

Date:	8 October 2021	App Number:	SP/0148/21
Reporting Planner:	Aidan Kirkby-McLeod	Site Visit on:	8 October 2021

Applicant:	3Ms of Cambridge Limited Partnership
Property Addresses:	1881 Cambridge Road, Cambridge 1871 Cambridge Road, Cambridge 1863 Cambridge Road, Cambridge 1865 Cambridge Road, Cambridge 1835A Cambridge Road, Cambridge 694 Grasslands Drive, Cambridge
Legal Descriptions and Site Areas	Lot 1 DPS 31006, Lot 2 DPS 29023 and Lot 1 DPS 75243 (SA56C/447) – 26.9866 ha; Lot 1 DP 29023 (SA31C/2680) – 3.5962 ha; Lot 1 DPS 85575 (SA68A/9) – 5,107m ² ; Lot 2 DPS 85575 (SA68A/10) – 9.7520 ha; Lot 5 DPS 87758 (SA69C/352) – 4.0135 ha; and Lot 2 DPS 65222 (SA54D/529 – 2.9721 ha [Cumulative site area = 47.8311 ha]
Activity Status:	Non-complying
Zoning:	Operative District Plan – Deferred Zone Plan Change 13 – Residential Zone
Policy Area(s):	C2 Structure Plan Area
Designation(s):	D165 – Ministry of Education
Proposal:	Subdivision consent to enable a staged subdivision within the C2 Structure Plan area: Stage 1 (including sub-stages 1A, 1B, 1C, 1D) and Stage 2 comprising in total 212 residential lots, one lot for a school, a

	superlot for a retirement village, one neighbourhood commercial lot and associated local purpose reserves, utility lots, access lots and roads to vest.
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1 INTRODUCTION

3Ms of Cambridge Limited Partnership ('the Applicant') has applied for subdivision consent under Section 88 of the Resource Management Act 1991 to undertake a two-stage subdivision (with the first stage comprised of four sub-stages). The subdivision is located within the C2 Structure Plan area, on land currently zoned Deferred Zone under the Operative Waipā District Plan (proposed to be changed to Residential Zone under Plan Change 13), and will create 212 residential lots, a superlot for a future retirement village development, a commercial (neighbourhood centre) lot, a school site, and a number of roads to vest, recreation reserves, local purpose reserves and balance lots.

The subdivision requires resource consent as a non-complying activity under the Waipā District Plan.

1.1 Description of site

The application site is located on the northern side of Cambridge Road, west of Kelly Road and east of Peake Road. The site contains six records of title with a combined area of 47.83 ha.

The properties located at 1881 – 1865 Cambridge Road are owned by the Applicant and are subject to extensive earthworks as provided for under resource consent LU/0166/20.

The properties located at 1835A Cambridge Road and 694 Grasslands Drive are under contract for purchase by the Applicant. These properties both feature a residential dwelling located within rural landholdings.

Surrounding properties to the north and west are largely rural-residential type properties used for lifestyle purposes. East of the site are residential properties located on Kelly Road, with the Cambridge Town Belt located east of these properties. South of Cambridge Road is the Te Awa Lifecare Retirement Village and the Chartwell Development.

The application site is zoned Deferred Residential and located within the C2 Structure Plan Area of the Waipā District Plan ('District Plan'). Part of the site is subject to a designation in favour of the Ministry of Education (D165) which provides for the establishment of a new primary school. Under the C2 Structure Plan the site is subject to an indicative roading layout, residential areas,

local open space areas, an open channel / green space network, active recreation reserve and a local centre overlay.

Council's Special Features Map identifies parts of the application site as being subject to peat areas and areas of poor soakage.

Refer to **Figures 1 to 6**.



Figure 1: Aerial photograph of site.

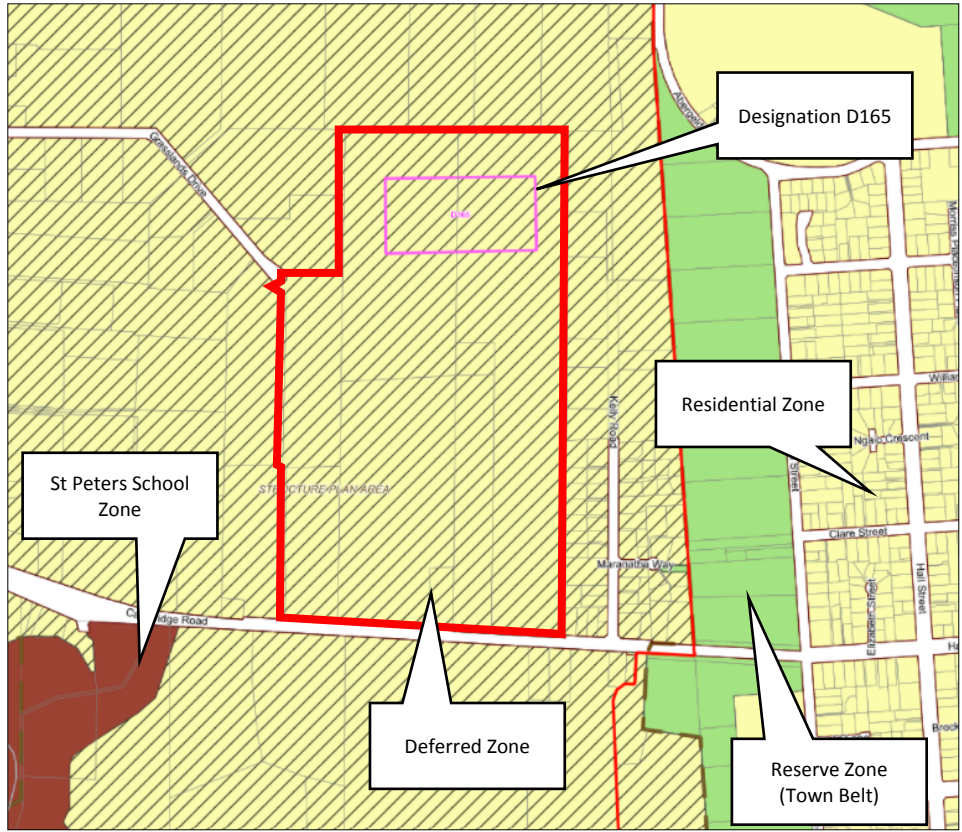


Figure 2: District Plan Zone and Policy Overlays.

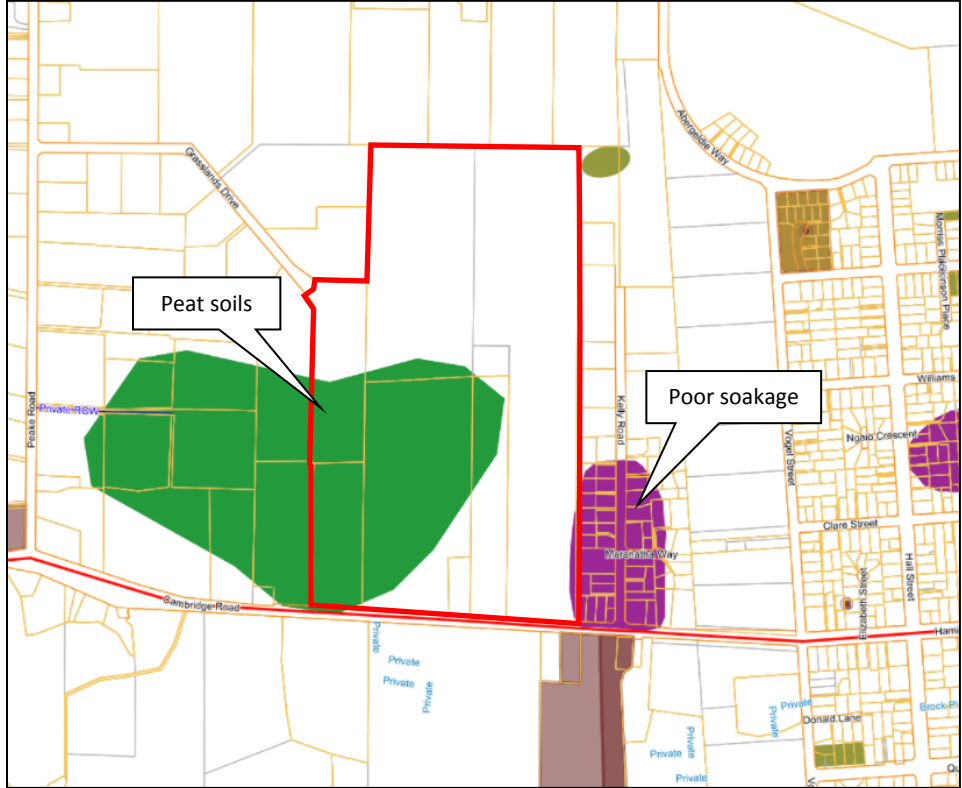


Figure 3: Special Features.

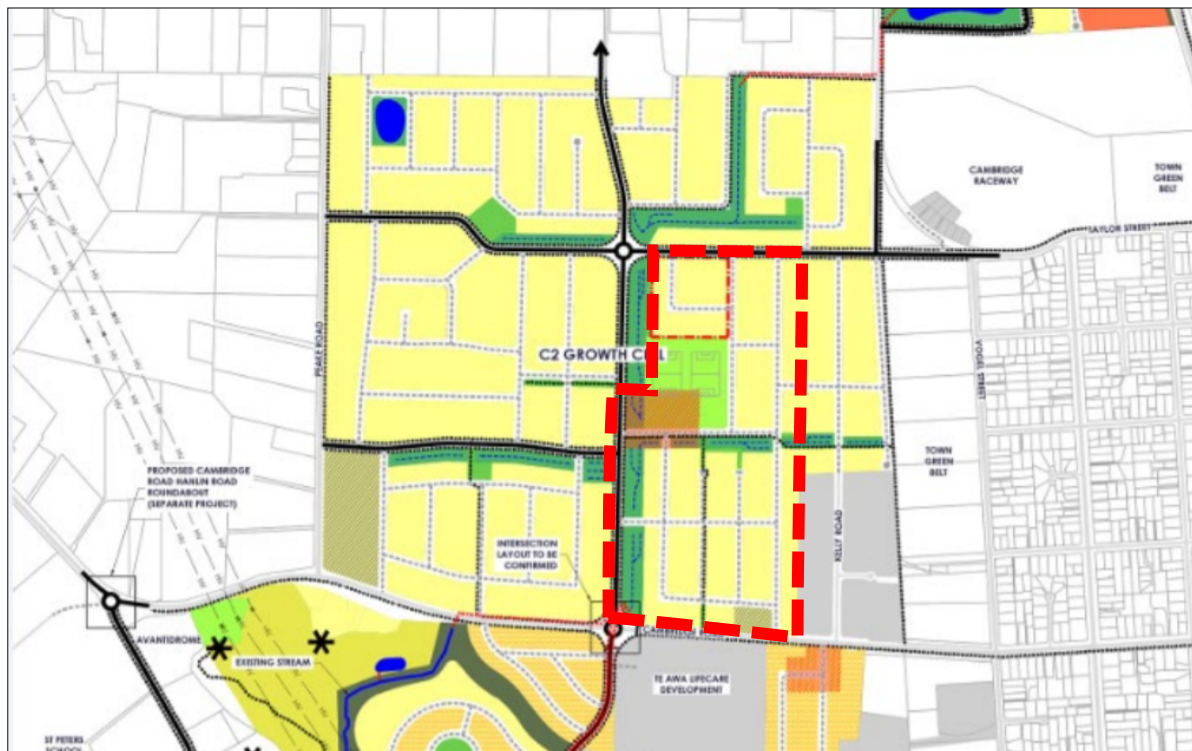


Figure 4: C2 Structure Plan (approximate location of application site shown in thick red dashed line).



Figure 5: Site visit photo showing earthworked section of subject site (1881 Cambridge Road) as viewed from Cambridge Road.



Figure 6: Site visit photo showing existing site (1835A Cambridge Road) as viewed from Cambridge Road.

1.2 Legal interests in the property

Table 2 below summarises the relevant interests on the existing titles.

Record of Title	Legal Description	Size	Date Issued	Relevant Interests
SA56C/447	Lot 2 DP 29023, Lot 1 DPS 75243 and Lot 1 DPS 31006	26.9866ha	7 July 1995	<ul style="list-style-type: none"> ▪ Subject to Section 241 Resource Management Act 1991 ▪ S316513 Gazette Notice declaring State Highway No. 1 (Awanui-Bluff) fronting the within land to be a limited access road ▪ Subject to a right of way over part marked D on DPS 31006 specified in Easement Certificate H525373.5 ▪ The easements specified in Easement Certificate H525373.5 are subject to Section 309 (1) (a) Local Government Act 1974

Record of Title	Legal Description	Size	Date Issued	Relevant Interests
				<ul style="list-style-type: none"> ▪ Subject to a right of way over part marked C on DPS 31006 specified in Easement Certificate H525373.6 ▪ The easements specified in Easement Certificate H525373.6 are subject to Section 309 (1) (a) Local Government Act 1974 ▪ Appurtenant hereto are rights of way and telecommunications and power rights specified in Easement Certificate B282670.8 ▪ Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991 (See DPS 70407) ▪ Subject to a right of way over part marked D on DPS 70407 created by Transfer B282670.9 ▪ The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991
SA31C/268	Pt Lot 1 DP 29023	3.5962ha	18 May 1984	<ul style="list-style-type: none"> ▪ S316513 Gazette Notice declaring No.1 State Highway (Awanui-Bluff) fronting the within land to be a limited access road ▪ Appurtenant hereto is a right of way specified in Easement Certificate H525373.5 ▪ The easements specified in Easement Certificate H525373.5 are subject to Section 309 (1) (a) Local Government Act 1974 ▪ Appurtenant hereto is a right of way specified in Easement Certificate H525373.6 ▪ The easements specified in Easement Certificate H525373.6 are subject to Section 309 (1) (a) Local Government Act 1974 ▪ B282670.3 Resolution pursuant to Section 243(f) Resource Management

Record of Title	Legal Description	Size	Date Issued	Relevant Interests
				<p>Act 1991 cancelling the right of way easement condition on DPS 31006</p> <ul style="list-style-type: none"> ▪ Appurtenant hereto is a right of way and telecommunications and power rights specified in Easement Certificate B282670.8 ▪ The easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991 ▪ Appurtenant hereto is a right of way created by Transfer B282670.9 ▪ The easements created by Transfer B282670.9 are subject to Section 243(a) Resource Management Act 1991
SA68A/9	Lot 1 DPS 85575	0.5107ha	18 November 1999	<ul style="list-style-type: none"> ▪ S316513 Gazette Notice declaring No 1 State Highway to be a limited access road ▪ Appurtenant hereto is a right of way and power and telecommunications rights specified in Easement Certificate B282670.8 ▪ Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991 ▪ Appurtenant hereto is a right of way created by Transfer B282670.9 ▪ The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991 ▪ Appurtenant hereto is a right of way and a right to transmit electricity specified in Easement Certificate B578304.8 ▪ Some of the easements specified in Easement Certificate B578304.8 are subject to Section 243 (a) Resource Management Act 1991 (See DPS 85575) ▪ B644416.1 Notice pursuant to Section 91 Transit New Zealand Act 1989

Record of Title	Legal Description	Size	Date Issued	Relevant Interests
SA68A/10	Lot 2 DPS 85575	9.752ha	18 November 1999	<ul style="list-style-type: none"> ▪ S316513 Gazette Notice declaring No 1 State Highway fronting the within land to be a limited access road ▪ Appurtenant hereto are rights of way, and telecommunications and power rights specified in Easement Certificate B282670.8 ▪ Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991 ▪ Appurtenant hereto is a right of way created by Transfer B282670.9 ▪ The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991 ▪ Subject to a right of way over parts marked A, B and C and a right to transmit electricity over parts marked B and D on DPS 85575 specified in Easement Certificate B578304.8 ▪ Some of the easements specified in Easement Certificate B578304.8 are subject to Section 243 (a) Resource Management Act 1991 ▪ B644416.2 Certificate pursuant to Section 91 Transit New Zealand Act 1989 and from a Limited Access Road
SA96C/352	Lot 5 DPS 87758	4.0135ha	21 August 2000	<ul style="list-style-type: none"> ▪ Subject to a right of way over part marked E on DPS 87758 specified in Easement Certificate B621604.5 ▪ Appurtenant hereto is a right of way specified in Easement Certificate B621604.5 ▪ The easements specified in Easement Certificate B621604.5 are subject to Section 243 (a) Resource Management Act 1991
SA54D/529	Lot 2 DPS 65222	2.9721ha	5 July 1994	<ul style="list-style-type: none"> ▪ S316513 Gazette Notice declaring State Highway No 1 (Awanui-Bluff) fronting the within land to be a limited access road

Record of Title	Legal Description	Size	Date Issued	Relevant Interests
				<ul style="list-style-type: none"> ▪ H536647.4 Transfer declaring State Highway No 1 (Awanui-Bluff) fronting the within land to be a limited access road ▪ Appurtenant hereto is a right of way specified in Easement Certificate B213633.3 ▪ The easements specified in Easement Certificate B213633.3 are subject to Section 309 (1) (a) Local Government Act 1974 ▪ B379955.2 Certificate pursuant to Section 91 Transit New Zealand Act 1989

Table 2: Existing titles and interests.

The above listed interests do not restrict the proposal from proceeding however it is noted as part of the proposal a number of interests are proposed to be removed from the titles:

- H525373.5
- H525373.6
- B282670.9
- B578304.8
- B282670.8
- B213633.3
- B621604.5
- H525373.5
- H525373.6

The Applicant has proposed conditions of consent requiring the subsequent cancellation of these interests under Section 243(e) of the Act.

1.3 History

The following provides a summary of the planning and consenting history for the application site.

1.3.1 Plan Changes

The subject site has been or is currently subject to a several plan changes, including:

- Plan Change 7, made operative in March 2019, which changed the zoning of the land from Rural Zone to Deferred Residential Zone and introduced the C1, C2 and C3 Structure Plans, giving effect to the Waipā 2050 Growth Strategy.
- Plan Change 13, which changes the zone that applies to the subject land from Deferred Residential Zone to Residential Zone. A decision to approve Plan Change 13 was made on 9 September 2021. At the time of reporting, the appeal period due to end on 1 November 2021, at which time the plan change could be deemed operative (subject to no appeals being received).

1.3.2 SP/0036/20 – 1863, 1865, 1871 & 1881 Cambridge Road

On 27 March 2020, 3Ms lodged an application for subdivision of the four existing titles to create 13 new lots providing for public assets (roads and reserves) and for a school site, with a number of balance lots for future subdivision and development.

Resource consent was granted on a non-notified basis, subject to conditions, on 29 May 2020.

Figure 7 below shows the approved subdivision scheme plan.

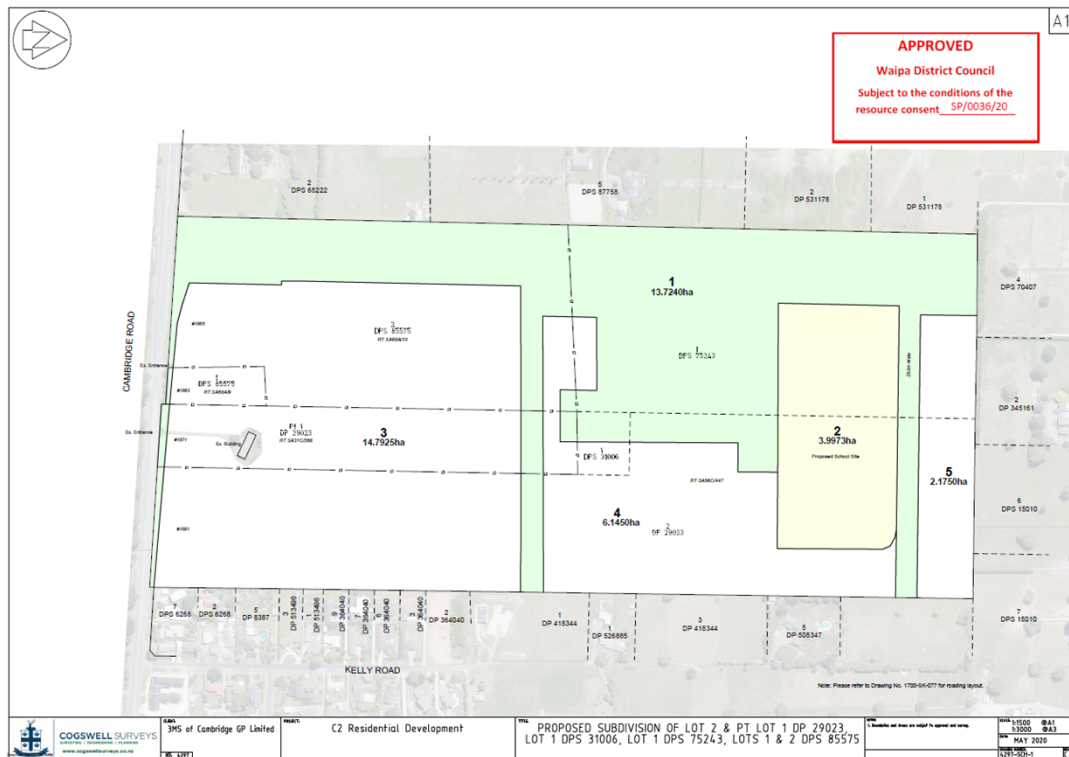


Figure 7: SP/0036/20 approved scheme plan.

This consent has since been surrendered by the Applicant, with Council accepting the request to surrender on 26 August 2021.

The consent remains relevant, however, insofar as it established the boundaries of the school site used for the Ministry of Education's designation (discussed below).

1.3.3 LU/0166/20 – 1863, 1865, 1871 & 1881 Cambridge Road

On 16 July 2020 an application was received from the Applicant seeking to undertake enabling works (bulk earthworks) on the 3Ms land. The application was processed on a non-notified basis, with a decision to grant resource consent subject to conditions issued on 11 August 2020.

These works have since commenced on the application site.

1.3.4 DN/0017/20 – 1881 Cambridge Road

On 12 November 2020 notice was received from the Minister of Education of a requirement to designate part of 1881 Cambridge Road for 'Educational Purposes', being the establishment of a new primary school. The school is anticipated to provide for a roll of up to 1,000 students, and the designation provides for an early childhood education centre for approximately 50 children. The designation adopted the boundaries of the school site set out in the scheme plan approved under SP/0036/20 discussed above.

The Council recommended no changes to the Minister's notice of requirement, and the Minister accepted in full the Council's recommendations on 25 January 2021. The District Plan has been subsequently updated to record the designation on this property.

1.3.5 SP/0179/20 – 1863, 1865, 1871 & 1881 Cambridge Road

On 14 December 2020 an application was received from 3Ms to subdivide their property in order to establish: 242 residential lots; a super lot for a retirement village; a commercial centre; super lots for future development, including high density residential; a school site; roads to vest; and local purpose reserves. **Figure 8** below shows the proposed scheme plan sought under this application.

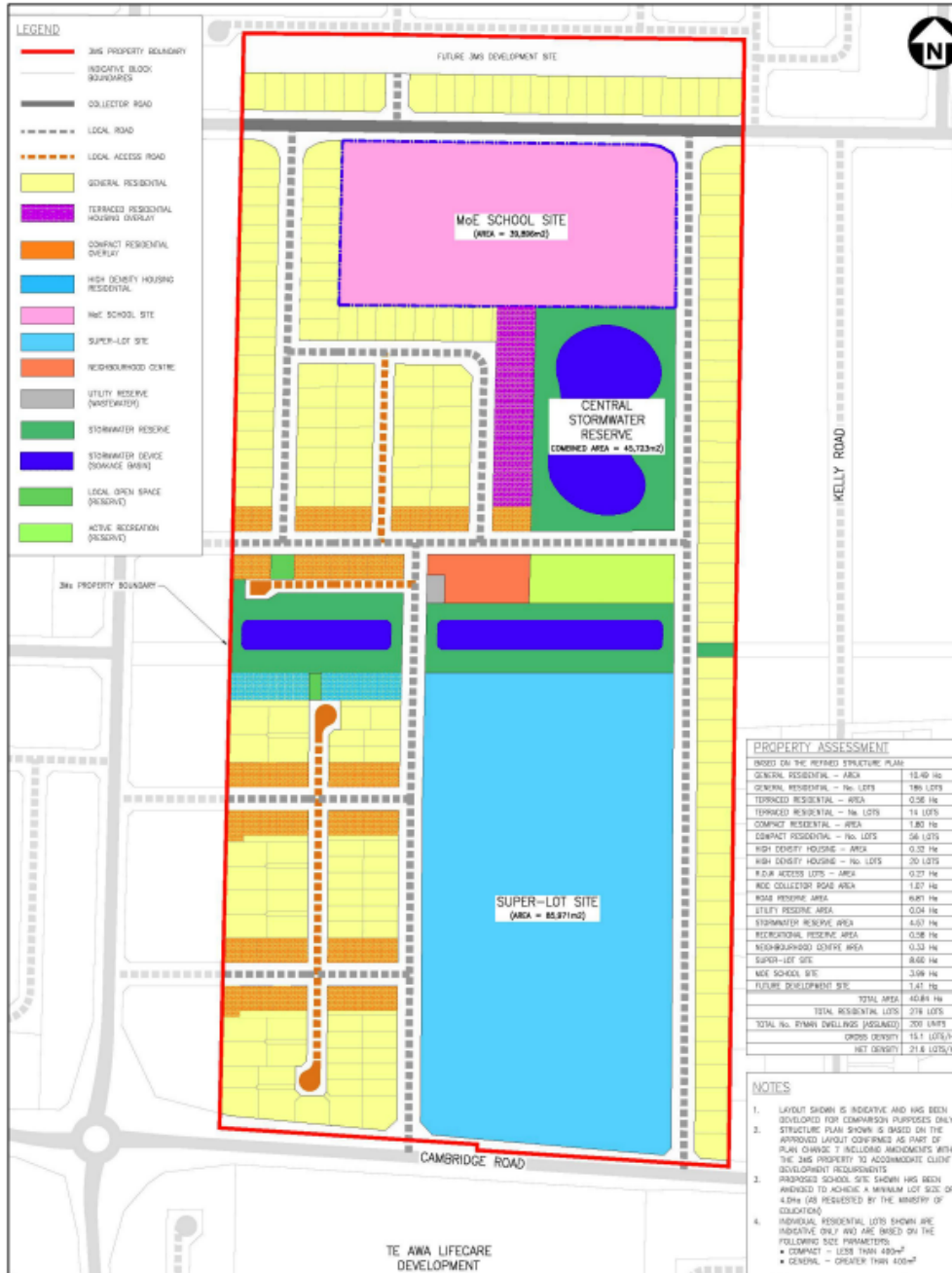


Figure 8: SP/0179/20 proposed development plan.

A decision to process the application on a limited notified basis was issued on 10 March 2021, with the following parties identified as being an affected party to the proposal:

- 1830 Cambridge Road
- 1832 Cambridge Road
- 1835 Cambridge Road
- 1835A Cambridge Road

- 1866 Cambridge Road
- 1886 Cambridge Road
- 1888 Cambridge Road
- 1894 Cambridge Road
- 397 Grasslands Drive
- 694 Grasslands Drive
- 695 Grasslands Drive
- 409 Grasslands Drive
- 59 Racecourse Road

The reason for serving notice to these parties was primarily based on the proposed changes to structure plan resulting in relocation of infrastructure required for future development of the wider C2 area and resulting in them being affected persons.

Six submissions were received on the application, with five in opposition to the proposal and one in support. This application proceeded to a hearing held on 26 and 27 May 2021.

The application was refused by decision of the independent hearing commissioners issued on 6 July 2021. An appeal to the Environment Court against that decision was lodged by the Applicant on 26 July 2021, with a number of parties seeking to be a party to that appeal under s274 of the Act. At the time of reporting on the current application, a Court assisted mediation date for the appeal had been set down but by way of a memorandum to the Environment Court from the appellant and Counsel for Waipā District Council, a request was made to the Court to vacate the mediation date until a decision on this current subdivision application is made, which was confirmed by the Environment Court.

1.4 Proposal

Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), 3Ms of Cambridge Limited Partnership have applied for subdivision consent to create 212 residential lots, a superlot for a future retirement village development, a commercial (neighbourhood centre) lot, a school site, and a number of roads to vest, recreation reserves, local purpose reserves and balance lots. **Figure 9** below shows the overall development plan.

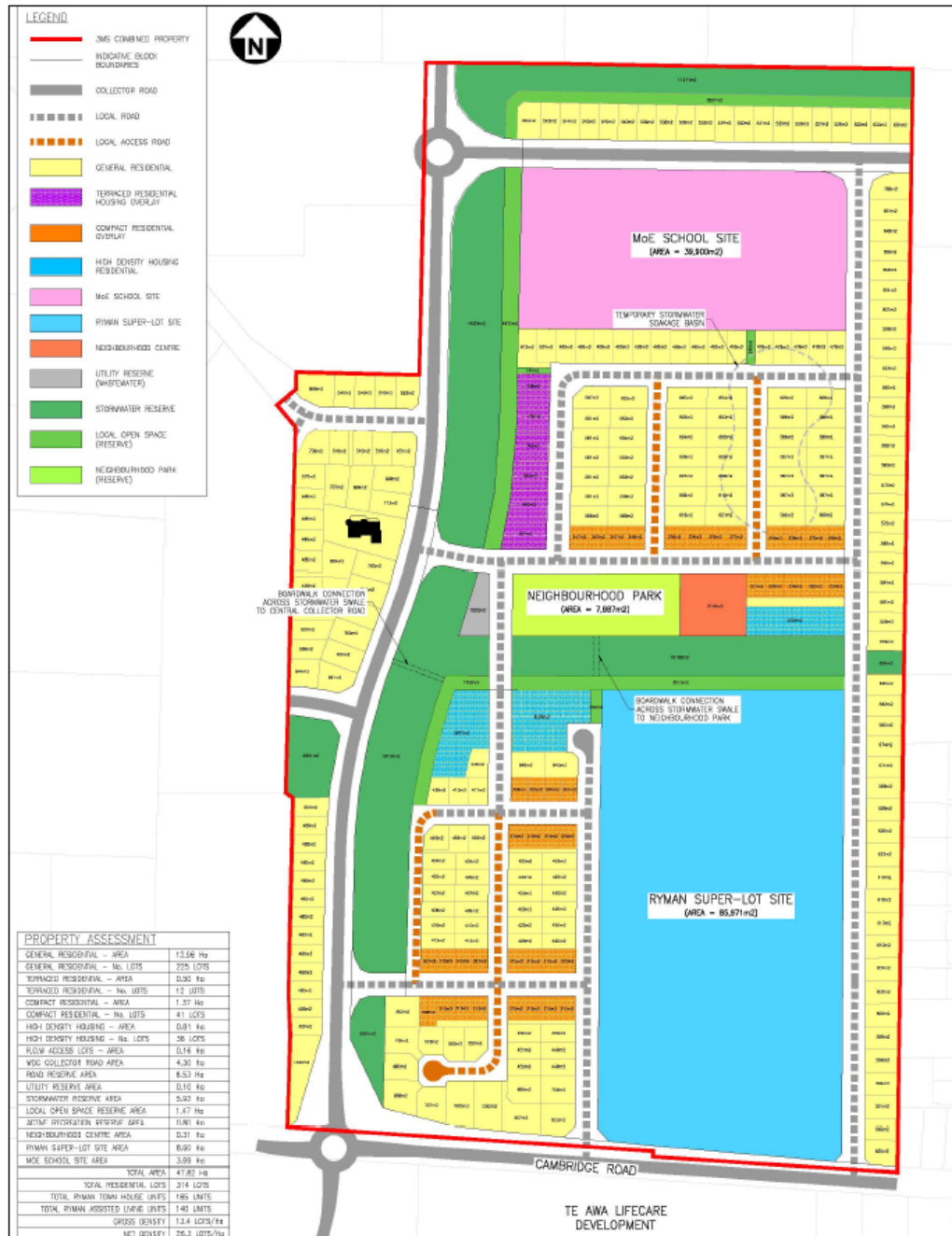


Figure 9: Proposed development plan.

The Applicant has provided a diagram that demonstrates how the proposal aligns with the C2 Structure Plan, as shown in the excerpt in **Figure 10** below.

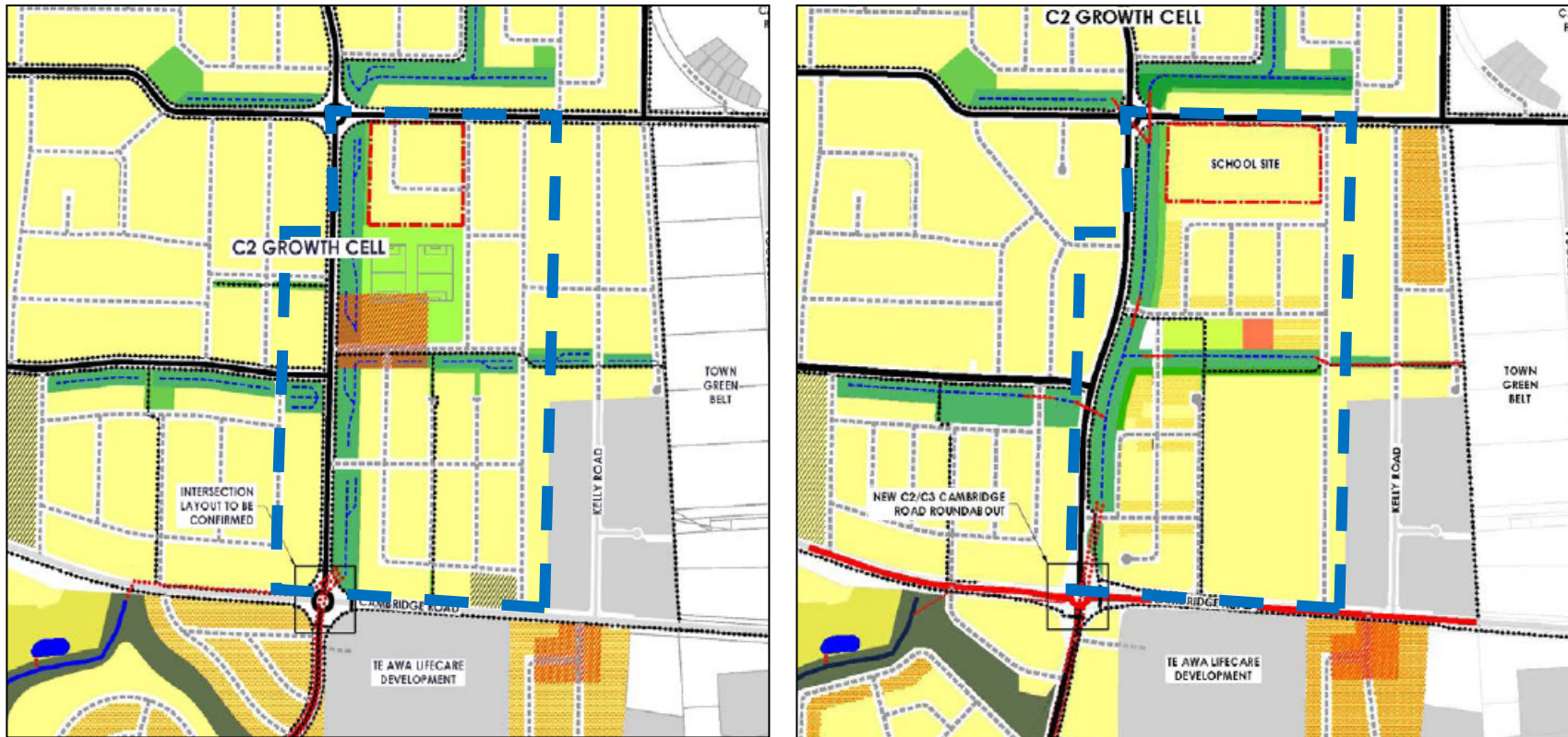


Figure 10: Comparison of C2 Structure Plan (left) and proposed development plan (right), with application site area indicated by thick dashed blue line

While some changes are evident, particularly in terms of the layout of the local roading network, the provision of sports fields, and a slight adjustment to the alignment of the north-south collector road and roundabout intersection with Cambridge Road, the proposal overall is considered to substantially accord with the C2 Structure Plan.

The subdivision is to be undertaken over two stages, with several sub-stages to the first stage. These stages are described in detail as follows.

1.4.1 Stage 1A

Stage 1A is described in the application report as follows:

Formation of a new T-intersection on Cambridge Road, together with minor road widening and establishment of a painted median and right-turn bay providing for access to and development of the superlot site (Lot 300) and 11 residential lots on the site's eastern boundary

The proposed lots for Stage 1A, their respective areas, and their intended use are summarised in **Table 3** below.

Lot Reference	Size	Purpose
1	635 m ²	General residential lots
2	562 m ²	
3	591 m ²	
4	594 m ²	
5	596 m ²	
6	599 m ²	
7	600 m ²	
8	603 m ²	
9	607 m ²	
10	610 m ²	
11	613 m ²	
300	8.5968 ha	Superlot (retirement village)
514	8,441 m ²	Road to vest
519	4,418 m ²	Road to vest

Table 3: Stage 1A – proposed subdivision lot sizes and purpose.

Refer to **Figure 11** below for the proposed scheme plan showing the extent of Stage 1A.

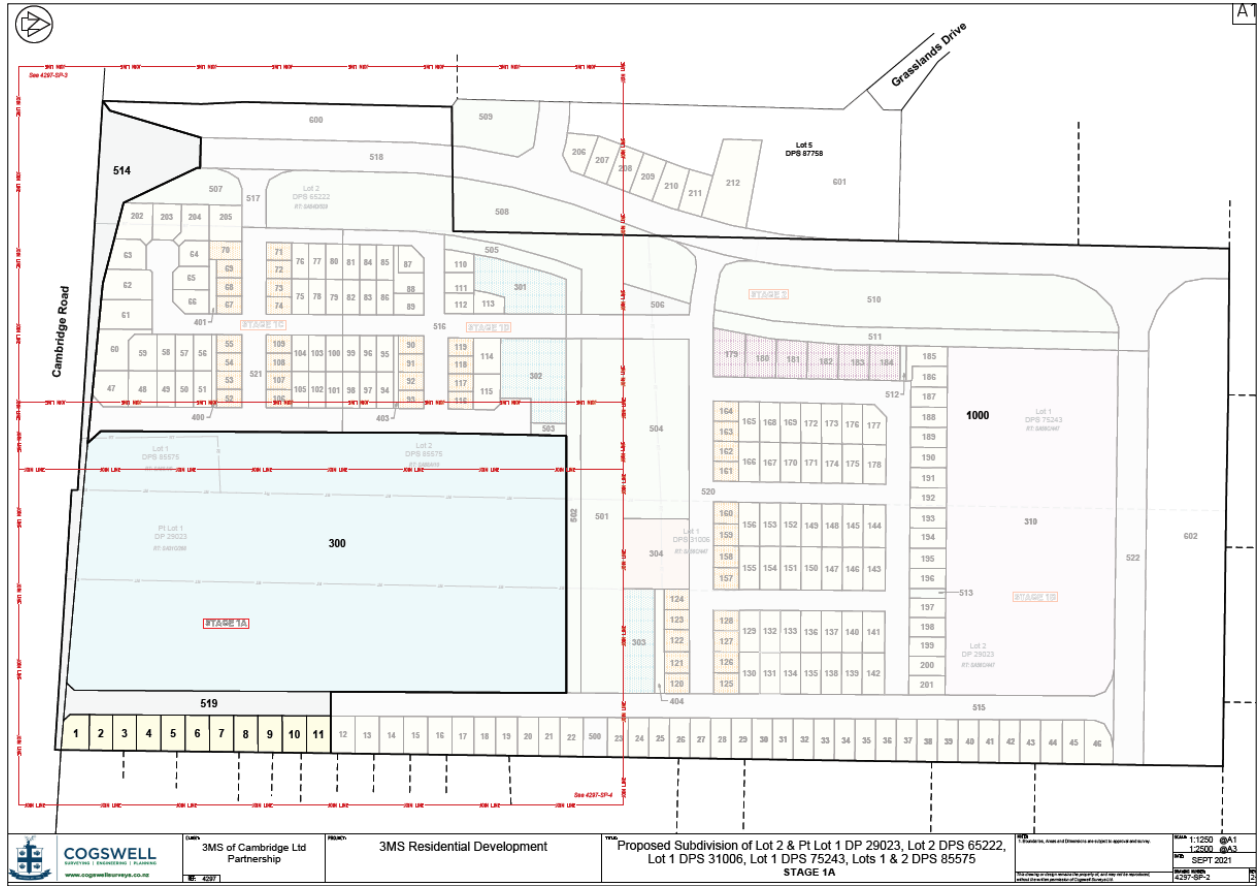


Figure 11: Proposed scheme plan showing extent of Stage 1A.

1.4.2 Stage 1B

Stage 1B is described in the application report as follows:

Provision for extension of the new road north to facilitate a further 35 residential lots along the eastern boundary of the site and establishment of a proposed school on the site (Lot 310). This eastern road is intended as a local road, with traffic management measures to appropriately manage local traffic speeds to safe levels, and to integrate with the overall concept of the structure plan, deterring through traffic movement and supporting utilisation of the collector road by primary travel through the growth cell;

The proposed lots for Stage 1B, their respective areas, and their intended use are summarised in **Table 4** below.

Lot Reference	Size	Purpose
12	616 m ²	General residential lots
13	619 m ²	
14	622 m ²	
15	625 m ²	

16	628 m ²	
17	568 m ²	
18	571 m ²	
19	574 m ²	
20	560 m ²	
21	563 m ²	
22	620 m ²	
23	561 m ²	
24	559 m ²	
25	561 m ²	
26	564 m ²	
27	567 m ²	
28	569 m ²	
29	572 m ²	
30	575 m ²	
31	577 m ²	
32	580 m ²	
33	583 m ²	
34	586 m ²	
35	588 m ²	
36	591 m ²	
37	594 m ²	
38	596 m ²	
39	599 m ²	
40	602 m ²	
41	604 m ²	
42	607 m ²	
43	610 m ²	
44	650 m ²	
45	650 m ²	
46	781 m ²	
310	3.9907 ha	School site
500	651 m ²	Road to vest
515	1.3098 ha	Road to vest

Table 4: Stage 1B – proposed subdivision lot sizes and purpose.

The Applicant proposes that Lot 500 (identified as road to vest) be utilised for stormwater management and walking pathways as well as road. They note that this road is not required to service the proposed development, and anticipates that it will be constructed as part of a development agreement at a later stage.

Refer to **Figure 12** below for the proposed scheme plan showing the extent of Stage 1B.

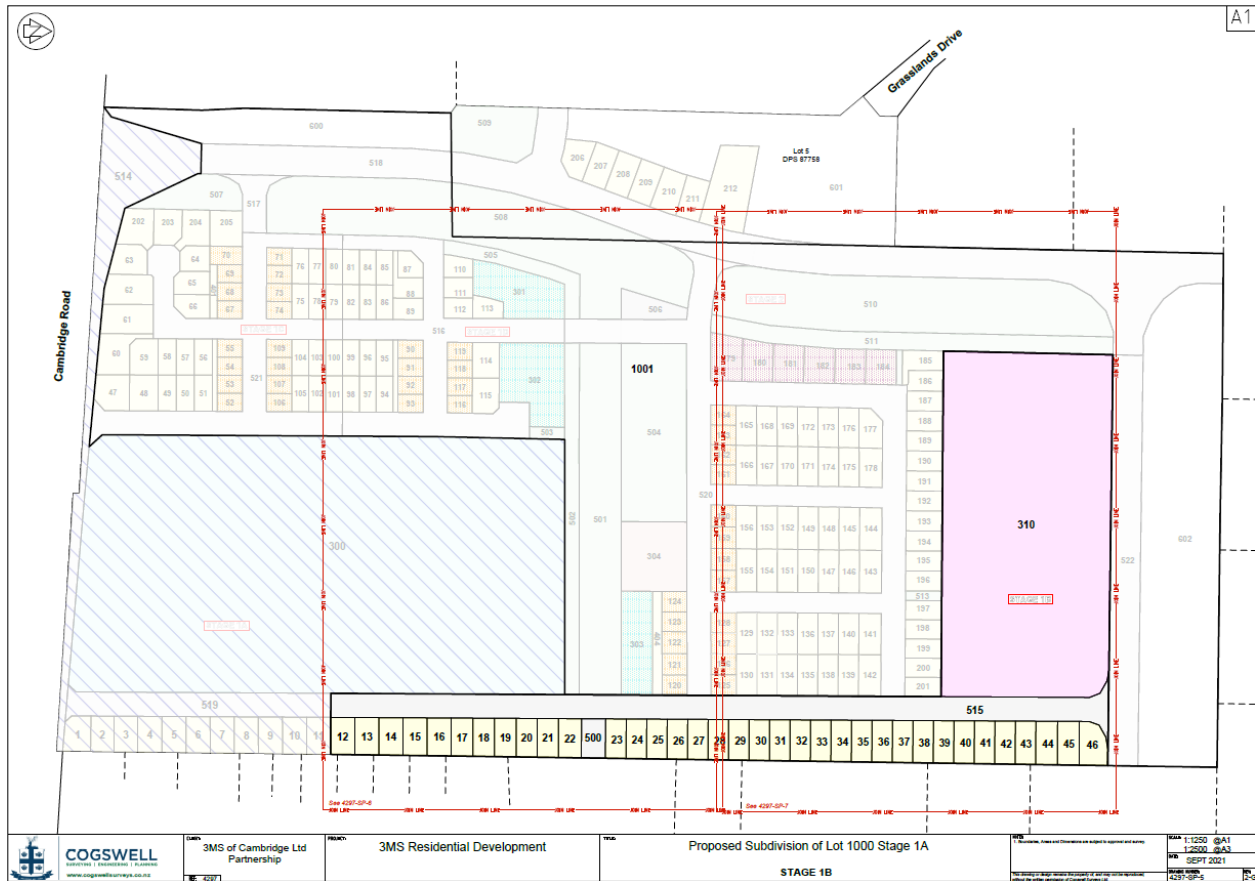


Figure 12: Proposed scheme plan showing extent of Stage 1B.

1.4.3 Stage 1C

Stage 1C is described in the application report as follows:

Formation of a second T intersection west of the first one, on Cambridge Road to provide access to a small residential neighbourhood and also establishing secondary access to the superlot site. The works are to be associated with an extension of the Cambridge Road widening, painted median and right-turn bay. These are intended as interim access works for a relatively short period of time prior to establishment of the Cambridge Road roundabout and collector Road. At the time of formation of these strategic points of access, this intersection is proposed to be finalized as a left-turn entry, left-turn egress intersection only;

The proposed lots for Stage 1C, their respective areas, and their intended use are summarised in Table 5 below.

Lot Reference	Size	Purpose
47	822 m ²	General residential lots
48	710 m ²	
49	448 m ²	

50	449 m ²	
51	450 m ²	
52	315 m ²	
53	315 m ²	Compact housing residential lots
54	315 m ²	
55	315 m ²	
56	450 m ²	
57	451 m ²	
58	452 m ²	General residential lots
59	701 m ²	
60	995 m ²	
61	1,052 m ²	
62	1,003 m ²	
63	725 m ²	
64	519 m ²	
65	563 m ²	
66	546 m ²	
67	312 m ²	
68	315 m ²	
69	315 m ²	
70	410 m ²	
71	306 m ²	
72	315 m ²	
73	315 m ²	
74	303 m ²	
75	410 m ²	General residential lots
76	412 m ²	
77	410 m ²	
78	408 m ²	
79	406 m ²	
80	409 m ²	
100	420 m ²	
101	420 m ²	
102	420 m ²	
103	420 m ²	
104	420 m ²	
105	420 m ²	
202	855 m ²	
203	680 m ²	
204	737 m ²	
205	801 m ²	
400	240 m ²	Access lot
401	269 m ²	Access lot
521	1.1625 ha	Road to vest

Table 5: Stage 1C – proposed subdivision lot sizes and purpose.

Refer to **Figure 13** below for the proposed scheme plan showing the extent of Stage 1C.

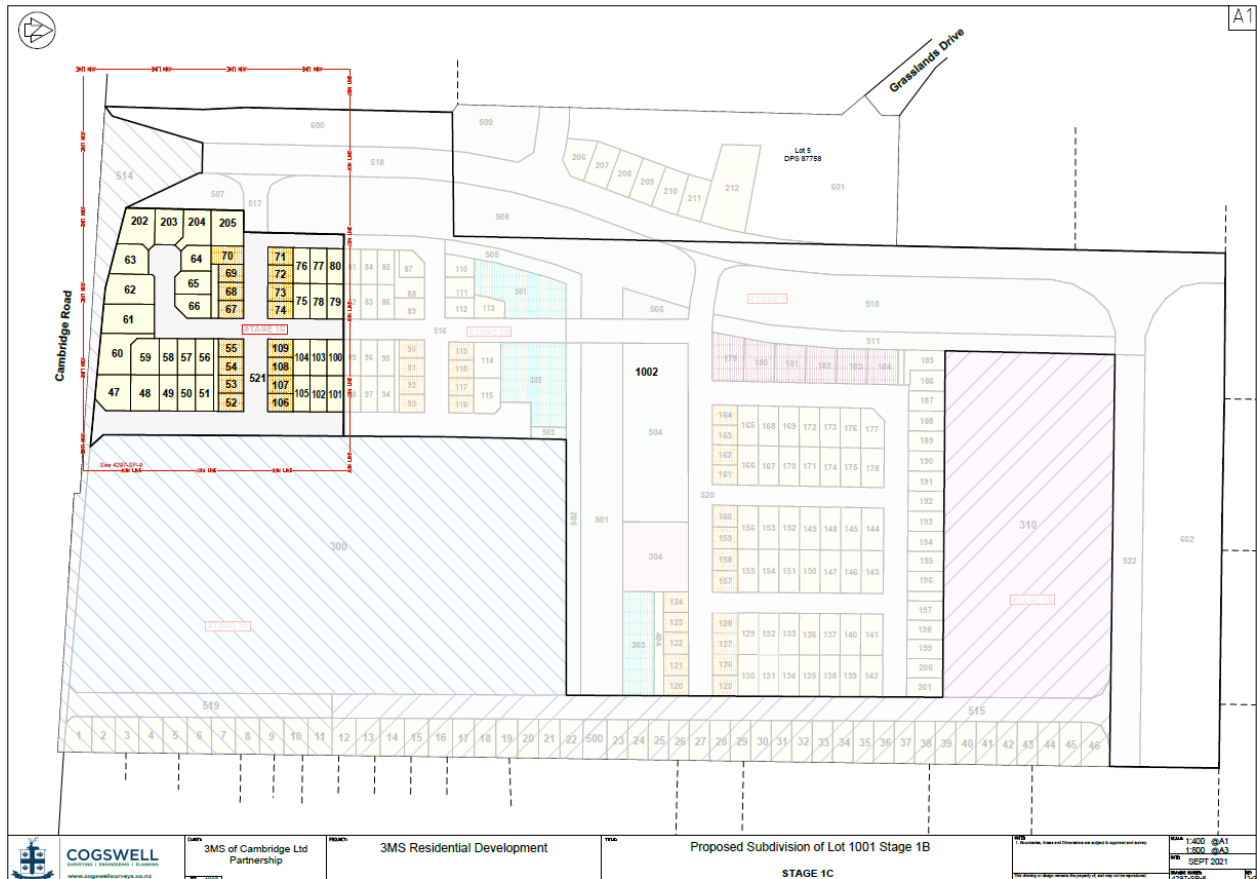


Figure 13: Proposed scheme plan showing extent of Stage 1C.

1.4.4 Stage 1D

Stage 1D is described in the application report as follows:

A minor extension of the Stage 1C residential neighbourhood to the north, providing for north-south and westerly connectivity with the collector road. Access to the full western edge of the superlot is established at this time. Together the Stage 1C and 1D areas are established as a well-integrated residential environment, where the local street network is configured to support local access movement only, avoiding potential local rat-run outcomes without further traffic management measures;

The proposed lots for Stage 1D, their respective areas, and their intended use are summarised in **Table 6** below.

Lot Reference	Size	Purpose
81	407 m ²	General residential lots
82	405 m ²	
83	403 m ²	
84	405 m ²	
85	404 m ²	
86	401 m ²	
87	419 m ²	
88	515 m ² (425 m ² net)	
89	445 m ²	
90	315 m ²	
91	315 m ²	
92	315 m ²	
93	315 m ²	General residential lots
94	420 m ²	
95	420 m ²	
96	420 m ²	
97	420 m ²	
98	420 m ²	
99	420 m ²	
110	421 m ²	
111	410 m ²	
112	410 m ²	
113	428 m ²	Compact housing residential lots
114	659 m ²	
115	646 m ²	
116	300 m ²	Future development lots (High Density Residential Overlay)
117	304 m ²	
118	308 m ²	
119	309 m ²	Access lot
301	2,628 m ²	
302	3,277 m ²	Local purpose (access) reserve to vest
403	240 m ²	
503	292 m ²	Road to vest
516	9,991 m ²	

Table 6: Stage 1D – proposed subdivision lot sizes and purpose.

Refer to **Figure 14** below for the proposed scheme plan showing the extent of Stage 1C.

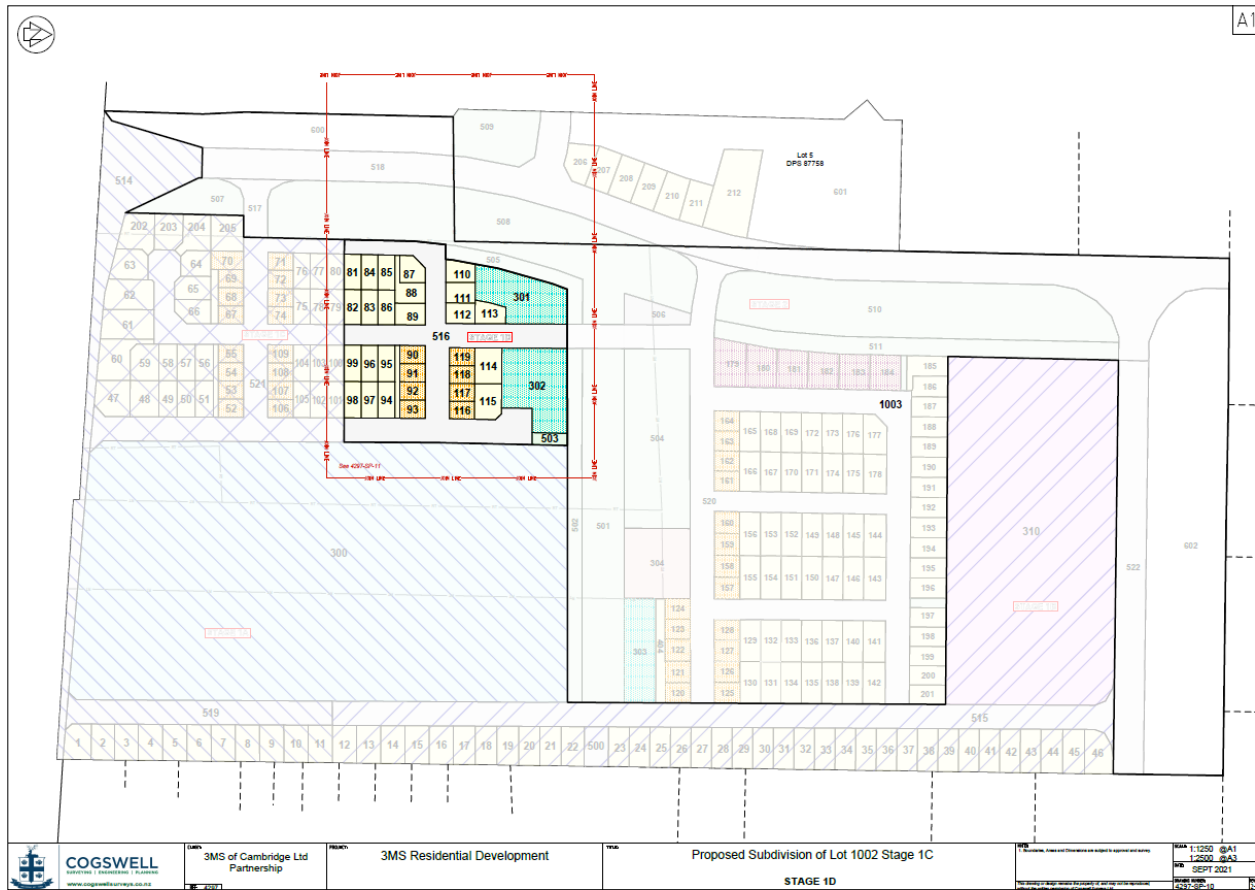


Figure 14: Proposed scheme plan showing extent of Stage 1D.

1.4.5 Stage 2

Stage 2 is described in the application report as follows:

Predominantly subject to the construction of the Cambridge Road roundabout, Stage 2 comprises completion of the structure plan collector road within the application site, including integrated connectivity for future growth cells located to the west, north and east of the site. Additionally, as a mode filtering and local road traffic management measure to support principal access via the Cambridge Road roundabout, the 3Ms proposes to install a traffic management device that prevents traffic movements southbound on Road 10. The effect will be to maintain the function of Road 10 as a local road, reduce the demand on the right turn across Cambridge Road to the north and to direct traffic movements seeking to access Cambridge Road to the Collector Road resulting in an improved local road safety outcome.

The proposed lots for Stage 2, their respective areas, and their intended use are summarised in **Table 7** below.

Lot Reference	Size	Purpose
120	346 m ²	Compact housing residential lots
121	365 m ²	
122	378 m ²	
123	336 m ²	
124	351 m ²	
125	360 m ²	
126	361 m ²	
127	361 m ²	
128	361 m ²	
129	585 m ²	
130	583 m ²	
131	583 m ²	
132	585 m ²	
133	584 m ²	
134	583 m ²	
136	584 m ²	
137	584 m ²	
138	582 m ²	
139	582 m ²	
140	584 m ²	
141	636 m ²	
142	636 m ²	
143	655 m ²	
144	655 m ²	
145	606 m ²	
146	605 m ²	
147	606 m ²	
148	608 m ²	
149	609 m ²	
150	608 m ²	
151	609 m ²	
151	611 m ²	
152	611 m ²	
153	612 m ²	
154	611 m ²	
155	612 m ²	
156	614 m ²	Compact housing residential lots
157	377 m ²	
158	378 m ²	
159	378 m ²	
160	378 m ²	
161	346 m ²	
162	347 m ²	
163	347 m ²	
164	347 m ²	General residential lots
165	566 m ²	
166	565 m ²	
167	558 m ²	
168	561 m ²	

169	561 m ²	
170	556 m ²	
171	555 m ²	
172	561 m ²	
173	561 m ²	
174	554 m ²	
175	553 m ²	
176	561 m ²	
177	597 m ²	
178	625 m ²	
179	1005 m ²	
180	859 m ²	
181	803 m ²	
182	763 m ²	Future residential lots (Terraced Residential Overlay)
183	739 m ²	
184	739 m ²	
185	624 m ²	
186	500 m ²	
187	498 m ²	
188	498 m ²	
189	498 m ²	
190	498 m ²	
191	498 m ²	
192	498 m ²	
193	498 m ²	General residential lots
194	498 m ²	
195	498 m ²	
196	498 m ²	
197	478 m ²	
198	478 m ²	
199	478 m ²	
200	478 m ²	
201	478 m ²	
303	2,223 m ²	Future development (High Density Residential Overlay)
304	3,143 m ²	Neighbourhood Centre
404	688 m ²	Access lot
501	1.0196 ha	Local purpose (drainage) reserve to vest
502	3,517 m ²	Local purpose (open space) reserve to vest
504	8,031 m ²	Recreation reserve to vest
505	1,740 m ²	Local purpose (open space) reserve to vest
506	962 m ²	Local purpose (utility) reserve to vest
507	1,934 m ²	
508	1.8138 ha	Local purpose (drainage) reserves to vest
509	2,912 m ²	
510	1.4583 ha	
511	4,932 m ²	Local purpose (open space) reserve to vest
512	145 m ²	
513	240 m ²	Local purpose (pedestrian access) reserves to vest
517	1,161 m ²	
518	2.5693 ha	Roads to vest

520	2.2426 ha	Balance lots
522	8,525 m ²	
600	7,585 m ²	
601	1.8780 ha	
602	2.5830 ha	

Table 7: Proposed method of subdivision.

Refer to **Figure 15** for the proposed scheme plan showing the extent of Stage 2.

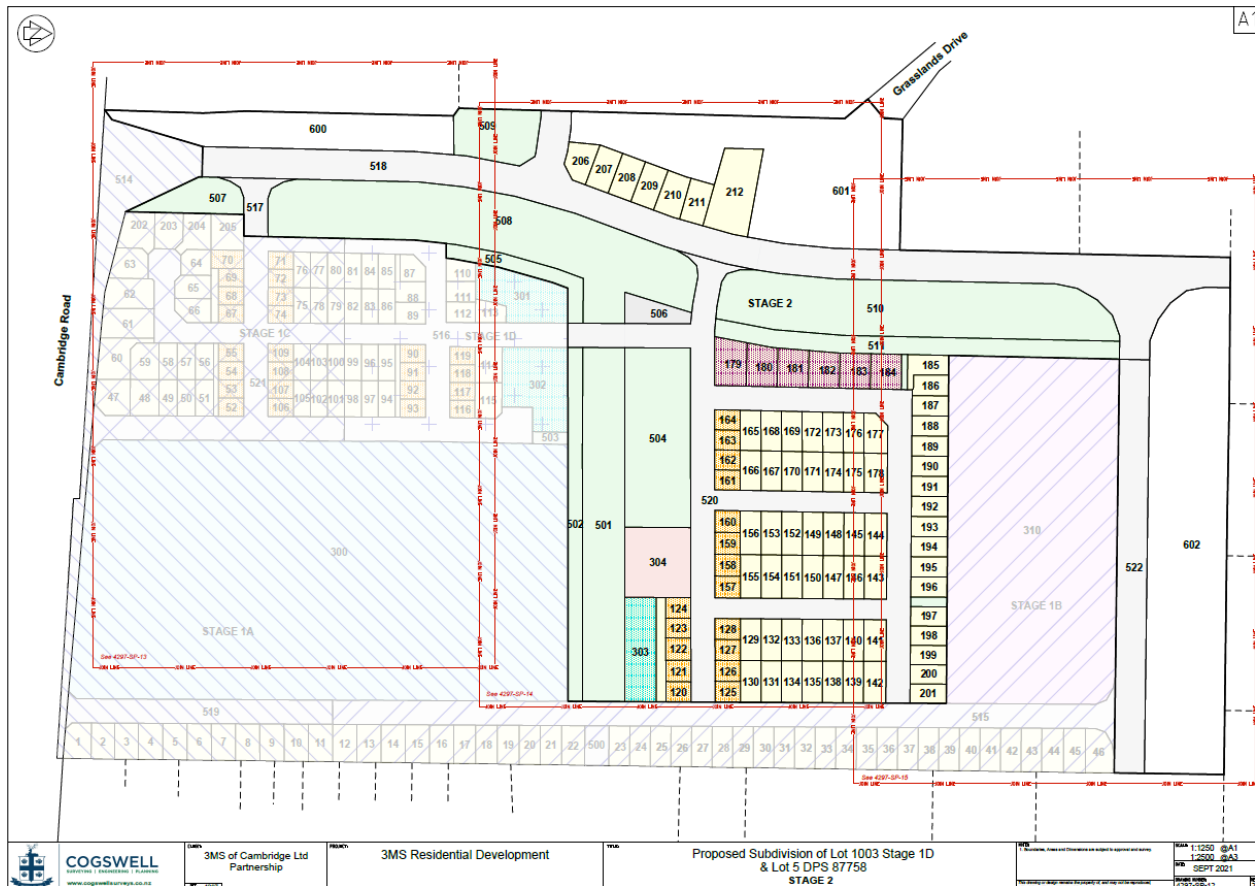


Figure 15: Proposed scheme plan showing extent of Stage 2.

In terms of servicing the proposal, the following is proposed:

- **Roading:** The establishment of key connection routes through the C2 Structure Plan area, including a north-south collector road (intersecting with Cambridge Road and requiring the establishment of a new roundabout intersection in this location) and an east-west collector road, and local roads and access lots within the application site.
- **Wastewater:** A gravity network feeding to a central wastewater pump station is proposed to service development, which will discharge to a manhole within the Council’s wastewater network. The proposed pump station is expected to service future developments within the C2 growth cell as the terminal pump station.

- **Water:** A 200mm diameter bulk water supply main will be constructed along the central collector road, connecting to the Council’s existing network on Cambridge Road at the south-eastern corner of the development. The main will provide for connections to the wider C2 growth cell.
- **Stormwater:** The permanent infrastructure will involve an extensive network of swales to treat and convey stormwater prior to it being discharged to the Council’s piped network in line with the stormwater management plan that applies to the C2 growth cell. As an interim measure during establishment of the required infrastructure and development of the site, temporary soakage basins are proposed to treat and manage storm events up to a 100-year event.

1.5 Process Matters

There were no process matters of note in undertaking this notification assessment.

2 REASON FOR THE APPLICATION

A resource consent as described under Section 87A of the Resource Management Act 1991 is required for the reasons set out below.

2.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES')

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8). Following a review of the historical aerial photographs contained within Council’s records, a HAIL activity does not appear to have been undertaken on the site. In accordance with Regulation 5(7), the site is not a ‘piece of land’ and consent is not required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

2.2 Waipā District Plan Rule Assessment

An assessment of the proposal’s compliance with the relevant rules of the District Plan has been completed. In summary, **Table 8** below outlines the relevant rules relating to the proposed subdivision.

Rule #	Rule Name	Status of Activity	Comment
15.4.1.1 (w)	Deferred Zones – Specific activity status rules: Any subdivision that is not a boundary adjustment or boundary relocation	Non-complying	The proposed subdivision involves subdivision to create additional sites in the Deferred Residential Zone, which is identified as a non-complying activity under this rule.
15.4.2.1 (ac)	Net lot area rules – Residential subdivision in the C1 and C2/C3 structure plan areas	Non-complying	The performance standard for residential subdivision in the C2 Structure Plan Area specifies a minimum net lot area size requirement of 500m ² , an average net lot area size requirement of 800m ² and a maximum net lot area size requirement of 1,000m ² . The proposal will infringe this standard, with the proposed size of residential lots being less than 500m ² and future development site greater than 1,000m ² . Accordingly, the proposal triggers resource consent as a non-complying activity in this regard.
15.4.2.1 (ad)	Net lot area rules – Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1(e) and Rule 15.4.2.62.	Non-complying	The performance standard for comprehensive residential subdivision in the C2 Structure Plan Area specifies a minimum net lot area size requirement of 400m ² , an average net lot area size requirement of between 500m ² and 800m ² (excluding compact residential densities) and a maximum net lot area size requirement of 1,500m ² . The proposal will infringe this standard, with the proposed size of residential lots being less than 400m ² and future development site greater than 1,500m ² . Accordingly, the proposal triggers resource consent as a non-complying activity in this regard.
15.4.2.3	Rules – Lot frontages, lot shape factor and vehicle	Discretionary	For subdivision in “all other zones” (including the Deferred Residential Zone), a lot frontage (excluding rear lots) of 20m, a lot shape factor of a 30m diameter circle and vehicle crossing minimum

	crossings		<p>to maximum widths of 4m to 4.5m is specified.</p> <p>The proposed scheme plans incorporate lot frontages of less than 20m (with reduced widths down to 14m proposed) and shape factors of less than a 30m diameter circle (with many of the lots demonstrating compliance with the Residential Zone standard of a 13m diameter circle).</p> <p>These non-compliances result in the proposal requiring resource consent as a discretionary activity.</p>
15.4.2.5	Rules – Lot design	Discretionary	<p>Lot shape factors shall not encroach on any building setback or easement requirements.</p> <p>As noted above, under the Deferred Zone rules a 30m diameter circle applies, and none of the proposed allotments would be able to comply with this requirement.</p> <p>For completeness, when applying the Residential Zone requirement of a 13m diameter circle lot shape factors, and Residential Zone setbacks, a number of the proposed allotments will continue to infringe this standard.</p> <p>This non-compliance results in the proposal requiring resource consent as a discretionary activity.</p>
15.4.2.7	Rules – Lot design	Discretionary	<p>New residential lots (other than corner lots) shall have frontage only to one road or street.</p> <p>Proposed lots 61 – 63 and 202 have frontage to more than one road, with frontage to Cambridge Road and a new internal road.</p> <p>This non-compliance results in the proposal requiring resource consent as a discretionary activity.</p>
15.4.2.13	Rule – Site suitability: General	Non-complying	<p>This rule requires that subdivision provides a defined building platform in a complying location that is capable of being serviced to the requirements of the zone.</p> <p>The site is zoned Deferred Residential, which draws upon the Rural Zone standards. The proposal does not comply with the building platform standards of the Rural Zone, and therefore requires resource consent as a non-</p>

			complying activity in this regard.
15.4.2.65	Rule – Roads	Discretionary	In any zone, unless otherwise provided for by an approved structure plan, the design and layout of new roads shall meet the requirements of Appendix T3 and Appendix T4. The proposal does not meet the requirements of these appendices as they apply to the Residential Zone (being the most appropriate standards to have regard to in this instance), with minimum width standards being infringed in some instances. This aspect of the proposal triggers resource consent as a discretionary activity .
16.4.2.2	Rules – Road hierarchy	Discretionary	To maintain effectiveness of the road hierarchy, a road network must be designed so that a road connects to a road at the same level in the hierarchy, or directly above or below its place in the hierarchy. The proposal will result in two local roads (identified as ‘Road 10’ and ‘Road 11’) directly intersecting with Cambridge Road, being a major arterial road. This aspect of the proposal triggers resource consent as a discretionary activity .
16.4.2.5	Rules – Vehicle entrance separation from intersections and other vehicle entrances	Discretionary	A minimum separation distance between vehicle entrances from each other and from intersections is required. The proposal is expected to largely comply with this requirement, with some instances of corner lots or lots opposite intersections infringing the required 20m – 30m separation distance requirement. This aspect of the proposal triggers resource consent as a discretionary activity .

Table 8: District Plan rule assessment.

I also note the following:

- Rule 15.4.2.69 of the District Plan requires that all development and subdivision within an area subject to an approved structure plan shall be designed in general accordance with the requirements of that structure plan. Activities that fail to comply with this rule require resource consent as a discretionary activity (unless the structure plan indicates otherwise).

The Applicant has assessed the proposal as complying with this rule on the basis that the development is in general accordance with the structure plan as demonstrated in the comparison provided in Figure 10. I concur. The proposal incorporates the various elements that make up the C2 Structure Plan in a manner that largely accords with that alignment displayed, particularly in relation to the manner in which significant infrastructural components (collector roads, stormwater networks) integrate with the land surrounding the application site.

Accordingly, in my opinion that proposal has demonstrated compliance with this rule.

- The proposal will involve extensive earthworks as part of establishing the infrastructure and building platforms. As discussed above, the Applicant holds resource consent LU/0166/20 for bulk earthworks across most of the application site. That consent however does not extend over the westernmost part of the application site (1835A Cambridge Road and 694 Grasslands Drive).

Rule 4.4.2.75 of the District Plan provides for earthworks incidental to an approved resource consent as a permitted activity. This rule applies to the proposal by virtue of Rule 14.4.1.7, which sets out additional rules that apply in the Deferred Zone. Under this rule, the additional extent of earthworks required in undertaking the development would be a permitted activity on the basis that they are incidental to the subdivision consent (once approved).

As outlined in the table above, the application is deemed to be a **non-complying activity** being the highest status indicated by the above rules.

2.2.1 Plan Change 13

Under Plan Change 13 the zoning of the application site is proposed to change from Deferred Residential Zone to Residential Zone. This would result in the activity status of applications for subdivision on the site that comply with relevant performance standards becoming restricted discretionary under Rule 15.4.1.1 (e), rather than defaulting to non-complying under 15.4.1.1 (w).

As the proposal infringes several performance standards, which result in the overall non-complying activity status continuing to apply, there would be no change to the overall activity status of the proposed under Plan Change 13.

3 STAFF COMMENTS

3.1 Development Engineering

Council's Development Engineer, Tony Coutts, has reviewed the application and notes the following points:

- *In terms of earthworks, while the Applicant holds resource consent for earthworks under LU/0166/20, the scope of those works are limited to the land parcels that formed part of the previous application for subdivision consent, and do not provide for works on 1835A Cambridge Road or 694 Grasslands Drive. An updated Construction Management Plan will be required to suit the new extents as part of this application.*
- *Development Engineering agree with the Applicant's commentary on water supply, and anticipate that conditions of consent will be imposed to match the sizing requirements to service the lots accordingly and that a connection size of 150mm minimum will be required for the super lot.*
- *Development Engineering have been involved in the detailed design of the wastewater system through the initial Infrastructure Works Agreement between the Applicant and Council. There are some technical refinements to be worked through, but the size of the proposed pump station can manage the demand of initial subdivision and wider catchment, as can the receiving network.*
- *The proffered conditions regarding geotechnical reporting and consent notices mitigate future risk around stability, noting the above comments around extending the earthworks extent.*

In addition, Council's consultant Stormwater Engineer, Britta Jensen, has reviewed the proposal and confirms that subject to detailed design matters stormwater will be appropriately managed as part of the subdivision scheme plan.

3.2 Transportation

Council's consultant Transportation Engineer, Cameron Inder of BBO, has reviewed the application, and in particular the addendum to the Integrated Transportation Assessment (ITA) prepared by Stantec, and notes the following points:

- *The subdivision proposal has been revised following the previous version being declined consent by independent commissioners acting for Council. The revised subdivision application and accompanying ITA addendum has addressed several of the fundamental*

concerns Council had in relation to transport effects of the previous application. Those improvements are:

- *The C2 roundabout and north/south collector road is now enabled wholly within the applicant's land and provides the intended function and connectivity anticipated by the Structure Plan, despite not being in the exact location shown on the Structure Plan.*
- *The roundabout and collector being within the Applicant's land restores the level of certainty afforded by the Structure Plan location for Council to deliver this critical infrastructure in the next two to three years. The Applicant anticipates the roundabout will coincide with completion of Stage 2 of the development and has offered Condition 3(e) which requires that the roundabout be completed before section 224 certificates can be issued for Stage 2. This proactively limits the amount of traffic generated by the site and provides a significant reduction in potential effects at the two proposed local road intersections with Cambridge Road (Road 11 and Road 10 intersections) before the roundabout is constructed.*
- *The two distinct development stages, and Stage 2 being subject to completion of the Cambridge Road roundabout means transport effects are minimised and can be acceptably mitigated through design details, including during Stage 1. The existing access for Te Awa Life Care opposite the 3MS site will remain without changes during Stage 1. It becomes affected only by the construction of the Cambridge Road roundabout. At that time access to Te Awa Life Care will be relocated so it connects to the southern approach road of the new roundabout rather than Cambridge Road. I understand Te Awa are supportive of this arrangement and timing. Therefore, the transport effects attributable to the 3MS development on Te Awa Life Care's access will be negligible.*
- *The same is concluded for the Chartwell Development's new road access to the east of the site, and other property accesses surrounding the site. The development staging and access mitigation measures of the 3MS proposal effectively ensures any effects on other parties is mitigated to the point of being negligible.*
- *The ITA addendum states that the Ministry of Education anticipates the new primary school within the 3MS site to open no earlier than 2024, which according to the indicative development programme is after the Cambridge Road roundabout and north/south collector road are completed. This significantly reduces the potential number of vehicle trips generated in Stage 1, resulting in good performance levels for the Road 11 and Road 10 intersections with Cambridge Road. Of note however, is there does not appear to be any proposed condition of consent to ensure the school does not*

open before the roundabout and collector road are completed. It is recommended this be included in the final conditions.

- *Overall, for the reasons outlined above the proposed development appears to be in general accordance with the transport network of the C2 Structure Plan. It is unlikely there will be any transportation effects of concern on other parties that will not be mitigated or were not already anticipated for the C2 Structure Plan.*

3.3 Parks and Reserves

Council’s Senior Parks Planner, Anna McElrea, has reviewed the application and notes the following points:

- *The proposal includes the following open space / reserve assets:*

Lot	Area	Stage	Acquisition	Description
502	3,517 m ²	Stage 2	Local purpose reserve (open space) to vest	Land subject to liquification adjoining swale that will be integrated into swale design with shared path
504	8,031 m ²	Stage 2	Recreation Reserve to Vest	Location for a destination playground adjoining commercial centre and connected to stormwater swale network
505	1,740 m ²	Stage 2	Local purpose reserve (open space) to vest	Land subject to liquification adjoining swale that will be integrated into swale design with shared path
511	4,932 m ²	Stage 2	Local purpose reserve (open space) to vest	Land subject to liquification adjoining swale that will be integrated into swale design with shared path

- *In addition to these reserves there are:*
 - *Local Purpose (accessway) reserves to vest (Lots 503, 512 and 513) as transport assets but which Parks will maintain in accordance with the current internal arrangement with Transport;*
 - *Roading network that will include street tree planting which will be maintained by Parks in accordance with the current internal arrangement with Transport; and*
 - *Approx. 5.26ha of Local Purpose (stormwater) reserves to vest (Lots 501, 507, 508, 508, 509 and 510) as stormwater assets but which will include a shared path and be*

maintained by Parks in accordance with the current internal arrangement with Waters. These lots comprise the extensive swale network running along the length of the arterial north south road and east west along the southern boundary of the destination playground and commercial centre.

- *The application does not include an active reserve for sports fields.*
- *It is also noted that the proposed operating speed environment is planned to establish 40 km/h as a practical maximum operating speed with raised table devices at intersections and key pedestrian/cycle crossing points, together with some mid-block single lane opposing thresholds contributing to practical operational speeds in the order of 10 to 20 km/h in these locations.*
- *The proposed open space network is considered to be superior to that presented in the previous application (SP/0179/20), and will result in:*
 - *A neighbourhood reserve of more than 8,000m² with a destination playground visible from and easily accessible from the main north-south collector road and adjoining the proposed commercial centre and the east-west swale which will be within a 10 minute walking distance of the majority of future C2 residents and the future residents living the northern area of the C3 growth cell and provide the desired community hub;*
 - *A contiguous swale network, including a 3m shared off-road path with safe road crossings, that will provide the desired links to community focal points such as the destination park, the commercial centre and the school and contribute to a sense of place;*
 - *An accessway from the cul-de-sac adjoining the retirement village that will together with the proposed bridge over the swale provide direct walking and cycling access to the neighbourhood reserve and commercial centre;*
 - *Separation of the wastewater pump station from the neighbourhood reserve which will reduce any risk of negative impacts from this utility on reserve users;*
 - *Walking and cycling access through to Kelly Road and the town belt via Lot 500;*
 - *An open space network layout that can be designed and developed to ensure it is in accordance with CPTED, water sensitive and universal design principles and mana whenua aspirations to reflect cultural values; and*
 - *Surrounding built form that will support passive surveillance of the open space network.*
- *The Council's Community Services team strongly supports the location and position of the neighbourhood centre and reserve, on the basis that it:*

- *increases the visibility of the reserve from the north-south collector road and shared path through the adjoining swale;*
 - *increases the sense of size of the reserve and the amenity of the reserve by not having buildings on three sides and this will in turn reduce the risk of reverse sensitivities that would have been presenting by the reserve directly adjoining a compact housing area;*
 - *allows for the option of a shared carpark without the need for a road crossing to access either facility;*
 - *provides for the proposed local purpose (wastewater pump station) reserve to be located across the road from the proposed neighbourhood reserve; and*
 - *allows for the commercial centre to be developed in a way that will enable businesses such as a café to have an active interface with the proposed neighbourhood reserve.*
- *With thoughtful design and development of the proposed reserves and adjoining titles and roads, the proposed open space network will create an open space network that meets the National Policy Statement on Urban Development in terms of creating a well-functioning urban environment and the Structure Plan requirement to provide for a generous and connected network of high quality accessible parks and open spaces.*
 - *As with the assessment for the earlier consent, Council's Community Services Team still strongly assert the need for a sports park within the north western corner of the C2 growth cell or within the C7 growth cell.*
 - *The Taangata Whenua Statement and Engagement Report that accompanied the application sets out that Ngaati Korokii-Kahukura and Ngaati Hauaa, the two iwi identified as mana whenua, made the following comments/recommendations that relate to the proposed open space network:*
 - *The objectives and vision of Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River must be furthered; and*
 - *Ngaati Koroki Kahukura and Ngaati Hauaa would like to contribute to design, where possible, of the landscape design of the subdivision, to reflect the surrounding environment and express cultural values. This includes providing for cultural visual corridors, pathway design, expression of history and the environment.*
 - *While it is for the Development Engineer to determine the first point in relation to stormwater management, Council's Community Services Team will look through the recommended design and landscape plans for the proposed reserves to work with mana whenua and the developer to respond to the second point. The applicant has also indicated*

that they would work with mana whenua to propose a name for the proposed neighbourhood reserve for Council to approve. This is strongly supported.

3.4 Urban Design

Council's consultant Urban Designer, Matt Riley of Boffa Miskell, has reviewed the application and notes the following points, which are based around 'themes' for consideration:

- *Legibility and character: The subdivision should enable the establishment of a legible urban form that is easy to navigate through (positive wayfinding) and contributes to the character of the neighbourhood*
 - *At a neighbourhood-wide level, the confluence of the Neighbourhood Park, the north-south collector road and the north-south and east-west stormwater swales are clear visual structuring elements which would contribute strongly to legibility and character.*
 - *Legibility when walking or cycling from the south into the site, in terms of wayfinding to the Neighbourhood Centre, is somewhat compromised by the cul-de-sac form of Road 11, as opposed to a continuation of a road of the same width, and the off-set nature of the Centre to the east.*
- *Connectivity and permeability: The movement network should be well-connected, permeable, and prioritise safe walking and cycling routes*
 - *There is a single access point provided through the site on the eastern side of Road 10 via proposed Lot 500. I understand this is intended to be a walking and cycling connection (although the engineering plans refer to the possibility of it being a local road connection). The C2 Growth Cell Structure Plan shows two connections on the eastern side of Road 10 through to Kelly Road, one being a local road and the other a walking and cycling connection.*
 - *The Lot 500 connection is to the south of the Centre, aligning with the east-west swale.*
 - *In terms of good urban design practice, a direct link at the eastern end of Road 20 (being the road to the north of the Neighbourhood Centre) would enhance connectivity through to the Centre from the east. This is consistent with the practice of placing key urban structuring elements, such as centres, in the most connected and visually prominent locations.*
 - *I consider this would be a preferable location for a link, in terms of connectivity for the residential community on Kelly Road. Having reviewed the C2 Growth Cell Structure Plan, however, I accept that this shows some offset between the east-west road*

adjoining the Centre (Road 20 in the application) and the link from Road 10 through to Kelly Road.

- *I also consider that there would be benefit in the Lot 500 connection being a full local road connection rather than being limited to cycling and walking (noting that the application does not provide for the local road connection to Kelly Road shown on the Structure Plan to the north). In my view providing for a range of transport options would enhance connectivity for the Kelly Road residential community. I accept, however, that Lot 500 is of a width that would enable it to be used as local road connection at some future time.*
- *As discussed in my assessment of the retirement village superlot for the original application, there are no connections shown east-west through that lot. This means there is a low degree of permeability through that part of the site. I remain of the view, consistent with my earlier assessment, that there is no fundamental desire line for movement east-west across this part of the site, with the majority of likely movement being north-south back and forth from the Neighbourhood Centre. I therefore consider the absence of permeability in this part of the site to not have an adverse effect.*
- *I have reviewed the proposed road layout and cross sections and consider that there is overall a clear structure of walking and cycling paths, provided generally through 3m wide shared paths. Overall, I consider that there are no apparent adverse effects on walking and cycling connectivity or quality, noting however that some work would be required by Council to ensure quality connections through the east-west swale and Neighbourhood Park from Road 11 to the Neighbourhood Centre.*
- *Community focal point and access to amenities: The proposed subdivision should have access to amenities, including a future centre and public open space, that is easily accessible and will act as a community focal point*
 - *The substance of this theme is generally discussed in the two that precede it. While I consider that a link directly east from Road 20 through to Kelly Road and the potential exploration of a continuation of Road 10 to the north may have enhanced the ability of the Neighbourhood Park and Centre to act as a community focal point, I consider that the layout proposed appears to be broadly consistent with that shown in the C2 Growth Cell Structure Plan.*
- *Housing choice and diversity: The subdivision should provide housing choice and diversity*
 - *This outcome is not strong relevant for the purposes of a notification assessment, if only because if housing choice was not provided, it may be difficult to ascertain who that has an adverse effect on, although it is perhaps a wider community issue. I note,*

however, a variety of residential lot sizes are proposed, which are likely to provide for housing choice and diversity at such time that land use applications are made.

- *Positive streetscape outcomes and good on-site amenity: The size, shape and frontage characteristics of lots should enable positive streetscape outcomes and good on-site amenity*
- *Proposed lots are, in my view, of a size, shape and frontage characteristics which do not give rise to adverse streetscape outcomes. An adverse streetscape outcome might be considered where there is a uniformity of lot sizes and types, such that visually monotonous streetscapes may eventuate. While General Residential lots of similar sizes and shapes predominant, there is sufficient number of smaller (potential medium to higher density housing) lots, positioned through the site in visually prominent locations, such that such adverse homogenous streetscape effects are likely to be avoided.*
- *Integration with adjoining land: The subdivision layout should enable adjoining land to develop in a manner that achieves good urban form and contributes to Structure Plan outcomes*
 - *The subdivision site, as now proposed, appears to form clear ‘fronts’ and ‘backs’ with neighbouring sites, enabling them to develop in a manner which would allow for the continuation of a rational, legible street network and with subdivision patterns consistent with general good urban design practice, and in a form able to achieve the broad spatial patterning of the C2 Growth Cell Structure Plan.*

4 ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

4.1 Adequacy of information

It is my opinion that the information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification. The information within the application is sufficient to understand the characteristics of the proposed activity as it relates to provisions of the District Plan, for identifying the scope and extent of any adverse effects on the environment, and to identify persons who may be affected by the activity's adverse effects.

4.2 Mandatory Public Notification - Section 95A(2) & (3)

Council must publicly notify the resource consent where:

- a) it has been requested by the applicant; or

- b) a further information request has been not been complied with or the applicant refuses to provide the information pursuant to Section 95C; or
- c) the application has been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In this instance, none of the above situations apply, therefore public notification is not required under Section 95A(3).

4.3 Public notification precluded – Section 95A(5)

The application is not for a resource consent for one or more of the following:

- a) Controlled activity;
- b) A restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.

There are no rules a National Environmental Standard or the District Plan relevant to this proposal that preclude public notification.

The application is accordingly not precluded from public notification under Section 95A(5).

4.4 Public notification required in certain circumstances – Section 95A(8)

Council must publicly notify the resource consent where:

- a) The application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification; or
- b) The consent authority decides, pursuant to Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

In this instance, public notification is not required by a rule or a national environmental standard. Refer to Section 4.5 of this report for Council’s assessment of the effects.

4.5 Effects that may or must be disregarded – Section 95D(a), (b), (d) and (e)

Pursuant to Section 95D, if a rule or national environmental standard permits an activity with that effect the adverse effect of that activity may be disregarded.

4.5.1 Permitted Baseline

All forms of subdivision within the District Plan require resource consent. Therefore, there are no subdivision activities permitted by the District Plan which can be considered with respect to the permitted baseline.

4.5.2 Land excluded from the assessment

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons whom have given written approval **must** be disregarded. The adjacent properties to be excluded from the public notification assessment are listed in **Table 9** and shown in **Figure 16** below.

ID#	Street Address	Legal Description	Owner
1	59 Racecourse Road	Lot 4 DPS 70407	Gary Ian Alton
2	5 Hunter Lane	Lot 2 DP 345161	Kay-Marie Plaw, Mikayla A Plaw, Callum I Plaw, Michael W Crawford
3	3 Hunter Lane	Lot 6 DPS 15010	Kay-Marie Plaw & Michael W Crawford
4	1 Hunter Lane	Lot 7 DPS 15010	Papa Equestrian Limited
5	50 Kelly Road	Lot 9 DP 508467	Robert D Dyer, Colleen E Dyer, Grant J Calvert
6	48 Kelly Road	Lot 5 DP 508347	Robert D Dyer, Colleen E Dyer, Grant J Calvert
7	46A Kelly Road	Lot 4 DP 508467	RJMZ Limited
8	46 Kelly Road	Lot 1 DP 526885	Kerry A Johnson & Andrea C Johnson
9	44A Kelly Road	Lot 2 DP 541139	Simon R Makgill & Glen G Reid
10	44 Kelly Road	Lot 1 DP 541139	Simon R Makgill & Glen G Reid
11	32A Kelly Road	Lot 2 DP 364040	3Ms of Cambridge Limited Partnership
12	30A Kelly Road	Lot 3 DP 364040	Adrian R Clark & Catherine W Clark
13	28A Kelly Road	Lot 6 DP 364040	Craig A Gosnell & Melissa C Jones
14	26A Kelly Road	Lot 7 DP 364040	Christopher J Atkinson & Daniella A Atkinson
15	24A Kelly Road	Lot 9 DP 364040	John Cowan, Jessica L Judge, Vallant Hooker Trustees Limited
16	22 Kelly Road	Lot 1 DP 513496	Diane G Moss
17	20 Kelly Road	Lot 3 DP 513496	Andrew J Skipworth & Michelle O Skipworth
18	12 Kelly Road	Lot 5 DP 8387	Roy T Emerson & Colleen J Emerson
19	6 Kelly Road	Lot 2 DPS 6268	Stuart W Turner
20	1891 Cambridge Road	Lot 7 DPS 6268	Ross T Sperry & Vanessa A Sperry
21	1888 Cambridge Road	Part Allot 161 Hautapu PSH	Chartwell Developments LP
22	1886 Cambridge Road	Part Allot 161 Hautapu PSH	Jo-Ann W H Termaat & Steven J Walter
23	1866 Cambridge Road	Allot 160A Hautapu PSH	Te Awa Lifecare Village Limited
24	1832 Cambridge Road	Lot 1 DPS 12650	St Peters School Trust Board
25	1835 Cambridge Road	Lot 1 DPS 65222	Xiofeng Jiang & Liping Yang

ID#	Street Address	Legal Description	Owner
26	695 Grasslands Drive	Lot 6 DPS 87758	Tania M Ross
27	409 Grasslands Drive	Lot 2 DP 531178	GB Homestead Limited
28	397 Grasslands Drive	Lot 1 DP 531178	Colleen Ann Ritchie, Frank Thomas Ritchie, John Richard Coltman

Table 9: Properties excluded for purposes of public notification assessment

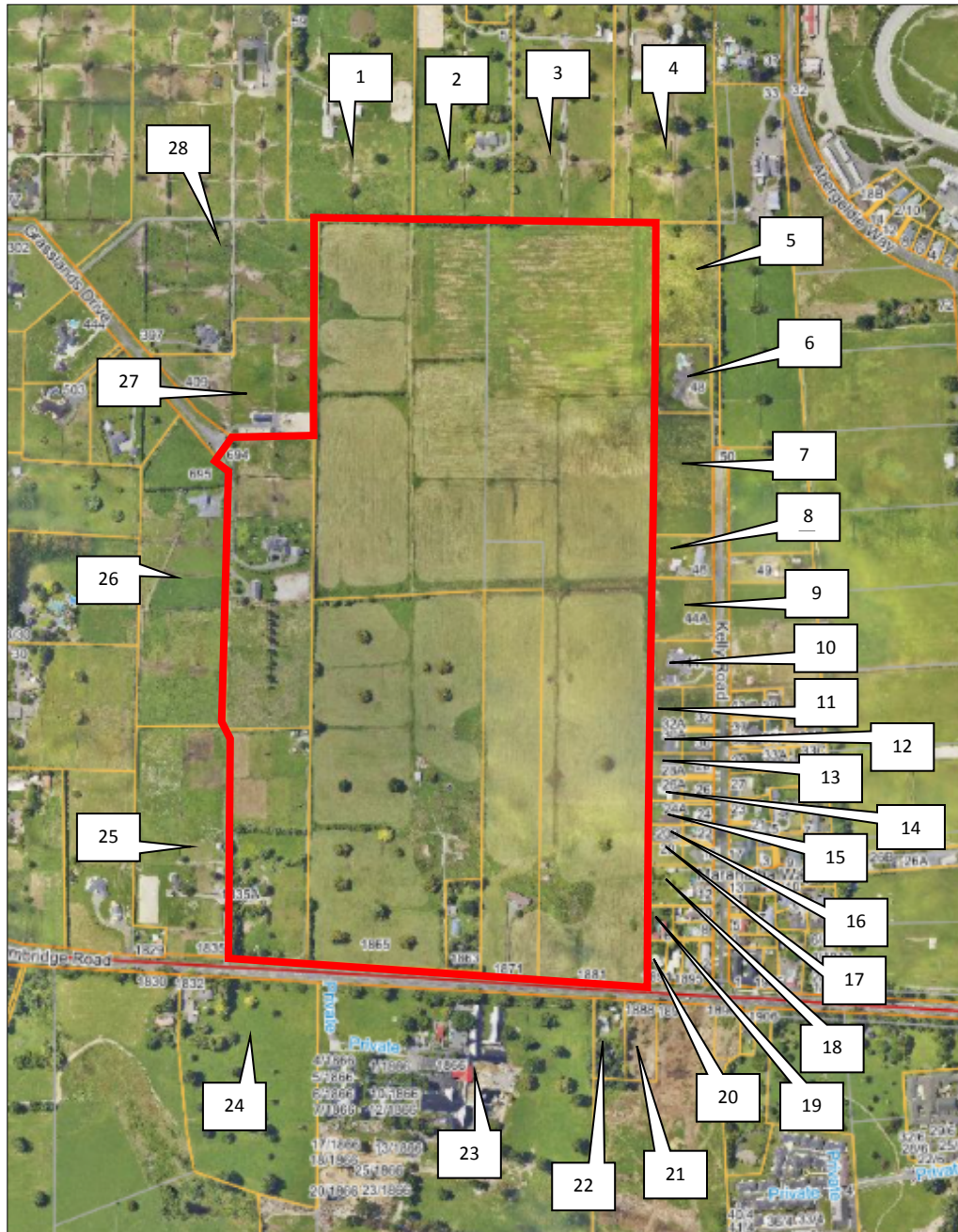


Figure 16: Adjacent properties map (Subject site highlighted in red)

No written approvals were provided with the application.

4.6 Assessment of Adverse Environmental Effects – Section 95D

Part 2 of the Act explains the purpose is to “*promote the sustainable management of natural and physical resources*”. In addition, it is noted the meaning of ‘effect’ is defined under the Act as:

*In this Act, unless the context otherwise requires, the term **effect** includes—*

- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*
- (d) any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
- (e) any potential effect of high probability; and*
- (f) any potential effect of low probability which has a high potential impact.*

With the definition of ‘effect’ in mind, it is considered appropriate to further examine the effects of the proposed activity relating to character and amenity, traffic, infrastructure and cultural effects. It is acknowledged some of these effects are temporary and directly related to the construction of the subdivision and future development.

A comprehensive assessment of effects is included in Section 5 of the application. In accordance with Section 42A(1A) and (1B) of the Act I wish to generally adopt the Applicant’s assessment and provide the additional commentary below.

4.6.1 Effects on character and amenity

The Act defines amenity values as “*those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*”. The Deferred Residential Zone retains a rule framework that reflects existing land use but recognises that the area is intended to evolve to residential use. The Residential Zone accommodates the Districts urban areas and considers bulk, existing environment, density, noise and the relationship between private and public spaces. Collectively these elements form the character of the area.

In terms of character and amenity, the proposed subdivision will change the function or use of the site from one characterised by rural activities to one that provides for urban development of the site. This change is one that is anticipated by both the current Deferred Residential Zone under the District Plan and essentially given effect to by the proposed uplifting of the deferred status and changing the zoning to Residential Zone, as well as the C2 Structure Plan that applies to the application site. Accordingly, the change in land use that the subdivision will enable is

considered to be aligned with the planned character and will generally result in less than minor effects in this regard.

The subdivision will provide for a range of residential lot sizes, varying from more compact (circa. 300m² – 350m²) to more standard (around 450m² – 600m²) and larger (900-1,000m²) parcels, together with provision for more comprehensive higher density residential development. The subdivision pattern and lot arrangement are logical and will enable development to establish a consistent character through clustering of densities. Council's consultant Urban Designer, Matt Riley, confirms that in his opinion the proposed lots are of a size, shape and frontage characteristic which will not give rise to adverse streetscape outcomes, and that there is sufficient diversity of lot size and shape to likely avoid adverse homogenous streetscape effects.

The proposal will also result in the establishment of a substantive network of open space and reserves that will provide significant amenity to future residents and visitors to the area. Council's Senior Reserves Planner, Anna McElrea, considers that the proposed location and position of the neighbourhood centre and reserve will result in a central amenity that is a positive outcome for the subdivision. Mr Riley also notes, from an urban design perspective, that the confluence of the neighbourhood park with the north-south connector road and the stormwater swales will contribute strongly to the legibility and character of the development.

I also note that most of the application site is currently subject to bulk earthworks provided for by resource consent LU/0166/20, in anticipation of the development of the site for residential purposes. The effects of that work were reviewed as part of that process and determined to be less than minor.

Overall, the adverse effects on the wider environment with regard to the character and amenity will be less than minor.

4.6.2 Effects on the roading network

Traffic and the effects on the roading network are an instrumental part of the District Plan direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities needs to ensure that the roading network can continue to function in a safe and efficient manner.

A transportation memorandum, effectively being an addendum to the ITA that was prepared for the previous application (SP/0179/20), prepared by Stantec and dated 15 September 2021 was included with the application. This assessment updates the original ITA to address the revised (current) proposal, and notes the following:

- The proposed subdivision is expected to contribute a little over one third of the total long-term residential trip generation expected within the C2 growth area, as well as the trips generated by the school. These demands will be ultimately distributed across the various points of access for the area. Long term demands are expected to be readily assimilated by the Structure Plan transport network.
- Based on indicative staging of the proposal, only a proportion (some 50%) of the generated demand is expected to be realised prior to the completion of the Cambridge Road roundabout and the central collector road.
- The staged implementation will allow for both 'Road 10' and 'Road 11' (which intersect with Cambridge Road east of the main collector road) are able to be safely and efficiently established.
- The proposal demonstrates alignment with the transportation objectives and goals of the Structure Plan.

Council's consultant Transportation Engineer, Cameron Inder, has reviewed the design and is supportive of the roading design and traffic assessment. Mr Inder confirms, in his opinion, that the proposal is in general accordance with the Structure Plan. Mr Inder notes that the proposal has addressed the fundamental concerns that arose in the consideration of the previous application, and confirms that in his opinion the proposed staging will minimise effects upon the transportation network, and that detailed design of the development will enable further mitigation of effects related to transport.

Overall, based on the analysis and advice of the Applicant's and the Council's transportation experts, it is concluded that any adverse effects on the roading network as a result of this proposal will be less than minor.

4.6.3 Effects on Infrastructure

How and where infrastructure occurs is critical to the suitability of a subdivision and the resulting use of the area. The infrastructure required for the development in the Residential Zone includes water supply, stormwater disposal, wastewater disposal, power and telecommunication connections.

An Infrastructure Report was provided with the application (Appendix F) which outlines the proposal for wastewater, water supply and stormwater disposal. This report confirms there is a workable design for each reticulation to ensure the development is serviced appropriately.

Council's Senior Development Engineer, Tony Coutts, has reviewed the Infrastructure Report and is supportive of the proposed infrastructure reticulation. Mr Coutts notes this is subject to

detailed design plans which can be submitted and managed via consent conditions, should consent be granted.

Overall, based on the technical reports provided with the application and Council's Development Engineering Team advice, it is my opinion that any adverse effects on infrastructure will be less than minor.

4.6.4 Cultural Effects

The proposal to develop this area has the potential to give rise to adverse effects on cultural associations with the land, and in particular on any importance that mana whenua may place upon this locality.

Ngaati Korokii Kahukura and Ngaati Hauaa are mana whenua of the wider Cambridge area. The Applicant has provided a Taangata Whenua Statement and Engagement Report prepared by Te Huia Natural Resources Ltd (Appendix C of the application) that reviews the proposal against the relevant iwi management plans and confirms that both iwi support the granting of consent subject to the recommendations made in that report.

On the basis of the position of support adopted by the relevant mana whenua, any adverse cultural effects arising from the proposal are considered to be less than minor.

4.6.5 Summary of Effects

Overall it is concluded that any adverse effects of the proposal will be less than minor. On this basis the adverse effects are below the more than minor threshold and the proposal does not require public notification.

4.7 Special Circumstances – Section 95A(9)

Council must publicly notify an application if it considers that special circumstances exist. In effect, special circumstances 'trumps' other notification provisions. Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. Special circumstances provide a mechanism for public notification of an application which may otherwise appear to be routine or uncontentious or minor in its effects.

The purpose of considering special circumstances requires looking at matters that are beyond the plan itself. The fact that a proposal might be contrary to the objectives and policies of a plan is not sufficient to constitute special circumstances. Special circumstances must be more than:

- where a Council has had an indication that people want to make submissions;
- the fact that a large development is proposed; and

- the fact that some persons have concerns about a proposal.

In this instance, the proposal is not considered to have unusual or exceptional circumstances warranting public notification.

In particular, I note that the Applicant has a separate application (Council reference SP/0179/20) for subdivision in relation to this site, and while the Council have made a decision to refuse that application, it remains 'live' in terms of that decision having been appealed to the Environment Court. Irrespective, this factor is not considered to constitute special circumstances that would warrant public notification of the subject proposal which has been assessed on its own merits; nor are there are no other aspects that would warrant public notification to occur.

4.8 Summary of Public Notification Assessment

Pursuant to Section 95A, the application has been assessed to determine if public notification is required. In this instance, and for the reasons outlined in Sections 4.1 to 4.7 above, it is not considered that the proposal warrants public notification. For this reason, the application is required to be assessed pursuant to Section 95B for limited notification.

5 ASSESSMENT FOR THE PURPOSES OF LIMITED NOTIFICATION

Pursuant to Section 95B(1), where a consent authority decides that public notification is not required under Section 95A of the Act, an assessment is required to determine whether limited notification of an application is required.

5.1 Affected Customary Rights or Marine Title Groups – Section 95B(2)

The property subject to this consent is not within a protected customary rights group area or a customary marine title area as defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

5.2 Statutory Acknowledgment Area – Section 95B(3)

The property subject to this consent is not within, nor adjacent to, a Statutory Acknowledgement Area.

5.3 Limited Notification Precluded in Certain Circumstances – Section 95B(6)

There are no rules in a National Environmental Standard or in the District Plan relevant to this proposal that preclude limited notification.

The application is not a controlled activity requiring consent under the District Plan.

There are no circumstances relevant to this proposal that preclude limited notification.

5.4 Assessment of adversely affected persons - Section 95E

Assessment is now required under Section 95B(8) to determine whether a person is an affected person in accordance with Section 95E. Under Section 95E, a person is an affected person if the consent authority decides that the activity's adverse effects on a person are minor or more than minor (but not less than minor).

The following provides an assessment of the adverse effects on the potentially affected persons.

5.4.1 Properties to the north (59 Racecourse Road, 1 – 5 Hunter Lane)

Adjacent to the northern boundary of the application site are four rural-residential properties, identified as properties 1 to 4 in **Figure 16**. Effects on these properties will be less than minor for the following reasons:

- In terms of any effects related to the site establishment and earthworks, these effects were previously considered as part of the bulk earthworks consent approved on the site and the proposal will not introduce any new effects in this regard;
- In terms of character and amenity effects, the subdivision will enable residential development to occur in a manner that is generally consistent with that anticipated by the Structure Plan (noting that the proposal seeks to establish a balance lot for future development immediately adjoining these properties). Implementing the Structure Plan in this regard is not considered to give rise to any effects upon the neighbouring receivers; and
- The proposed roading network and infrastructure aligns with that anticipated by the Structure Plan, particularly in the form of the north-south collector road that adjoins 59 Racecourse Road, and will not impede or obstruct future development that could be expected to occur on these sites.

5.4.2 Properties to the east (6 – 50 Kelly Road and 1891 Cambridge Road)

Adjacent to the eastern boundary of the application site are a number of predominately residential properties, identified as properties 5 to 20 in **Figure 16**. Effects on these properties will be less than minor for the following reasons:

- In terms of any effects related to the site establishment and earthworks, these effects were previously considered as part of the bulk earthworks consent approved on the site and the proposal will not introduce any new effects in this regard;
- In terms of character and amenity effects, the subdivision will enable residential development to occur in a manner that is generally consistent with that anticipated by the Structure Plan (noting that the proposal seeks to establish a balance lot for future development immediately adjoining these properties). Implementing the Structure Plan in this regard is not considered to give rise to any effects upon the neighbouring receivers; and
- The proposed roading network and infrastructure aligns with that anticipated by the Structure Plan and will not impede or obstruct future development that could be expected to occur on these sites. I note that the proposal will effectively combine two infrastructural components shown on the Structure Plan that connect to the east of the application site, being a local road connection and a stormwater channel / walking cycling connection. Council's Development Engineer has confirmed that these components can be combined in the manner proposed (being Lot 500 of the proposed scheme plan), and that this arrangement will not impact on the ability for future development of land to the east to be sufficiently serviced.

5.4.3 Properties to the south (1832 – 1888 Cambridge Road)

Adjacent to the southern boundary of the application site (south of Cambridge Road) are four properties, including the Te Awa Lifecare Retirement Village and land owned by the St Peters School Trust Board, identified as properties 21 to 24 in **Figure 16**. Effects on these properties will be less than minor for the following reasons:

- The assessment undertaken by Council's consultant Transportation Engineer has confirmed that the proposal will not adversely impact on the safe and efficient function of Cambridge Road, and the manner in which those properties are accessed. I note that the construction of the Cambridge Road roundabout intersection for the north-south collector road will necessitate works on the adjoining land and involve amendments to the Te Awa Lifecare site access. Those works are subject to property agreements with those parties, and are considered to technically fall outside of the scope of the application; and
- In terms of character and amenity effects, the subdivision will enable residential development to occur in a manner that is generally consistent with that anticipated by the Structure Plan (noting that the proposal seeks to establish a balance lot for future development immediately adjoining these properties). Implementing the Structure Plan in this regard is not considered to give rise to any effects upon the neighbouring receivers.

5.4.4 Properties to the west (1835 Cambridge Road, 397 – 695 Grasslands Drive)

Adjacent to the western boundary of the application site are four largely rural properties, identified as properties 25 to 28 in **Figure 16**. Effects on these properties will be less than minor for the following reasons:

- Effects related to the site establishment and earthworks are proposed to be managed through a Construction Management Plan that aligns with that established on the remainder of the application site (those works considered as part of the bulk earthworks consent approved on the site), with any adverse effects related to construction able to be appropriately avoided, remedied and mitigated in this regard;
- In terms of character and amenity effects, the subdivision will enable residential development to occur in a manner that is generally consistent with that anticipated by the Structure Plan (noting that the proposal seeks to establish a balance lot for future development immediately adjoining these properties). Implementing the Structure Plan in this regard is not considered to give rise to any effects upon the neighbouring receivers; and
- The proposed roading network and infrastructure aligns with that anticipated by the Structure Plan and will not impede or obstruct future development that could be expected to occur on these sites.

With regard to these receivers, the Council has received correspondence from Phil Lang, an environmental lawyer acting on behalf of the owners of 397 Grasslands Drive (Gareth Hawthorn and Frank and Colleen Ritchie). The letter from Mr Lang expresses his clients' position that they consider themselves an affected party in relation to the proposal, to the extent that they believe they should be served notice and afforded the opportunity to submit on the application. The reasons stated for considering themselves to be affected relate to the proposed staging of the application, with the vesting of the central road and services corridor forming part of Stage 2 of the proposal. Mr Lang states that staging the development in this manner has the potential to delay construction of the central access road from Cambridge and the central stormwater drainage system, and while road access to their land may be achievable within that central connection, stormwater management could be problematic before construction of the central stormwater drainage system.

While acknowledging Mr Lang's clients desire for timely delivery of infrastructure to enable development of their land, the way the Applicant has proposed to stage the subdivision does not, in my opinion, give rise to adverse environmental effects on the neighbouring land. The staging is set out in a logical manner and will enable the subdivision to be implemented in a way that aligns provision of infrastructure with developable land being realised. The overall layout of the

proposal has been designed in a manner that is generally consistent with the Structure Plan and provides for integration with future development on the adjoining land in a manner that can be anticipated by those landowners under the Structure Plan. Alternative and interim engineering measures are available to surrounding landowners should they wish to progress development on their properties prior to the permanent, public infrastructure being implemented.

5.4.5 Ministry of Education

The application site is subject to a designation in favour of the Ministry of Education, and there is the potential that the Minister could accordingly be considered an affected person by the proposal (noting that the Ministry also has rights as a requiring authority necessitating their separate approval under Section 176 of the Act for any works that that may prevent or hinder the purpose of their designation).

The proposal provides for the creation of the school site in line with the designated boundaries, and infrastructure to service that site. I therefore consider that the proposal will not adversely affect the Ministry of Education.

5.4.6 Summary of Assessment

Based on the above assessment, the proposal will not have adverse effects on the identified properties that are minor or more than minor. There will be some temporary effects associated with construction, however given their temporary nature, these are considered to have effects that will be less than minor. Overall, the adverse effects on persons are less than minor.

5.5 Special Circumstances – Section 95B(10)

Council must limited notify an application, to any other persons not already determined to be eligible for limited notification, if it considers that special circumstances exist in relation to the application.

Special circumstances have been defined as circumstances that are exceptional, abnormal or unusual but may be less than extraordinary or unique. Special circumstances provide a mechanism for limited notification of an application which may otherwise appear to be routine or uncontentious or minor in its effects.

In this instance, the proposal is considered not to have exceptional, abnormal or unusual circumstances warranting limited notification. In coming to this conclusion, I have had regard to the fact that there is a previous application for subdivision of this land which was limited notified to neighbouring parties (that application having been declined and currently subject to appeal), and that those parties considered adversely affected by that proposal would have a significant

interest in this application. This fact does not, however, warrant the proposal being limited notified to those parties on this basis alone; and having assessed this application on its own merits, I consider there to be no special circumstances that would warrant special circumstances being applied.

5.6 Summary of Limited Notification Assessment

Pursuant to Section 95B, the application has been assessed to determine if limited notification is required. In this instance, and for the reasons outlined in Sections 5.1 to 5.5 above, it is not considered that the proposal warrants limited notification.

6 SECTION 95 A & B NOTIFICATION RECOMMENDATION AND DECISION UNDER DELEGATED AUTHORITY

Pursuant to Section 95 A & B of the Resource Management Act 1991, resource consent application SP/0148/21 for a non-complying activity shall proceed on a **non-notified** basis for the reasons outlined in this report.

Reporting Officer:



Aidan Kirkby-McLeod

Project Planner

Dated: 8 October 2021

Approved By:



Quentin Budd

Consents Team Leader

Dated: 8th October 2021