

BEFORE THE HEARING COMMISSIONER

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a subdivision to create 242 residential lots within the C2 Growth Cell, and associated lots for public assets by 3MS OF CAMBRIDGE GP LIMITED (SP/0179/20)

STATEMENT OF EVIDENCE OF MARK BULPITT CHRISP

(PLANNING)

Dated: 11 May 2021

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 **M** +64 21 471 490

Office Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

EXECUTIVE SUMMARY

1. 3Ms has played a leading and pivotal role in the planning processes that have led to the current planning regime in the Waipa District Plan relating to the C1 and C2/C3 Growth Cells.
2. The nature and location of infrastructure within the C1 and C2/C3 Growth Cells has been, and will continue to be, in a constant state of flux unless and until Council designates and/or purchases the land required for those public assets.
3. The current application by 3Ms is for a subdivision consent, nothing else.
4. The proposal is to be assessed as a Non-complying Activity. It is important to recognise that the Non-complying Activity status is largely just a matter of timing. All subdivisions within a Deferred Zone (aside from boundary adjustments) are classified as a Non-complying Activity. The activity status is being amended by Plan Change 13, which is rezoning the 3Ms site to Residential Zone whereby the Residential Zone provisions will apply once Plan Change 13 is operative (wherein the current subdivision consent application, if advanced following Plan Change 13 becoming operative, would be a Restricted Discretionary Activity).
5. Based on the issues raised, and the analysis and conclusions reached in the section 42A report (and the submissions), there is essentially only one issue associated with the proposal advanced by 3Ms. The issue is the extent of, and any effects of, the differences in the proposal compared to what is shown on the Structure Plan (referred to by Mr Bachelor as 'variations').
6. It is my understanding that Mr Batchelor considers some or all of those variations to be significant adverse effects. I do not agree with that assessment. The absence from the 3Ms proposal (or their proposed relocation elsewhere) of various features shown on the Structure Plan

could only be regarded as causing an adverse effect on the environment is there was no feasible alternative (other than being located on 3Ms land as shown in the Structure Plan). That is simply not the case in the C2 Growth Cell.

7. The 3Ms alternative "Structure Plan" layouts demonstrates that the north/south infrastructure can be achieved by locating it slightly to the west. The evidence of Mr McCaffrey demonstrates that the infrastructure could be located within a 400m area through the growth cell without compromising the outcomes of the Structure Plan. In moving these assets slightly to the west, it is still in general accordance with the Structure Plan. Furthermore, the evidence of Mr McCaffrey and Mr Smith confirms that the alternative layout will result in a range of better outcomes. Such a situation cannot, in my opinion, be sensibly regarded as causing an adverse effect, let alone a significant adverse effect.
8. The same analysis applies to the provision of sports fields. There is no reason why sports fields (if required) cannot be located elsewhere within the C2 Growth Cell if Council does not purchase land from 3Ms for that purpose.
9. The environmental effects of any alternative spatial layout of the north/south infrastructure corridor on any landowner to the west (assuming Council pursues the alternative layout suggested by 3Ms) are little or no different to the overall effects of the corridor being on the 3Ms land. The effects of the corridor (wherever it is ultimately located) will be fully mitigated by compensation paid by the Waipa District Council through the land acquisition process.
10. There have been occasions where the Waipa District Council has accepted proposals to develop in a manner not in accordance with an approved Structure Plan. Council itself has also sought to move the infrastructure from what is strictly proposed in a Structure Plan.

11. To be clear, Council has done nothing wrong in granting consent or pursuing these proposals which are a departure from the relevant Structure Plan. The Waipa District Plan provides the opportunity to do so (as a Discretionary Activity) and such proposals need to be considered on their merits. The same applies to the current subdivision consent application by 3Ms.
12. While the proposal only needs to pass one of the two gateway tests in accordance with section 104D of the RMA, I consider that the proposal passes both gateway tests and is therefore able to be considered under section 104 of the RMA.
13. Based on my evidence (and the evidence of other witnesses for 3Ms), it is my opinion the effects of the proposal are mostly positive and any adverse effect on the environment will be less than minor.
14. The proposal is consistent with the relevant objectives and policies of the Vision and Strategy for the Waikato River, NPS-UD, the Waikato RPS and the Waipa District Plan.
15. In my opinion, the proposal is in accordance with Part 2 of the RMA.

INTRODUCTION

16. My full name is Mark Bulpitt Chrisp.
17. I have been engaged by 3Ms of Cambridge GP Limited ("**3Ms**") to provide resource management and planning advice in respect of the application by 3Ms to subdivide its property on Cambridge Road (referred to as "**the Application**" or "**the proposal**").
18. The Resource Consent Application and the Assessment of Environmental Effects ("**AEE**") was prepared by my colleague, Abbie Fowler, and I (along with others) peer reviewed those documents before they were lodged

with Waipa District Council.

19. I have prepared this statement of evidence at the request of 3Ms.
20. In preparing this evidence I have read the Council's section 42A report prepared by Mr Mark Batchelor and, at the time of drafting this evidence, the draft evidence that will be presented by other witnesses to be called by 3Ms, namely Mr Liam McCaffrey (Three Waters / Engineering), Mr Mark Apeldoorn (Transportation) and Mr Stuart Mackie (Urban Design).
21. In addition to the section 42A report, I have reviewed:
 - (a) The plans that have been prepared by 3Ms following the lodgement of the Application; and
 - (b) Submissions made with respect to the Application.
22. I note that I have visited the 3Ms site on numerous occasions.

Qualifications and Experience

23. I am a Director and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016). I am currently serving as the Chairman of the Board of Mitchell Daysh Ltd.
24. In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social

Sciences in understanding the educational, professional and research needs of planners.

25. I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 30 years' experience as a Resource Management Planning Consultant.
26. I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.
27. I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.
28. I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the Expert Planning Witness for the Hawke's Bay Regional Investment Company Ltd's proposed Ruataniwha Water Storage Scheme).
29. I have been heavily involved in planning processes focusing on the growth and development of Cambridge over the last three decades. This has included:
 - (a) Assisting Transit New Zealand (now Waka Kotahi) determining the route for the State Highway 1 Bypass of Cambridge (now constructed as part of the Waikato Expressway);
 - (b) Preparing submissions in relation to the initial development of the Waipa District Growth Strategy ("**Waipa 2050**"). This included a submission on behalf of the previous landowners of the land the subject of the current Application by 3Ms which resulted in the land to the west of the Cambridge Greenbelt north of the Waikato River being identified for future residential development;

- (c) Preparing submissions (on behalf of a range of clients) in relation to every Proposed Waipa District Plan prepared under the Resource Management Act 1991 (“**RMA**”);
- (d) St Kilda Residential Development – including rezoning the land for residential purposes by way of a Private Plan Change to the Waipa District Plan, and various resource consents including, most recently, for eight residential apartments;
- (e) Rezoning 56 hectares of land at Hautapu (by way of a Private Plan Change) to create the Bardowie Industrial Precinct, facilitating the relocation of APL to Cambridge;
- (f) Securing resource consents for a range of developments in Cambridge including:
 - i) Countdown Supermarket
 - ii) Mobil Service Station
 - iii) Cambridge Medical Centre
 - iv) Professional Farm Services
 - v) Shaws Wire Ropes
- (g) Fonterra Hautapu (various land use consents and regional consents for takes and discharges);
- (h) Assisting Waipa District Council in relation to the preparation of a Structure Plan for the C4 Growth Cell;
- (i) Securing resource consents from Waikato Regional Council for Waipa District Council to be able to discharge stormwater from the

C1 and C2/C3 Growth Cells (and an associated outfall structure to the Waikato River);

- (j) Submissions on Plan Changes 5 and 7 to the Waipa District Plan (the latter relating specifically to the C1 and C2/C3 Growth Cells);
- (k) A submission on Plan Change 13 to the Waipa District Plan; and
- (l) A compact housing development on Coleridge Street in Leamington (which is advancing to a hearing on 17 May 2021).

CODE OF CONDUCT

30. I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would do so when giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Scope of Evidence

31. In my evidence I will:
- (a) Provide an overview of the planning background and history associated with the 3Ms site, and the wider area;
 - (b) Provide a description of the proposal;
 - (c) Identify the relevant matters in the RMA in relation to which the proposal is to be assessed against:
 - (d) Summarise the environmental effects of the proposal;
 - (e) Summarise and comment on the provisions of the various policy and planning documents of relevance to the proposal;

- (f) Provide an assessment of the proposal in relation to the C1 and C2/C3 Structure Plan;
- (g) Set out my assessment of the proposal against the requirements of sections 104D and 104 of the RMA;
- (h) Address matters raised in the section 42A report;
- (i) Address the matters raised in the submissions; and
- (j) Present an overall conclusion.

PLANNING BACKGROUND AND HISTORY – WAIPA 2050, PLAN CHANGE 7 AND THE DEVELOPMENT OF THE C1 AND C2/C3 STRUCTURE PLAN

Waipa 2050

32. I was involved in the preparation of the original Waipa 2050 Growth Strategy on behalf of Grantchester Farms Ltd (the developers of the St Kilda Residential Area) and the previous owners of the land which is now owned by 3Ms in the C2 Growth Cell (and the subject of this hearing). At that time, in addition to getting the St Kilda Residential Area recognised within the ambit of the Growth Strategy, I achieved the recognition of the residential development potential of the land to the west of the Cambridge Greenbelt which now forms the C2/C3 Growth Cell. This formed part of an overall vision for Cambridge that would result in a more compact shape centred around, and radiating out from, the Cambridge CBD, and which also recognised the influence of Hamilton to the north-west and associated transportation linkages.

Plan Change 7

33. Plan Change 7 to the Waipa District Plan was publicly notified on 9 November 2017 and sought to rezone the C1 and C2/C3 Growth Cells identified in Waipa 2050 from Rural Zone to predominantly Deferred Residential Zone along with some areas to be zoned Deferred Commercial

documents, including a Stormwater Report¹. This report describes the preferred method for managing stormwater including:

An open channel “trunk” system to drain C1, C2 and C3 to the Waikato River that will serve the majority of the cells and drain existing flood hazard areas.

36. The following figure is from the Stormwater Report (included as part of the notified version of Plan Change 7), which shows a significantly different stormwater layout to that which was eventually adopted.

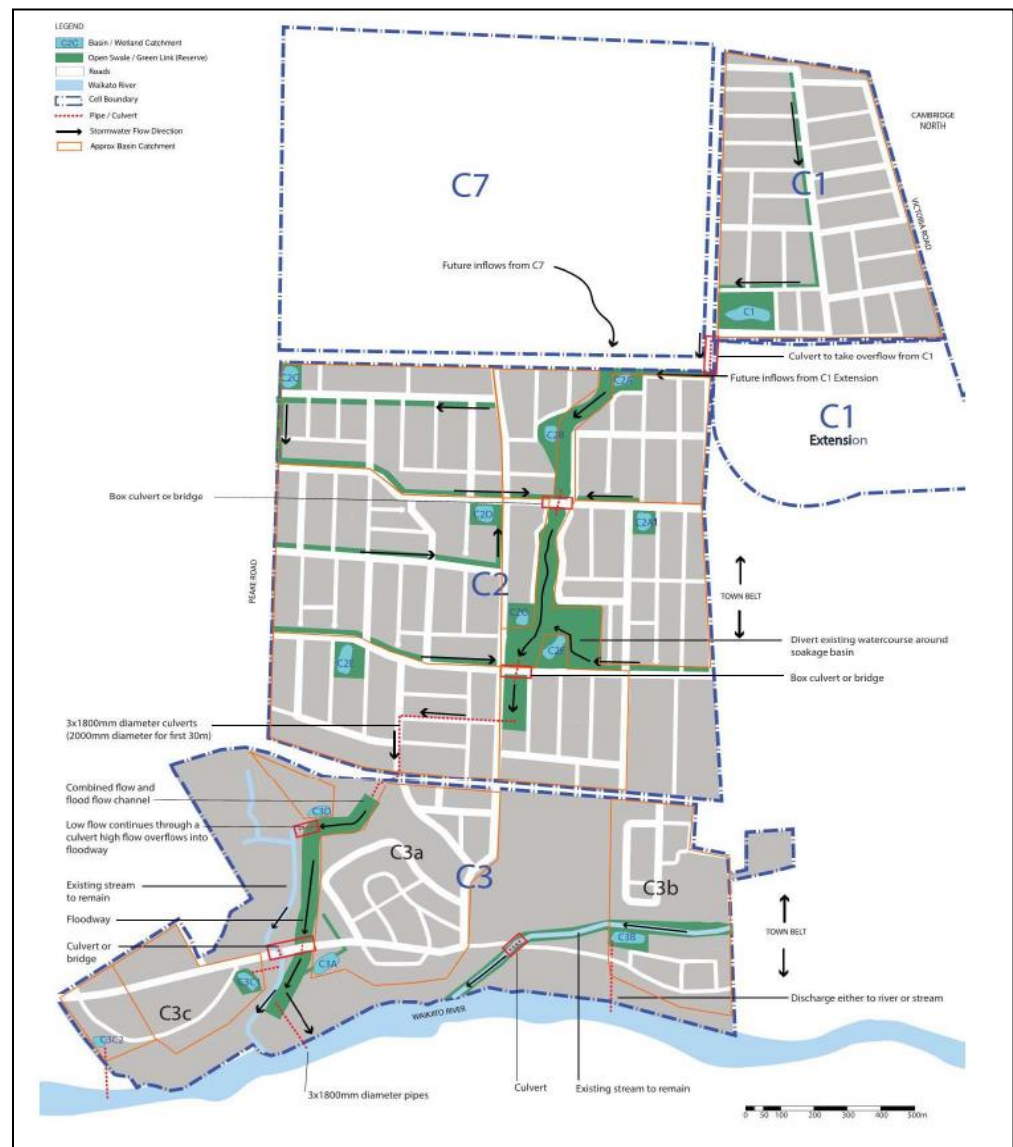


Figure 2. Stormwater Layout: Beca 2017

¹ Cambridge C1 and C2/C3 Structure Plans; Stormwater Report, Beca 2018.

37. Plan Change 7 was also supported with various figures showing the land use pattern. As notified, the Structure Plan did not include sports fields nor the school site. I note that I have reviewed documentation relating to Plan Change 7 and can find no evidence that sports fields were required in this in the Structure Plan area to service the growing Cambridge area.



Figure 3. C2/C3 Land Use Pattern Plan: Source Beca 2017

38. The stormwater management approach was refined through the Plan Change 7 process, which was largely driven by 3Ms. Following the

notification of Plan Change 7, 3Ms advised Council that, based on further engineering work and analysis regarding stormwater management options for the C1 and C2/C3 Growth Cells, 3Ms had identified significant practical barriers to the implementation of the proposed stormwater infrastructure as set out in the notified Structure Plan, and had identified a series of alternative and refined infrastructure solutions which it intended to advance via the Plan Change 7 submission process. 3Ms prepared an alternative Structure Plan to replace the notified version.

39. The 3Ms proposed updated structure plan is shown in the following figure.

- (d) Additional areas of piped stormwater conveyance from the C1 Growth Cell rather than being conveyed via an open channel;
 - (e) Conveying the stormwater through the centre area of the C3 Growth Cell via a piped system, rather than an open channel via the C3 Stream (to the west); and
 - (f) Additional areas of large lot residential.
41. The legal submissions of Mr Muldowney (on behalf of 3Ms) for the Plan Change 7 hearing described some of the challenges with development within the C2 Growth Cell as follows:
- 16. The C2 growth cell is comprised of more than 30 individual certificates of title, which are owned by multiple parties. 3Ms is the largest single property owner, with holdings of approximately 40 ha. Some individual landowners have holdings no greater than 2,000 m². Many of the individual properties within the C2 growth cell have been developed as rural residential lifestyle properties, with significant capital improvements. In this respect, the C2 growth cell cannot be considered a greenfields development site. Rather, it must be recognised as a brownfields development site, with existing development, infrastructure, and capital improvements which will impact on the overall feasibility of development within the growth cell.
 - 17. PC7 has little recognition of these characteristics of the existing environment. PC7 sets overall residential density targets of 12 – 15 lots per hectare. However, there is no provision made for any adjustment to these density targets on sites which are subject to these existing developments. It is unclear whether other development sites will be required to absorb the density requirement in order to offset the lack of density offered by these existing developments.
-
- 19. As another example of a brownfield constraints, the structure plans prescribes the location of collector roads and indicative local roads. However, there are a number of examples where these public spaces intersect, or encroach on existing brownfield developments. **Unless Council is prepared to step in, either through designation or other means, and deliver this public infrastructure, there is a strong chance it will not be delivered in accordance with the structure plan.** (emphasis added)
42. Largely as a result of the 3Ms submission on Plan Change 7, the C1 and

C2/C3 Structure Plan was developed into that which is now appears in the Waipa District Plan.

43. The location of the north-south roading and stormwater corridor (“**the corridor**”) is not constrained within the C2 Growth Cell for any resource management reason(s). The location of the infrastructure can be altered and still achieve its intended purpose (which is primarily connectivity at each end and along the way). The ability to move the infrastructure within the Structure Plan area from an engineering perspective is discussed in the evidence of Mr McCaffrey.
44. In summary, there was, and remains, no resource management reason that necessitated the corridor to be located on the 3Ms property. There is no requirement in the Waipa District Plan that infrastructure be provided for exactly in the manner shown in a Structure Plan.
45. Similarly, based on my review of the Plan Change 7 documentation, there was no evidence or analysis presented that demonstrated that sports fields were required. Rather, the inclusion of sports fields in the Structure Plan was as a result of the 3Ms submission seeking to not foreclose the option of having sports fields in this area.
46. Rule 15.4.2.69 in the Waipa District Plan requires that:

All development and subdivision within an area subject to an approved structure plan, development plan or concept plan shall be designed in general accordance with the requirements of that structure plan, concept plan or development plan. (emphasis added)
47. Furthermore, as will be discussed later in my evidence, Rule 15.4.2.69 in the Waipa District Plan also provides a Discretionary Activity process for the consideration of any changes that are not considered to be in “general accordance” with a Structure Plan.

Plan Change 13

48. The Waipa District Plan currently includes the provision for the “uplifting” of the deferred status of a zone through the resource consent process and/or via a Council resolution following the approval of a Structure Plan.
49. For the C1 and C2/C3 Growth Cells, the uplift of the deferred status of the zone required (as a pre-requisite) a stormwater discharge permit to be granted by the Waikato Regional Council. This occurred in early 2020 (I was involved in obtaining these consents on behalf of the Waipa District Council).
50. However, rather than uplifting the deferred status of the land in the C1 and C2/C3 Growth Cells through the resource consent process and/or via a Council resolution, Council has notified Plan Change 13 to the Waipa District Plan which, if approved², will result in 3Ms land being Residential Zone.
51. In relation to Plan Change 13, Mr Batchelor states³:
- Reference to the planning maps provided in PC13 (particularly Map 4) shows the sports fields and stormwater reserve are retained and provided for as Reserve Zoned areas on the C2 structure plan. This results in a reasonable expectation that they will be provided.
52. I do not agree that a “reasonable expectation that they will be provided” (at least in the specific locations shown on the maps). Any plan change is subject to a full notification and submissions process that has the ability to substantially change details of this nature to that which is notified (as evident by my discussion in relation to Plan Change 7).
53. 3Ms has lodged a submission on Plan Change 13 supporting the intent of

² This being an outcome that can have little doubt associated with it, in my opinion, based on the high level of support (and no opposition) in the submissions lodged in relation to Plan Change 13.

³ At paragraph 13.3.6 of the section 42A report.

the plan change (particularly the rezoning of its land to Residential Zone) but seeking that all areas zoned Reserve Zone shown on the notified planning maps be removed and the entire 3Ms site be zoned Residential Zone.

THE PROPOSAL

54. 3Ms owns approximately 40 hectares of land on the northern side of Cambridge Road (opposite Te Awa Lifecare Retirement Village) within the C2 Growth Cell.

55. 3Ms lodged a subdivision consent application and AEE to subdivide its land in December 2020 following a lengthy (and unsuccessful) negotiation process with the Waipa District Council regarding the acquisition of the north/south infrastructure corridor and land for sport fields (totalling 13 hectares). The nature of these negotiations is discussed in Mr Smith's evidence, and Appendix C of the AEE presents a significant amount of correspondence between 3Ms and Waipa District Council relating to the acquisition of 3Ms land.

56. The subdivision consent application seeks to subdivide four existing lots, to create:
 - (a) 242 residential lots;

 - (b) A super lot for a retirement village (Lot 300);

 - (c) Commercial centre;

 - (d) Future residential development super lot / balance lot (Lot 306);

 - (e) Super lot (Lot 307) potentially to be used for high density residential development;

 - (f) School site (Lot 310);

- (g) Roads to vest; and
 - (h) Local purpose reserves.
57. The approach taken in developing the proposal (and the nature of the Application) included:
- (a) Only applying for subdivision consent. Not applying for land use consent at the same time as the subdivision was considered to be appropriate as the Rural Zone / Deferred Zone rule framework does not provide an appropriate planning framework for the assessment of the 3Ms proposal. Any land use consents required will be applied for at a later date when Plan Change 13 has been made operative.
 - (b) Providing an assessment regarding how the 3Ms subdivision is consistent with the outcomes and objectives which the C1 and C2/C3 Structure Plan seeks to achieve.
 - (c) Given that the 3Ms proposal did not include the north / south public infrastructure corridor within its site, the project team considered that there was an onus on 3Ms to show how the balance of the Structure Plan area could be developed alongside the 3Ms proposal (including the provision of public infrastructure). In that regard, within the AEE there are illustrative alternative “Structure Plans” that show one possible alternative layout of the C1 and C2/C3 Growth Cells, and therefore demonstrate that the 3Ms proposal does not frustrate the achievement of the outcomes the Structure Plan seeks to achieve.
 - (d) Present indicative housing typologies to provide the Waipa District Council with an overview of the nature of the residential development proposed within the subdivision.

- (e) Provide transparency as to the Rural Zone / Deferred Zone and the Residential Zone land use rules that would not be complied with if land use consent was being sought concurrently.
 - (f) Suggest parties that could be limited notified of the application to make them aware of the potential implications for their land. This included 3Ms engaging with the parties identified in the AEE to assist the Waipa District Council in locating the north/south public infrastructure corridor on these properties if desired by Council.
 - (g) Seeking written approval from the landowners to the west of the 3Ms site to provide a degree of certainty to Waipa District Council regarding the potential to locate the north/south public infrastructure corridor on those properties.
 - (h) Provide details of the correspondence between 3Ms and Waipa District Council relating to the land acquisition process to demonstrate that 3Ms had been attempting to work with the Waipa District Council regarding the purchase of its land.
58. Of particular note, the application does not (nor can it) seek resource consent for changes to the C1 and C2/C3 Structure Plan. Changes to the Structure Plan can only be made via a Proposed Change to the Waipa District Plan. As previously discussed, the rule framework of the Waipa District Plan requires subdivision and development to be in “general accordancy” with an approved Structure Plan. If a proposal is not in general accordancy with a Structure Plan, then resource consent is required to be obtained as a Discretionary Activity. In that regard, the Waipa District Plan provides the ability for a subdivision or development to be approved and undertaken in a manner that is not in “general accordancy” with an approved Structure Plan including in relation to the location of infrastructure shown on a Structure Plan.
59. 3Ms has slightly amended the application following the lodgement of the

resource consent application. The application, as notified, did not include a local road connection to the east of the site.

60. Following concerns being raised by the Waipa District Council and Mr Batchelor, 3Ms formally amended the application to provide a local road connection. For clarity, this connection is circled in the figure below. I note the Scheme Plan shows this area as local purpose reserve to vest, however the dimensions of the reserve area lot are sufficient for the proposed local road.

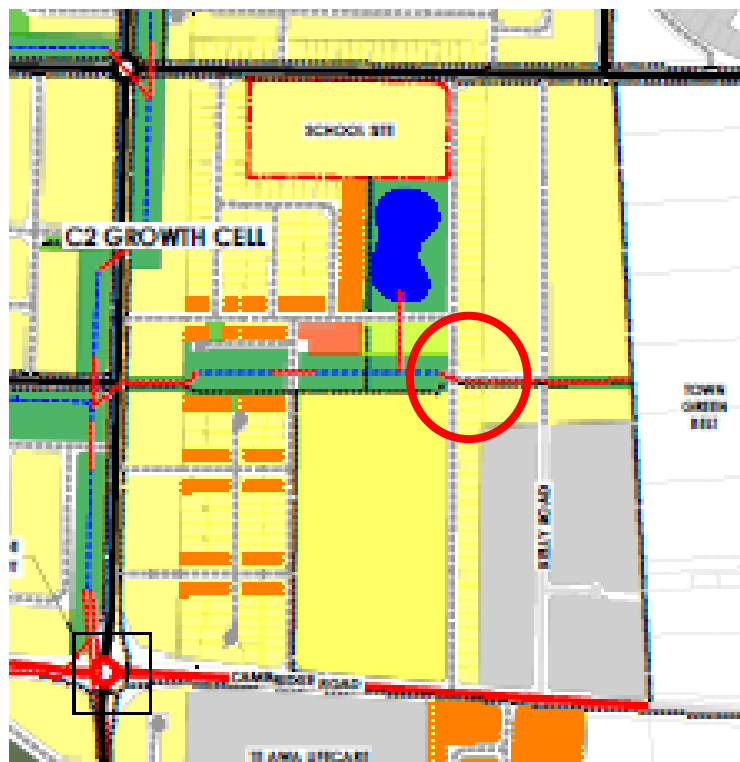


Figure 5. Proposed Local Road Connection

61. This has been the only amendment to the application prior to the release of the s42A report.
62. Included as **Attachment A** to my evidence is a set of revised Scheme Plan drawings that remove the reference to staging as 3Ms is no longer proposing any staging as part of its development. It is my understanding that the demand for sections in Cambridge is such that any staging would be largely redundant and would not serve the interests of the community.
63. The Scheme Plans in **Attachment A** form part of the proposal. These

drawings supersede and replace the Scheme Plan drawings that have been previously provided to Council.

64. As detailed in the evidence of Mr Smith and Mr McCaffrey, 3Ms has refined the proposed illustrative layout further as shown in the following figure, partly in response to the submissions on this application. This drawing provides further illustration as to how the C1 and C2/C3 Structure Plan area can be developed alongside the 3Ms proposal.

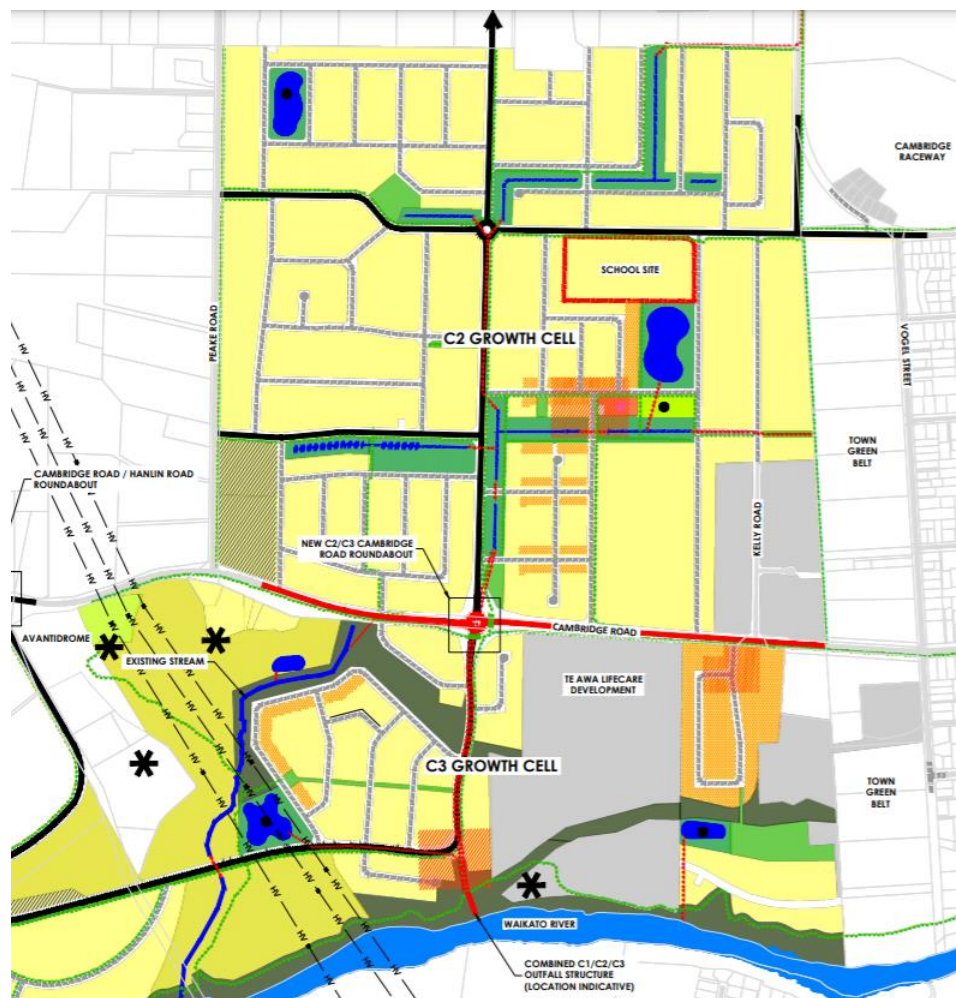


Figure 6. 3Ms Refined Alternative Structure Plan Layout

RMA STATUS OF APPLICATION

65. The AEE and section 42A report have set out the various rules in the Waipa District Plan which apply to the proposal and, in the interests of

brevity, I do not repeat that analysis here.

66. By way of summary, I agree with the assessments of the applicable rules and that, overall, the proposal is to be assessed as a Non-complying Activity.
67. It is important to recognise that the Non-complying Activity status is largely just a matter of timing. All subdivisions within a Deferred Zone (aside from boundary adjustments) are classified as a Non-complying Activity. The activity status is being amended by Plan Change 13, which is rezoning the 3Ms site to Residential Zone whereby the Residential Zone provisions will apply once Plan Change 13 is operative (wherein the current subdivision consent application, if advanced following Plan Change 13 becoming operative, would be a Restricted Discretionary Activity).
68. As a Non-complying Activity, the proposal must satisfy one of the two gateway tests of section 104D of the RMA, as follows:

104D Particular restrictions for non-complying activities

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of ... the relevant plan...

69. If the proposal passes through either of the section 104D gateways, it then needs to be assessed in accordance with section 104 which states:

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
- (a) any actual and potential effects on the environment of allowing the activity; and

(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; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

70. The next sections of my evidence summarise the environmental effects of the proposal and my assessment of the relevant policy and planning documents, before then assessing the proposal against the statutory tests, starting with section 104D.

ACTUAL AND POTENTIAL EFFECTS

71. Section 5 of AEE addresses the following actual or potential effects of the proposal:

(a) Positive effects;

(b) Character and amenity effects;

(c) Transportation effects;

(d) Servicing related effects; and

(e) Potential effects related to changes in the Structure Plan spatial layout.

72. I address each in turn.

Positive Effects

73. The AEE identifies a range of positive effects that will arise from the proposal under the following headings⁴:
- (a) Delivery of residential sections to market;
 - (b) Diversity of residential sections;
 - (c) Support local jobs;
 - (d) Provide the community a new school;
 - (e) Increase community wellbeing; and
 - (f) Provision of a playground.
74. The evidence of Mr Smith also discusses the benefits / positive effects of the proposal.

Character and Amenity Effects

75. As set out in the AEE, the proposed subdivision is considered to positively contribute to the character and amenity of the area and plays an important part in ensuring the character and amenity of the future residential development that is anticipated at the site, as set out in the C1 and C2/C3 Structure Plan.
76. I note that it appears that no party is debating the merits of the core components of, and the appropriateness of, the 3Ms development itself. Rather, the issues that have been raised are in relation to the potential location of the north/south infrastructure corridor and the sports fields

⁴ Please refer to Section 5 of the AEE for more detail.

not being within the 3Ms development.

Transportation Effects

77. The transportation effects of the proposal are discussed in the evidence of Mr Apeldoorn. He concludes that subject to the changes to Cambridge Road and the conditions proposed by the applicant, the subdivision can be appropriately integrated into the existing and planned future transport network.

Servicing Related Effects

78. As detailed in the AEE and in the evidence of Mr McCaffrey, the site can be appropriately serviced.
79. The key difference between the 3Ms proposal and the Structure Plan approach to managing stormwater is that all stormwater generated from the 3Ms development will be managed within the 3Ms land (via soakage) rather than being reliant on a direct discharge to the Waikato River via the north/south public swale system. The benefits of this aspect of the proposal are discussed in the evidence of Mr McCaffrey.

Potential Effects relating to Changes in the Structure Plan Spatial Layout

80. The matter of “variations” to the Structure Plan is discussed throughout the section 42A report. It is my understanding that Mr Batchelor considers some or all of those variations to be significant adverse effects⁵. I do not agree with that assessment. The absence from the 3Ms proposal (or their proposed relocation elsewhere) of various features shown on the Structure Plan could only be regarded as causing an adverse effect on the

⁵ For example, at paragraph 3.21, 7.3.2(iii), and 9.4.9.

environment is there was no feasible alternative (other than them being located on 3Ms land as shown in the Structure Plan). That is simply not the case in relation to the C2 Growth Cell.

81. 3Ms alternative layout demonstrates that the north/south infrastructure can be achieved by locating it slightly to the west. In doing so, it is still in general accordance with the Structure Plan (a matter I will return to later in my evidence). Furthermore, the evidence of Mr McCaffrey and Mr Smith confirms that the alternative layout will result in a range of better outcomes. Such a situation cannot, in my opinion, be sensibly regarded as causing an adverse effect, let alone a significant adverse effect.
82. Mr McCaffrey has identified a corridor 400 metres in width in which the north/south public infrastructure corridor could be located without compromising the outcomes sought in the Structure Plan.
83. The same applies in relation to the provision of sports fields. There is no reason why sports fields (if required) cannot be located elsewhere within the C2 Growth Cell if Council does not purchase land from 3Ms for that purpose.
84. The environmental effects of any alternative spatial layout of the north/south infrastructure corridor on any landowner to the west (assuming Council pursues the alternative layout suggested by 3Ms) are little or no different to the effects of the corridor being on the 3Ms land. The effects of the corridor (wherever it is ultimately located) will be fully mitigated by compensation paid by the Waipa District Council through the land acquisition process.

PROVISIONS OF RELEVANT POLICY AND PLANNING DOCUMENTS

85. Both the AEE and the Section 42A report identify the statutory policy and planning documents that apply to this proposal, as follows:

- (a) Vision and Strategy for the Waikato River;
- (b) National Policy Statement on Urban Development;
- (c) Waikato Regional Policy Statement; and
- (d) Waipa District Plan.

86. I address each of these documents in turn.

Vision and Strategy for the Waikato River

87. The subdivision of land has no adverse effects on the Waikato River. While the subdivision will enable a range of land uses (mostly residential), that activity will either be in accordance with permitted activity rules in the Waipa District Plan (following Plan Change 13 becoming operative) or by way of a Land Use Consent being granted by Waipa District Council. The latter will provide for an assessment of the effects of any land uses in relation to the Vision and Strategy.
88. The main aspect of the future residential development of the land in the C2 Growth Cell of relevance to the Vision and Strategy is the discharge of stormwater. In that regard, Waipa District Council has already secured a resource consent authorising the discharge of stormwater from the C1 and C2/C3 Growth Cells to ground and to the Waikato River. The proposal advanced by 3Ms will result in less stormwater (and associated contaminants) ending up in the Waikato River, which is a positive effect compared with the outcome that would be achieved if the stormwater solution in the Structure Plan was pursued.

National Policy Statement on Urban Development

89. The AEE⁶ provides a detailed assessment of the proposal in relation to the National Policy Statement on Urban Development (“**NPS-UD**”). Mr Batchelor concurs with that analysis⁷.
90. For brevity, I do not repeat that analysis here, apart from to reiterate that Objective 2 of the NPS-UD is fundamental to this application:

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

91. Suffice to say, the 3Ms proposal will make a significant contribution to Waipa District Council being able to meet its obligations under the NPS-UD, and in doing so, help meet the very real demand for houses in Cambridge. This, along with the other benefits discussed in the evidence of Mr Smith, represents a very significant positive effect associated with the proposal.

Waikato Regional Policy Statement

92. The Waikato Regional Policy Statement (“**RPS**”) was made operative before the NPS-UD (or its predecessor) came into effect. A detailed analysis of the proposal in relation to the relevant provisions of the RPS is presented in the AEE⁸.
93. Mr Batchelor considers that the proposal may be inconsistent with the provisions of clause (c) of Objective 3.12. This clause seeks to ensure that land use and infrastructure be integrated. I do not agree that the proposal is inconsistent with this provision. The AEE and the evidence of Mr McCaffrey and Mr Apeldoorn confirm that the site can be serviced

⁶ At Section 6.5.2.3.

⁷ At paragraph 13.5.1 of the section 42A report.

⁸ At Section 6.5.2.4.

with appropriate infrastructure provision in a manner that integrates with the wider area. In addition, the 3Ms development does not frustrate or prevent any other infrastructure being constructed within the Structure Plan area.

Waipa District Plan

94. In my opinion, the key objectives and policies of the Waipa District Plan are those that relate to the Deferred Zone. The main objective and policy are as follows:

Objective - Deferred Zoning

- 14.3.1 Land intended for conversion from its current land use to an alternative land use in order to respond to growth demands is clearly identified, occurs in a planned manner, and its resources are protected for its anticipated future use.

Policy - Land subject to deferred zoning

- 14.3.1.2 Land subject to deferred zoning will only accommodate land uses which do not compromise the ability for the area's natural and physical resources to be used for the purpose of the deferred zoning.

95. The 3Ms proposal is entirely consistent with the objective and policy above. To the extent that the proposal differs in some respects with what is shown on the Structure Plan, that does not mean that the proposal is not occurring in a planned manner. 3Ms has arguably done more advanced planning than any other developer in Cambridge⁹ and more comprehensive planning in relation to the C2/C3 Growth Cell than Waipa District Council (as demonstrated through the involvement 3Ms had through the Plan Change 7 process).

96. For the reasons stated above (in relation to whether any 'variation' from what is shown in the Structure Plan amounts to an adverse effect), I do

⁹ This is also evident by the quality of previous projects undertaken by the owners of 3Ms (e.g. St Kilda Residential Area and the Bardowie Industrial Precinct).

not agree with Mr Batchelor's assessment that the proposal is not consistent with the objectives and policies of the Waipa District Plan unless 3Ms includes the sports fields within its development, or agrees to a condition whereby 3Ms cannot develop until such time as land has been secured to provide an infrastructure corridor that the 3Ms development is largely independent of.

C1 AND C2/C3 STRUCTURE PLAN

97. Based on the issues raised, and the analysis and conclusions reached in the section 42A report (and the submissions, discussed later in my evidence), there appears to be essentially only one issue associated with the proposal advanced by 3Ms. It is the extent of, and any effects of, the differences in the proposal compared to what is shown on the Structure Plan (referred to by Mr Bachelor as 'variations').
98. In my view, the key matter for consideration in relation to the C1 and C2/C3 Structure Plan is whether the 3Ms subdivision frustrates or prevents the outcomes of the Structure Plan being achieved. In that regard, the assessment should relate to whether the outcomes sought in the C1 and C2/C3 Structure Plan, rather than the exact lines on the Structure Plan diagram.
99. An important consideration forming part of the C1 and C2/C3 Structure Plan is the staging of development within the area. The indicative staging is shown in the following figure.

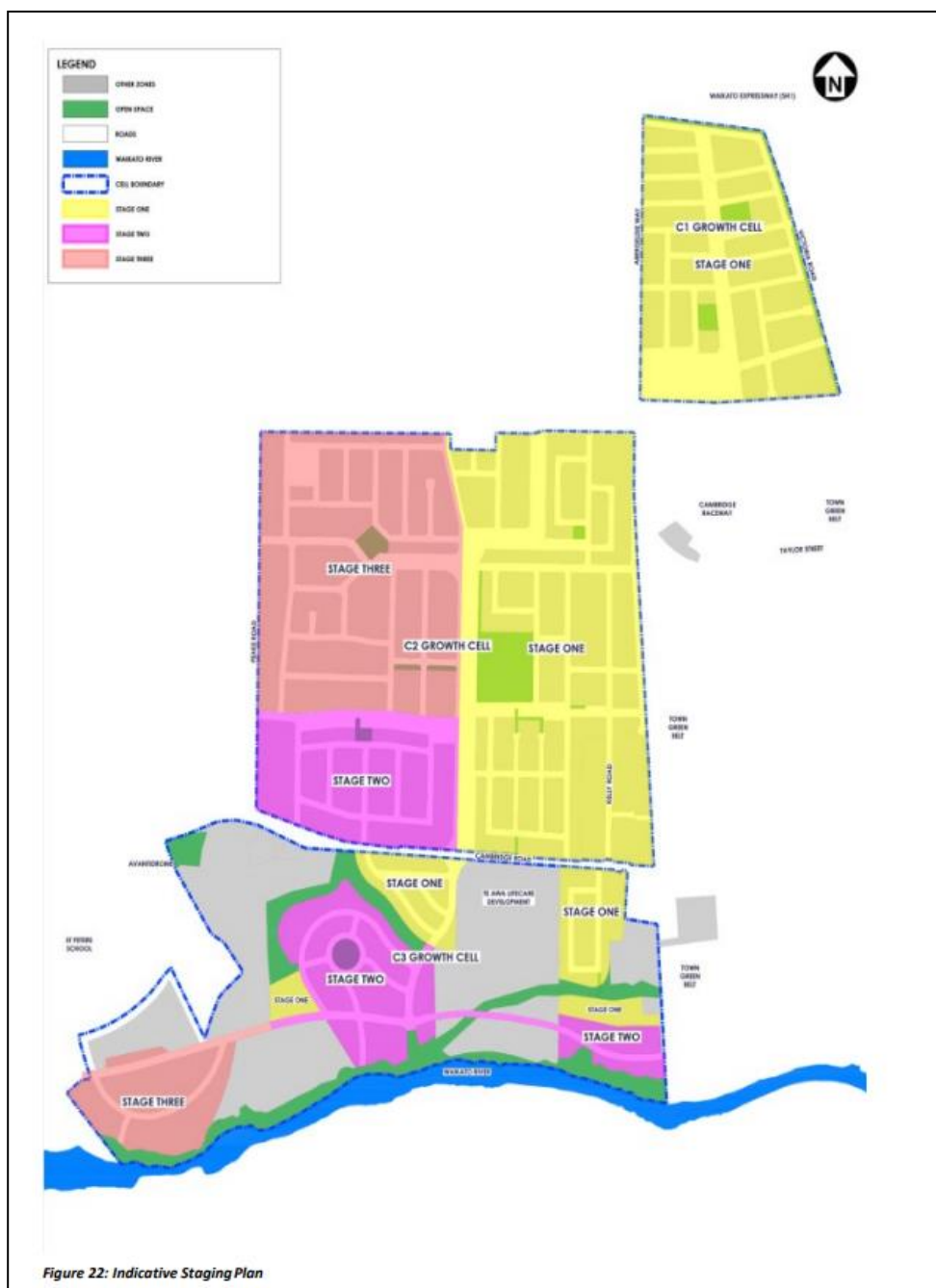


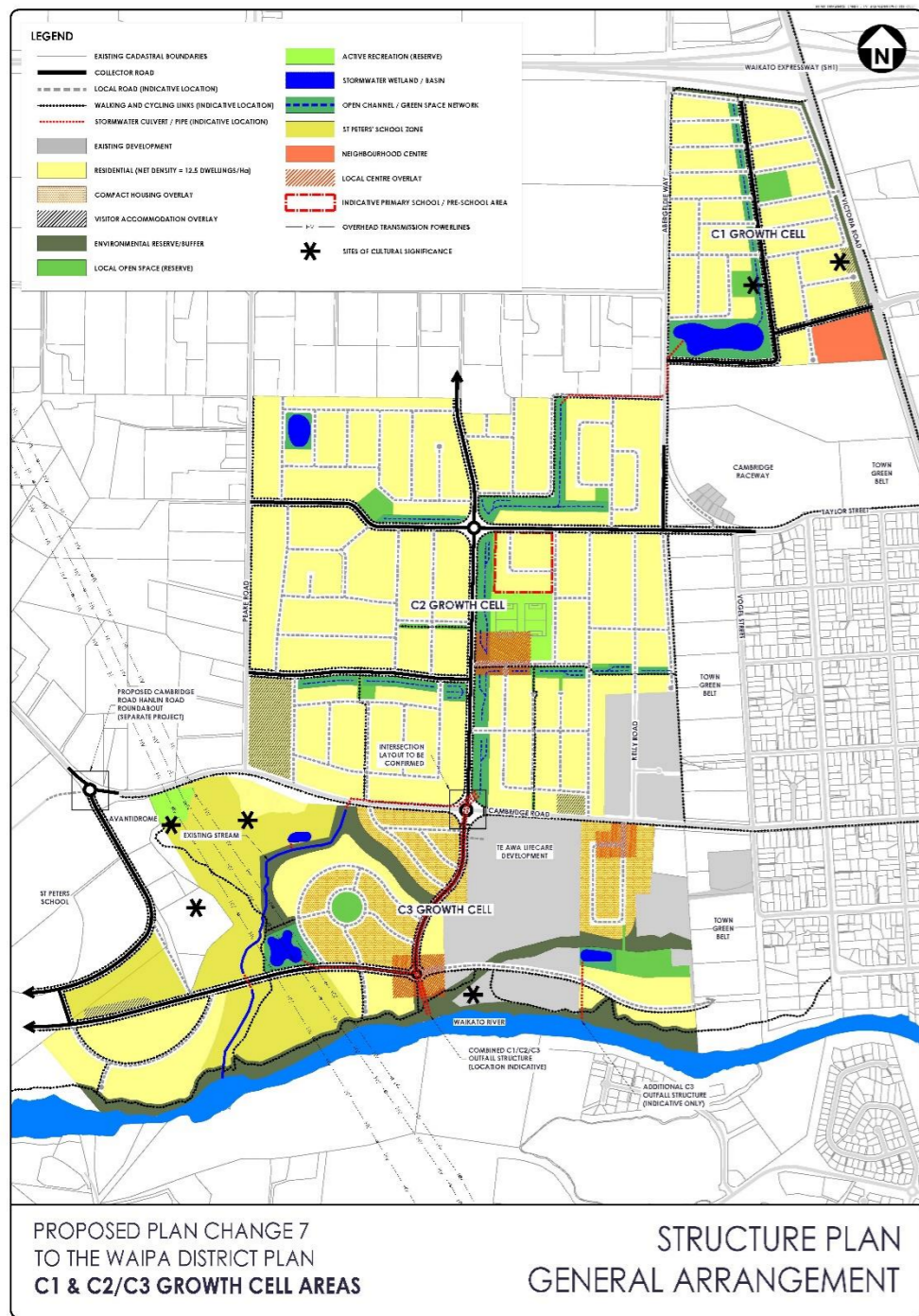
Figure 7. Staging Plan

100. The 3Ms site is entirely within Stage 1, whereas the properties on the western half of the C2 Growth Cell are within the Stage 2 or Stage 3 areas. The trigger for development within all stages is the development infrastructure being in place to service each stage, or that *“Council is satisfied that there is a solution that can be delivered to provide the necessary infrastructure”*¹⁰.

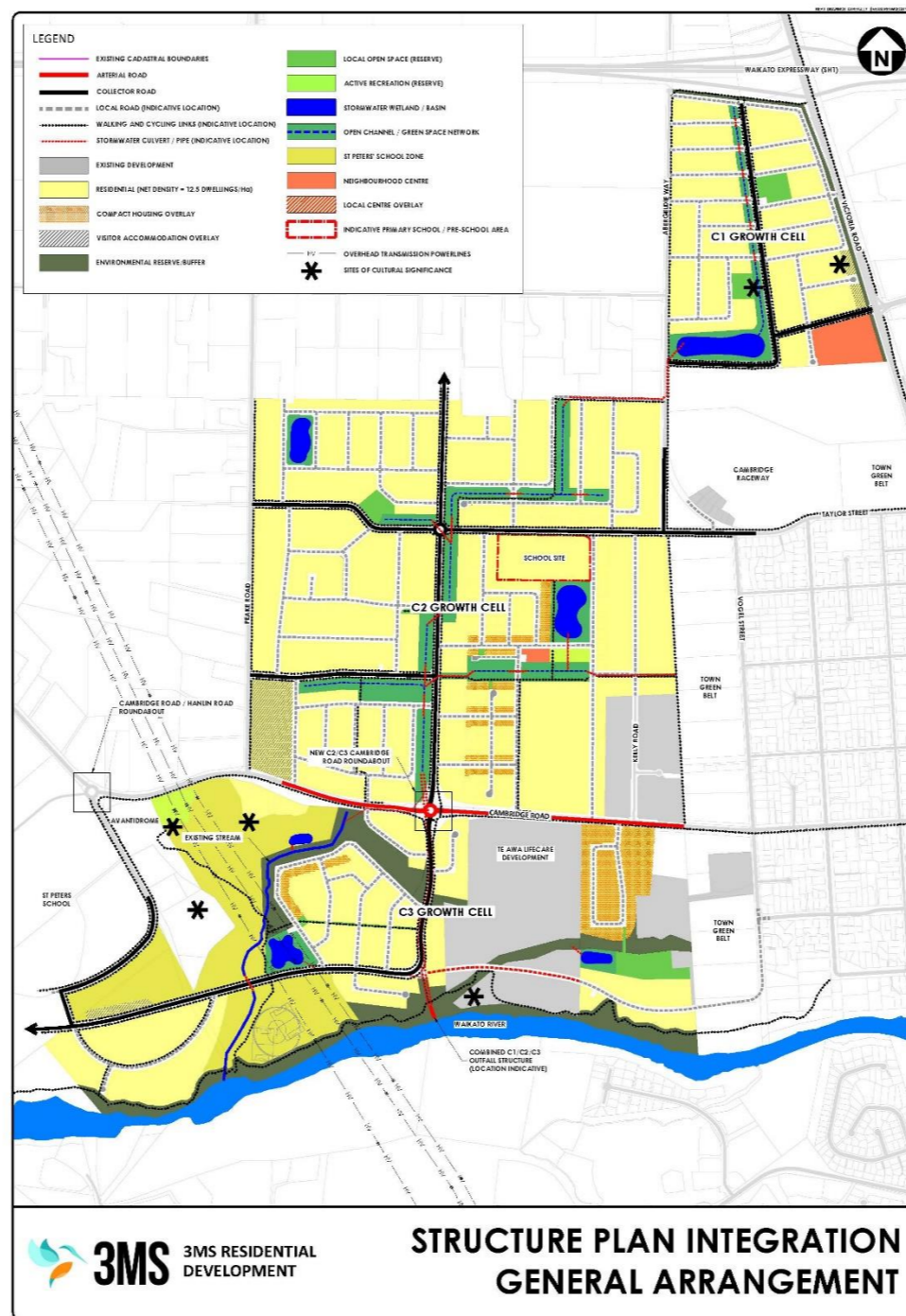
¹⁰ Section 14.4.1.9 of the Waipa District Plan.

101. Each individual subdivision or development application will need to demonstrate how their subdivision will be serviced from a three waters and roading perspective, and demonstrate whether their proposal is in “general accordancy” with the Structure Plan. The evidence of Mr McCaffrey confirms the ability for the 3Ms proposal to be adequately serviced.

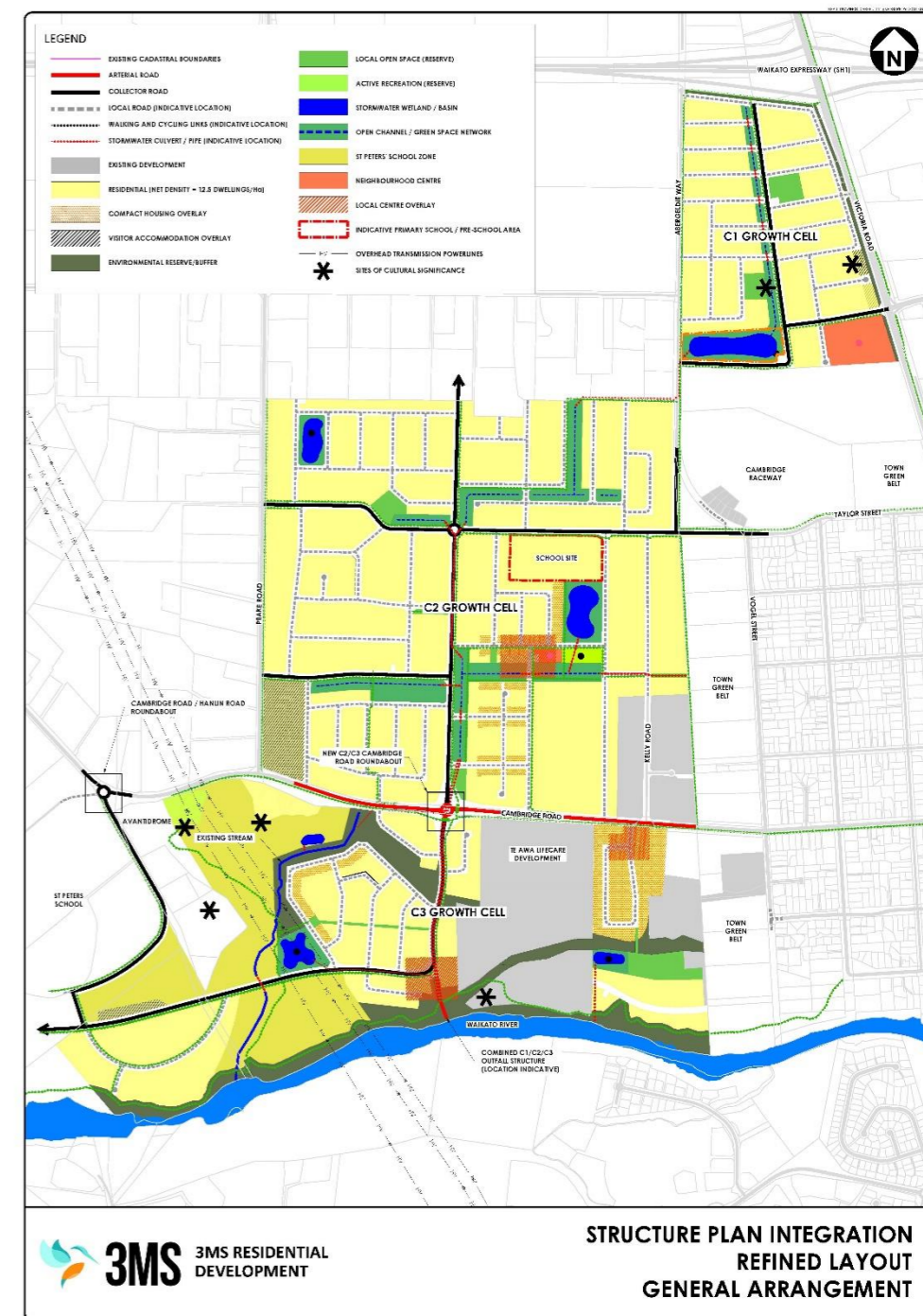
102. Whether the 3Ms proposal is in general accordancy with the Structure Plan, requires a comparison of the Structure Plan layout and provisions and the 3Ms proposal (including the 3Ms suggested alternative layout presented in the AEE, and the refined alternative layout presented in the evidence of Mr Smith and Mr McCaffrey). In terms of physical layout, a comparison can be made by putting the plans side by side, as follows:



Operative C1 and C2/C3 Structure Plan



Illustrative Structure Plan from the AEE



Refined Illustrative Structure Plan

Figure 8. Structure Plan Comparison

103. The primary concern raised in the section 42A report is the location of the north/south roading and stormwater infrastructure corridor and the provision of sports fields. Looking at the plans above, the corridor is in the same general location being centrally positioned within the C2/C3 Growth Cell in a north/south orientation. The corridor serves exactly the same functions as intended in the Structure Plan being:
- (a) The collector road provides connectivity between Cambridge Road and ultimately through to Racecourse Road to the north, but is now a better alignment. It also connects with the east/west collector road and other collector roads in exactly the same manner as shown in the Structure Plan (but just slightly to the west); and
 - (b) The stormwater swale links the C1 Growth Cell with the outfall to the Waikato River and still picks up the necessary 'lateral' connections along the way as shown in the Structure Plan, but at a lower cost (as discussed in the evidence of Mr McCaffrey).
104. As previously discussed, there is no reason why any sport fields (if required) cannot be located elsewhere within the C2/C3 Growth Cell.
105. The Structure Plan sets out comprehensive lists of Outcomes Sought in relation to a wide range of planning matters (it is much more than a diagram). This includes Outcomes Sought in relation to Stormwater Management and Movement Network (which includes roading). The Outcomes Sought are "to guide future development"¹¹. They do not require strict adherence to a particular plan. Nevertheless, the 3Ms proposal is consistent with the Outcomes Sought in relation to these matters.¹² The AEE provides an assessment of the proposal against the Outcomes Sought in the Structure Plan.
106. I note that Mr Batchelor has provided no discussion regarding the fact

¹¹ Appendix S19 of the Waipa District Plan, Section S19.5.3.2.

¹² See Appendix S19 of the Waipa District Plan, Sections S19.4.2.1 and S19.5.3.2.

that the Waipa District Plan provides a pathway for activities that are not in “general accordance” with a Structure Plan. While I consider that the proposal is in general accordance with the C1 and C2/C3 Structure Plan (for the reasons discussed above) it is important to note that the Waipa District Plan provides for activities *not* being in “general accordance” with an approved Structure Plan, as a Discretionary Activity. In other words, the Waipa District Plan acknowledges that the land use and layout described in a Structure Plan may change over time and provides a resource consent pathway for that to occur (which is appropriate and represents good planning practice in my view).

107. A structure plan is a framework to guide the development or redevelopment of an area by defining the future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features and constraints that influence how the effects of development are to be managed. It is generally not anticipated that structure plans fix the location of all assets – this would be impractical as structure plans are typically prepared years in advance of development and do not reflect the changing nature or expectations of the residential market. If structure plans were to fix the location of public infrastructure in an inflexible manner, then a significant amount of upfront work would be required to confirm the appropriateness of those locations (for example, detailed geotechnical investigations in the location of the proposed assets). This amount of spend on technical assessments at the Structure Plan stage is generally not appropriate given the timeframes in which structure plans are prepared versus when development occurs (i.e. it can be years between Structure Plan preparation and any resulting developments).
108. There have been occasions where the Waipa District Council has accepted proposals to develop in a manner not in strictly accordance with an approved Structure Plan. Council itself has also sought to move the infrastructure from what is proposed in a Structure Plan. Four such

examples I am aware of are set out below:

- (a) Resource consents were granted for development (in May 2019) in the T1 Growth Cell in Te Awamutu in a manner not in accordance with the approved Structure Plan. From my understanding, the basis for the change was a change in ownership and the new owners preferring an alternative development layout.
- (b) Waipa District Council is currently in the process of seeking to acquire land from Shaws Property Holdings Ltd (a client of mine) in the C1 Growth Cell to enable the collector road to be constructed. The alignment of the collector road is not in the same location as that in the Structure Plan, which does not show the collector road through the property owned by Shaws Property Holdings Ltd. The effect of the new alignment is that two houses owned by Shaws Property Holdings Ltd will have to be removed to make way for the collector road.
- (c) Waipa District Council recently granted a resource consent to enable a Medical Centre in the C2 Growth Cell on Cambridge Road. This area is subject to the C1 and C2/C3 Structure Plan, and is zoned Deferred Residential Zone. The location for which the consent was granted is not included on the Structure Plan as a Local or Neighbourhood Centre (which enables commercial activities). I understand this application was processed on a non-notified basis.
- (d) Waipa District Council granted a resource consent for a proposal that involves establishing a multi-use commercial facility (which includes a small-scale supermarket, gym, café and ancillary retail) at the site located at 1907 Cambridge Road (which is a Non-complying Activity). This area is within the C1 and C2/C3 Structure Plan and the Deferred Residential Zone. The Structure Plan does not show a commercial

area in this location, with the Structure Plan showing this area as being used for residential purposes.

109. To be clear, Council has done nothing wrong in granting consent or pursuing these proposals which are a departure from the relevant Structure Plan. The Waipa District Plan provides the opportunity to do so (as a Discretionary Activity) and such proposals need to be considered on their merits. The same applies to the current subdivision consent application by 3Ms.

SECTION 104 AND 104D ASSESSMENT

Section 104D of the RMA

110. Based on my evidence above (and the evidence of other witnesses for 3Ms), it is my opinion the effects of the proposal are mostly positive and any adverse effect on the environment will be less than minor. The proposal therefore passes the first gateway test in section 104D(1)(a).
111. The Waipa District Plan is the relevant plan for the purposes of an assessment in relation to section 104D(1)(b). Again, based on my evidence above (and the more detailed analysis presented in the AEE), it is my opinion that the proposal is consistent with the relevant objectives and policies in the Waipa District Plan and therefore passes the second gateway test in section 104D(1)(b).
112. Accordingly, while the proposal only needs to pass one of the two gateway tests discussed above, I consider that the proposal passes both gateway tests of section 104D and is therefore able to be considered under section 104 of the RMA.

Section 104 of the RMA

113. In relation to section 104(1)(a), based on my evidence above (and the evidence of other witnesses for 3Ms) it is my opinion the effects of the proposal are mostly positive and any adverse effect on the environment will be less than minor.
114. 3Ms is not proposing any specific measure 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 (section 104(1)(ab)). I also do not consider that such a measure is required.
115. In respect of section 104(1)(b), it is my opinion that the proposal is consistent with the relevant objectives and policies of the Vision and Strategy for the Waikato River, NPS-UD, the Waikato RPS and the Waipa District Plan.

PART 2 OF THE RMA

116. I have not identified any invalidity, ambiguity, or incomplete coverage in the relevant planning documents. Accordingly, it is my view that it is not necessary to revert to Part 2 of the RMA in the determination of the application by 3Ms. Nevertheless, for completeness, I have undertaken an assessment against Part 2 and conclude that the proposal is consistent with it.

THE SECTION 42A REPORT

117. I consider that there are several key themes within the section 42A report that I do not agree with and that require further commentary. I note that some of these matters have already been discussed throughout my evidence.

- (a) Rule Framework;
- (b) The role of a Structure Plan and the nature of certainty;
- (c) The sports fields;
- (d) The need for the staging of the development;
- (e) The decision to approve subject to the implementation of *Auiger* conditions that have not been proffered by 3Ms; and
- (f) Consent conditions.

Rule Framework

118. In my opinion, there are a number of factual inaccuracies in the section 42A report that require clarification.

119. At paragraph 8.7 of the section 42A report Mr Batchelor states:

Rule 14.4.1.5(a) of the Deferred Residential Zone classifies subdivision in the Rural Zone as a Non-complying Activity. Rule 14.4.1.5(a) is copied below:

...

120. This is not correct. Rule 14.4.1.5(a), and all the rules in Section 14, are land use rules. Rule 14.4.1.5(a) sets out that any land use activity within the Deferred Residential Zone that is listed as a discretionary activity or non-complying activity in the Rural Zone is a non-complying activity in the Deferred Residential Zone. This rule is not a subdivision rule.

121. At paragraph 9.3.4 Mr Batchelor states:

Residential subdivision is also provided for by the Deferred Residential Zone 'uplifting methodologies' and the C2 structure plan. Application for resource consent is one manner in which the resolution methodology provided in the Deferred Zone provisions may be effectively 'uplifted' or as an alternative to that. This application has taken the resource consent application approach.

122. This is also not correct. As detailed earlier in my evidence, the Waipa District Council is no longer providing the ability to uplift the deferred status of a zone either via resolution or resource consent. A plan change is required to uplift the deferred status of the zone. Plan Change 13 is the vehicle in which the rezoning of the site will be provided.
123. At paragraph 9.3.5 Mr Batchelor also states:
- Despite the Rural rules being applied to land use and subdivision in the Deferred Residential Zone, the district plan restricts the provisions of the Rural Zone that are applicable to the Deferred Residential Zone to only the rules of the zone. Relevant policy is provided in the Deferred Residential Zone. Relevant policy provides for residential development, but in accordance with the structure plan provisions applied by the Deferred Residential Zone.
124. The Rural Zone rules do not apply to subdivision within a Deferred Residential Zone. The subdivision rules in Section 15 of the Waipa District Plan are specific to subdivision within a Deferred Zone.
125. The policies of the Deferred Zone chapter (Section 14) of the Waipa District Plan apply to activities within the Deferred Residential Zone. There are no associated policies within the Deferred Zone chapter of the plan that cross reference to the C1 and C2/C3 Structure Plan.
126. Linkage between development in a Deferred Zone and a Structure Plan is provided by Rule 15.4.2.69 in Section 15 of the Waipa District Plan that requires development within a structure plan area to be in “general accordance” with the applicable structure plan. If it is not, then the same rule specifies that a subdivision or development (as applicable) requires an assessment as a Discretionary Activity.
127. Mr Batchelor’s discussion at paragraphs 10.10.7 – 10.10.8 does not provide context to the staged uplift of the deferred growth cells. Rule 14.4.1.9 of the Waipa District Plan is proposed to be deleted as part of Plan Change 13. As far as I am aware, there are no submissions seeking that this rule be retained.

The Role of a Structure Plan – Certainty

128. Throughout the section 42A report, Mr Batchelor discusses the role of a Structure Plan and appears to consider that it provides planning certainty.
129. However, in my opinion, certainty is not provided through a structure plan process and the previous departures to structure plans approved, or being pursued, by Council are clear evidence of that. Rather, to provide certainty regarding the location of public assets, the more appropriate resource management mechanism would be to designate the land required for those assets.
130. Section 9.4.10 of the section 42A report is one such example where Mr Batchelor addresses the location of public assets, stating:

Essentially the proposal is changing the structure of a locality that was established through a plan change process. This indicates that a change to the outcome of that may also require a plan change process if these matters cannot be resolved.

131. I do not agree with this statement. The Structure Plans are not “planning maps” in which a plan change is required to change the zone. As previously discussed, the rule framework of the Waipa District Plan requires development to be in general accordance with a Structure Plan. The rules do not require development to be identical to that shown on a Structure Plan. The Waipa District Plan also provides the opportunity to progress developments not in accordance with a Structure Plan through obtaining a Discretionary Activity resource consent, not a plan change process.
132. In my opinion, the Waipa District Council, and the landowners on the western side of the 3Ms development have the same level of certainty as a result of the 3Ms current proposal as before. To implement the north / south public asset corridor in the location explicitly shown in the Structure

Plan was dependent on the ability to secure the land from 3Ms (which has not occurred). There always was, and remains, the ability of any development in the growth cells to apply for a Discretionary Activity consent to undertake a development that is not in general accordance with a Structure Plan.

133. I also note that from a practical perspective this process demonstrates the level of certainty the Structure Plan provides. As a result of 3Ms and Waipa District Council not being able to agree on land acquisition, 3Ms sought to re-design its development and has progressed a subdivision application that does not include the north/south public infrastructure corridor or sports fields. Further, the 3Ms subdivision does not rely on the north/south stormwater corridor, instead all stormwater will be managed via the proposed large stormwater basin within the 3Ms site.
134. The Waipa District Council is in a similar position of uncertainty where land needs to be acquired from other landowners. The Public Works Act provides a pathway for land to be acquired, or the land could be designated to provide a similar degree of certainty (although the land would still need to be formally acquired from Council following the designation process).
135. In a similar vein, there is other land available within the C2 Growth Cell to incorporate a sports field should Waipa District Council determine that a new sports fields are preferable to upgrading the existing fields within Cambridge.
136. In summary, it is my opinion that the key test is whether the 3Ms proposal frustrates the implementation of the Outcomes Sought to be achieved by the Structure Plan. As detailed in the information provided by 3Ms and my own assessment, I do not consider that the 3Ms proposal, if granted, frustrates the achievement of the objectives of the Structure Plan. The roading connections still work (but better) and the stormwater gets collected and conveyed to where it needs to go (but there will now be

less of it meaning the cost of the stormwater infrastructure will be less).

137. The only way in which the outcomes of the Structure Plan could not be achieved is if the Waipa District Council does not actively secure the land required for the core public assets that service the growth cells.

Location of the North/South Public Infrastructure Corridor on the 3Ms land

138. Based on my experience, and based on my history with Plan Change 7, no one can or should expect that development in the western half of the C2 Growth Cell will occur based on the current fragmented pattern of land tenure. Given the extent of land fragmentation, none of those landowners will realistically be able to develop their land on their own and meet the requirements of the Waipa District Plan, in particular, the density requirements of 12-15 households per hectare. Current property boundaries should be disregarded on the basis of being irrelevant. So long as they get market value for their land, it should not make any difference (in terms of financial return) as to whether it ends up having a road, a swale or houses on the land.

139. Mr Batchelor states, at paragraph 10.6.16 states:

At present the application is essentially removing this facility from the structure plan and the locality that will rely on it and that has been determined to be most efficient manner to manage stormwater in this locality to enable a high yield of land for residential development. The community is being left with the problem of resolving the effects this presents. The approach suggested above would provide for both needs of the applicant and the community to be resolved.

140. Mr Batchelor has provided no analysis to support this statement, aside from assuming that because the Structure Plan shows the infrastructure being in a specific location that it was *“determined to be the most efficient manner to manage stormwater”*.

141. Earlier in my evidence, I discussed the background to the development of the Structure Plan and noted that various factors were involved in the

location of these assets. Notwithstanding that, the Structure Plan itself acknowledges that it does not fix the location of the stormwater assets and provides for flexibility in the layout and sizes of assets, and also recognises that there may be alternative measures to manage stormwater (with my emphasis added in bold):

S19.4.1.11 A number of feasible options have been identified to convey the majority of stormwater runoff from C1, C2 and C3 south through the C2 and C3 to the Waikato River. The proposed approach outlined below has been identified as the **preferred option based on investigations undertaken to date** (including further investigations and consultation carried out in response to submissions on Plan Change 7). **It is noted the layout, sizes and detailed performance requirements of the features described below (both private and public) will be refined during future assessment and design stages**, in particular the aforementioned resource consent applications.

S19.4.1.12 **It is also recognised that there may be alternative measures available to manage stormwater and it is not intended to exclude these provided they are acceptable to both Council and the WRC and are consistent with stormwater outcomes of the Structure Plan and the Cambridge C1 and C2/C3 Structure Plans: Stormwater Report (Beca,2018).**

142. The Structure Plan also mentions the stormwater corridor being eventually designated:

S19.4.5 Further Investigation, Assessment and Design

S19.4.5.1 A number of feasible options have been identified to convey stormwater from C1, through C2 and C3 to the Waikato River. The proposed approach outlined above has been identified as the preferred option based on investigations and land owner/stakeholder consultation undertaken to date. However, prior to designation of the stormwater corridor, a number of further investigations will need to be undertaken as part of the next design stages. These include:

- (a) Further geotechnical investigations and groundwater assessments/modelling.
- (b) More detailed hydrological/hydraulic modelling including confirming the balance and/or offsetting of C2 runoff discharged into the Pukeroro Scheme Drain.
- (c) Preparing a developed concept or preliminary design of key / trunk infrastructure.
- (d) Further liquefaction risk assessment and preparing concept mitigation measures.

(e) Stakeholder, property owner and developer consultation and negotiations.

(f) Constructability review.

(g) Obtaining resource consents for the Structure Plan stormwater discharge(s), including identification of resource consenting and designation requirements (including assessing ecological effects, proving C2/C3 fish passage feasibility, groundwater effects assessment and further flood modelling).

143. I am not aware of any designation process being commenced by the Waipa District Council following the decision to grant the stormwater discharge permit by the Waikato Regional Council.

144. As stated earlier, there is also a Discretionary Activity resource consent process to progress a development in a manner that is not in general accordance with a Structure Plan.

145. I note that Mr McCaffrey provides an analysis that demonstrates that there is an area 400 metres in width in which the north/south infrastructure can be located and still provide the same outcomes as described in the Structure Plan.

Sports Fields

146. Mr Batchelor sets out in the section 42A report in various locations that the not locating the sports fields within the 3Ms site is *“a significant departure from the structure plan with potential for effects on the wider Cambridge community”*.¹³

147. I do not agree with that assessment. The 3Ms proposal, in my opinion, provides sufficient reserves within its development, including the stormwater basin, east/west linear swale and the destination playground, that will service not only its development appropriately but has wider positive effects.

¹³ At paragraph 7.3.2(iii).

148. The provision of sports fields that benefit the wider Cambridge community, and the Waipa District as a whole, is a matter for the Waipa District Council to determine and acquire the necessary land.

149. The notification report addresses this matter, and concludes (my emphasis added in bold):

- b. Legal advice has been provided to Council that **the Level of Service for council reserves, beyond the application site, are not RMA effects arising from this application.** Rather, these are Levels of Service matters falling under the Local Government Act. These matters are best addressed through Council determining what public reserves Levels of Service is appropriate for the application site as well as the wider area beyond the application site.
- c. Council is in the process of engaging a consultant to undertake a Reserves Levels of Services review, to review and recommend the appropriate Levels of Service for reserves in the general vicinity of the site. This review is in response to the 3MS application, the proposal the vary the operative structure plan reserves (purpose and layout), and the need for the Council and the public to have confidence that the reserves indicated in the Operative Structure Plan (purpose and location) are still applicable. Any changes to the reserves Levels of Service will follow a Local Government Act Special Consultative Procedure and may result in changes to the Waipa District Plan (via a plan change process).
- d. **Accordingly, it is hereby determined that the off-site impact of the proposal to vary the reserves (purpose and layout) from the operative Structure Plan, is not an RMA adverse effect that is able to be considered for the purposes of the notification decision.**

CONSENT CONDITIONS

150. I do not agree with the recommended conditions of consent presented in the section 42A report. My recommended consent conditions are detailed in **Attachment B** of my evidence. In summary, my recommended changes (to the conditions presented in the section 42A report) include:

- (a) Reframing the consent conditions so that they address matters related to the subdivision and obtaining s223/s224 certificates.
- (b) Referencing the scheme plan specifically, rather than all drawings prepared to support the application.

- (c) Importantly, including a Survey Plan condition which has been omitted from the conditions proposed by Mr Batchelor.
- (d) Requiring lots to be vested.
- (e) Removal of any staging requirements. There is no resource management justification for the staging conditions proposed in the section 42A report (which appear to be no more than an attempt to keep Council's options open in relation to land acquisition for public infrastructure). This also reflects the updated scheme plan which does not include staging.
- (f) Including amalgamation conditions for the shared accessways.
- (g) Including a condition relating to vehicle crossings.
- (h) Removal of any conditions relating to earthworks as they are already captured by the existing land use consent held for earthworks.
- (i) Inclusion of a geotechnical / earthworks completion report condition, which links to a consent notice condition for specific engineered foundation designs if the geotechnical completion report requires it.
- (j) Removal of conditions associated with land uses as the current application is only for a subdivision consent and 3Ms will not be able to undertake any such activities until either the site has been rezoned to Residential Zone or resource consent obtained.
- (k) Removal of the conditions associated with on-lot stormwater disposal as 3Ms is not proposing to discharge stormwater on-lot.
- (l) Removal of the conditions relating to fencing as the existing rules of the Waipa District Plan adequately control fencing (and provide a

consent framework for proposals to breach the permitted activity performance standards).

(m) Addition of conditions relating to other services (i.e. electricity / telephone). The conditions in the section 42A report do not require the lots to be serviced from an electricity or telecommunications perspective.

151. In my opinion, the consent conditions I have recommended in **Attachment B** adequately avoid or mitigate the actual and potential effects of the development, and do not place the burden of finding alternative suitable land for the north / south collector road on 3Ms (that being a Council responsibility). My proposed conditions also contain the conditions that are required as part of any subdivision (i.e. survey plan approval, lots to vest, power and telecommunications requirements).

SUBMISSIONS

152. The primary issue raised in the various submissions relates to the location of the north/south public infrastructure corridor. Aside from not being located on the 3Ms site, 3Ms has no control over the location of these public assets.

153. None of the submitters oppose the residential development / subdivision within the 3Ms site. The application is only for the activities within the 3Ms site itself. Any development outside of those boundaries, while being influenced by the 3Ms proposal, cannot be controlled by 3Ms.

154. Mr Mackie addresses the integration of the 3Ms proposal with the adjoining land. Mr Mackie concludes that it is *“that it is possible to achieve a lot layout that achieves acceptable urban design outcome within the contextual limitation of the surrounding infrastructure and land holdings”*.

155. The provision of reserves, infrastructure connections and roads are part of residential development. If the submitters were opposed to residential development (part of which includes public infrastructure and reserves), then it would have been more appropriate for them to submit in opposition to Plan Change 5 and Plan Change 7 to the Waipa District Plan, and they should also have lodged submissions in opposition to Plan Change 13. None of the submitters did so.
156. As previously noted, development within the western half of the C2 Growth Cell would be challenging due to the fragmented and small size of the landholdings. The 3Ms application does not change this.
157. I do not agree with various submitters where they state that, as a result of the 3Ms proposal, there is no certainty regarding the timing and coordination of the construction of the north/south public infrastructure. This certainty can be provided by the Waipa District Council through the designation and/or land acquisition process.

Gary Alton

158. The submission of Mr Alton seeks that the application be declined, on the basis that:
- (a) The north/south infrastructure corridor not being located within the 3Ms property, which would cause issues with the integrated / efficient development of the Growth Cell;
 - (b) Disruption of thoroughbred racing activities; and
 - (c) Services should be located on 3Ms land where there is little existing development.
159. The C1 and C2/C3 Structure Plan in the Waipa District Council includes

public infrastructure being located on Mr Alton's land, namely roading and part of the swale that conveys stormwater.

160. In respect of the disruption to existing activities, I do not consider this to be a valid reason to decline the consent given that it is clearly anticipated that residential activities will occur in the area.

Gareth Hawthorn

161. Mr Hawthorn seeks that the application be declined, primarily due to the north/south infrastructure corridor not being located within the 3Ms land.

162. Mr Hawthorn also raises concerns regarding the approach of not applying for land use consent concurrently. The AEE clearly demonstrates why the subdivision consent is being applied for prior to the land use consent. I do not revisit that matter here, other than to say the land use provisions of the Waipa District Plan provide the opportunity to fully consider the effects of any land uses at another date.

163. Mr Hawthorn has not provided any analysis as to why the development is not an "appropriate" form of subdivision. In any event, I do not agree with this statement as 3Ms is providing residential development in an area that is earmarked for residential development (and in accordance with Waipa 2050).

Frank and Colleen Ritchie

164. Mr and Mrs Ritchie seek that the application be declined, primarily due to the north/south infrastructure corridor not being located within the 3Ms land.

165. For the reasons set out in relation to the submissions of Mr Alton and Mr

Hawthorn, I do not consider the reasons raised in the submission valid reasons to decline the consent from a planning perspective.

Jeanette and Desmond Brough

166. The submission was prepared on behalf of Mr and Mrs Brough by the Cambridge Co-Housing Project Society. The Cambridge Co-Housing Project Society were not identified as being an affected party to the application.
167. Mr and Mrs Brough's opposition is in respect of the part of the application which proposes moving the collector road, roundabout and stormwater swale infrastructure further west.
168. I have addressed this matter in detail throughout my evidence, and do not agree that that the application should be declined based on the 3Ms proposal not including the north/south infrastructure corridor on its land.
169. I also note that any co-housing project would require resource consent from the Waipa District Council. That application would be considered on its merits, including the extent to which the application is in general accordance with the Structure Plan and whether there are any potentially affected parties. As with any consent process, there is no certainty that it would be granted.
170. The submission also claims that the land is "designated" for this infrastructure. This land is not designated. It is shown on a Structure Plan as a means to guide development. It does not "lock in" the location of these assets.
171. There is also no evidence that "additional research, testing, legal and planning costs would be required".

Xiaofeng Jiang & Liping Yang

172. The submission seeks that the application be declined. The submitter primarily opposes the application due to the potential for the movement of the north/south public infrastructure corridor into the Stage 2 and Stage 3 land.
173. The submitter also raises concerns with respect of not meeting the uplift triggers of Rule 14.4.1.9. This matter is explained in the AEE in that 3Ms was formally advised that the Waipa District Council would not be using the uplift process within the Waipa District Plan.
174. I disagree with the following statement in the submission:
- However, the Submitter considers it to be disingenuous for the Applicant to seek to accelerate works within the Deferred Zone only to then move significant infrastructure elements off the Applicant's site because the WDC is not ready /able to purchase land at the accelerated pace.
175. As detailed in the evidence of Mr Smith, the 3Ms proposal is responding to a present demand for residential sections within Cambridge. In addition, my evidence demonstrates the significant involvement 3Ms has had in planning for residential development within the C2 Growth Cell (since at least 2017).
176. The Waipa District Council has been actively progressing the requirements to uplift the Deferred Zone, including the obtaining of the Stormwater Discharge Permit from the Waikato Regional Council with the view that the uplift of the Deferred Zone would occur as soon as possible.
177. I also note that Plan Change 13 is seeking to rezone the entire extent of the C1 and C2/C3 Growth Cells to Residential Zone.
178. 3Ms cannot control the ultimate north/south infrastructure corridor

location, outside of the 3Ms site.

CONCLUSION

179. 3Ms has played a leading and pivotal role in the planning processes that have led to the current planning regime in the Waipa District Plan relating to the C1 and C2/C3 Growth Cells.
180. The nature and location of infrastructure within the C1 and C2/C3 Growth Cells has been, and will continue to be, in a constant state of flux unless and until Council designates and/or purchases the land required for those public assets.
181. The current application by 3Ms is for a subdivision consent, nothing else.
182. The proposal is to be assessed as a Non-complying Activity. It is important to recognise that the Non-complying Activity status is largely just a matter of timing. All subdivisions within a Deferred Zone (aside from boundary adjustments) are classified as a Non-complying Activity. The activity status is being amended by Plan Change 13, which is rezoning the 3Ms site to Residential Zone whereby the Residential Zone provisions will apply once Plan Change 13 is operative (wherein the current subdivision consent application, if advanced following Plan Change 13 becoming operative, would be a Restricted Discretionary Activity).
183. Based on the issues raised, and the analysis and conclusions reached, in the section 42A report (and the submissions), there is essentially only one issue associated with the proposal advanced by 3Ms. It is the extent of, and any effects of, the differences in the proposal compared to what is shown on the Structure Plan (referred to by Mr Bachelor as 'variations').
184. It is my understanding that Mr Batchelor considers some or all of those variations to be significant adverse effects. I do not agree with that assessment. The absence from the 3Ms proposal (or their proposed

relocation elsewhere) of various features shown on the Structure Plan could only be regarded as causing an adverse effect on the environment if there was no feasible alternative (other than being located on 3Ms land as shown in the Structure Plan). That is simply not the case in relation to the C2 Growth Cell.

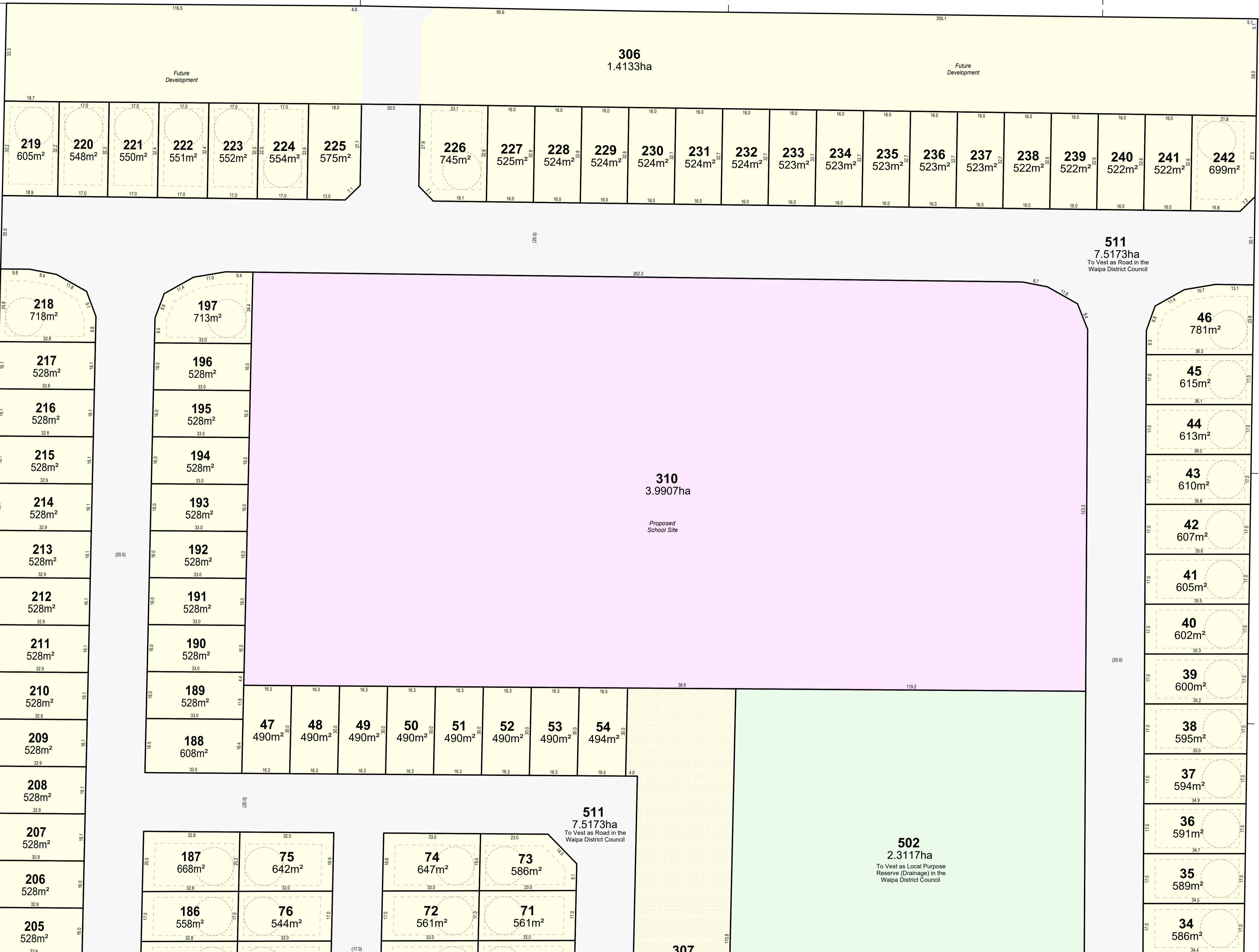
185. 3Ms alternative layout demonstrates that the north/south infrastructure can be achieved by locating it slightly to the west. In doing so, it is still in general accordance with the Structure Plan. Furthermore, the evidence of Mr McCaffrey and Mr Smith confirms that the alternative layout will result in a range of better outcomes. Such a situation cannot, in my opinion, be sensibly regarded as causing an adverse effect, let alone a significant adverse effect.
186. The same applies in relation to the provision of sports fields. There is no reason why sports fields (if required) cannot be located elsewhere within the C2 Growth Cell if Council does not purchase land from 3Ms for that purpose.
187. The environmental effects of any alternative spatial layout of the north/south infrastructure corridor on any landowner to the west (assuming Council pursues the alternative layout suggested by 3Ms) are little or no different to the effects of the corridor being on the 3Ms land. The effects of the corridor (wherever it is ultimately located) will be fully mitigated by compensation paid by the Waipa District Council through the land acquisition process.
188. There have been occasions where the Waipa District Council has accepted proposals to develop in a manner not in accordance with an approved Structure Plan. Council itself has also sought to move the infrastructure from what is proposed in a Structure Plan.
189. To be clear, Council has done nothing wrong in granting consent or pursuing these proposals which are a departure from the relevant

Structure Plan. The Waipa District Plan provides the opportunity to do so (as a Discretionary Activity) and such proposals need to be considered on their merits. The same applies to the current subdivision consent application by 3Ms.

190. While the proposal only needs to pass one of the two gateway tests in section 104D of the RMA, I consider that the proposal passes both gateway tests and is therefore able to be considered under section 104 of the RMA.
191. Based on my evidence (and the evidence of other witnesses for 3Ms), it is my opinion the effects of the proposal are mostly positive and any adverse effect on the environment will be less than minor.
192. The proposal is consistent with the relevant objectives and policies of the Vision and Strategy for the Waikato River, NPS-UD, the Waikato RPS and the Waipa District Plan.
193. In my opinion, the proposal is in accordance with Part 2 of the RMA.

Mark Chrisp
11 May 2021

ATTACHMENT A – UPDATED SCHEME PLAN



ATTACHMENT B – PROPOSED CONSENT CONDITIONS

GENERAL

1. The subdivision shall proceed in general accordance with the approved subdivision plan prepared by Cogswell Surveys, titled “3MS Residential Development: Proposed Subdivision of Lot 2 & Pt Lot 1 DP 29023, Lot 1 DPS 31006, Lot 1 DPS 75243, Lots 1 & 2 DPS 85575,” drawing reference 4297-SP-1 REVL, 4297-SP-2 REVL, 4297-SP-3 REVL and 4297-SP-4 REVL, dated May 2021.

SURVEY PLAN

2. The consent holder shall submit a survey plan under section 223 of the RMA in general accordance with the approved resource consent subdivision plans prepared by Cogswell Surveys and entitled “3MS Residential Development: Proposed Subdivision of Lot 2 & Pt Lot 1 DP 29023, Lot 1 DPS 31006, Lot 1 DPS 75243, Lots 1 & 2 DPS 85575” (drawings 4297-SP-1 REVL, 4297-SP-2 REVL, 4297-SP-3 REVL and 4297-SP-4 REVL), dated May 2021, except as modified to comply with the conditions of consent.
3. Lot 511 shall be shown as road to vest pursuant to Section 238 of the Resource Management Act 1991.
4. Lot 500, Lot 502, Lot 503, Lot 505 and Lot 506 shall be shown as Local Purpose Reserve (drainage) to vest on the Section 223 Resource Management Act 1991 survey plan.
5. Lot 501 shall be shown as Recreation Reserve to vest on the Section 223 Resource Management Act 1991 survey plan.
6. Lot 508 shall be shown as Local Purpose Reserve (Utility) to vest on the Section 223 Resource Management Act 1991 survey plan.
7. Lot 504 shall be shown as Local Purpose Reserve (Accessway) to vest on the Section 223 Resource Management Act 1991 survey plan.

Amalgamation

8. The following amalgamation conditions must be expressed on the survey plan as follows:
 - (a) That Lot 402 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 136, 137 and 138 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
 - (b) That Lot 403 hereon (Legal Access) be held as to four undivided one-quarter shares by the owners of Lots 98, 99, 100 and 101 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
 - (c) That Lot 404 hereon (Legal Access) be held as to four undivided one-quarter shares by the owners of Lots 118, 119, 120 and 121 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
 - (d) That Lot 405 hereon (Legal Access) be held as to three undivided one-third shares by the

owners of Lots 140, 141 and 142 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;

- (e) That Lot 406 hereon (Legal Access) be held as to five undivided one-fifth shares by the owners of Lots 143, 144, 145, 146 and 147 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (f) That Lot 407 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 154, 155 and 156 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (g) That Lot 408 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 158, 159 and 160 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (h) That Lot 409 hereon (Legal Access) be held as to five undivided one-fifth shares by the owners of Lots 161, 162, 163, 164 and 165 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (i) That Lot 410 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 172, 173 and 174 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.

(CSN Request XXXXXXXX).

Easements

9. Pursuant to section 243 of the Resource Management Act 1991, any necessary easements as required shall be included in a memorandum of easements endorsed on the survey plan. The applicant shall meet all costs relating to the creation of easements. The easements shall be placed over:

- (a) All private service leads or drainage lines, where they cross property boundaries.
- (b) All public services, where they cross private property boundaries, shall be shown as an "Easement in Gross" in favour of the Waipa District Council.

Note: An easement must be placed over the above mentioned service(s) so that the service(s) is as central within the easement as possible.

10. The consent holder shall arrange for the cancellation of the following listed easements pursuant to Section 243 of the Resource Management Act 1991:

- (a) H525373.5
- (b) H525373.6
- (c) B282670.9
- (d) B578304.8
- (e) B282670.8

Note: This condition will be satisfied by signing of the certificate.

ROADING

Submit Roading Design Drawings

11. The consent holder shall submit design/construction plans for the road to vest (Lot 511) as shown on drawings 4297-SP-1 REVL, 4297-SP-2 REVL, 4297-SP-3 REVL and 4297-SP-4 REVL. The Design/Construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. All work associated with the roads vested to council shall be designed to the satisfaction of the Council's Team Leader – Development Engineering, and at the consent holders expense. The submitted plans shall include, but are not limited to:
 - (a) Pavement design;
 - (b) Connection to existing infrastructure;
 - (c) Fixed entrance locations;
 - (d) Maintenance access tracks;
 - (e) Tracking curve analysis;
 - (f) Line marking and signage;
 - (g) Longitudinal sections;
 - (h) Common services trench;
 - (i) Surface treatments;
 - (j) Streetscape & berm planting; and
 - (k) Pedestrian calming measures.
12. The section of Road / Lot 511 between the proposed neighbourhood reserve (Lot 501) and the stormwater reserve (Lot 502) shall be designed and constructed as a shared space between vehicles and pedestrians in which pedestrians have the priority and will be designed in a manner to create a connection between the reserve areas and prioritise pedestrian and cyclist safety.

Construct Roads to Vest

13. The consent holder shall construct roads to vest as shown as Lot 511 within the scheme plan drawings 4297-SP-1 REVL, 4297-SP-2 REVL, 4297-SP-3 REVL and 4297-SP-4 REVL as per the approved design/construction approved submitted under **Condition 11** and to the satisfaction of Council's Team Leader – Development Engineering at the consent holder's expense.

Quality Assurance Certificates

14. Following completion of the road areas required under **Condition 13**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering.

Roading As-Built Plans

15. The consent holder shall provide as-built plans of the proposed roads to vest, relevant quality assurance, and the structures located within the proposed roads to vest prior to the issuing of the section 224 certificate, to the satisfaction of Council's Team Leader – Development Engineering.
16. As-built plans of landscaping works associated with the roads to vest that are to be owned/managed by Council shall be submitted as part of the overall roading As-built submission. The Streetscape As-built plans shall include the following:

- (a) Location and extent, types of materials
- (b) Botanical and Common name and location (measured position in the berm) of street trees
- (c) Names, grades, number, planting density of traffic island planting
- (d) Installation date.

Advice Notes: Road Corridor / Road Design

The Council's standards are set out in the Regional Infrastructure and Technical Specification (RITS) and provide a means of compliance for approval.

Safety in Design Workshop

Given nature of the shared facility identified along Road 20, relevant staff should be consulted regarding a safety in design workshop to ensure the best outcome going forward for the road corridor users is obtained. Development engineering can facilitate the appropriate WDC staff.

Property Numbering

Once the section 224C completion certificate has been issued by Council for this subdivision, Council will advise the consent holder of property number(s).

Reasons: Entrances are required to be accurately numbered in accordance with the Rural and urban addressing standard, AS/NZS4819:2011. To conform to the above standard, the existing property numbering may need to change.

17. The consent holder must construct the vehicle crossings identified as part of the detailed design approval process (**Condition 11**). The vehicle crossings are to be constructed to the standards as set out in the Regional Infrastructure Technical Specifications drawing D3.3.1. All work is to be completed to the satisfaction of the Council's Development Engineering Manager and must be at the consent holder's expense.

WATER SUPPLY

Submit Water Reticulation Design

18. The consent holder shall submit design/construction plans for the water reticulation system to supply the proposed lots and connect to the existing reticulated network. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. The water reticulationsystem shall be designed to the satisfaction of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense. The submitted plans shall include, but is not limited to:
- a) Reticulation layout;
 - b) Pipe size, material, and pressure ratings;
 - c) Hydrant Locations;
 - d) Valves and fittings details;
 - e) Connection locations to service lots;
 - f) Bedding/service trench details; and
 - g) Thrust Block details.

Construct Water Reticulation

19. The consent holder shall construct the water supply reticulation system as per the approved design/construction approved submitted under **Condition 18** above and to the satisfaction of Council's Team Leader – Development Engineering at the consent holder's expense.

Quality Assurance Certificates

20. Following completion of the water reticulation required under **Condition 19**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering.

Submit As-Built plans

21. The consent holder shall submit an as-built plan of all water infrastructure including connections to the relevant lots within the subdivision. All work shall be to the satisfaction of Council's Team Leader – Development Engineering and be at the consent holder's expense.

Advice Notes:

Water Design

The Regional Infrastructure and Technical Specification (RITS) sets out a means of compliance for the design and construction of all Water infrastructure assets.

Location of new water connections

The location of the water connection shall comply with all aspects of Waipa District Council Water Supply Bylaw 2013.

Connection to Council's main procedure

To ensure the new infrastructure constructed can connect to council infrastructure safely and comply to the New Zealand Drinking Water Standards 2005 (Revised 2018), the consent holder shall complete a network shutdown request and submit to development engineering, councils shut down applications forms:

Shutdown request: WS-WSU-07 a(F) – APPENDIX A Shutdown methodology: WS-WSU-07 b(F) – APPENDIX B

(These forms can be provided upon request)

As part of these applications requirements, the consent holder will need to provide the compliant pressure and water quality tests 3 days before the selected date. This is to ensure correct notifications to affected parties can be undertaken. The consent holder shall also identify any potential high-risk water users and undertake direct liaison with them.

WASTEWATER

Submit Wastewater Pump Station and Reticulation Design

22. The consent holder shall submit design/construction plans for the pump station and gravity wastewater reticulation system to supply the proposed lots and existing receiving network. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. This system shall be designed to the satisfaction of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense. The submitted plans shall include, but is not limited to:

- a) Flow direction and grades;
- b) Pipe sizing and material;
- c) Bedding details;

- d) Manhole sizing and details;
- e) Longitudinal sections;
- f) Connections to service Lots;
- g) Pump sizing details;
- h) Telemetry and electrical schematic details;
- i) Scour/air valve locations and details;
- j) Screen planting or amenity other requirements;
- k) Gantry design;
- l) Odour control details; and
- m) Seismic Resiliency details.

Construct Wastewater Pump Station and Reticulation

23. The consent holder shall construct wastewater gravity reticulation as per the approved design/construction approved submitted under **Condition 22** and to the satisfaction of Council's Team Leader –Development Engineering at the consent holder's expense.

Quality Assurance Certificates

24. Following completion of the wastewater gravity reticulation required under **Condition 23**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering.

Submit As-Built Plans

25. As-built plans and information of all wastewater infrastructure assets, which are to be vested in Council, shall be provided to the satisfaction of Council's Team Leader – Development Engineering and shall be at the consent holder's expense.

STORMWATER

Stormwater – Design

26. The consent holder shall submit design/construction plans for the stormwater management system, including the proposed stormwater swale / forebays and the soakage basin. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. The stormwater management system shall be designed to the satisfaction of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense. The submitted plans shall include:
- a) Soakage basin design, including the design soakage rates utilised;
 - b) Swale / forebay design;
 - c) Flow direction and grades;
 - d) Pipe sizing and material;
 - e) Longitudinal sections;
 - f) Overland flow paths;
 - g) Receiving network outlet details;

- h) Bedding details;
- i) Manhole sizing and details;
- j) Green Infrastructure details; and
- k) Connections locations, including rodding eyes.

Stormwater – Construction

27. The consent holder shall construct the stormwater management system as per the approved design/construction under **Condition 26** and to the satisfaction of Council's Team Leader – Development Engineering at the consent holder's expense.

Stormwater - Quality Assurance Certificates

28. Following completion of the stormwater management system required under **Condition 27**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering for acceptance.

Stormwater - As-built Plans

29. As-built plans and information of all stormwater infrastructure assets provided under **Conditions 26-28**, which are to be vested in Council, shall be provided to the satisfaction of Council's Team Leader – Development Engineering and shall be at the consent holder's expense.

Stormwater - Planting Plan

30. The Consent Holder shall provide a detailed Planting Plan prepared for the design and implementation of the stormwater basin and swale / forebay plantings. This plan shall include:
- a) Site plantings including species to be planted, size of plants, and where they are to be planted, density of planting, sourcing of plants and fertilising;
 - b) Site preparation for planting including weed and pest control;
 - c) Timeline for planting;
 - d) Ongoing weed and pest control;
 - e) Ongoing mowing requirements;
 - f) Ongoing watering requirements;
 - g) Supplementary/replacement planting plans specifications; and
 - h) Timing of monitoring maintenance inspections.
31. The Planting Plan shall be submitted to Council's Team Leader – Development Engineering for approval within **two months** following the commencement of this consent and shall be implemented on site within the first planting season following completion of these devices unless otherwise agreed with the Council's Team Leader – Development Engineering.

Advice note: the development agreement shall specify the timeframes in which the consent holder shall implement the approved Planting Plan after the section 224 Completion Certificate has been issued.

Stormwater - Operations and Maintenance

32. The Consent Holder shall provide a Stormwater Operation and Maintenance Plan ('**SOMP**') for the

stormwater management system. The objective of the SOMP is to outline specific operation and maintenance procedures to be implemented to ensure the long-term effectiveness of the stormwater system in achieving the design stormwater management outcomes. The SOMP shall provide for all operational, maintenance, planting and monitoring measures associated with the stormwater infrastructure and shall include:

- a) A programme for regular monitoring and inspection of the stormwater management system including details of monitoring and inspection frequency;
 - b) A programme for the regular collection and disposal of debris, sediment and litter collected by the stormwater management devices to ensure that attenuation volumes are not compromised and that appropriate contaminant removal procedures are established;
 - c) Inspection checklists for all aspects of the stormwater management system including monitoring and maintenance of water quality and vegetation;
 - d) Details of who will be responsible for the operation and maintenance works; and
 - e) Details of recording and reporting of operation and maintenance activities.
33. The SOMP shall be submitted to the Council's Team Leader – Development Engineering for approval within 1 month of the completion of the subdivision construction activities at the site.

Advice note: the development agreement shall specify the timeframes in which the consent holder shall implement the approved SOMP after the section 224 Completion Certificate has been issued.

CCTV – WASTEWATER AND STORMWATER

34. The consent holder shall conduct a CCTV survey of all public wastewater and stormwater reticulation constructed for the proposed subdivision, to assess, but not be limited to, pipe condition, pipe jointing, and gradient variations. The CCTV survey shall be submitted for approval to Council's Team Leader – Development Engineering to Council's CCTV recording system, "Retic Manager Ltd". The following matters shall also be included when submitting "Retic Manager Ltd":
- a) CCTV report from a suitably qualified professional;
 - b) Details on each separate pipe line surveyed highlighting any defects and damages found; and
 - c) Suggested remedies for the repair/elimination of defects found.

Advice Notes:

Inspection Guidelines

All work shall be carried out in accordance with the Guidelines as set out in the New Zealand Pipe Inspection Manual 2019 (4th Edition) and be at the consent holders expense.

Retic Manager

All Councils gravity reticulation systems are submitted through to Retic Manager Ltd. Submitters must register to upload through <https://reticmanager.com/app/account/login>. There is no upload application fee is applicable for submissions to Retic Manager Ltd, although there will be a review charge associated with Development Engineering's audit.

GEOTECHNICAL COMPLETION REPORT

35. Prior to Section 224 Certification, the consent holder shall submit an Earthworks Completion Report. The report shall be prepared by a suitably qualified geotechnical professional and shall demonstrate to the satisfaction of the Council's Team Leader – Development Engineering the

following matters:

- (a) The location, staging and depths of the final cut and fill areas.
- (b) Confirmation that the earthworks have been carried out to the required standards.
- (c) Confirmation that each Lot has a suitable location on which to erect a dwelling.

If recommended by the submitted geotechnical report, **Condition 41(a)** below will require specific foundation design by a Chartered Professional Engineer on any identified Lots.

RESERVES

Neighbourhood Reserve

36. The consent holder shall submit to Council's Senior Reserve Planner for approval a Development Plan for Lot 501 (the neighbourhood reserve). The Development Plan shall include the following:
- a) A plan showing:
 - i. Finished site contours.
 - ii. Planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant heights at maturity, plant locations, plant numbers density of planting, and timing of planting; grassed area detailing the seed mixture.
 - iii. Location and design of any boundary fencing/gates/retaining walls/treatment.
 - iv. Location and design of any hard landscaping (including walkways/footpaths/vehicle crossings/operational access hardstand areas)
 - v. Location and design of play infrastructure
 - vi. Location and design of any entranceway features and signage location and design of any other visitor infrastructure such as seating, toilets, water fountain etc
 - vii. Location and design of any underground services.
 - viii. Location and design of an irrigation system if required.
 - b) A schedule of the species to be planted or retained including botanical name, average plant height at time of planting and maturity and planting density.
 - c) An implementation programme that includes site preparation (topsoil, fertilising, weed removal/spraying, drainage) and planting timeframes.
 - d) A two year maintenance programme that includes: pest plant and weed control, watering, supplementary/replacement planting plan specifications, mowing, litter control, timing of monitoring maintenance inspections, and defects liability for grassing, plantings, assets and subsidence.

Advice note: the development agreement shall specify the timeframes in which the consent holder shall implement the approved Development Plan after the section 224 Completion Certificate has been issued.

37. The consent holder shall implement the approved Development Plan and construct the assets identified in the plan to the satisfaction of Council's Senior Reserve Planner at the consent holder's

expense.

38. As-built plans for all assets developed on the neighbourhood reserve (Lot 501) which are to be vested in council, shall be provided to the satisfaction of Council's Senior Reserve Planner and shall be at the consent holder's expense.

Advice note: the consent holder will construct (and pay) for the assets and infrastructure within Lot 501 based on the proposed layout not including sport fields, and has proffered these consent conditions on that basis. If the Waipa District Council purchases land from the consent holder for sports fields then the consent holder will recommence discussions with the Waipa District Council regarding the funding of the works associated with the neighbourhood reserve. Consent conditions regarding Lot 501 / the neighbourhood reserve may need to be changed in accordance with section 127 of the Resource Management Act 1991 to reflect the revised proposal.

SERVICES – POWER AND TELECOMMUNICATIONS

Power

39. The consent holder must arrange with a local network electricity operator for the underground reticulation of electricity to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include, if necessary, the resitting, repositioning or removal of any electric power lines which exist on the land being subdivided.

Where electric power lines serving any lot are crossing the boundary of any other lot or lots registered easements must be created for such services.

Telecommunications

40. The consent holder must arrange with a telecommunications company for the underground reticulation of telecommunications or fibre optic cables to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the telecommunications company that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resitting, repositioning or removal of any telephone cables which exist on the land being subdivided.

Where telephone cables serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.

CONSENT NOTICES

41. The following conditions shall be complied with on a continuing basis by the subdividing owner and subsequent owners:
- (a) If required: for all Lots identified as requiring specific foundation design under **Condition 35** above, the foundations of any building must be designed by a Chartered Professional Engineer.

DEVELOPMENT AGREEMENT

42. The consent holder shall, within 6 weeks of the commencement of this consent, sign a Development Agreement with Waipa District Council that establishes the general financial terms, works, provisions and maintenance requirements and timeframes for the subdivision. The Development Agreement must establish the framework for the outcomes that will be required as part of the subdivision.