list-style-type: none"> i. 6m from a rear boundary, and ii. 6 m from a road boundary, and iii. 3m from any other boundary other than a road boundary or a side boundary adjoining the Country Living Zone, and 	<p>Yes</p>	<p>Any building constructed on each allotment will comply with the setback requirements identified in Rule 21B.15. Additionally, it is proposed that for all rear lots incorporated as part of the subdivision design (and irrespective of lot size) that buildings must be setback a minimum of 6m from one boundary, 1.5m from one side boundary other than a road boundary and 3m from any other boundary.</p> <p>The additional 6m setback on rear lots is provided as a means by which to ensure building separation is provided and that attractive, useable outdoor space is provided on these rear lots.</p> <p>Compliance with both District Plan and self-imposed setback requirements can be addressed on all lots at the time of building consent.</p> <p>Status: Permitted</p>

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	<ul style="list-style-type: none"> iv. 6m from a side boundary adjoining the Country Living Zone, and v. 1.5m from every vehicle access to another site, 		
21B.19 Allotment Size	<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) Every allotment, other than a utility allotment or access allotment, has a net site area of: <ul style="list-style-type: none"> i. At least 650m²; and ii. The average net site area of all allotments is 875m²; and iii. There is a combination of allotments within each neighbourhood block of which: <ul style="list-style-type: none"> • At least 50% are 800m² or greater; and • At least 25% are 900m² or greater; and • 80% of allotments bordering the country living zone have an area of at least 900m². 	No	<p>The proposal is non-compliant with this rule based on the following analysis:</p> <ul style="list-style-type: none"> a) Net site area values are as follows: <ul style="list-style-type: none"> i) 66 of the proposed 163 lots will have a net site area less than 650m²; ii) The average net site area of all allotments, excluding utility or access allotments, is 679m²; and iii) The following neighbourhood blocks comprise the below combinations: <ul style="list-style-type: none"> – Block 1: 100% of all lots are 800m² or greater and 89% of all lots are 900m² or greater; – Block 2: 100% of all lots are 800m² or greater and 100% of all lots are 900m² or greater; – Block 3: No lots can comply with those standards; – Block 4: 11% of lots are greater than 800m² and none are greater than 900m²; – Block 5: No lots can comply with those standards; – Block 6: No lots can comply with those standards; – Block 7: No lots can comply with those standards; – Block 8: 7% of lots are greater than 800m² and none are greater than 900m²; – Block 9: 3% of lots are greater than 800m² and none are greater than 900m²; – Block 10: 5% of lots are greater than 800m² and 5% of lots are greater than 900m²; and – Block 11: 11% of lots are greater than 800m² and none are greater than 900m².

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			<p>Of the 16 allotments bordering the Country Living Zone, 14 have a net site area of 900m² or greater, equal to 87.5%.</p> <p>Status: Discretionary</p>
21B.20 Rear Allotments	<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) No more than 10% of allotments per neighbourhood block are rear allotments; and b) Accesses to rear allotments do not abut more than one side boundary of a front allotment; and c) All rear allotments are provided with a separate vehicle access to a public road; and d) No more than two adjoining allotments can share a vehicle entranceway. 	No	<p>The proposal is non-compliant with this rule based on the following analysis:</p> <ul style="list-style-type: none"> a) The following neighbourhood blocks will comprise more than 10% of allotments being rear allotments: <ul style="list-style-type: none"> i) Block 2 (Lots 1-9) = 11% ii) Block 4 (Lots 29-58) = 27% iii) Block 7 (Lots 59-103) = 36% iv) Block 8 (Lots 138-146) = 33% v) Block 9 (Lots 104-115) = 42% vi) Block 10 (Lots 125-137) = 46%; and vii) Block 11 (Lots 116-124) – 33%; b) The proposal is compliant with this rule; c) Rear allotments (where access is sought by two or more allotments) will be serviced by shared Laneway lots; d) As per the assessment in (c) above, multiple lots will share access over the proposed laneways. <p>Status: Discretionary</p>

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<p>21B.21 Boundary Country Living Zone</p>	<p>Subdivision is a controlled activity if:</p> <p>a) Every allotment with a country living zone boundary, other than an access allotment, access leg or utility allotment, has a minimum width along this boundary of at least 30m.</p>	<p>No</p>	<p>The subdivision scheme plans show Lots 147, 148, 151-154, 155-158, 160 & 161 as having boundaries with the Country Living Zone less than 30m in length.</p> <p>It is noted that the Silverspur proposal consented 19 lots along the boundary with an average width of 24.7m. The TKL proposal involves 16 lots along this boundary which is a reduction of 3 lots from the existing environment and with an average width of 26.9m.</p> <p>Status: Discretionary</p>
<p>21B.22 Building Platform</p>	<p>Subdivision is a controlled activity if every allotment, other than an access allotment or utility allotment, is capable of containing a building platform:</p> <p>a) Upon which a dwelling and living court could be sited as a permitted activity; and</p> <p>b) That is:</p> <p>i. A rectangle of at least 250m² with a minimum dimension of 12m exclusive of yards; or</p> <p>ii. A footprint for a standard single-level dwelling design with a minimum floor area of at least 200m²; and</p> <p>c) That can be created within the following limits:</p> <p>i) Earthworks do not exceed 100m³;</p> <p>ii) The height of any cut or fill batter does not exceed 1.5m;</p> <p>iii) Retaining walls are at least 3m apart, 3m from any existing building or structure or any other fill or cut batter; and</p>	<p>No</p>	<p>Not all lots can comply with the 250m² building platform rectangle requirement. As such, footprints for a 200m² dwelling have been imposed on those non-compliant lot plans to demonstrate the ability for a dwelling to fit within the yards. Note that in some cases, the proposed yards have been self-imposed (i.e. a 6m yard has been applied on rear lots), requiring extensions, or deletions to those footprints where the plan crosses the shown setback. All lots are therefore compliant with Rule 21B.22 in relation to the size of the building footprint.</p> <p>For all retaining walls required to implement the subdivision, the assessment of Rules 21B.6 and 21B.23 shall apply and is not reproduced here. Retaining walls are subsequently non-compliant activities under Rule 21B.22.</p> <p>Status: Restricted Discretionary</p> <p>Assessment Criteria: Discretion restricted to:</p> <ul style="list-style-type: none"> • Size and shape of building platform. • Volume, height and location of earthworks. • Height and location of retaining walls.

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	<p>iv) Retaining walls that are not part of a building foundation do not exceed 0.5m in height within 3m of a road boundary and do not exceed 1.5m in height elsewhere on the allotment;</p> <p>d) That is not subject to natural hazards; and</p> <p>e) That is not in an Environmental Protection Policy Area.</p>		<ul style="list-style-type: none"> • Natural hazard management. • Effects on the Environmental Protection Policy Area. • Re-vegetation. • Matters over which control is reserved (as follows): • Compliance with matters contained in Appendix Og (Urban Design Guide); Refer to Section 6.4 of the AEE. • Subdivision Layout; As per the Section 6.4 AEE referral above and further discussion within paragraphs 4.4.31 to 4.4.40. • The size, shape and orientation of allotments to accommodate a practical building platform and living court; Refer to the non-complying lot plans detailing complying buildings and living areas on lots where the 250m² building platform cannot be achieved. • Likely location of future buildings and their potential effects on the environment; Refer to the attached MGLA report in Appendix 10. • Avoidance or mitigation of natural hazards; Refer to the geotechnical assessment attached in Appendix 8. • Geotechnical suitability for building; As per the above attached geotechnical assessment and paragraphs 5.4.3 to 5.4.6 of the AEE. • Location, length, design and appearance of retaining walls. Refer to paragraphs 61 and 62 of the attached MGLA report and the supporting retaining comparison plans in Appendix 3 of that report. Further discussion is contained in paragraph 6.4.21 of the AEE.
<p>21B.23 Earthworks</p>	<p>Subdivision is a controlled activity if:</p> <p>a) Earthworks comply with Appendix B (Engineering Standards) and,</p> <p>b) Earthworks and filling are not undertaken on the route of any permanent water flow path,</p>	<p>No</p>	<p>An assessment of the proposal against the earthworks standards of the Te Kauwhata West Living Zone is included for Rules 21B.5 and 21B.6 above. It is considered that no further assessment is required. In relation to alterations of the pre-existing land contours, the proposal will result in changes to</p>

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	<p>c) All exposed earth is revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and</p> <p>d) Earthworks do not alter the pre-existing contours by more than 1.5m, and</p> <p>e) N/A,</p> <p>f) N/A,</p> <p>g) Retaining walls associated with earthworks are:</p> <p style="padding-left: 40px;">i) At least 3m apart, and</p> <p style="padding-left: 40px;">ii) 3m from an existing building, structure or any other fill or cut batter, and</p> <p>h) Retaining walls that are not part of a building foundation:</p> <p style="padding-left: 40px;">i) Do not exceed 0.5m in height within 3m of a proposed road boundary, and</p> <p style="padding-left: 40px;">ii) Do not exceed 1.5m in height elsewhere on a proposed allotment and are at least 1.5m from a proposed boundary</p> <p>i) N/A.</p>		<p>the contours of the site to heights of up to 7m in accordance with the cut to fill earthworks plans.</p> <p>Status: Restricted Discretionary</p> <p>Assessment Criteria: Discretion restricted to</p> <ul style="list-style-type: none"> • Extent of change to the pre-existing landform; Refer to the attached MGLA report in Appendix 10 and the earthworks comparison plans in Appendix 9. • Location of roads in relation to contours; Refer to paragraph 5.3.2 of the AEE. • Effects on hydrology and natural hazards; Refer to Appendix 8. • Matters over which control is reserved; - • Effects on Environmental Protection Policy Area; - • Revegetation; - • Location, height, length, design and appearance of retaining walls. Refer to paragraphs 61 and 62 of the attached MGLA report and the supporting retaining comparison plans in Appendix 3 of that report. Further discussion is contained in paragraph 6.4.21 of the AEE.
<p>21B.24 Onsite Services – Piped Networks</p>	<p>Subdivision is a controlled activity if, for every allotment other than a utility or access allotment:</p> <p>a) Provision is made to connect to reticulated water supply, stormwater and wastewater disposal networks that comply with Appendix B (Engineering Standards), and</p> <p>b) Stormwater is managed using low impact design features that comply with the</p>	<p>Yes</p>	<p>The site will have reticulated water supply and wastewater servicing connections installed within the road reserves of all Collector and Local 'A' and 'B' roads. These networks will be extended to the boundary of each allotment (for rear lots this will be managed through the proposed laneway lots) until such time as connection is required whereby a dwelling is constructed. As there is no available stormwater infrastructure managed by Council, all stormwater will be managed and</p>

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	<p>requirements of Appendix B prior to connecting to the Council network.</p>		<p>disposed of in accordance with the methods described in the application.</p> <p>Status: Controlled Assessment Criteria: Control reserved over</p> <ul style="list-style-type: none"> • Amenity values; Infrastructure will be undergrounded as part of the development engineering works. • Matters referred to in Appendix B (Engineering Standards); To be confirmed at detailed engineering design stage. • Easements to facilitate development beyond the site; Refer the proposed easements on the attached Subdivision Scheme Plans. • Services capacity to form part of a total network. As per the above. All services will be provided throughout the development.
<p>21B.28 Staged Subdivision</p>	<p>Subdivision is a controlled activity if:</p> <ol style="list-style-type: none"> a) For any stage other than sub-stage (a) within Stage One, a minimum of 80% of the s.224 certificates have been issued for the lots within the preceding sub-stage as shown on the Te Kauwhata West Living Zone Stage One Staging Plan; and b) A minimum of 80% of the s.224 certificates have been issued for sub-stage (d) within Stage One before development proceeds within Stage Two as shown on the Te Kauwhata West Living Zone Full Staging Plan. 	<p>No</p>	<p>This application comprises land within Stages 1A-1D of the Te Kauwhata West Living Zone Subdivision Staging Plan. It is expected that development of the site may occur over all stages at any one time before 80% of s.223 and s.224 signoff of any other prior stage or alternatively may occur in stages that differ in terms of shape and size from those contained in the District Plan. The application therefore defaults to a non-complying activity. Further discussion of this non-compliance is contained within Section 5 of this report with respect to the consent to undertake development outside of the Structure Plan order.</p> <p>Status: Non-complying</p>

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Chapter 28: Recreation Zone			
28.17 – Construction Noise	Any activity is a permitted activity if: a) It is designed and conducted so that construction noise from the activity complies with Appendix N (Construction Noise).	Yes	All works onsite will be conducted to the construction noise standards. These are further subject to the 5dBa reduction as works are expected to last longer than 20 weeks. A condition of consent is expected to be imposed regarding compliance. Status: Permitted
28.20 – Dust, Smoke Fumes, Odour or Ground Level	Any activity is a permitted activity if: a) There is no objectionable or offensive dust, smoke, fumes or odour having adverse effects at any other site, and b) Stockpiles of loose material are contained or maintained to prevent dispersal of material into the air, and c) N/A.	Yes	The proposed subdivision requires substantial earthworks to be conducted to ensure appropriate building platforms are established and suitable roading gradients are provided for the site. Where earthworks are required to be undertaken within dry, windy conditions, stockpiles and exposed soils shall be required to be kept damp via watercart applications and the use of either re-grassing or hay mulch methods. Moreover, the exposure of areas of soil will not be undertaken where these conditions are prevalent as determined by meteorological forecasts. Where earthworks are proposed, staging of these works shall ensure that only the necessary areas of land are exposed at any one time. It is considered that these mitigation methods will be sufficient to ensure the activity does not generate any objectionable dust, smoke, fumes or odour. Status: Permitted
28.22 - Earthworks	Any activity is a permitted activity if: a) N/A; b) Earthworks comply with Appendix B; c) All exposed earth is revegetated to achieve 80% groundcover within 12 months of the earthworks being commenced; d) Do not remove material from the site;	No	The proposal will comply with the majority of these requirements however the earthworks will involve more than 1,000m ³ of disturbance in a single calendar year and are to be undertaken over an area exceeding 1ha. In particular, TKL proposes to undertake up to 2,087m ³ of cut to a maximum depth of 4.5m within the Jetco site associated with the development of the hilltop reserve aligning with the Silverspur

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	<ul style="list-style-type: none"> e) Earthworks retain sediment onsite through the implementation and maintenance of sediment controls; f) Earthworks do not adversely affect other land through changes in natural water flows or established drainage paths; g) N/A; h) Do not disturb or move more than 1,000m³ within a site in a single calendar year; and i) In relation to the height of any cut or batter face does not exceed 3m; and j) Do not exceed 1ha. 		<p>proposal. The earthworks are to be undertaken as a sub-set of the earthworks required for the subdivision as a whole, being a total of 379,000 m³ (combined cut and fill volumes). TKL seeks that consent be granted based on the retaining of the high point in response to concerns raised by WDC and Harrison Grierson within their peer review of the LVA.</p> <p>However, from a professional urban design stance, TKL prefer the adoption of a lowered hilltop reserve design. Where height is dropped, and a knoll added, the total earthworks cut volume will be 8,000m³ at a maximum cut height of 7.5m while the total fill volume will be 589m³ with a maximum fill height of 2m.</p> <p>Status: Discretionary</p>
28.23 – Earthworks (Filling Using Imported Fill)	<p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> a) All material for filling is clean fill, and b) N/A. 	Yes	<p>Development of the subdivision will require the importation of fill material, being that material required to provide suitable fill material during the earthworks operation or the provision of base course materials for road pavement and/or backfill material for trenches within road reserves/ lots to vest.</p> <p>Status: Permitted</p>
Appendix A (Traffic): Provision of Access on Subdivision			
A11 – Parking, Loading Bays, Service Lanes and Manoeuvring Space	<p>Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> a) Parking and loading bays are provided that complies with Table 1 and Figures 1,2 and 3, and Appendix B (Engineering), and b) Bicycle spaces are provided that comply with Table 2, and c) Parking, loading bays and manoeuvring spaces are sealed, drained and permanently 	Yes	<p>The road to vest cross sections demonstrate each 20m wide carriageway shall have designated parking areas able to accommodate the width of a stationary vehicle. Similarly, all allotments will have space provided for parking within the area occupied by the proposed building platform rectangle. No parking bays are to be provided within the carriageway of Lot 200 (14m wide road).</p>

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	<p>marked if 5 or more parking spaces are required, ... and</p> <p>e) Parking, loading bays and manoeuvring spaces are located on the same site as the activity for which they are required</p>		Status: Permitted
A12 – Manoeuvring Space	<p>Any activity is a permitted activity if onsite manoeuvring space is provided so that:</p> <p>b) A 90-percentile car, as defined in Figure 2, can enter and exit all parking spaces without making more than one reverse movement</p>	Yes	<p>It is concluded that Part (a) of this rule does not apply to the Local 'A' and 'B' roads in the Te Kauwhata Structure Plan area and contained within the subdivision network layout. These roads will be constructed to meet the engineering design requirements of the Plan in the context of the cross-sections provided. Agreement from WDC staff has been accepted that onsite manoeuvring is not required for Local 'A' and 'B' roads in the Te Kauwhata Structure Plan area. Compliance with (b) shall be demonstrated at detailed design stage.</p> <p>Status: Permitted</p>
A14 – Access and Vehicle Entrances	<p>Any activity is a permitted activity if:</p> <p>a) The site has vehicle access to a formed road that is maintained by Council, and</p> <p>d) Every access and road entrance is laid out and constructed to comply with the standards in:</p> <ol style="list-style-type: none"> a. Tables 4, 5 and 6, and b. Figures 4 to 10, and c. Appendix B (Engineering), and 	No	<p>Each allotment will be serviced by a formed access to a road to be vested with Council. The site itself has further access to Wayside Road and will have future access to Travers Road via the Jetco subdivision, local roads maintained by Council (and anticipated to be constructed to future collector standards).</p> <p>Three lots with access to Wayside Road are not expected to comply with the spacing requirements for an 80kh/hr speed environment. Furthermore, the collector intersection and vehicle accesses do not comply with the visibility criteria for the current speed environment and posted speed limit for the corridor.</p> <p>Status: Restricted Discretionary Assessment Criteria: Discretion restricted to</p> <ul style="list-style-type: none"> • Matters addressed in permitted activity conditions

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			<ul style="list-style-type: none"> • Safety and efficiency of roads, entrances and access • Stormwater management • Effects on local amenity values • Adequacy of the access for its intended use • Space for utilities • The potential of the site or adjoining land for future development • Traffic generation by activities to be served by the access • Need for traffic control measures on district roads due to the increased traffic from the activity
A21 Access and Entrances	<p>Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) Every allotment has vehicle access to a formed road that is maintained by Council, and b) No more than 4 allotments share a private access, and c) No access, access leg or right of way runs parallel to any road within 30m of the road, and d) Every access and road entrance is laid out and constructed to comply with the standards in: <ul style="list-style-type: none"> i) Tables 4, 5 and 6, and ii) Figures 4 to 12 inclusive provided that figures that refer to a named area apply only in that area and over-ride any inconsistent district wide controls, and iii) Appendix B (Engineering Standards) e) N/A, f) N/A, 	No	<p>Does not comply.</p> <ul style="list-style-type: none"> – More than 4 lots are to be serviced by a right of way (refer to Laneway 'R'). The laneway lot is proposed to service 6 lots (127-132). Laneway 'R' will be 10m wide. – All lots with dominant frontage to Wayside Road (Lots 1, 2 and 165) are to be accessed from this road. All other lots will be accessed from the lesser hierarchy internal roads. Lots with frontage to the internal collector road will be required to be accessed from the collector. – The assessment of vehicle entrances under Rule A14 above indicates lots adjoining Wayside Road are unlikely to have compliant accesses. <p>Status: Restricted Discretionary Assessment Criteria: Discretion restricted to</p> <ul style="list-style-type: none"> • The matters over which control is reserved • Matters referred to in conditions for controlled activities • The number of allotments and the number of entrances

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	g) N/A		<ul style="list-style-type: none"> • The potential of the site or adjoining land for future development • Traffic generation by activities to be served by the access • Safety and efficiency of roads, entrances and accesses • Need for traffic control measures on roads due to increased traffic from subdivision.
A21.A Road Network – Safety and Functions	<p>Any subdivision is a controlled activity if:</p> <p>a) No new entrance is created from a State Highway;</p> <p>b) N/A;</p> <p>c) In relation to all other roads (except in the Industrial Zone), it is a new activity or an expansion of an existing activity which:</p> <p>i) Does not generate any additional traffic movements, or</p> <p>ii) Does not require a resource consent under this plan (except for a controlled activity), or</p> <p>d) N/A.</p>	No	<p>The subdivision will generate 1630 vehicle movements per day, approximately 340 vehicle movements per day (vpd) over the consented baseline of 1290vpd.</p> <p>Status: Restricted Discretionary Assessment Criteria: Discretion restricted to</p> <ul style="list-style-type: none"> • Any adverse effects on the transport network • Matters addressed in controlled activity conditions A21.1 above • The actual or potential impact of that activity (including safety and efficiency impacts) on a state highway, a national route or regional arterial route taking into account the activities distance from, and intended use of, that state highway, national route or regional arterial route • Intersection and/or access design including (but not limited to) berms, road markings and signage, through lanes, turning bays, slip lanes, sight distances, lighting, signalisation, surfacing and drainage.
A22 Provision for Connection to Land Beyond the Site	<p>Subdivision is a controlled activity if:</p> <p>a) An access corridor 20m wide, to land adjoining the site, is identified and left unobstructed where:</p>	No	<p>The proposed road layout makes provision for future access to adjoining properties where development or subdivision may be undertaken. The proposed connection to the Juice Factory block (Lot 200) is proposed to be formed as a 14m wide road</p>

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	<ul style="list-style-type: none"> i) The adjoining land is capable of further subdivision into 4 or more allotments, as a controlled activity, and ii) An access corridor over the land being subdivided would provide the most direct and practicable access route from the adjoining land to the road network. <p>b) In the Te Kauwhata Structure Plan area an access corridor 20m wide connecting to any road corridor on the site boundary is vested in Council.</p>		<p>(including footpath, services and berm furniture) and is thus non-compliant.</p> <p>Status: Discretionary</p>
A23 Roads	<p>Subdivision is a controlled activity if all roads are constructed to:</p> <ul style="list-style-type: none"> a) To comply with this appendix, and b) To link and be compatible with the existing road network, and c) To provide for the safe movement of both vehicular and non-vehicular traffic, and d) To provide access for emergency vehicles. e) So that in the Te Kauwhata Structure Plan area no cul-de-sac exceeds 100m in length, and f) So that in the Te Kauwhata Structure Plan area, public transport is provided for except where the road is a cul-de-sac less than 100m long. 	No	<p>The proposed roads will have a total 20m road reserve width with space for footpaths, service trenches, on road parking and stormwater treatment devices. Trafficable lanes are shown as 3m wide in the cross-section. This layout does not meet the overall cross-section width of 22m for Local 'A' or 'B' roads in the Te Kauwhata Structure Plan area. The subdivision further proposes a local road connection to the adjoining Juice Factory block (Lot 200) be in the form of an under width 14m wide road. The cross-section non-compliances apply under the Structure Plan.</p> <p>Public transport is further not provided for specifically in the cross-section design (e.g. in relation to bus stops) however the roads can accommodate public transport vehicles given that the trafficable carriageways meet the required vehicle width.</p> <p>Status: Discretionary</p>

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A24 Indicative Roads	<p>Subdivision is a controlled activity where the land being subdivided includes an indicative road as shown on the Planning Map, if:</p> <ul style="list-style-type: none"> a) Land that generally corresponds with the alignment of the indicative road, or land that would provide a road reserve with equivalent functionality, is shown as a separate allotment and vested in the Council. b) Any subdivision and/or development within a structure plan area, or indicative road identified in the district plan takes into account, and demonstrates, how access will eventually connect between indicative roads and the roading network. 	No	<p>The proposed road layout for the subdivision contains four variations to the indicative roading layout of the Structure Plan. Specifically, linkages to the south (connecting to the 'Juice Factory block'), to the north (replaced by Lot 220) and the southern connection to the Country Living Zone to the west are not included. The northern roundabout adjacent to the hilltop reserve is further proposed as a T-intersection. To replace those connections, an under width local road (Lot 200) is provided to the Juice Factory block, the removal of the northern connection has been undertaken to align with the Jetco development and a pedestrian walkway has been provided within the reserve and the design of the T-intersection has incorporated width for the future roundabout at the time of development to the west.</p> <p>Status: Discretionary</p>
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Appendix N (Construction Noise)			
N2 – Conditions for Construction Noise	<p>All construction work, including maintenance and demolition work, on any site shall be designed and conducted to ensure that noise from the site does not exceed the noise limits in Table 1. Sound levels shall be measured and assessed outside buildings affected by construction noise in accordance with the provisions of NZS6803:1999 Acoustics – Construction Noise.</p>	Yes	<p>The proposed earthworks will result in noise effects associated with the use of construction machinery required to undertake the bulk cut and fill earthwork activities. The noise effects during the construction phase will be temporary in nature, and the contractors will operate under normal good practice to ensure that unreasonable noise is avoided. The duration of construction earthworks may exceed 20 weeks, thus the noise levels specified in the above table will require a 5dBA deduction. All construction activities generally will be undertaken within the hours of 7.30am – 6.00pm Monday – Saturday when the higher construction levels are applicable. Given this operational restriction, the construction activities are predicted to</p>

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Time period	Weekdays (dBA)		Saturdays (dBA)		Sundays and Public Holidays (dBA)	
	Leq	Lmax	Leq	Lmax	Leq	Lmax
06:30-07:30	60*	75	45	75	45	75
07:30-18:00	75*	90*	75*	90*	55	85
18:00-06:30	45	75	45	75	45	75

*Where a site is exposed to construction work for a duration exceeding 20 weeks then 5dBA shall be subtracted from the noise limits marked.

comply with the noise levels set out in the New Zealand Standard 'Acoustics – Construction Noise'.

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Appendix 4
House Lot compliance assessment

Compliance Assessment: House Plans on Non-Complying Lots – Te Kauwhata Land Ltd

Lot No.	Compliant Outdoor Living Court (Rules 21.47 & 21B.13)	Compliant Service Court (Rule 21.48)	Compliant 250m ² Building Platform within Yards (Rule 21B.22), OR:	200m ² Building Footprint Design within Yards (Rule 21B.22)	Site Coverage at Proposed 30% Blanket Restriction	Compliant: Yes/ No
Lots 18 – 28	Complies	Complies	Does not Comply	Complies – Buildings shown at 207.7m ²	Site Coverage at 30% = 187.5m ² . Building footprint to require deletion.	Yes
Lot 41	Complies	Complies	Does not Comply	Complies – Building to require additions (R & G).	Site Coverage at 30% shown as additions (R).	Yes
Lot 46	Complies	Complies	Does not Comply	Complies – Building shown at 207.7m ²	Site Coverage at 30% = 245m ² . Building capable of extension.	Yes
Lot 57	Complies	Complies	Does not Comply	Complies – Building shown at 210.5m ²	Site Coverage at 30% = 180m ² . Building footprint to require deletion.	Yes
Lot 77	Complies	Complies	Does not Comply	Complies – Building shown at 207.7m ²	Site Coverage at 30% = 225m ² . Building capable of extension.	Yes
Lot 81	Complies	Complies	Does not Comply	Complies – Building shown at 207.4m ²	Site Coverage at 30% = 207m ² . Building complies.	Yes

Lots 96 – 97	Complies	Complies	Does not Comply	Complies – Buildings do not require additions shown to comply with this rule.	Site Coverage at 30% shown as additions (R).	Yes
Lot 101	Complies	Complies	Does not Comply	Complies – Buildings to require additions (R & G) & deletion in part (B).	Site Coverage at 30% shown as additions (R).	Yes
Lots 102 - 103	Complies	Complies	Does not Comply	Complies – Lot 102 to require additions (R & G).	Site Coverage at 30% shown as addition (R). Lot 103 building to require deletion.	Yes
Lot 104	Complies	Complies	Does not Comply	Complies – Building to require additions (R & G).	Site Coverage at 30% shown as additions (R).	Yes
Lots 120 – 121	Complies	Complies	Does not Comply	Complies – Lot 120 to require additions (R & G) and deletion in part (B).	Site Coverage at 30% shown as addition (R). Lot 121 footprint to be partially deleted up to 172.7m ² . Lot 120 footprint to be partially deleted.	Yes
Lot 122	Complies	Complies	Does not Comply	Complies – Lot 122 to require additions (R & G) and deletion in part (B).	Site Coverage at 30% shown as addition (R). Footprint requires partial deletion.	Yes

Lots 125 - 126	Complies	Complies	Does not Comply	Complies – Buildings to require additions (R & G).	Site Coverage at 30% shown as additions (R).	Yes
Lot 129	Complies	Complies	Does not Comply	Complies – Lot 129 to require additions (R & G).	Site Coverage at 30% shown as addition (R).	Yes
Lot 133	Complies	Complies	Does not Comply	Complies – Lot 133 to require additions (G).	Site Coverage at 30% = 184.5m ² . Building footprint to require deletion.	Yes
Lot 144	Complies	Complies	Does not Comply	Complies – Lot 144 to require additions (R & G) and deletions in part (B).	Site Coverage at 30% shown as additions (R). Footprint requires partial deletion.	Yes
Lot 148	Complies	Complies	Does not Comply	Complies – Lot 148 to require additions (R).	Site Coverage at 30% shown as addition (R).	Yes

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Appendix 5
Operative Waikato District Plan
Objectives & Policies supplement

CHAPTER 1A: WAIKATO DISTRICT GROWTH STRATEGY

Objective 1A.2.1	Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development.
Policy 1A.2.2	Subdivision, use and development of an urban nature should occur within clearly defined boundaries of towns and villages rather than in rural areas.
Policy 1A.2.4	New growth areas, including new rural residential areas, should be identified and planned for in conjunction with towns and villages where they support local services and minimise adverse effects on productive rural activities and lawfully established rural-based activities.
Policy 1A.2.6	Subdivision, use and development should be managed so that a range of lifestyle choices is available, while ensuring residential development occurs in identified towns, villages and other defined growth areas.
Objective 1A.4.1	Residential and rural residential areas achieve and maintain high amenity values.
Policy 1A.4.2	Subdivision, use and development in towns and villages should be sympathetic to their existing character.
Policy 1A.4.3	Subdivision, use and development in towns, villages and new defined growth areas should occur in accordance with a structure plan for the area and promote high quality living environments.
Policy 1A.4.4	The expansion of towns and villages should be managed to ensure that choice and variety of housing type is provided.
Objective 1A.4.5	Development patterns support the cost-effective maintenance, provision and efficient use of both existing and new infrastructure and services.
Policy 1A.4.6	The location, type and density of subdivision, use and development should ensure infrastructure and services can be provided economically and used efficiently, and facilitate the safe, efficient and effective operation of infrastructure.
Policy 1A.4.7	Subdivision, use and development should be located, designed and staged to ensure that it is adequately supported by existing or planned infrastructure, community facilities and local services.
Policy 1A.4.10	Subdivision, use and development must avoid adverse effects, including reverse sensitivity effects, upon regionally and nationally significant infrastructure to ensure the ongoing safe and efficient development, operation and maintenance of that infrastructure.

CHAPTER 3: NATURAL FEATURES AND LANDSCAPES

Objective 3.4.1	Landscapes and visual amenity values, as viewed from public places, are retained and enhanced.
Policy 3.4.2	<p>Natural features and landscapes, including locally distinctive landforms and prominent ridgelines, and general visual amenity values should be protected from inappropriate subdivision, use and development, in particular by:</p> <ol style="list-style-type: none"> a) avoiding or mitigating adverse effects on natural features such as indigenous vegetation, lakes, rivers and mountains b) ensuring that the visual effects of buildings can be absorbed without significant adverse effects on the landscape c) locating buildings and development so as to integrate them with the surrounding landscape and backdrops, to avoid dominating the landscape d) designing subdivision so that potential development, including building platforms, fences and vehicle accesses, are located sympathetically in the landscape e) avoiding, remedying or mitigating as soon as practicable, the adverse visual effects of earthworks and vegetation clearance, by: <ol style="list-style-type: none"> 1. retaining vegetation, and

	<ol style="list-style-type: none"> 2. restoring natural contours and replanting with appropriate species, and 3. limiting the area of soil exposed by earthworks and the length of time it is exposed, and 4. locating and constructing roads, tracks and vehicle accesses to minimise their visual impacts. <p>f) avoiding or mitigating the adverse effects on visual amenity from noxious, dangerous, offensive or objectionable materials.</p> <p>(fa) considering the effects of activities on the relationship of Maaori with their ancestral lands and waahi tapu.</p> <p>(fb) avoiding, remedying or mitigating any adverse effects in accordance with the landscape and visual amenity effects of the zone in which the activity is located.</p> <p>g) locating national grid transmission lines in ways that avoid or minimise adverse effects on visual amenity.</p>
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CHAPTER 6: BUILT ENVIRONMENT

Objective 6.2.1	Development that is connected or grouped around infrastructure.
Policy 6.2.2	Subdivision or development should be located, and have a density, scale and intensity, to ensure efficient use of land, public facilities and utilities.
Policy 6.2.3	Residential and business development should occur in current towns and villages in preference to isolated rural locations.
Objective 6.6.1	Adverse effects of use and development are avoided by provision of wastewater and stormwater disposal, supply of water, energy and telecommunications.
Policy 6.6.2	Where land is subdivided, or its use intensified, then adequate water supply, wastewater treatment, and land and stormwater drainage must be provided to each allotment, by connection to available reticulated services, or by on-site facilities where reticulated services are not available.
Policy 6.6.3	Every allotment in a subdivision should be connected to reticulated services for telecommunications and electricity supply where these are reasonably available.
Policy 6.6.4	The density and type of development should not exceed the capacity of the area to absorb the adverse effects of the development on amenity, water quality, stormwater runoff, ecological values, health or safety.
Objective 6.8.1	Investments in strategic nationally and regionally important utilities, and industrial and research sites are protected.
Policy 6.8.3	Subdivision, use and development must not compromise the ongoing and efficient operation of strategic nationally and regionally important infrastructure including power stations, energy corridors electricity transmission lines, gas lines, landfills, air and land transport networks, and facilities integral to the agriculture sector (Te Rapa Dairy Factory, Horotiu meat processing plant, and agricultural research centres).

CHAPTER 8: LAND TRANSPORT NETWORK

Objective 8.2.1	An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.
Policy 8.2.2B	Subdivision, use and development should be in a location and at a scale that: <ol style="list-style-type: none"> a) is consistent with the existing or planned capacity of the roading network; and b) Does not compromise the safety and efficiency of the roading network.

Policy 8.2.3	The integrated, safe, responsive and sustainable operation of the land transport network should be promoted through: a) carriageway, intersection and site design b) appropriate siting of and access for traffic generating activities c) traffic management, signage, road marking, lighting, and rest areas and parking as appropriate d) provision for pedestrians, cyclists and the disabled, including off road routes and connections including pedestrian malls e) provision of public transport f) provision for network utilities g) appropriate access for existing land uses h) railway crossing design.
Policy 8.2.5	Subdivision, use and development should be located and designed to connect safely to an existing road
Objective 8.4.1	Land transport networks are provided, while not compromising the qualities and character of surrounding environments.
Policy 8.4.2	Road and rail maintenance, construction and operation should minimise adverse effects on people, communities and the environment by managing: i) discharge of stormwater j) effects of contamination, including discharge of stock effluent k) disturbance to natural landforms, soil resources, indigenous vegetation and habitats, and cultural and heritage sites l) severance of property and communities m) road surface noise n) connections between communities o) glare and light spill from street lighting

CHAPTER 9: CONTAMINATED LAND

Objective 9.2.1	Human health or the environment is not harmed by the use or development of contaminated land
Policy 9.2.3	Prior to a change of use or redevelopment of contaminated land, remediation to make the site suitable for the proposed use or development must be undertaken.

CHAPTER 11: SOCIAL, CULTURAL AND ECONOMIC WELLBEING

Objective 11.2.1	Towns, villages, neighbourhoods and localities have social coherence and a sense of place.
Policy 11.2.3	The boundary between towns, villages and rural areas should be defined by a clear difference in development density, by natural features and open space.
Policy 11.2.4	Focal points in towns and villages, including natural and built features, should be retained and enhanced.
Objective 11.2.7	Valued social and cultural characteristics of communities are retained.
Policy 11.2.8	Activities should meet the needs of individuals and groups and be sensitive to the existing social and cultural characteristics of communities.
Policy 11.2.12	Activities in Te Kauwhata should contribute to the evolving social, and cultural characteristics derived from traditional and emerging primary industries and the servicing of them, the towns setting near to Whangamarino wetland and Lake Waikare, its low and medium density residential character and its proximity to Auckland and other employment nodes.

CHAPTER 13: AMENITY VALUES

Objective 13.2.1	Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised.
Policy 13.2.5	Amenity values, health and safety should be protected from adverse traffic effects including: a) Noise, vibration, dust, lighting and glare; b) Vehicle emissions; c) Accelerated or contaminated stormwater runoff; d) Visual effects of parking and loading areas; e) Traffic safety and congestion.
Objective 13.4.1	Amenity values of sites and localities maintained or enhanced by subdivision, building and development
Policy 13.4.2	Subdivision, building and development should be located and designed to: a) be sympathetic to and reflect the natural and physical qualities and characteristics of the area b) ensure buildings have bulk and location that is consistent with buildings in the neighbourhood and the locality c) avoid buildings and structures dominating adjoining land or public places, the coast, or water bodies d) retain private open space and access to public open space e) encourage retention and provision of trees, vegetation and landscaping f) arrange allotments and buildings in ways that allow for view sharing, where appropriate g) provide adequate vehicle manoeuvring and parking space on site h) provide vehicle, cycling and pedestrian connection to transport networks, including roads, cycleways and walkways, and facilitate public transport i) promote security and safety of public land and buildings, and places j) mitigate foreseeable effects (including reverse sensitivity effects) on, and from, nearby land use, particularly existing lawfully established activities k) mitigate foreseeable effects on water bodies l) maintain adequate daylight and direct sunlight to buildings, outdoor living areas and public places m) maintain privacy n) avoid glare and light spill.

CHAPTER 15: RECREATION

Objective 15.2.1	Public green open space and recreational facilities are available to meet the needs of the community.
Policy 15.2.2	Subdivision and development must contribute to the provision of public green open space and recreational facilities.
Policy 15.2.6	Recreation and reserve use and development should be consistent with the nature and character of the local environment, including protection of landforms, and protection and restoration of indigenous vegetation, wildlife and linking of habitats.
Policy 15.2.7	Recreation facilities should be appropriately located to avoid adverse effects on the environment, including reverse sensitivity effects.

CHAPTER 15A: TE KAUWHATA STRUCTURE PLAN

Objective 15A.2.1	Te Kauwhata village characteristics are maintained and enhanced.
Policy 15A.2.2	Development should contribute to the Te Kauwhata village character, including: <ul style="list-style-type: none"> o) a predominance of residential lots that contain significant open space p) retaining amenity trees q) public open space which is conveniently accessed and highly visible r) retaining views to natural landscapes and features s) a strong association with rural amenity values t) a compact form that does not sprawl into the countryside u) integrated development that reinforces the town centre as a community focal point v) convenient access to light industries w) locating light industry predominantly along heavy traffic routes x) recognising cultural and historic values and land uses including horticulture, viticulture and traditional Maaori values y) the integration of buildings, private open space and public open space z) a general consistency of building scale and form that integrate into the natural landscape aa) compliance with the Te Kauwhata Structure Plan and Urban Design Guide bb) a strong association with ecological values of the wetland environments in the vicinity of the township, in particular Whangamarino Wetland and Lake Waikare.
Objective 15A.2.7	Landscape, open space and amenity values of Te Kauwhata are maintained and enhanced.
Policy 15A.2.8	Subdivision, use and development should be located and designed so that it is sympathetic to natural features and landscapes, including retaining natural land contours and minimising earthworks.
Policy 15A.2.9	Subdivision, use and development should be designed and located so that public open space, and landscape and amenity values are integrated into urbanised areas, including: <ul style="list-style-type: none"> a) retaining visually prominent areas as open space where they contribute significantly to the character of the area; b) retaining amenity trees c) retaining riparian areas as open space and enhancing their landscape and ecological values; d) ensuring urban lot sizes, shapes and orientations address site-specific issues including: e) designing subdivisions so that streets and houses have views of natural features and landscapes where possible; f) ensuring public open space has substantial road frontage.
Objective 15A.2.10	Diverse living and working environments in Te Kauwhata create a positive sense of place and neighbourhood identity.
Policy 15A.2.11	Subdivision, use and development should be located and designed to provide a variety of living and working environments with recreational opportunities in close proximity.
Policy 15A.2.12	Living, working and recreational environments should contribute to the Te Kauwhata village character and have high amenity values through the use of design principles.
Objective 15A.2.15	Urban expansion in Te Kauwhata occurs in accordance with the progressive, integrated and orderly development of infrastructure.
Policy 15A.2.16	Subdivision and development should occur in an orderly sequence dictated by the provision of infrastructure in progressive stages

	generally in accordance with the network layouts shown in the Te Kauwhata Structure Plan.
Policy 15A.2.17	Provision of infrastructure works should be staged and integrated to optimise efficient provision of infrastructure.

Objective 15A.2.31	A land transport network that provides for all transport modes, and contributes towards creation of the Te Kauwhata village character, is developed.
Policy 15A.2.32	Subdivision, use and development should be located and designed to contribute towards an integrated transport network within the Te Kauwhata Structure Plan area including: <ul style="list-style-type: none"> a) a high degree of road connectivity, including between local roads; b) convenient access to public transport nodes; c) convenient and high amenity walking and cycling routes to community focal points including schools, public open space and the town centre; d) consistency with the structure plan roading network; e) facilitating the development of public transport f) walkway and footpath connections to existing networks.
Policy 15A.2.33	The transport network should be located and designed to contribute towards the creation of the Te Kauwhata village character including through: <ul style="list-style-type: none"> a) creating attractive streetscapes; b) minimising the number of rear lots; c) using traffic calming measures; d) minimising the number of access points on to roads by pairing entranceways where possible; e) ensuring road alignments are sympathetic to natural contours so that the need for earthworks is minimised.

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**Appendix 6
Existing Environment
Effects Assessment**

Existing Environment Comparison Table

Effect	Silverspur effects (existing environment)	Proposed TKL effects	Effects conclusion
Geotechnical	<p>Extensive site earthworks for the purposes of establishing the roading network and building platforms.</p> <p>Conditions imposed relating to:</p> <ul style="list-style-type: none"> • peer review for an assessment of liquefaction effects, • an assessment of slope stability, • individual foundation designs, • services in relation to infrastructure and roading to be specifically designed, • supervision of site works by a geotechnical engineer 	<p>The TKL proposal results in more up-front earthworks however the Opus Geotechnical report concludes that while the scheme design for the site has changed, the geotechnical issues associated with the site remain unchanged. However, the Opus report also comments that the potential for landslips or soil creep across several the lots can be addressed through those slopes being regraded to a shallower slope angle. The lowering of the hilltop reserve and subsequent regrading of the central part of the site will achieve this regrading. TKL propose that all of the same conditions imposed on the Silverspur consent will be invited to be imposed on the TKL consent. No additional effects.</p>	<p>No difference in adverse effects when comparing the consented Silverspur and the proposed TKL proposals. Conclusion is that adverse geotechnical effects will be less than minor.</p>
Earthworks	<p>Total cut/fill volume of 291,875 m³ with cuts of up to 5 metres, fills up to a maximum of 6 m in depth and retaining walls up to 8 metres high.</p> <p>Noise and dust associated with earthworks activity. These effects will be temporary and can be mitigated by the activity complying with the conditions imposed.</p> <p>This extent of Silverspur earthworks activity is illustrated on Blue Wallace Plan 14/012 in Appendix 9 of the consent application.</p>	<p>Total cut/fill volume of 379,000 m³ with cuts of up to 6 metres, fills up to a maximum of 6.8 m in depth and retaining walls up to 3 metres high.</p> <p>Noise and dust associated with earthworks activity. These effects will be temporary and can be mitigated by the activity complying with the conditions imposed.</p> <p>The integration of the earthworks design under the TKL proposal with the future house platforms and the retaining wall requirements will significantly reduce secondary earthworks and retaining required with the development of individual dwellings on individual lots. Integrating the earthworks and retaining requirements at the subdivision stage ensures that these works are undertaken while the erosion and sediment controls for the entire subdivision are in place and under the constant monitoring supervision</p>	<p>Earthworks for the western two thirds of the development have already received approval from Waikato Regional Council and appropriate erosion and sediment control measures will be put in place and monitored during earthworks and subdivision development to ensure any effects are no more than minor.</p> <p>While there will be a greater volume of earthworks associated with the TKL proposal at the subdivision stage, this will reduce the need for future house specific earthworks (reduced by 75%) and results in a significant reduction in</p>

		<p>of the Waikato Regional Council. When individual earthworks and retaining projects are undertaken post subdivision on individual lots by subsequent landowners, it is not possible to guarantee the same level of care and monitoring will be occurring with respect to erosion and sediment control.</p> <p>This extent of TKL earthworks activity is illustrated on Blue Wallace Plan 14012-12 (Appendix 9 of the consent application).</p> <p>Earthworks consent for the western two thirds of the TKL development has already been obtained and has been implemented in part in the 2016/2017 summer. Earthworks consent for the remaining third (including the lowering of the hilltop reserve) will be sought post granting of the TKL subdivision consent by WDC.</p>	<p>extent of retaining walls along with a more accessible hill top reserve.</p> <p>On balance the adverse effects of earthworks will continue to be no more than minor under the TKL proposal.</p>
Hilltop reserve	<p><u>Silverspur</u> – The Silverspur proposal did not lower the hilltop reserve and the subsequent effects of this were significant across the remaining development with steep road gradients, large areas of extensive and high retaining wall structures and limited connectivity between the hilltop reserve and the surrounding residential development. These works were identified at detailed design stage and are therefore part of the consent granted for Silverspur. The s42A report for Silverspur further expressed that the reduced size of the hilltop reserve was supported.</p>	<p><u>TKL</u> – the TKL proposal involves the lowering of the hilltop reserve by up to 7 metres but with a subsequent rebuilding of a central viewing location to be only 2 metres lower than the original ground level; or the recontouring of the sides of the hilltop reserve while maintaining the original height. The positive effects of this lowering are that all bulk and site earthworks are undertaken as part of the one activity under WRC control, the resultant road gradients provide better accessibility for all modes of transport, the extent of retaining walls is significantly reduced and the hilltop reserve will be well connected to the surrounding residential community. The ability to earthwork and design the hilltop reserve at the bulk earthworks stage of the development will also ensure that the resultant design is appropriate and fits well with the Councils Parks Strategy. However, while this is the preferred design, the secondary option acknowledged Councils opinion of lowering the overall height of the reserve but reflect actual engineering requirements to maintain those grades and affects accessibility.</p>	<p>Overall the adverse effects associated with the lowering of the hilltop reserve, when balanced against the benefits for access, and site suitability means that the effects will be positive across the entire development while retaining the views from the top of the reserve out to the surrounding landscape.</p>

<p>Amenity and Urban Design</p>	<p><u>Stormwater</u> - Above ground attenuation tanks for stormwater collection, height restriction and planting of screening shrubs as mitigation.</p>	<p><u>Stormwater</u> – Above ground attenuation tanks are not required because the necessary attenuation volumes can be accommodated within the proposed stormwater pond for the main catchment (which has received consent from WRC) and for the eastern catchment the existing Jetco stormwater system can accommodate the predicted flows, with specific additional works where necessary. The Jetco development to the east has already been sized to accommodate pre-development flows and discharge consents for the TKL proposal will be sought post granting of the land use consent.</p>	<p>The assessment from Opus confirms that both stormwater volume and quality can be managed in accordance with the applicable standards. Where practicable low impact design methods will be incorporated e.g. the swale in the main collector road. Any adverse effects will be less than minor.</p>
	<p><u>Retaining walls</u> – based on concept design the retaining walls were considered to be not more than minor due to maximum height of 3 metres, location of walls away from street frontages and located mid-block. However, the detailed design demonstrated much greater extent of retaining walls required; some as high as 8 metres high, some located along road frontages and along the hilltop reserve edge. Overall length of detailed design retaining wall was 2,396 meters with 780 m of 2 metre high walls, 438 m of 3 m high walls and 337 m of 4 m high walls (note that safety fences would be an additional 1.4 m above the retaining wall)</p>	<p><u>Retaining walls</u> – the TKL proposal has a significantly reduced extent of retaining walls across the development both in terms of height and length. This demonstrates the benefit of using smaller lots to increase the number of ‘steps’ established between the low points on the site and the site central highpoint. The MGLA plan C21 demonstrates that the TKL proposal has a greatly reduced overall length of retaining walls at 1,162 metres. The majority of this length is made up of 967 metres of 2 metre high retaining walls. There are no retaining walls more than 3 metres high.</p>	<p>Retaining walls under the TKL consent are significantly reduced from those proposed for the Silverspur proposal. This is a positive effect when compared with the existing environment (which includes Silverspur).</p>
	<p><u>Rear Lots</u> – 7 lots are considered to be rear lots, overall presence of rear lots will not impact on the amenity of the area.</p>	<p><u>Rear Lots</u> – The irregular topography and shape of the TKL site makes it difficult to achieve an efficient subdivision design. Only those neighbourhood blocks that are adjacent to the Country Living Zone can meet the 10% ‘rear lot rule’, all the other blocks have more than 10 % rear lots with a total of 48 lots that are technically considered rear lots. However the use of rear lots assists in better integrating the subdivision design with the existing landform and avoiding large retaining structures and the associated effects on visual amenity. The design response to the number of rear lots has been to create 8 m wide “laneways” for access to each set of rear lots, impose restrictions on</p>	<p>Only 5 of the lots without direct access to a public road are true “rear lots”, while the remaining 43 are “laneway lots”. While the number of rear lots in the TKL proposal (48) has increased over the number consented for Silverspur (7), the MGLA urban design report concludes that the combined design response mitigation plus the internal location of these rear lots means that the adverse effects of the</p>

		<p>the height of fences fronting onto each laneway or public road and impose covenants to nominate a 6 metre rear yard on each rear lot. The laneway design elements and the 6 m rear yard ensure that the laneway is integrated positively into the street environment, provides an open character to these accesses and the 6 m rear yard ensures there is both sufficient private open space on rear lots and separation between dwellings on adjacent lots. On this basis, there are only 5 “genuine” rear lots proposed under the TKL proposal while the remaining 43 are considered laneway lots mitigated by the specific design controls, namely width of the laneway and the fencing and yard covenants.</p> <p>The MGLA report concludes that the location of the rear lots internal to the subdivision (not highly visible) will ensure that they will not noticeably affect the perception of neighborhood character relating to development intensity.</p>	<p>increase in rear lots is less than minor.</p>
Continued	<p><u>Lot size</u> – The Silverspur consent achieved an average lot size of 875 m² with 50% of all lots per block being in excess of 800 m.</p> <p>The Silverspur consent had 19 lots along the Country Living Zone boundary with an average width of 25 m. In addition, the Silverspur proposal maximized the space to the rear of each lot creating visual separation along with the imposition of fencing and landscape controls. The effect of this infringement was considered minor in the WDC consent report.</p>	<p><u>Lot size</u> – The TKL proposal does not comply with the controlled activity requirement to achieve an average lot size of 875 m².</p> <p>However, the design has focused on providing a larger lot size adjacent to the Country Living Zone boundary where 87.5% of the lots are in excess of 900 m². In addition, there is a large drainage reserve (Lot 202) which will provide additional amenity along this boundary. This feature combined with the post and wire mesh fence and the specimen tree planting required by conditions will ensure that this boundary between Country Living Zone and Te Kauwhata West Living Zone is appropriately managed. The TKL application has 16 lots along the CLZ boundary with an average width along that boundary of 26.9 metres which provides three less lots and an overall greater average width than the existing environment set by the Silverspur consent along this boundary. On this basis the adverse effects along the CLZ boundary are</p>	<p><u>Country Living Zone boundary</u> – adverse effects are lower for the TKL proposal than the existing environment.</p> <p><u>Remainder of TKL site</u> – adverse amenity and urban design effects are considered to be less than the existing environment under Silverspur due to the finer grain of development, the reduced extent of retaining walls, the net reduction in the overall mass of buildings across the development, the enhanced recreational reserve and overall improved accessibility to the reserve and around the site due to lesser road gradients.</p>

		<p>considered to be less than the existing environment along this boundary.</p> <p>The TKL proposal results in a greater number of lots, but this must be assessed against the existing environment set by the Silverspur consent of 129 lots. The TKL proposal is for 163 lots, an additional 34 lots. The MGLA report concludes that even with smaller lots the result will be a net reduction in the overall mass of buildings across the development. When this is combined with the requested blanket 30% building coverage up to a maximum building size of 280 m² for lots over 800 m², this results in a net reduction in overall building coverage and therefore visual effects across the site. The MGLA report concludes that the TKL development will result in fewer adverse amenity effects than the Silverspur development.</p>	
Subdivision staging	<p><u>Silverspur</u> – The proposal will be developed outside the staging order specified in the District Plan however the relevant infrastructure will be required to be available prior to construction prior to any additional stage being developed and all adverse visual and traffic effects arising from construction activities are anticipated by the District Plan. The WDC consent report concluded that any adverse effects arising from the infringement of the staging rule were no more than minor.</p>	<p><u>TKL</u> – The TKL proposal has a similar staging sequence although the exact order has changed and there is an additional stage at the eastern end of the site. However, the principles remain the same and the effects will be no different to construct the Silverspur development as the TKL development.</p>	<p>Adverse effects of the TKL proposal will be the same as the Silverspur proposal. No additional effects.</p>
Contaminated land effects	<p><u>Silverspur</u> – The Silverspur proposal provided a Preliminary Site Investigation (PSI) report which was reviewed by Council staff who concluded that provided an appropriate Detailed Site Investigation and Remedial Action Plan were produced, the adverse effects related to contaminated land would be no more than minor.</p>	<p><u>TKL</u> – The TKL developer has provided an appropriate DSI and RAP, both of which have been accepted by WDC and WRC staff as being satisfactory. As at the date of preparing this report, TKL has commenced remediation earthworks under the NES consent issued under the Silverspur proposal.</p>	<p>Site earthworks to remediate the contamination are already underway. Any adverse effects associated with contaminated land will continue to be no more than minor under the TKL proposal. No change in effects from existing environment.</p>
Ecological effects	<p><u>Silverspur</u> – The potential ecological effects of the proposal are the downstream effects on the Whangamarino wetland and Lake Waikare. The Silverspur proposal included several measures to address stormwater management including planting within the road reserve to treat runoff and planting</p>	<p><u>TKL</u> – The TKL proposal will adopt the same approach to the management of stormwater within pond structures. The Wainui Environmental report provided by TKL within the s92 response stated that the additional lots are provided for within the revised stormwater wetland designs, in particular within Lot</p>	<p>Any adverse ecological effects will continue to be no more than minor under the TKL proposal. No additional environmental effects.</p>

	<p>of the drainage reserve. The Council decision concluded that any adverse ecological effects would be no more than minor.</p>	<p>202, to provide appropriate water quality treatment, detention of stormwater flows and attenuation to pre-development runoff rates.</p> <p>In addition, Council has noted within their s42A report that the adverse ecological effects remain less than minor on the basis of the updated design of the detention and treatment ponds.</p>	
<p>Land transport and traffic safety effects</p>	<p><u>Silverspur</u> – the proposal for 130 lots (now 129) was assessed for traffic impacts and the overall conclusion of the Council report was that the effects on land transport and traffic safety would be less than minor, including the variations to the structure plan roading layout.</p>	<p><u>TKL</u> – The proposal includes flatter road gradients which will provide better accessibility for all transport modes. The main collector road has also had included within its alignment horizontal variance, which in combination with the vertical variance and central separated median will have a traffic calming effect on the use of this road. The lowering of the hilltop reserve height will result in better accessibility and connectivity both to and within this reserve area. The proposal includes departures from the TK Structure Plan in terms of corridor widths for lesser public roads at 20 metres and rear lot access provided via “laneways”. The Gray Matter report concludes that the “key transport functions and features remain, and the resulting standard is consistent with the typical road details for the Waikato District Plan.”</p> <p>The TKL proposal further includes the replacement of the consented right of way A with a public road. The evidence of Mr. Gray concludes that while this road is under width with respect to WDC standards, the road has sufficient sight distances, space for services and carriageway features, landscaping and does not affect vehicle access to properties. The potentially affected landowner has further provided their written approval to the reduced width road.</p> <p>The traffic assessment by Gray Matter concludes that while the proposal will result in increased traffic on the network, that increased traffic remains within the spare capacity of the surrounding network.</p>	<p>The change in adverse traffic effects between the existing environment and the TKL proposal will be no more than minor. The effects of the reduced width road must further be disregarded as they relate to the adjacent landowner and are therefore limited to the servicing of internal lots, to which evidence concludes those effects will be no more than minor.</p>

Effects on infrastructure	<p><u>Silverspur</u> – The Silverspur proposal was assessed for the provision of water, wastewater and stormwater infrastructure. Reticulated services are available and the Council systems have the necessary capacity to provide these services. Power and telephone services are available for the site. The Council report on Silverspur concluded that each lot can be serviced appropriately and any adverse effects on the wider environment will be less than minor.</p>	<p><u>TKL</u> – Water and wastewater provision can be accommodated for the additional 34 lots¹ in the TKL proposal. Stormwater disposal has been assessed by Opus Consultants and can be addressed appropriately to deal with the change in design, with WRC discharge consent granted for the western catchment. Adverse effects are concluded as less than minor in nature.</p>	<p>No change in effects arising between the Silverspur existing environment and the TKL proposal.</p>
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¹ Based on the 129 lots contained within Silverspur as consented under s127, refer to SUB 0163/14.01.