

Figure 29. Landscape Concept Plan

3.8 URBAN DESIGN CONTROLS

3Ms will be controlling the quality of the housing eventually constructed as part of the development. Some specific measures will likely include:

- › Some dwellings will require land use consent. In that regard, controls can be placed on the development through the resource consent process (via consent conditions);
- › 3Ms will be designing and building a significant number of the houses itself, which will then be on-sold to the residential market;
- › Where 3Ms will not be designing and building houses, it will be done through a build partner whereby 3Ms will need to approve each house design prior to construction; and
- › 3Ms will utilise covenants across the site to ensure a high-quality development that meets the 3Ms vision, and retains that high quality in perpetuity.

3.9 DEVELOPMENT CONTRIBUTIONS

3Ms anticipates that the nature of the development contributions will be a matter negotiated through a Development Agreement with the Waipa District Council. However, given that 3Ms will be fully funding a stormwater system to cater for the entire extent of the 3Ms development (that is not reliant on the public infrastructure), that a stormwater development contribution will not be required.

3Ms also considers that a parks and reserves development contribution will also not be required, given 3Ms is seeking to invest in the community playground facilities on its site.

3.10 C1 AND C2/C3 STRUCTURE PLAN CONSIDERATIONS

The application site is located within the Cambridge C2 Structure Plan Area, and the provisions in Appendix S19 (Cambridge C1 and C2/C3 Structure Plan) of the Waipa District Plan are therefore applicable.

As acknowledged previously, the proposal put forward in this AEE will result in a minor spatial departure from the Structure Plan. The below figure is an excerpt from the Structure Plan for the Cambridge C1 and C2/C3 Growth cells. It depicts the indicative land uses and site layout that are proposed within the application site and the land immediately surrounding it.

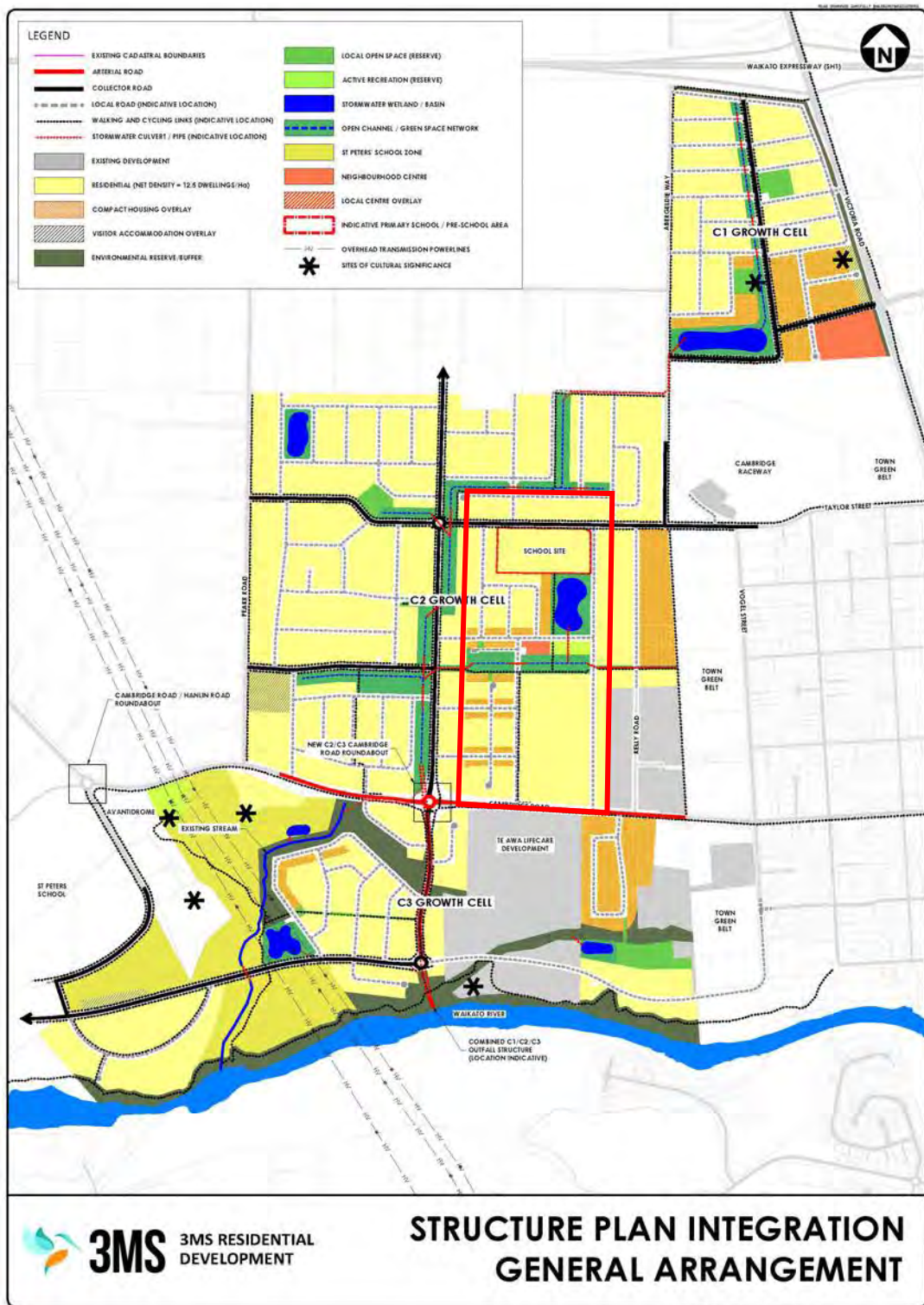


Figure 31. Structure Plan Integration - 3Ms Updates and Waipa District Council Master Planning

Where the 3Ms alternative layout differs from the C1 and C2/C3 Structure is detailed below:

- › **The proposed north / south collector road** is not located on the 3Ms land in the alternative layout, with the roading having moved slightly to the west (onto the adjoining land).
- › **The proposed north / south stormwater swale** is not located on the 3Ms land. It is anticipated that the swale would move to the other (western) side of the collector road on properties owned by other parties in the C2 Growth Cell. There is also a kink in the swale / road to ensure that the existing houses can be retained.
- › There is no **compact housing** on the 3Ms land shown on the Structure Plan, however there is this higher density provided in the 3Ms subdivision layouts.
- › 3Ms is proposing two **vehicular connection points on Cambridge**, rather than one. This means that the site can be developed prior to the C2/C3 roundabout and collector road being constructed.

Where the 3Ms alternative layout is the same C1 and C2/C3 Structure is noted below:

- › The 3Ms alternative layout provides **roading connections to the north / south collector road** to access the 3Ms site.
- › **The local centre** has been moved slightly to the east.
- › **The active reserve** has been replaced by a large stormwater reserve that is 5.2 hectares in size, and moved to the east of the site (adjacent to the green belt). 3Ms is also proposing a smaller active reserve area that will include community playground facilities as anticipated by the Structure Plan.
- › **The Taylor St** extension / collector road is located on the 3Ms land where it is also shown on the Structure Plan.
- › **The southern internal roading network** is similar to the network as shown on Structure Plan, and it is understood that this network will support off road cycle connections.
- › **The land use of the 3Ms site** will be a residential, with the provision for a retirement village in the super lot.
- › The 3Ms **alternative stormwater reserve** still provides for stormwater connectivity to Kelly Road (to the east). Stormwater would flow from Kelly road into the 3Ms stormwater soakage basin. The east/west stormwater corridor / swale has been retained.
- › 3Ms will be installing **wastewater and water supply infrastructure** that services an area wider than the 3Ms site (in accordance with the work that has been undertaken with Waipa District Council).

The only notable difference between the Structure Plan and the 3Ms alternative layout is that the north / south stormwater swale and the collector road will need to be moved to the

west. The other key difference is that the alternative 3Ms layout does not rely on the proposed roundabout on Cambridge Road for primary access into the 3Ms site, nor does the alternative layout require connections to the north/south collector road initially (it is anticipated that there will be connectivity in the future). However, alternative vehicular connectivity will be provided via two connection points on Cambridge Road.

It is 3Ms view that moving the public assets (collector road and stormwater swale) slightly to the west so that they are not on the 3Ms land does not constitute a non-compliance with the Structure Plan, particularly when all of the content of the Structure Plan is assessed in a holistic manner.

The overarching vision for the design of the Structure Plan is:

to enable residential development consistent with the character of Cambridge while providing for increased housing choice and placing a strong emphasis on the provision and quality of public open space. The framework for the design process is based on a methodology emphasising environmental, community and economic outcomes.

The structure plan also lists goals and objectives for developments within the Structure Plan area. Such objectives include:

- › Maintain and enhance the existing local character of Cambridge.
- › Having an open, well-connected street network.
- › Central, accessible Neighbourhood and Local Centres form a focal point for each of the new residential communities.
- › Generous provision of parks and open space provide opportunities for social gatherings, recreation and leisure within a short walking distance of the majority of residents (i.e. as identified within the five minute / 400m walking circles), including facilities such as children's playgrounds and public toilets.
- › Stormwater conveyance and treatment areas are co-located with areas of public open space creating multi-functional features of the Structure Plan areas.
- › A network of off and on-road walkways and cycleways connect residents with each other and to community focal points.
- › Within the C2/C3 Structure Plan area, a central stormwater corridor links residents to community focal points through off-road cycle connections, and provides a multi-functional space for stormwater conveyance as well as recreation and amenity opportunities.
- › Provide approximately 1,750-2,375 dwellings within the C2/C3 growth cells in a variety of forms including low-density single-family homes, small-lot detached homes, and with potential for town houses. Higher densities can be expected within those areas identified for compact housing.

It is considered that the 3Ms subdivision layout achieve the outcomes and goals of the Structure Plan.

While there may be differing opinions on the extent to which the 3Ms alternative layout is in “general accordance” with the structure plan, it is considered that the alternative subdivision layout is in general accordance with the outcomes sought for the Structure Plan. It is 3Ms view that the key amendments shown in the 3Ms alternative layout relative to the Structure Plan are not significant as it only involves a modification to the location of public infrastructure (so that it is not on the 3Ms land), and not relying on the roundabout or the north/south collector road for access into the 3Ms site. The ability remains for these assets to be located slightly to the west (in the case of the north south collector road and the swale).

An analysis of the 3Ms proposal against each of the relevant provisions of the C1 and C2/C3 Structure Plan is presented in Section 6.5.2.5 of this AEE

3Ms considers that there are substantial benefits of the 3Ms updated development plans, and Structure Plan. Although it is for the Waipa District Council to decide whether these are benefits to them, the benefits that 3Ms sees are:

- › The updated layout retains the existing houses within the C2 Growth Cell;
- › The 3Ms layout provides a smaller active reserve that will include community playground facilities;
- › Provides additional walking and cycling links;
- › Has an improved collector road alignment, including through the C3 Growth Cell. St Peters School supports the updated collector road layout;
- › Additional soakage provided within the 3Ms property allows for further optimisation / capacity within the wider stormwater network.
- › Increases the discharge of stormwater onto or into land, supporting the Vision and Strategy for the Waikato River;
- › Provides additional reserve space within the C2 Growth Cell than that which was anticipated in the Structure Plan;
- › Minimises the initial Waipa District Council infrastructure investments by approximately \$44 million;
- › Meets the Ministry for the Education delivery programme;
- › Delays the investment requirements in key stormwater/roading for up to 5 years to allow robust landowner engagement and acquisition process;
- › 3Ms will vest the reserve areas with the Waipa District Council, rather than upfront land purchase being required.
- › Allows WDC to better programme investment based on section delivery / market demand.

3.11 REASONS FOR THE APPLICATION

The application site is zoned 'Deferred Residential' and is located within the Cambridge C2 Structure Plan Area. The rules state that deferred status of the land cannot be uplifted until the stormwater consent has been granted for the Structure Plan Area. The stormwater consent was granted in early 2020, however it is understood that the Waipa District Council is not progressing with approach presented in the Waipa District Plan for the uplifting of the deferred status of areas. Instead, the Waipa District Council is proposing to "live zone" specific deferred zone areas by way of a plan change (Plan Change 13). It is understood that Plan Change 13 will be notified in early 2021.

Therefore, 3Ms is seeking to subdivide the application site prior to the deferred zoning being uplifted.

In respect of the school site and the super lot, 3Ms will be seeking title before the site is fully serviced (from a transportation and three waters perspective). In that regard, 3M's seeks a consent notice consent condition that states that there shall be no education activities undertaken on the site until such time as the site is appropriately serviced.

4. ACTIVITY STATUS OF THE PROPOSAL

The following identifies the activity status of the subdivision activities that are the subject of this resource consent application.

4.1 WAIPA DISTRICT PLAN

The RMA status of the activities relating to the proposed land use and subdivision within the jurisdiction of the Waipa District Council is determined by reference to the Waipa District Plan.

4.1.1 Zoning

The entire site is located in the Deferred Residential Zone and is subject to Cambridge C1 and C2/C3 Structure Plan. This is detailed below in Figure 32.

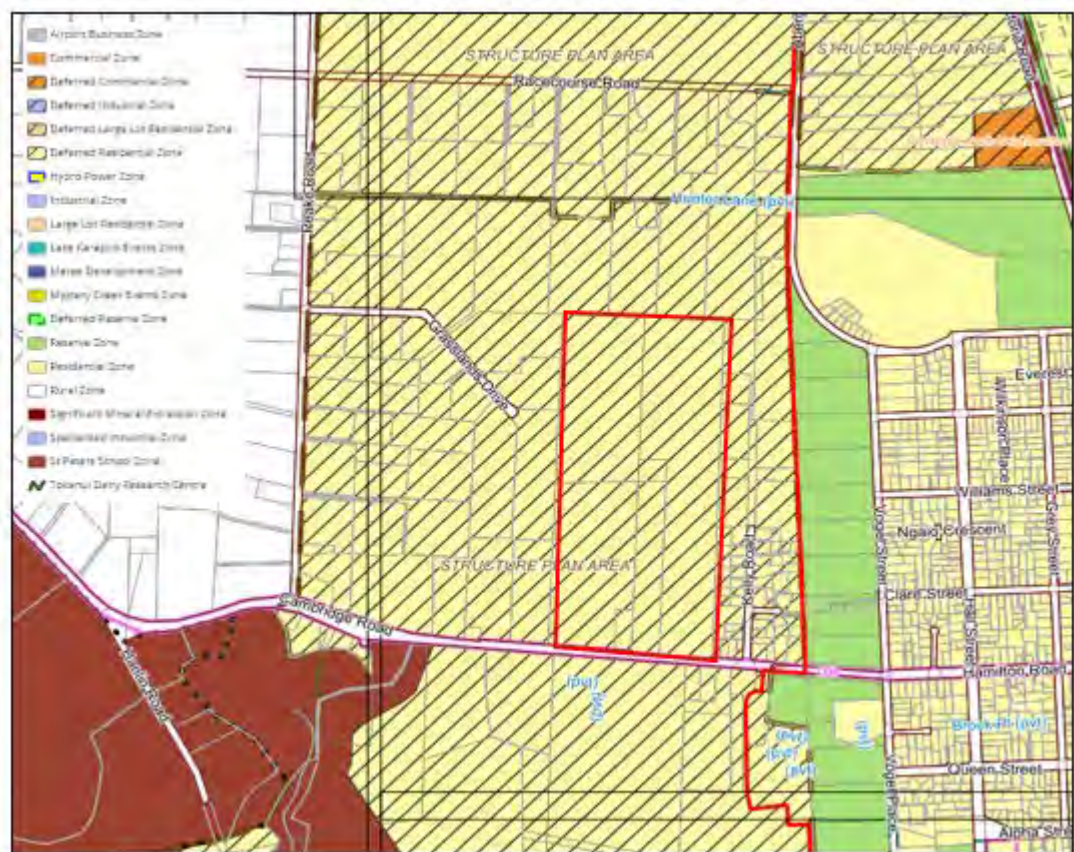


Figure 32. Zone Map

4.1.2 Policy Areas

The site is not within any identified overlays, shown in Figure 33.

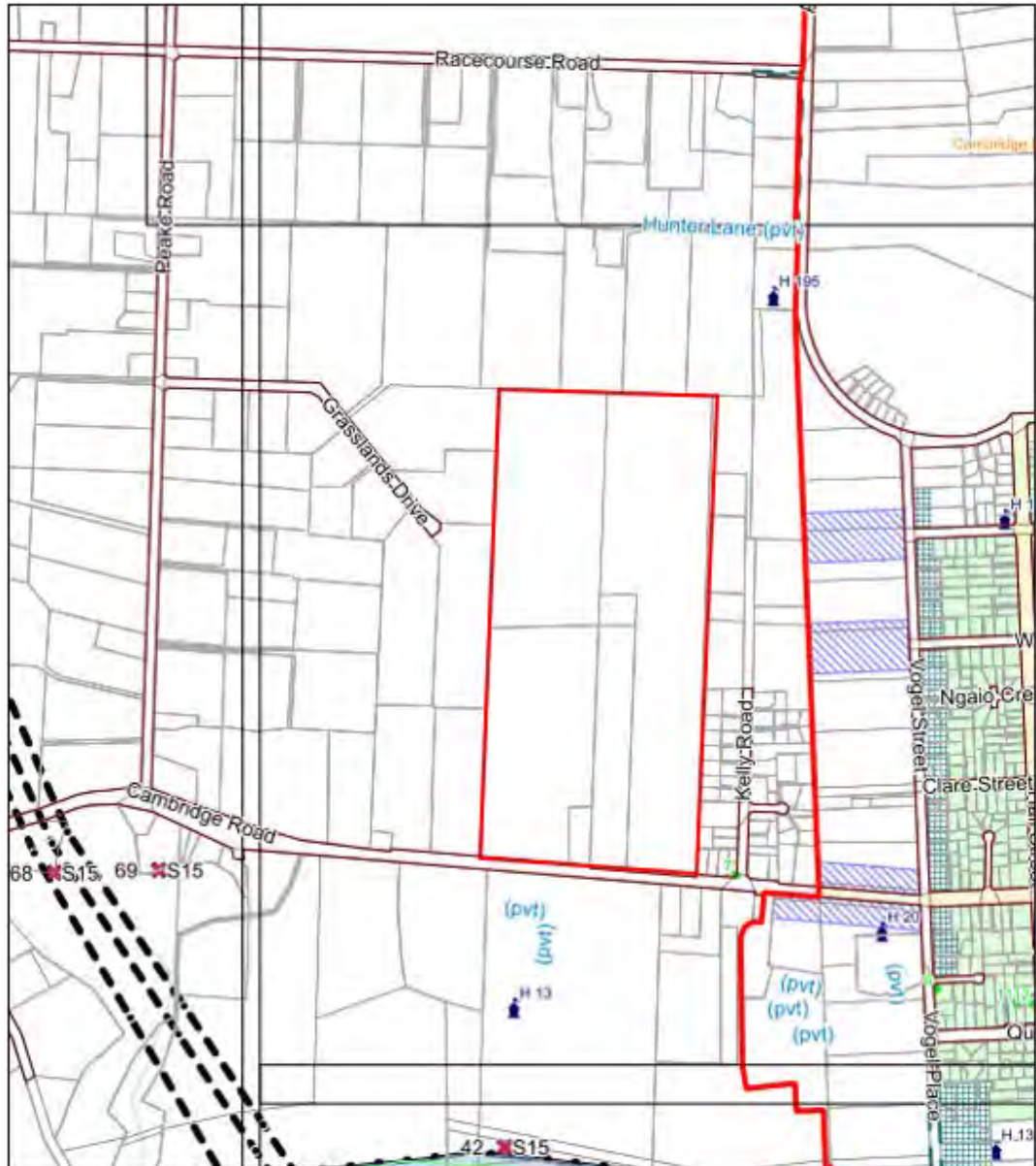


Figure 33. Policy Area Map

4.1.3 Waipa District Plan Assessment

The following definitions are applicable to the 3Ms development:

- › **Residential activity** - means the use of land and DWELLINGS and ACCESSORY BUILDINGS by people who form a single household for the purpose of permanent living accommodation where the majority of occupiers intend to live at the SITE for a period of one month or more of continuous occupation per annum, and will generally refer to the SITE as their home and permanent address; and activities that are ANCILLARY to the residential use of the SITE. For the avoidance of doubt, it includes the use of land and BUILDINGS for:

- In the Rural Zone, RECREATIONAL HUNTING (including non-residents of the SITE(S)); and
 - In all zones, emergency and refuge accommodation; and
 - In all zones, the use of land and/or BUILDINGS for supervised living accommodation and any associated caregivers.
- › **Residential development** - means DEVELOPMENTS for RESIDENTIAL ACTIVITIES on SITES less than 5,000m² except for large lot residential areas and all comprehensive DEVELOPMENTS such as RETIREMENT VILLAGES, which may occur on SITES greater than 5,000m².
 - › **Compact housing** - means a housing DEVELOPMENT in which the design of BUILDINGS, their layout, access and relationship to one another has been planned in a comprehensive manner to achieve compatibility between all BUILDINGS on a SITE or SITES. This can include Papakāinga housing, terraces, duplexes, apartments and town houses, but excludes RETIREMENT VILLAGE ACCOMMODATION AND ASSOCIATED CARE FACILITIES.

While 3Ms is not seeking land use consent as part of this development given that the underlining zoning is likely to change in 2021 as part of Plan Change 13 to the Waipa District Plan (and it would be more appropriate to consider the individual dwellings against the rules of the Residential Zone), the suite of Waipa District Council rules have been assessed to provide a fulsome analysis of the proposal against the provisions of the plan.

The proposed activities have therefore been assessed against the following provisions in the Operative District Plan:

Part D – Zone Provisions

- › Section 4 – Rural Zone
- › Section 14 – Deferred Zone

Part E – District Wide Provisions

- › Section 15 – Infrastructure, Hazards, Development and Subdivision
- › Section 16 – Transportation
- › Section 17 – Works and Utilities

Growth Management Structure Plans and Concept Plans

- › Appendix S19 – Cambridge C1 and C2/C3 Structure Plan

Appendices

- › Appendix T4 – Criteria for Public and Private Roads

As a comparative exercise an assessment is also undertaken of the proposal against key provisions of the Residential Zone. This is useful to illustrate the likely degree of non-compliance for the proposed activities in the Residential Zone once the deferred status has been uplifted.

The assessment is included in the following subsections.

4.1.3.1 Rural Zone Provisions

Section 14.4 (Deferred Zone) states that:

The rules that apply to activities [in the Deferred Zone] are contained in:

- (a) The activity status tables and rules in this zone and the Rural Zone and Industrial Zone in the locations referenced below; and
- (b) The activity status tables and the performance standards in Parts E District Wide Provisions and Part F District Wide Natural and Cultural Heritage of the Plan.

An assessment of the rural zone provisions is therefore provided in accordance with Rule 14.4 (a), as follows:

Rule 4.4.1.1 lists the activities permitted in the Rural Zone, provided the performance standards. This rule lists residential activities (c) as being a permitted activity. The performance standards are assessed in the following table, however it is noted that there are several non-compliances with the Rural Zone performance standards as residential subdivisions of this nature are simply not provided for or contemplated in the Rural Zone. However, the way in which Waipa District Plan requires activities in the Deferred Zone to be regulated by the Rural Zone rules, requires consideration of these performance standards.

If Plan Change 13 does not proceed, then the development would likely not comply with the following rules. However, it is anticipated that at the time the subdivision is completed, the Residential Zone rules will apply:

- › Rule 4.4.2.1 - Minimum building setback from road boundaries;
- › Rule 4.4.2.2 - Minimum setbacks from internal site boundaries;
- › Rule 4.4.2.10 – Maximum building coverage; and
- › Rule 4.4.2.12 – Daylight control.

4.1.3.2 Section 14 - Deferred Zone

The activity status table of the Deferred Zone effectively states that:

- › Where an activity is a permitted activity in the Rural Zone, it is a permitted activity in the Deferred Residential Zone (Rule 14.4.1.1 (a)).
- › Where an activity is a controlled activity in the Rural Zone, it is a controlled activity in the Deferred Residential Zone (Rule 14.4.1.2(a)).

- › Where an activity is a restricted discretionary activity in the Rural Zone, it is a restricted discretionary activity in the Deferred Residential Zone (Rule 14.4.1.3(a)).
- › Where an activity is a discretionary activity or a non-complying activity in the Rural Zone, it is a non-complying activity in the Deferred Residential Zone (Rule 14.4.1.5(a)).
- › Where an activity is a prohibited activity in the Rural Zone, it is a prohibited activity in the Deferred Residential Zone (Rule 14.4.1.6(a)).

On that basis, an assessment against the Rural Zone rules and performance standards is provided in the previous section.

4.1.3.3 Section 15 – Infrastructure, Hazards, Development and Subdivision

Table 10. Section 15 Activity Status Table

Rule	Compliance Standard	Compliance Status
Section 15: Subdivision Provisions		
Rule 15.4.1.1 Activity Status Tables 15.4.1.1(w) Deferred Zones – Specific activity status rules	(w) Any subdivision that is not a boundary adjustment or boundary relocation: Non-Complying Activity	Applies Non-Complying Resource Consent is required.

Section 15 Performance Standards

The performance standards in Section 15 are applicable to activities listed as permitted, controlled and restricted discretionary and discretionary activities. While the proposal is for a non-complying activity, these performance standards still provide useful guideline with respect to the proposed non-complying subdivision. Those that are potentially relevant are summarised below:

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Table 11. Subdivision Performance Standards

Performance Standards	Assessment
Rule – Residential Subdivision in the C1 and C2/C3 structure plan areas. 15.4.2.1 (ac) ▪ Minimum lot area –500m ² (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding the existing dwelling; any such dwelling will be exempt from the average net lot area	Does not comply. The minimum lot size is under 500 m ² . The maximum lot area is larger than 1,000m ² , given the super lots being created. The activity is therefore a non-complying activity .

Performance Standards	Assessment
<p>calculation).</p> <ul style="list-style-type: none"> ▪ Average Net Lot Area – < 800m² (i.e. 12.5 dwellings per hectare minimum, over the extent of the subdivision) ▪ Maximum Net Lot Area or Maximum number of lots – 1,000m² <p>Activities that fail to comply with this rule will require a resource consent for a non-complying activity.</p>	
<p>Rule – Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1 (e) and Rule 15.4.2.62</p> <p>15.4.2.1 (ad)</p> <ul style="list-style-type: none"> ▪ Minimum lot area – 400m², (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding the existing dwelling; any such dwelling will be exempt from the average net lot area calculation; and except for subdivision in relation to compact housing where the provisions of Rule 2.4.2.43 apply). ▪ Average Net Lot Area – Average between 500m² (20 dwellings per hectare) and 800m² (12.5 dwellings per hectare) over the extent of the Comprehensive Residential Subdivision area. Compact residential densities are excluded from the above calculations. ▪ Maximum Net Lot Area or Maximum number of lots – 1,500m² <p>Activities that fail to comply with this rule will require a resource consent for a non-complying activity.</p>	<p>Does not comply.</p> <p>The maximum lot area is larger than 1,500m², given the super lots being created, and the minimum lot size is under 400 m².</p> <p>The activity is therefore a non-complying activity.</p>
<p>Rule - Existing consent notices, bonds, and other legal instruments</p> <p>15.4.2.2 All existing consent notices, bonds, and other legal instruments registered on a certificate of title in favour of the Waipa District Council which either restrict further subdivision or require ongoing performance of a matter relating to that certificate of title under the provisions of any previous planning regime must continue to be binding against that certificate of title.</p> <p>Activities that fail to comply with this rule will require a resource consent for a non-complying activity.</p>	<p>Not applicable.</p>

Performance Standards	Assessment
<p>Rules - Lot frontage, lot shape factor and vehicle crossings (all other zones)</p> <p>15.4.2.3 Lot frontage, lot shape factor and vehicle crossings:</p> <ul style="list-style-type: none"> ▪ Lot frontage (excluding rear lots) – 20m. ▪ Lot shape factor – 30m diameter circle. ▪ Vehicle crossing minimum to maximum – 4m to 4.5m. <p><i>Advice Note: For the avoidance of doubt an ‘entrance corridor’ in this rule means any main access to a greenfield subdivision with more than 7 lots; and any new collector road which connects to the existing road network.</i></p> <p>Rule – Minimum width of vehicle access to rear lots</p> <p>15.4.2.4 Access to rear lots shall comply with the following minimum widths</p> <ul style="list-style-type: none"> ▪ All other Zones – 4m <p>Rules - Lot design</p> <p>15.4.2.5 Each new lot created shall be able to incorporate the lot shape factor in a position which does not encroach on any building setback or easement requirement.</p> <p>15.4.2.6 Subdivision within the urban limits, and any Large Lot Residential Zone shall not create more than two rear lots, unless provided for by Rule 15.4.2.58.</p> <p>15.4.2.7 New residential and large lot residential lots, other than corner lots, shall have frontage to only one road or street.</p> <p>15.4.2.8 In any zone where lots are to be prevented from obtaining direct access to an adjacent road an access denial or segregation strip shall be vested in the Council. The performance standards for development and subdivision in the underlying zone do not apply to lots created for the purpose of access denial or segregation.</p> <p>15.4.2.9 Any new Lot created must be able to accommodate all buildings outside of the Root Protection Zone of a protected tree whether the protected tree is on the new lot or on an adjacent site.</p> <p>15.4.2.10 The Root Protection Zone of any protected tree must be contained entirely within any new allotment.</p> <p>Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.10 will require a resource consent for a discretionary activity.</p>	<p>Does not comply.</p> <p><u>Rule 15.4.2.3</u> – does not comply</p> <p>Lot Frontage - Lots 1 and 132 are on entrance corridors – they have 25m frontage (including Cambridge Road and the internal road frontages).</p> <p>Lots 3 – 16, 46, 55, 57, 60, 82, 87, 98, 101, 114, 117, 118, 133, 134, 152, 161, 225, 226, 307 do not meet the 20m frontage.</p> <p><u>Shape Factor</u>. If considering the Rural Zone rules, a 30m diameter circle should be provided. Only the super lots would comply.</p> <p>If assessing against the Residential provisions, and using residential setbacks, then Lots 47 – 54, 90-92, 138, 225, 227 – 241 and all compact lots do not comply with the 13m circle.</p> <p>Lots 1 and 132 are on entrance corridors and can accommodate 16m circles.</p> <p><u>Rule 15.4.2.4</u> – Complies. all access lots are a minimum of 4m, and they also comply with the minimum requirements for the Residential Zone.</p> <p><u>Rule 15.4.2.5</u> - The new lots also will encroach on the building setback requirement of the deferred / rural zone provisions (Rule 15.4.2.5) at this point in time. However, at the time the subdivision is completed, it is anticipated that the site will be zoned Residential or a specific land use consent will be obtained.</p> <p><u>Rule 15.4.2.6</u> - is not relevant as the site is not within the urban limits.</p> <p><u>Rule 15.4.2.7</u> – Lots 84-87 and 175 to 178 do not comply.</p> <p><u>Rule 15.4.2.8</u> – There are no segregation strips. However, 3Ms does not propose any lots direct</p>

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access of Cambridge Road.

Rule 15.4.2.9 – Not applicable as there are no protected trees on the site.

Rule 15.4.2.10 – Not applicable as there are no protected trees on the site.

The activity requires consent for a **discretionary activity** in accordance with these rules.

Rule - Design and layout of development and subdivision adjoining water bodies and reserves

Not applicable.

15.4.2.11 Within the urban limits and the Large Lot Residential Zone, the design and layout of subdivisions shall ensure that water bodies and reserves are fronted by either roads or the front or side boundary of a lot.

The site is not within urban limits, nor within the Large Lot Residential Zone.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity** except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a **restricted discretionary activity** with the discretion being restricted over:

(a) The extent to which the development and subdivision layout and design provides for passive surveillance of reserve(s).

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Lots within areas of high value amenity landscapes, viewshafts, river and lake environs, significant natural features and landscapes and visually sensitive hill country

Not applicable.

15.4.2.12 Where new lots are to be created within high amenity natural features and landscape, viewshafts, river and lake environs, significant natural features and landscapes, and sensitive hill country, as identified on the Planning Maps, then the following shall apply:

The site is not within areas of high value amenity landscapes, viewshafts, river and lake environs, significant natural features and landscapes and visually sensitive hill country.

(a) Power and telephone services shall be provided underground; and

(b) The subdivision plan shall define the building platform and associated access alignment on each lot. The building platform shall be located so that at the time of building construction no part of any complying building will extend above the ridgeline nearest to the building platform, when

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viewed from a public place; and

(c) The building platform, roads, and accessways shall minimize intrusion into the landscape, or viewshaft; and

(d) Access to the building site must follow the contour of the land.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

Rule - Site suitability: General

15.4.2.13 Subdivision and development shall have a defined building platform in a complying location that is capable of being serviced to the requirements of the zone.

Advice Notes:

1. For lots with multiple building platforms at least one suitable building site must be identified on each new lot to demonstrate compliance with this rule. Where there are site specific reasons why any future building must be built on that identified site, Council will impose a Section 221 consent notice to that effect.

2. For lots within a high amenity landscapes, viewshafts, river and lake environs, significant natural landscapes, and visually sensitive hill country, refer to Rule 15.4.2.12.

Activities that fail to comply with this rule will require a resource consent for a **non-complying activity**.

Does not comply

As the development is located in a Deferred Residential Zone, where the Rural Zone land use apply, the building platforms will not be able to comply with the setback or site coverage rules.

However, the building platforms would likely be in a compliant location if the C1 and C2/C3 Growth Cells were zoned full Residential (as was anticipated through the Structure Plan process).

The activity is therefore a **non-complying activity**.

Rules - Site suitability: within or adjoining a Flood Hazard Area

15.4.2.14 Subdivision and Development within or adjoining a Flood Hazard Area identified on the Planning Maps shall have building platforms in a complying location that can achieve a minimum free-board level 500mm above the 1% AEP (100 year flood level).

Advice Note: The flood areas on the District Plan Maps are derived from: Te Awamutu Flood Management Plan, Waikato Regional Council, Technical Publication 93/10, and the Pukekura Drain Hydraulic Assessment Stage 4, Opus, January 2011, and the Waipā River Flood Hazard Study, Waikato Regional Council.

15.4.2.15 No subdivision and development shall occur within a High Risk Flood Zone.

Advice Note: The 'High Risk Flood Zone' is defined in Part B of the District Plan and relates to the 1% AEP (100 year flood

Not applicable.

The site is not within or adjoining a flood hazard area.

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<p>level).</p> <p>Activities that fail to comply with Rules 15.4.2.14 and 15.4.2.15 will require a resource consent for a non-complying activity.</p>	
<p>Rule - Infrastructure servicing in all zones</p> <p>15.4.2.16 All lots in a subdivision and any sites in a development shall be connected to the following infrastructure services:</p> <ul style="list-style-type: none"> (a) Formed public road or new road; and (b) Electricity; and (c) Telecommunications; and (d) Fibre optic cable. <p><i><advice note not reproduced></i></p> <p>Activities that fail to comply with this rule will require a resource consent for a non-complying activity.</p>	<p>Complies</p> <p>Section 3.5 of this AEE demonstrates how the site will be serviced.</p>
<p>Rule - Design, location and maintenance of services in infill development</p> <p>15.4.2.17 Where more than one serviced building (excluding accessory buildings) is erected on a site, all services shall be provided to each building as if the site was being subdivided to create separate titles for each serviced building.</p> <p>Activities that fail to comply with this rule will require a resource consent for a non-complying activity.</p>	<p>Not applicable.</p>
<p>Rules - Additional infrastructure servicing for the Residential, Commercial and Industrial Zones within the urban limits</p> <p><u>15.4.2.18</u> All lots in a subdivision and any sites in a development in the Residential, Commercial and Industrial Zones within the urban limits shall be connected to the following Council infrastructure services:</p> <ul style="list-style-type: none"> (a) Wastewater reticulation and treatment; and (b) Water supply for domestic, or industrial, or commercial activity; and (c) Water supply for fire fighting purposes. <p>Activities that fail to comply with this rule will require a resource consent for a non-complying activity.</p> <p><u>15.4.2.19</u> Any proposed connection to the mains water supply shall be located in the berm adjacent to the building it is</p>	<p>Not applicable.</p> <p>The site is not within urban limits, however as detailed in Section 3.5 of this AEE, the site will be appropriately serviced.</p> <p>In respect to Rule 15.4.2.20 (c) the development complies with the requirements of the approved Stormwater Management Plan for the C1 and C2/C3 Growth Cells.</p>

supplying and not require crossing under road carriageways.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

15.4.2.20 Within the urban limits, all lots in a subdivision and any sites in a development in the Residential, Commercial and Industrial Zones shall:

(a) Dispose of stormwater generated from within roads, reserves, and any lot to be vested in Council, into the Council's reticulation system at pre development levels; and

(b) Dispose of all stormwater generated from lots not to be vested in Council within the boundaries of the lot itself.

(c) Except that (a) and (b) above shall not apply to the C1 and C2/C3 growth cells where regional and/or district resource consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.

Activities that fail to comply with this rule will require a resource consent for a **non-complying activity**.

Rules - When infrastructure services are not provided by Council **Not applicable.**

15.4.2.21 Where wastewater treatment and disposal services are not provided by the Council:

(a) Every lot shall be of sufficient size to contain within the lot boundaries the treatment and disposal of wastewater resulting from any future permitted development; and

(b) The wastewater treatment and disposal services shall be set back 23m from any water body.

Activities that fail to comply with this rule will require a resource consent for a **non-complying activity**.

15.4.2.22 Where water is not supplied by Council each lot shall provide:

(a) An independent potable water supply sufficient for activities permitted on the site; and

(b) Access to an adequate water supply for firefighting purposes.

Activities that fail to comply with this rule will require a resource consent for a **non-complying activity**.

Performance Standards	Assessment
<p>Rule - Wastewater disposal</p> <p>15.4.2.23 The design (including design life) and construction of wastewater treatment and disposal facilities shall ensure adequate provision is made to meet public health standards, eliminate the ingress of stormwater and groundwater, and avoid the occurrence of system surcharging or overflow.</p> <p>Activities that fail to comply with this rule will require a resource consent for a non-complying activity.</p>	<p>Not applicable.</p>
<p>Rules - Stormwater</p> <p>15.4.2.24 All lots or sites shall be of sufficient size to enable on site detention and disposal of stormwater resulting from any future development permitted in the zone provided that this rule does not apply to stormwater disposal in the</p> <p>(a) Houchens Road Large Lot Residential Structure Plan Area.</p> <p>(b) The C1 and C2/C3 Structure Plan areas, where regional and/or resource district consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell</p> <p>15.4.2.25 Development shall not obstruct overland and secondary flow paths.</p> <p>Activities that fail to comply with Rules 15.4.2.24 and 15.4.2.25 will require a resource consent for a non-complying activity.</p>	<p>Complies.</p> <p>The proposal complies with the Stormwater Management Plan for the C1 and C2/C3 Growth Cells.</p>
<p>Rule - National Grid Yard</p> <p>15.4.2.28 All lots shall identify a building platform for the principal dwelling, and any proposed secondary dwelling, outside of the National Grid Yard.</p> <p>Activities that fail to comply with this rule will require a resource consent for a non-complying activity.</p>	<p>Not applicable.</p>
<p>Rule - Proximity to poultry farming activities</p> <p>15.4.2.29 In the Rural Zone, any new lot created within 500m of a poultry farming activity shall identify a building platform for the principal dwelling and any proposed secondary dwelling, that is no less than 250m from a building forming part of a poultry farming activity.</p>	<p>Not applicable.</p>

Performance Standards**Assessment**

Activities that fail to comply with this rule will require a resource consent for a **non-complying activity**.

Rule - Lots for network utilities

15.4.2.30 Land that is to be subdivided for a network utility service, except for roads, shall be configured to accommodate the intended activity, and the balance area of the subdivision shall comply with the relevant subdivision standards for the zone in which it is located. Provided that lots for network utilities shall comply with this rule only.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**

Complies.

Rule 15.4.2.30 – Lot 508 has been sized to accommodate the wastewater pump station and the necessary surrounding land. Once the design has been formalised, so too will the exact amount of land around the pump station.

Rule - Development within a Deferred Zone

15.4.2.61 No development or subdivisions shall occur unless a structure plan for the comprehensive and integrated development of the zone has been approved by Council and incorporated into the District Plan by way of a plan change or approved by way of a resource consent.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

Complies.

There is an approved Structure Plan for the C1 and C2/C3 Growth Cells, which was inserted into the District Plan via Plan Change 7.

Rule - Comprehensive Development Subdivision within the C1 and C2/C3 Structure Plan areas

15.4.2.62 Any Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas (as described within the relevant Structure Plan) shall comply with the following standards (in addition to the relevant performance standards):

(a) Be applied to an area of land within the overall structure plan area within common ownership and/or control of the applicants.

(b) Through an appropriate concept plan for the entire Comprehensive Residential Subdivision development area identified, demonstrate how development will achieve a minimum density of 12.5 dwelling per hectare net as set out in the Structure Plan over the course of a staged development in accordance with Rule 15.4.2.1 (ad).

(c) Provide a minimum 2.5% net residential land area or 2,000m² (whichever is larger) of the overall comprehensive residential development area as 'compact housing'.

Complies.

- (a) – the land that is the subject of this application is within common ownership and control of 3Ms.
- (b) – this application provides a concept plan for the entire area. In respect to density the proposal will result in 13.6 households per hectare.
- (c) – the compact housing is in excess of 2000 m²

Performance Standards

Assessment

For avoidance of doubt, all other relevant performance standards within Part A, C and D of this section shall continue to apply.

Advice Note: the 'net residential land area' is total residential land area excluding roads and, in addition, land not suitable or available for residential development including open spaces, areas constrained by topography, commercial areas, schools and land required for environmental buffers and stormwater infrastructure (including any buffer areas or setbacks from the stormwater infrastructure).

Activities that fail to comply with this rule will require a resource consent for a **non-complying activity**.

Rule - Greenfield lot design

Complies.

15.4.2.63 No more than 15% of lots in a greenfield subdivision or within the Houchens Road Large Lot Residential Structure Plan Area at Appendix S13 shall be rear lots.

There are 9 rear lots – 3.8%.

Activities that fail to comply with this rule will require a resource consent for a **non-complying activity**.

Provided that activities subject to a Structure Plan approved and included within the Proposed District Plan as at 31 May 2012 and the Houchens Road Large Lot Residential Structure Plan at Appendix S13 that have:

- 15-20% of rear lots will require a resource consent for a discretionary activity, and
- More than 20% of rear lots will require a resource consent for a non-complying activity.

Advice Note: Structure Plans approved by Council prior to 31 May 2012 were considered under a policy framework which excluded urban design provisions therefore are exempt from this rule to acknowledge the differing policy framework in place at the time of approval.

Rule - Design and location of infrastructure services

Not applicable.

Advice Note: The Regional Infrastructure Technical Specifications as updated from time to time will provide guidance in relation to the design of infrastructure services at the resource consenting stage.

The site is not within urban limits nor within the large lot residential zone.

15.4.2.64 Within the urban limits and the Large Lot Residential Zone, all new subdivision and development of 7 or more lots

Performance Standards

Assessment

shall provide a utilities corridor in the road reserve free of tree plantings (Refer to Appendix T3 and T4).

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

Rules - Roads

15.4.2.65 In any zone, unless an approved structure plan provides otherwise, the design and layout, and construction and formation, of a new road and its streetscape shall meet the requirements of Appendix T3, and Appendix T4 - Criteria for Public and Private Roads. Provided that, in the Residential Zone a new road must also provide a footpath of a minimum width of 1.5m, to increase in size to a minimum width of 2m within 400m of a school, community facilities, and commercial areas including pedestrian frontage areas.

15.4.2.66 Within the urban limits and the Large Lot Residential Zone the layout and design of subdivision and development that incorporates roads to vest in Council, shall create a grid layout that:

(a) Has blocks elongated north west to southeast and lots oriented east/west to ensure provision for solar access; and

(b) Provides for connectivity to adjoining land that is able to be developed or subdivided in the future or is identified in Appendix S1.

Provided that in the Houchens Road Large Lot Residential Structure Plan Area and in a Structure Plan that was approved and included in the Proposed District Plan as at 31 May 2012 a grid layout is not required.

15.4.2.67 Where any subdivision includes the creation of new roads, the location and design of the roads shall ensure the continuation of vistas as identified on the Planning Maps.

Activities that fail to comply with Rules 15.4.2.65 to 15.4.2.67 will require a resource consent for a **discretionary activity**.

Does not comply.

Rule 15.4.2.65 – some of the roads within the subdivision do not comply with the requirements of Appendix T4 (discussed further in section 3.5 of this AEE)

Rule 15.4.2.66 – not applicable

Rule 15.4.2.67 – not applicable.

The activity therefore requires resource consent for a **discretionary activity**.

Rule - Location and design of reserves

Will comply.

15.4.2.68 In all zones, the location, layout and design of reserves shall demonstrate:

(a) That the reserve is directly linked to footpaths from the surrounding development; and

(b) That the reserve is fronted on two sides by roads; and

Performance Standards

Assessment

(c) That on street parking is provided adjacent to the reserve.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity except that in the Houchens Road Large Lot Residential Structure Plan Area activities that fail to comply with this rule will require resource consent for a **restricted discretionary activity** with the discretion being restricted over:

- (a) The overall provision for walking and cycling access to and within the reserve(s); and
- (b) The layout of the reserve(s); and
- (c) The extent to which the provision of the reserve(s) is in general accordance with the Houchens Road Large Lot Residential Structure Plan; and
- (d) Car parking. These matters will be considered in accordance with the assessment criteria in Section 21

Rule - All development and subdivision in areas subject to a Structure Plan, Development Plan or Concept Plan

15.4.2.69 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. For the avoidance of doubt, the following areas are subject to concept plans, development plans and/or structure plans:

...

(r) Cambridge C1 and C2/C3 Structure Plan – Appendix S19

...

(t) Deferred Zones, for the intended future zones identified on the Planning Maps (Subject to resource consent or plan change)

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**, except where these structure plans indicate that non-compliance with the rules of the structure plan, development plan or concept plan will result in the activity being a **non-complying activity**.

Complies

It is considered that the 3Ms subdivision layout is in general accordance with the Structure Plan (more detailed provided subsequently in this AEE)

4.1.1 Section 16 - Transportation

Section 16 of the Waipa District Plan is also relevant to the proposal.

Rule 16.4.1.1 (a) states that *Permitted, Controlled or Restricted Discretionary activities (b) to (j) shall comply with the performance standards of 16.4.2. Failure to comply with the performance standards of 16.4.2 will result in the activity being a discretionary activity or as specified in 16.4.2.* The performance standards are assessed in the following table.

The applicable performance standards of Section 16 are assessed in the table below:

Table 12. Transportation Performance Standards

Performance Standard	Assessment
<p>Rules - Road hierarchy</p> <p>16.4.2.1 All structure plans, plan changes, developments, and subdivisions must be consistent with the road hierarchy, as contained in Appendix T5.</p> <p>16.4.2.2 To maintain the effectiveness of the road hierarchy, a road network must be designed so that a road connects to a road at the same level in the hierarchy, or directly above or below its place in the hierarchy.</p> <p>16.4.2.3 To maintain the effectiveness of the road hierarchy, when a site has two road frontages, vehicle access and egress must be from the lesser road type, as shown in the matrix below:</p> <p><table not reproduced></p> <p>Activities that fail to comply with Rules 16.4.2.1 to 16.4.2.3 will require a resource consent for a discretionary activity.</p>	<p>Does not comply</p> <p>Rule 16.4.2.1 – complies. The subdivision is consistent with the approved Structure Plan.</p> <p>Rule 16.4.2.2 - The approved Structure Plan has one local roads (Road 10) connecting to a major arterial (Cambridge Road) and a further connection is proposed.</p> <p>The rest of the subdivision road layout complies with this rule through its mixture of collector and local roads.</p> <p>Rule 16.4.2.3 – complies. The site has one road frontage (Cambridge Road).</p>
<p>Rule - Vehicular access to sites in all zones</p> <p>16.4.2.4 Every site shall be provided with vehicle access to a formed road that is constructed to a permanent standard. The vehicle access shall be designed to accommodate the demands of all traffic from the activity on that site, taking into account the form and function of the road.</p> <p><i>Advice Notes:</i></p> <p>1. Where a site in the Residential Zone, Rural Zone and Large Lot Residential Zone requires access for a fire appliance to a fire fighting water supply, SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice shall be used as a guide.</p>	<p>Complies.</p> <p>All lots have access to a formed road. Subdivision roads will be built to permanent standard.</p>

Performance Standard	Assessment
<p>2. <i>Guidance on how this rule can be achieved is contained within the Waipa District Council Development and Subdivision Manual as updated from time to time.</i></p> <p>Activities that fail to comply with this rule will require a resource consent for a discretionary activity</p>	
<p>Rule - Vehicle entrance separation from intersections and other vehicle entrances</p> <p>16.4.2.5 The minimum distance of a vehicle entrance (accessway) from an intersection or other entrance shall be as follows, where the values for K, M and N are included in the following table:</p> <p><table not reproduced></p> <p>Activities that fail to comply with this rule will require a resource consent for a discretionary activity.</p>	<p>A high degree of compliance expected.</p> <p>Most lots will be able to comply with these rules. Some corner lots and lots opposite intersections may not. This is common in residential areas where lot size can limit the opportunity to achieve 20-30m separation from intersections.</p> <p>Potential adverse effects can be mitigated at the time individual accesses are designed by placing them on the lower classification road (where two frontages are available) and siting them as far as practicable from intersections.</p> <p>Consent is required for a discretionary activity.</p>
<p>Rule - Vehicle access to compact housing development</p> <p>16.4.2.8 Compact housing development must only have one access point to a strategic road.</p> <p>Activities that fail to comply with this rule will require a resource consent for a discretionary activity.</p>	<p>Complies.</p> <p>Compact housing areas have no access to strategic roads.</p>
<p>Rules - Parking, loading and manoeuvring area</p> <p>16.4.2.13 All activities that involve the erection, construction or substantial reconstruction, alteration or addition to a building on any site, or changes the use of any land or building, shall provide parking and loading/unloading for vehicles on the site as set out in Appendix T1.</p> <p>Provided that in the Residential Zone:</p> <p>(a) One of the car parks allocated to a single dwelling may be stacked (i.e. located in such a way that it cannot be accessed directly from the associated access or manoeuvring area) provided that the stacked car park does not:</p>	<p>Complies.</p> <p>Rule 16.4.2.13 – Compliance expected</p> <p>Activities on individual lots have not been designed at this stage. Compliance with Appendix T1 is expected and lots have adequate size to comply. Departures, if these are proposed by individual lot owners/developers, will be</p>

Performance Standard	Assessment
<p>(i) Encroach on or interfere with any shared access on the site; or</p> <p>(ii) Encroach on any required building setback, side boundaries, or outdoor living area; or</p> <p>(iii) Compromise the ability for any vehicle to manoeuvre within the site.</p> <p>16.4.2.14 Where assessment of the number of parking spaces required results in a fractional space being calculated, any fraction less than one-half shall be disregarded, and any fraction greater than or equal to one-half shall be counted as one space.</p> <p>16.4.2.15 Vehicle parking, loading/unloading, and manoeuvring areas shall:</p> <p>(a) Not encroach on any setback, outdoor living area, or bicycle parking spaces; and loading/unloading areas and manoeuvring areas shall not encroach over vehicle parking spaces; and</p> <p>(b) Be designed, formed, and constructed in accordance with Appendix T2 and ensure that the surface of the required area provides a dust free environment; and</p> <p>(c) Provide for the safe and efficient disposal of surface stormwater clear of any adjoining access or road surface in a way that does not result in ponding or scouring; and</p> <p>(d) Be constructed to accommodate the anticipated use of the area by all traffic likely to access the site in the zone in which it is located, including construction traffic taking into account pavement, surfacing, demarcation of spaces, aisles and circulation roads; and</p> <p>(e) Be provided on the site on which the building, activity or proposal is located, except where the provisions of Rules 16.4.2.16 and 16.4.2.17 apply.</p> <p>For the avoidance of doubt, rear sites that are served by an access leg/driveway that is in sole ownership are considered to be part of the site.</p> <p>Provided that:</p> <p>(i) In all zones the vehicle entrance may cross the road boundary setback; and</p> <p>(ii) For front and corner sites in the Residential Zone where Rules 16.4.2.16 and 16.4.2.17 do not apply, vehicle parking and manoeuvring areas associated with dwellings may encroach into the setbacks, provided that a 1m wide setback is retained at the road boundary, excluding the vehicle entrance; and</p> <p>(iii) For rear sites in the Residential Zone served by an access leg/driveway, vehicle parking and manoeuvring associated</p>	<p>subject to separate applications in the usual way.</p> <p>1Rule 6.4.2.14 – Compliance expected</p> <p>Rule 16.4.2.15 – Compliance expected. Activities on individual lots have not been designed at this stage. Compliance with Appendix T1 is expected and lots have adequate size to comply. Departures, if these are proposed by individual lot owners/developers, will be subject to separate applications in the usual way</p>

Performance Standard	Assessment
<p>with dwellings may encroach into any setback (refer to diagram following Rule 16.4.2.17); and</p> <p>(iv) In the St Peters School Zone this rule shall not apply and the provisions of Rule 11.2.4.31 shall apply to all vehicle parking, loading/unloading and manoeuvring areas; and</p> <p>(v) In the Residential and Commercial Zones, vehicle parking, loading/unloading and manoeuvring areas must be sealed and drained; and</p> <p>(vi) In the Large Lot Residential, Industrial and Airport Business Zones, vehicle parking, loading/unloading and manoeuvring areas must be sealed and drained where granular material or storm water runoff from the area will enter the road corridor; and</p> <p>(vii) In the Rural and Large Lot Residential Zones private right of ways must have an allweather (metal) surface. Where existing dwellings are located within 15m of a private right of way, the surface must be sealed and drained.</p> <p><i>Advice Note: Additional formation standards are contained in the Waipa District Development and Subdivision Manual.</i></p> <p>Activities that fail to comply with Rules 16.4.2.13 to 16.4.2.15 will require a resource consent for a discretionary activity.</p>	
<p>Rules - Exemption for on-site vehicle manoeuvring areas in the Residential Zone</p> <p>16.4.2.16 On front or corner sites in the Residential Zone, on-site vehicle manoeuvring areas may be exempt from Rule 16.4.2.15(e) and shall not be required where:</p> <p>(a) The site contains a single, primary dwelling; and</p> <p>(b) The garage doors, or vehicle entrance to the carport faces the road where the vehicle will access (refer to diagram following Rule 16.4.2.17); and</p> <p>(c) The distance between the garage door, or vehicle entrance to the carport and the road boundary on the site is no more than 12m (refer to diagram following Rule 16.4.2.17); and</p> <p>(d) The driveway does not encroach on any minimum outdoor living area as required under Rule 2.4.2.16 or road boundary setback other than at the vehicle entrance.</p> <p>Provided that:</p> <p>(i) The site is not accessed from a road with a posted speed limit exceeding 50km/hr; and</p> <p>(ii) In rules (b) and (c) where there is no garage or carport the shortest dimension of the car parking space must face the road and must be no more than 12m from the road boundary.</p>	<p>Not applicable</p> <p>The site is not within the Residential Zone.</p>

Performance Standard	Assessment
<p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <ul style="list-style-type: none"> • The ability of the activity to address safety in respect of driveway length and visibility; and • The speed environment and road hierarchy; and • Whether the dwelling(s) is located in proximity to an entrance to a school or any preschool facility; and • The ability of the activity to address safety in respect of the number of dwellings on site or sharing the access; and • The apportionment of legal access where there is shared access; and Waipa District Plan Section 16 - Transportation Page Version - 16 September 2019 Page 15 of 19 • The extent to which the Guidelines for Property Design to Improve Driveway Safety have been considered; and • The formation of the driveway or access and vehicle entrance. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>	

16.4.2.17 On sites in the Residential Zone with access to a right of way, manoeuvring may occur in the right of way and sites may be exempt from Rule 16.4.2.15(e) where:

- (a) The site contains a single, primary dwelling; and
- (b) The garage doors, or vehicle entrance to the carport face the right of way where the vehicle will access; and
- (c) The distance between the garage door, or vehicle entrance to the carport and the site boundary with the right of way is no more than 12m; and
- (d) The driveway does not encroach on any minimum outdoor living area as required under Rule 2.4.2.16; and
- (e) Rights over the right of way shall be apportioned so as to provide legal access to all sites for the purposes of vehicle manoeuvring; and
- (f) The right of way shall be of sufficient dimension to provide for a vehicle manoeuvring area of a standard adequate to accommodate a 99.8 percentile car, in order to ensure that all vehicles have the ability to access the adjoining road in a forward direction after no more than a three point turning manoeuvre on the site.

Provided that in rules (b) and (c) where there is no garage or carport the shortest dimension of the car parking space must face the right of way and must be no more than 12m from the right of way.

Not applicable

The site is not within the Residential Zone.

Performance Standard	Assessment
<p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <ul style="list-style-type: none"> • The ability of the activity to address safety in respect of driveway length and visibility; and • The speed environment and road hierarchy; and • Whether the dwelling(s) is located in proximity to an entrance to a school or any preschool facility; and • The ability of the activity to address safety in respect of the number of dwellings on site or sharing the right of way; and • The apportionment of legal access on the right of way; and • The extent to which the Guidelines for Property Design to Improve Driveway Safety have been considered; and <p>The formation of the driveway or access and vehicle entrance. These matters will be considered in accordance with the assessment criteria in Section 21.</p>	
<p>16.4.2.18 The design and layout of sites shall ensure that access to each required vehicle parking, loading and unloading space is directly from the required access or manoeuvring area.</p> <p>16.4.2.19 Vehicle manoeuvring areas and parking spaces, including those spaces located in a garage, and loading and unloading spaces, shall be provided on a site, of a standard adequate to accommodate a 99.8 percentile car, or a 99 percentile truck, in order to ensure that all vehicles have the ability to access the adjoining road in a forward direction after no more than a three point turning manoeuvre on the site, except where Rule 16.4.2.17 applies. For the avoidance of doubt rear sites that are served by an access leg/drive way that are in sole ownership are considered to be part of the site.</p> <p>16.4.2.20 All required car parks shall be marked or delineated on site, except in the Residential Zone and in the St Peters School Zone.</p>	<p>Compliance expected.</p> <p>Individual lots have not been designed at this stage. Compliance with the relevant rules is expected and lots have adequate size to comply.</p>
<p>Activities that fail to comply with Rules 16.4.2.18 to 16.4.2.20 will require a resource consent for a discretionary activity</p>	
<p>Rule - Car park landscaping and lighting</p> <p>16.4.2.23 Other than in the St Peters School Zone, all car parks must:</p> <p>(a) Provide at least one tree planted for every 5 car parking spaces at a grade of no less than PB95. For the avoidance of</p>	<p>Compliance expected.</p>

Performance Standard	Assessment
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doubt, PB95 is equivalent to a tree that is at least 1.5m tall at the time of planting; and

(b) Ensure lighting is designed to avoid shading areas or isolating areas of public use.

Provided that in the Commercial Zone, car parks with more than 25 car parking spaces shall be a restricted discretionary activity.

Activities that fail to comply with this rule will require a resource consent for a **restricted discretionary activity** with the discretion being restricted over:

- Landscaping and lighting design elements; and
- Consideration of CPTED; and
- Vehicle queuing on site.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Provision of bicycle parking facilities

Compliance expected.

16.4.2.24 In areas other than the Rural Zone and Pedestrian Frontages, activities employing more than ten people must provide bicycle parking facilities at a rate of one bicycle park for every ten people employed.

Activities that fail to comply with this rule will require a resource consent for a **controlled activity**. Matters over which Council reserves its control are:

- The ability to provide bike parks on site.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Provision of an integrated transportation assessment

Complies.

16.4.2.25 A Simple or Broad Integrated Transport Assessment (ITA) shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds:

....

The subdivision is expected to generate more than 1,500vpd and therefore requires a Broad ITA.

4.1.2 Section 17 – Works and Utilities

The following rules are applicable to the development:

- Rule 17.4.1.1 (a) (ii) permits new underground lines and extensions in length of underground lines in the Deferred Zone.
- Rule 17.4.1.1 (d) permits transformers and associated switching gear conveying electricity at a voltage up to and including 11kV not exceeding a GFA of 6.5m² and a height of 2m in the Deferred Zone.

- › Rule 17.4.1.2 (a) permits underground telecommunication lines and cables (new lines; extension in length of lines; upgrading by increasing capacity of cable) in the Deferred Zone.
- › Rule 17.4.1.7 (b) sets out that new public roads and road widening beyond the carriageway (exclusive of subdivision), service lanes and car parks is a discretionary activity in the Deferred Zone. This rule does not apply as it relates to activities exclusive of subdivision. This application is for a subdivision consent.

4.1.3 Section 18 – Financial Contributions

The financial contributions provisions in the Waipa District Plan deal with conditions imposed on resource consents. This section states:

Financial contributions are used as a mechanism for achieving the Plan's objectives and are distinct from, and in addition to, Council's Development Contributions Policy (DCP); which provides Council with an alternative method to obtain contributions to fund infrastructure required as a result of growth. Where financial contributions are imposed, development contributions will not be used for the same purpose.

In the context of new development and subdivision, this Plan uses financial contributions to build into the cost of the development or subdivision any physical, environmental, or social costs that can be identified. It does this by ensuring that the developer avoids, remedies, mitigates, or compensates for any adverse effects.

18.1.3 In this Plan, financial contributions are used for the following reasons:

- (a) To provide a fair and reasonable contribution to finance the extension or development of bulk services or other infrastructure costs as a result of a development or subdivision; and
- (b) Along with other provisions, to provide a mechanism to avoid, remedy, or mitigate and/or offset adverse effects on the environment; and
- (c) For assessing and quantifying the likely adverse environmental effects of any development or subdivision undertaken in the Waipā District on adjoining districts, cities, towns, and communities outside the District to enable contributions to be collected and made towards the mitigation of those adverse environmental effects.

3Ms considers that Chapter 18 of the Waipa District Plan is not applicable on the basis that:

- › A Development Agreement will be in place which covers the services addressed in Chapter 18;
- › The proposed development in the C2 Growth Cell is in accordance with planned and foreseen infrastructure development (as per the Waipa 2050 Growth Strategy and the Waipa District Plan) whereas the focus of Chapter 18 is on unforeseen impacts; and

- › Any application of Chapter 18 would result in a "double-dipping" situation, which is not intended.

4.1.4 Section 20 – Health and General Amenity

The following table provides an analysis of the proposal against the rules / performance standards contained within Section 20 of the Waipa District Plan.

Table 13. Assessment of the Health and General Amenity Performance Standards.

Performance Standard	Assessment
<p>Rule - Odour, smoke, fumes or dust</p> <p>20.4.2.1 No activity shall produce any objectionable odour, smoke, fumes or dust at or beyond the boundaries of the site from which the nuisance emanates.</p> <p>Activities that fail to comply with this rule will require a resource consent for a discretionary activity, except where the activity has been authorised by way of a discharge consent from the Regional Council.</p>	<p>Will comply.</p>
<p>Rules - Lighting and glare</p> <p>20.4.2.2 The maximum level of light spill from artificial lighting from any activity shall be no greater than 10 lux measured horizontally or vertically at or within the boundary of any other site or road; and the artificial lighting shall be conducted so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites, provided that the following activities are exempt:</p> <p>(a) Street lights, navigation lights and traffic signals; and</p> <p>(b) Headlights of moving vehicles or vehicles which are stationary for less than five minutes; and</p> <p>(c) In the Rural Zone, lighting or glare from vehicles being used for farming activities and agricultural equipment.</p> <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity</p> <p>Assessment will be restricted to the following matters.</p> <ul style="list-style-type: none"> • Adverse effects on amenity values; and • Adverse effects on road or traffic safety attributable to lighting and glare; and • Hours of operation; and • Location and orientation of the light source; and • Mitigation measures. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>	<p>Will comply.</p>

Performance Standard

Assessment

20.4.2.3 No buildings shall be constructed and/or left unfinished and/or clad and/or painted in a manner that results in glare.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

Rules - Maintenance of buildings, sites and infrastructure

Will comply.

20.4.2.4 All sites shall be maintained so as to preserve the amenity values of the zone and land shall be kept clear of rubbish and noxious plants. Unregistered motor vehicles not being used shall not be stored in public view for more than six months.

20.4.2.5 The material from demolished buildings shall be removed and sites shall be landscaped to the satisfaction of Council within one month of demolition, provided that this time limit shall be extended to six months where consent has been granted for the construction of a new building.

20.4.2.6 All earthworks or areas of bare earth not being worked for three months or more excluding mineral extraction activities, shall be sown with appropriate ground cover as soon as possible.

20.4.2.7 No building shall be so constructed or finished or left unfinished or not maintained so that its function and external appearance would detract from the amenity values of the zone. In the Commercial Zone, this includes the maintenance of verandahs to provide weather protection for pedestrians.

20.4.2.8 All sites with an impervious area of greater than 1000m² (other than roof areas that drain directly to the stormwater system or to soakage) must install an appropriate stormwater treatment system that adequately treats any actual or potential contaminants and either disposes stormwater to land soakage and/or restricts the discharge rate to the maximum greenfield run off rate for the site unless in accordance with a discharge permit granted by the Waikato Regional Council.

20.4.2.9 All commercial vehicle, machinery or container washdown areas within the urban limits shown on the Planning Maps must be sealed, bunded and roofed and connected to the wastewater treatment system.

20.4.2.10 No silt or sediment, or water containing silt or sediment, may be discharged into stormwater pipes, drains, channels or soakage systems from non-farming related earthworks or bare land within the urban limits as shown on the Planning Maps.

20.4.2.11 All non-farming related sites within the urban limits where loose material may be carried by vehicles on to public roads in wet weather or at other times shall install and use a wheel wash.

Activities that fail to comply with Rules 20.4.2.4 to 20.4.2.11 will require a resource consent for a **discretionary activity**.

4.1.3.4 Appendix S19 – Cambridge C1 and C2/C3 Structure Plan

As detailed in previously, 3Ms has refined its subdivision layout since the Structure Plan was inserted into the Waipa District Plan.

The following figures compare the C1 and C2/C3 Structure Plan, and the 3Ms Integrated Structure Plan. While these plans show an area wider than just the 3Ms site, it is acknowledged that Waipa District Council may seek alternative layout options.

It is considered that the 3Ms layout is in “general accordance” with the C1 and C2/C3 Structure Plan.

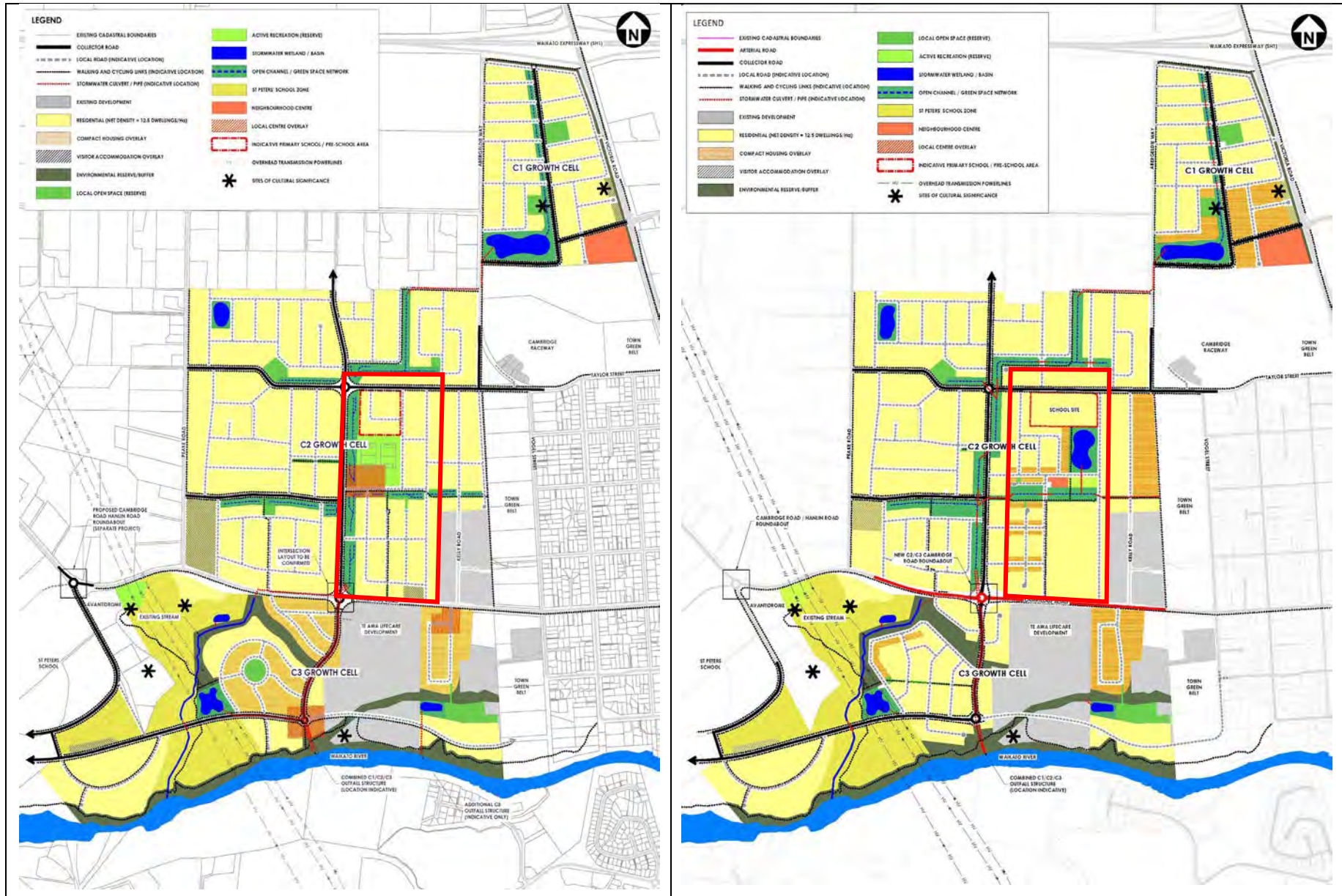


Figure 34. Structure Plan Comparison – Structure Plan (Left) and 3Ms Integrated Plan (Right)

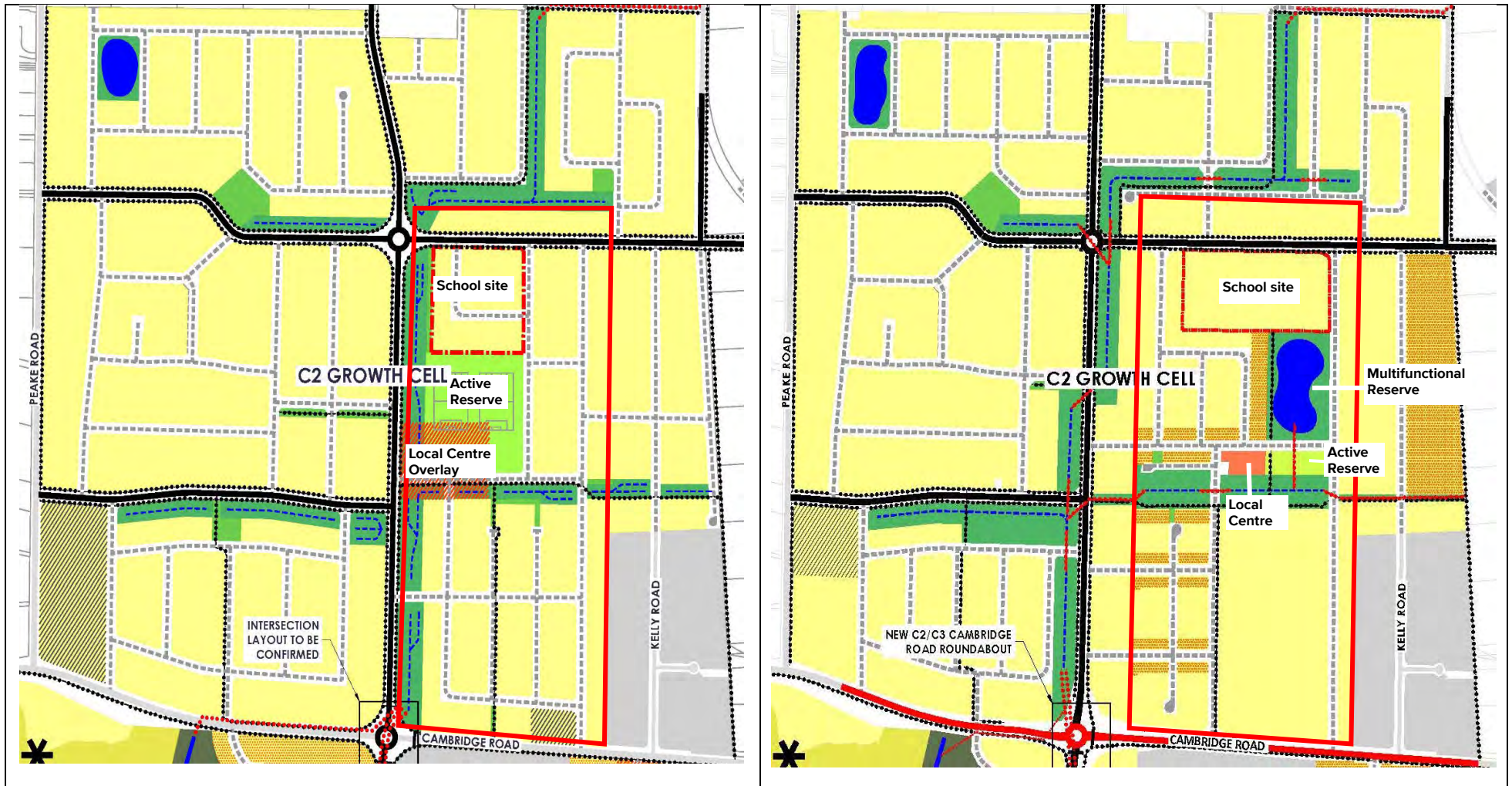


Figure 35. Structure Plan Comparison – 3Ms Site



As detailed in Section 3.5 – 3.7, and the respective appendices, 3Ms engaged a number of specialist technical consultants to document how the site can be serviced, and to assist more generally in the design of the development. As well as providing this information, the technical experts also assessed the 3Ms layout against the Structure Plan to determine whether the development is in “general accordance” with the Structure Plan in respect to their areas of expertise. All of the technical experts found that the 3Ms layout, and the 3Ms updated Structure Plan layout, are in general accordance with the C1 and C2/C3 Structure Plan as the same, or better, outcomes can be achieved.

4.1.3.5 Appendix T4 - Criteria for Public and Private Roads

Appendix 4 details the criteria for public and private roads, including the required:

- › Road reserve width;
- › Carriageway width;
- › Lane width;
- › Cycleway width;
- › Street parking widths;
- › Kerb / edging type;
- › Front berm, street tree, swale, lighting recessed parking and bus stops;
- › Foot path width; and
- › Utilities corridor

It is considered that the Residential Zone requirements are more appropriate for a development of this nature.

Collector Road

Does not comply with the requirements.

The proposed cross-section prepared by 3Ms provides a legal width that is consistent with the requirement for collector roads. Some cross-section elements differ, as the road has been designed with a stronger focus on cycling, because of the school.

Local Roads

Local roads are proposed to serve most of the subdivision.

The proposed cross-section provides a legal width of 20m rather than the standard of 21 metres. The cross-sectional features are generally consistent however there is once again a greater focus on cycling, with 3 metre shared paths being provided rather than a shared on-road environment.

The utilities corridor is also smaller than that which is required by the District Plan.

Local Road (Strategic Cycling Connection)

This road type is used on Road 11 which forms part of the north-south walking and cycling spine of the subdivision.

The proposed cross-section provides a legal width of 20 metres rather than the standard of 21 metres. The cross-sectional features are generally consistent however there is once again a greater focus on cycling, with 3m and 3.3m shared paths being provided rather than a shared on-road environment.

The difference in width relates to the width available for the utilities corridor.

Local Access Road

This road type is used in three locations, providing access to residential properties of varying densities.

The proposed cross-section provides a legal width of 17 metres rather than the standard of 21 metres. The cross-sectional features are generally consistent however there is once again a greater focus on cycling, with 3 metre shared path on one side rather than only a shared on-road environment.

The difference in legal width again relates to the width available for the utilities corridor.

Right of Way

There are a number of right of ways within the subdivision that will have a carriage width of 3 metres.

4.1.3.6 Section 2 – Residential Zone (Comparative Exercise)

While the 3Ms site is zoned “Deferred Residential” a comparative exercise has been undertaken with the Residential Zone rules as it is anticipated that the site will be zoned fully residential in 2021 (through Plan Change 13 to the Waipa District Plan).

As detailed earlier in this report, the building platforms are not compliant as the Rural Zone land use rules apply. Therefore, this comparative exercise has been undertaken to show that the building platforms would largely be compliant if the Residential Zone rules applied. It is considered that it is appropriate to consider this application in the context of the Residential Zone rules given that the zone is intended to provide for residential development.

- › Rule 2.4.1.1 (a) permits residential activities.
- › Rule 2.4.1.3 (b) sets out that:

Compact housing seven or more dwellings per site located within the compact housing overlay identified on the Planning Maps, or as provided for in Rule 2.4.1.3(c), or within the following areas of the C1 and C2/C3 Structure Plan areas:

- Within 200m of an active recreation open space, the Town Belt, a neighbourhood centre or a school; or

- Within 100m of a local centre or local open space; or
- Within a 'compact housing' overlay identified within the structure plan maps.

For compact housing within the C1 and C2/C3 Structure Plan areas, non-compliance with any of the performance standards in Section 2.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).

is a restricted discretionary activity. This activity does not propose to locate seven or more dwellings per site.

➤ Rule 2.4.1.3 (h) sets out that:

Local Centres within the C2/C3 Structure Plan area, located in general accordance with the C1 and C2/C3 Structure Plans and limited to the following activities:

- (a) Café, dining and ancillary activities
- (b) Commercial retail and service activities
- (c) Commercial offices or residential activities, limited to above ground floor
- (d) Within the C2 growth cell, a sports centre and/or art and cultural centre, no greater than 500m² GFA in total.

For local centres within the C1 and C2/C3 Structure Plan areas, non-compliance with any of the performance standards in Section 2.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).

Is a restricted discretionary activity. While the subdivision consent, and 3Ms integrated Structure Plan, details the proposed location of a local centre, no consent is currently being sought for the local centre.

The following table assesses the proposal against the relevant performance standards.

Table 14. Residential Zone Performance Standards

Performance Standards	Assessment
<p>Rules - Minimum building setback from road boundaries</p> <p>2.4.2.1 The minimum building setback from road boundaries shall be 4m, provided that where a garage is attached to a dwelling, and forms part of the front façade of that dwelling, or is detached from a dwelling, the minimum setback for the garage shall be 5m, provided that this rule does not apply to the locations specified in Rule 2.4.2.2.</p> <p>2.4.2.2 The minimum building setback from road boundaries in the following locations are:</p> <ul style="list-style-type: none"> (a) Along State Highways 7.5m (b) Along Hall Street, Cambridge 7.5m 	<p>Likely to comply.</p> <p>This rule is applicable to individual homeowners / builders, rather than at this stage in the process.</p> <p>It is anticipated that the respective home builders will assess the rule at the time of design (and that PC13 will have rezoned the site to Residential Zone).</p> <p>Some of the more compact housing may not achieve compliance. However, this will be assessed at a later date.</p>

Performance Standards**Assessment**

(c) Along roads within Character Areas 1 and 4 3m in the Cambridge Park Residential Area

(d) Along all roads marked as character streets 6m on the Planning Maps

(e) Along roads located within the St Kilda Residential Area 5m

(f) Compact housing and visitor accommodation within the C1 and C2/C3 Structure Plan areas 3m

Activities that fail to comply with Rules 2.4.2.1 and 2.4.2.2 will require a resource consent for a non-complying activity, with the exception of the Compact Housing Overlay where resource consent for a discretionary activity will be required.

Rule - Design of building façade**Likely to comply.**

2.4.2.3 Not more than 50% of the overall front façade of a building can consist of garaging, as measured from the inside internal walls of the garage. Where the garage is accessory to a dwelling but detached from the dwelling, not more than 50% of the combined front façades (of the dwelling and detached garage) can consist of garaging.

This rule is applicable to individual homeowners / builders, rather than at this stage in the process.

It is anticipated that the respective home builders will assess the rule at the time of design (and that PC13 will have rezoned the site to Residential Zone).

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effect from the road; and
- Crime Prevention through Environmental Design.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Minimum building setback from internal site boundaries**Likely to comply.**

2.4.2.4 The minimum building setback from internal site boundaries shall be 2m, except in the following locations where the setback from all internal site boundaries shall be:

This rule is applicable to individual homeowners / builders, rather than at this stage in the process.

It is anticipated that the respective home builders will assess the rule at the time of design (and that PC13 will have rezoned the site to Residential Zone).

(a) Along Mc Nair Road on rear boundaries that adjoin lots to the north east of Lots 24-29, DPS 4416 and Lot 1 DPS 15918 - 5m

(b) In the Residential Zone at Karāpiro, the minimum rear boundary for dwellings adjoining the Karāpiro and Arapuni Hydro Power Zone - 5m

(c) In the St Kilda Structure Plan Area

(i) From a side boundary - 3m

Performance Standards

Assessment

(ii) From a rear boundary - 5m

Provided that:

(i) Other than in the locations listed above in 2.4.2.4(a) to (c), one internal setback per site may be reduced from 2m to 1.5m, provided that where an existing building on the site has an internal setback of 1.5m or less, the setback from the remaining internal site boundaries shall be at least 2m.

(ii) The eaves of any building may encroach into the required setback by not more than 600mm.

(iii) In all locations, no building or eave shall encroach into any access, driveway, or other vehicle entrance.

Activities that fail to comply with this rule will require a resource consent for a **restricted discretionary activity** with the discretion being restricted over:

- Visual and aural privacy; and
- Reverse sensitivity effects; and
- Outlook for adjoining neighbours; and
- Effects on existing trees; and
- Landscaping; and
- The spaciousness of the site when viewed from the street; and
- Vehicle access to the rear of the site or dwelling.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Maximum building length

2.4.2.7 The maximum length of the wall and roofline of any building parallel or up to an angle of 30 degrees to any internal site boundary that adjoins the Residential Zone or the Reserves Zone shall be 23m, provided that:

(a) Building lines in excess of 23m shall have the wall and roofline stepped to a minimum of 2.4m and a minimum length of 3m; and

(b) For every additional 23m in length the wall and roofline of a building shall be stepped to a minimum of 2.4m and a minimum length of 3m.

Activities that fail to comply with this rule will require a resource consent for a **restricted discretionary activity** with the discretion being restricted over:

- Outlook for adjoining neighbours; and

Likely to comply.

This rule is applicable to individual homeowners / builders, rather than at this stage in the process.

It is anticipated that the respective home builders will assess the rule at the time of design (and that PC13 will have rezoned the site to Residential Zone).

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- Outlook from adjoining reserve; and
- Design of the building(s).

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Maximum height

2.4.2.9 Buildings shall not exceed 9m in height and shall be no more than two storeys, provided that in the following locations the maximum height shall be:

- (a) Cambridge Park Residential Character Area 1 - 13m
- (b) Cambridge Park Residential Character Areas 2 and 3 - 10m
- (c) Cambridge Park Residential Character Area 4 - 5m
 - (i) Provided that a chimney or similar architectural element or the peak of a roof structure, may project beyond this plane but by no more than 2m vertical
- (d) St Kilda Structure Plan Area - 10m
- (e) Compact Housing Area - 10m
- (f) Compact Housing Areas located within C1 and C2/C3 Structure Plan areas and a maximum of 3 storeys - 13m

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

Likely to comply.

This rule is applicable to individual homeowners / builders, rather than at this stage in the process.

It is anticipated that the respective home builders will assess the rule at the time of design (and that PC13 will have rezoned the site to Residential Zone).

Rule - Daylight control

2.4.2.10 Buildings shall not penetrate a recession plane at right angles to the boundary inclined inwards at the angles shown in the diagram from 2.7m above ground level at internal site boundaries that adjoin the Residential Zone a reserve of less than 1ha in size, or a public walkway. The angles in the diagram below shall be applied using the methodology in Appendix O6.

Provided that where an internal boundary of a site abuts a driveway or right of way the recession plane may be measured from points 2.7m above the furthest boundary of the drive way or right of way.

Likely to comply.

This rule is applicable to individual homeowners / builders, rather than at this stage in the process.

It is anticipated that the respective home builders will assess the rule at the time of design (and that PC13 will have rezoned the site to Residential Zone).

Some of the compact housing may not comply with this rule, however that will be assessed at a later date.

Performance Standards	Assessment
<p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <ul style="list-style-type: none"> - Visual effects; and - Access to daylight and sunlight on the site and on adjoining properties; and - Effects on existing trees; and - Landscaping. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>	
<p>Rule - Maximum site coverage</p> <p>2.4.2.11 Site coverage shall not exceed 40% of the net area of the site where no garage or carport has been provided the maximum site coverage shall be reduced by 20m², provided that this rule does not apply to the St Kilda Structure Plan Area (refer to Rules 2.4.2.13 and 2.4.2.14) and compact housing (refer to Rule 2.4.2.43).</p> <p>Activities that fail to comply with this rule will require a resource consent for a discretionary activity</p>	<p>May not comply.</p> <p>Given the density targets, it is likely that some of the buildings may not comply with this rule. However, that will be assessed at a later date.</p>
<p>Rule - Permeable surfaces</p> <p>2.4.2.12 Each site shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains a minimum of 40% of the gross site area in permeable surfaces, provided that in the Cambridge North Structure Plan Area where 55% of the gross site area shall be retained in permeable surfaces. For the avoidance of doubt Rule 2.4.2.43 shall apply to any compact housing.</p> <p>Activities that fail to comply with this rule will require a resource consent for a discretionary activity</p>	<p>May not comply.</p> <p>Given the density targets, it is likely that some of the buildings may not comply with this rule. However, that will be assessed at a later date</p>
<p>Rules - Cambridge North and C1 and C2 Structure Plan Area: on site soakage</p> <p>2.4.2.15 On site soakage shall be provided for every building in the Cambridge North Structure Plan Area to take all runoff from a two year annual recurrence interval (ARI) rainfall event.</p> <p>2.4.2.16 On-site soakage shall be provided for every lot in the C1 and C2 Structure Plan Areas to dispose of all runoff from a two year average recurrence interval (ARI) 24 hour duration rainfall event, except where regional and/or district resource</p>	<p>Complies.</p> <p>Rule 2.4.2.16 is applicable to the proposal. It requires that on-site soakage be provided for each lot, unless if the regional resource consents allow for alternative management provisions. As detailed in Section 3.5 of this AEE, the SMP for the C1 and C2/C3 Growth Cells does not require on</p>

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consents for the structure plan stormwater system allow alternative stormwater management provisions and these consents are complied with. For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.

site soakage in every lot.

Activities that fail to comply with Rule 2.4.2.15 and 2.4.2.16 will require a resource consent for a **discretionary activity**.

Rule - Outdoor living area

May not comply.

2.4.2.18 Each dwelling shall have an outdoor living area which:

This rule is applicable to individual homeowners / builders, rather than at this stage in the process.

(a) Is for exclusive use of the dwelling and is contained within the site on which the dwelling is located; and

It is anticipated that the respective home builders will assess the rule at the time of design (and that PC13 will have rezoned the site to Residential Zone).

(b) Is free of buildings, driveways, manoeuvring areas, parking spaces, and outdoor storage areas, but may include covered or uncovered decks, roof overhangs, and pergolas and that are designed to provide cover for users of the outdoor living area; and

(c) Is directly accessible from a living area of the dwelling; except where the outdoor living area complies with (g) below; and

(d) Is located in the north, east or west of the site.

(e) Where a Principal Dwelling has a living area at Ground Level, it shall have a minimum continuous area of 60m² at ground level with a minimum dimension of 5m over the entire area.

(f) Where a Principal Dwelling has the Living Area solely above ground level, part of the 60m² outdoor living area requirement must comprise a balcony that is directly accessible from the living area with a minimum area of 8m² and a minimum dimension of 2m. For the avoidance of doubt the remaining outdoor living area shall have a minimum dimension of 5m.

(g) In the case of Secondary Dwellings, the outdoor living area shall be:

(i) Additional to the outdoor living area for the Principal Dwelling; and

Performance Standards

Assessment

(ii) A minimum of 35m² in a continuous area with a minimum dimension of 4m over the entire area.

Provided that this rule does not apply to compact housing developments, refer to Rule 2.4.2.43, or Rule 2.4.1.3(e) Retirement village accommodation and associated care facilities and rest homes within or outside the compact housing overlay identified on the Planning Maps.

Activities that fail to comply with this rule will require a resource consent for a **restricted discretionary activity** with the discretion being restricted over:

- The internal layout of the dwelling and its relationship to the outdoor living area; and
- The size, dimension, and orientation of the outdoor living area.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Neighbourhood amenity and safety

Likely to comply.

2.4.2.19 The minimum area of glazing on the front façade(s) of a building that adjoins a public place shall be 15%. Provided that:

This rule is applicable to individual homeowners / builders, rather than at this stage in the process.

(a) Where a site adjoins a public place, the front façade(s) of a building shall be all the sides of a building that faces the public place; and

It is anticipated that the respective home builders will assess the rule at the time of design (and that PC13 will have rezoned the site to Residential Zone).

(b) Where the front façade(s) of a building is not parallel to a public place, the minimum area of glazing shall only apply to the longest wall facing the public place; and

However, it is noted that there may be some non-compliances with Rule 2.4.2.21 regarding the height and visible permeability of fences. This will be assessed at the individual dwelling level.

(c) Where the front façade(s) of a building is not parallel to a public place and the façades facing the public place are of equal length, then the façade at the least acute angle to the public place shall be deemed to be the front façade and the 15% glazing requirement shall only apply to that façade; and

(d) The percentage area of glazing shall be measured as the framed wall opening size to accommodate the entire window.

(e) This rule shall not apply to relocated buildings.

2.4.2.20 Fences between buildings on the site and any road, public walkway or reserve shall be no higher than 1.2m in height if not visually permeable, or no more than 1.8m in height if visually permeable.



2.4.2.21 Within the C1 and C2/C3 Structure Plan areas, fences between buildings on the site and any road, public walkway or reserve shall be no higher than 1.2m in height; fence design and materials shall retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the street edge, public walkway or reserve. To be deemed transparent any fence must meet the following requirements:

(a) Uses materials with continuous vertical or horizontal gaps of at least 50mm width to create 50% or more see through visibility; or

(b) Uses any materials for the lower half of the fence, wall or hedge, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 50% or more see through visibility on the upper half.

2.4.2.22 Landscape planting between buildings on the site and any public place shall allow visibility between the dwelling and the public place.

2.4.2.23 Within the C1 and C2/C3 Structure Plan areas, the roof form of a residential dwelling shall be a gable or hip roof of not less than 30 degrees in pitch. Mono-pitch lean-tos, verandas and other ancillary roof forms are anticipated.

Activities that fail to comply with Rules 2.4.2.19 to 2.4.2.23 will require a resource consent for a **restricted discretionary activity** with the discretion being restricted over:

- Passive surveillance of the street; and
- Safety; and
- Design and height of the fence; and
- The type of landscape planting; and
- Consistency with surrounding built form character.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Design and layout of development adjoining water bodies and reserves **Will comply.**

2.4.2.24 Within the Residential Zone, the design and layout of development shall ensure that water bodies and reserves are fronted by either the front or side façade of a dwelling.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

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Assessment

Rule - Noise

Will comply.

2.4.2.25 Activities shall be conducted and buildings located, designed and used to ensure that they do not exceed the following noise limits at the boundary of the site:

- (a) Monday to Saturday - 7.00am to 10.00pm 50dBA (Leq)
- (b) Sundays & Public Holidays - 8.00am to 6.00pm 40dBA (Leq)
- (c) Sundays and Public Holidays - 8.00am to 8.00pm 40dBA (Leq) in Character Area 4 in the Cambridge Park Residential Zone
- (d) At all other times 40dBA (Leq)
- (e) Night time 10.00pm to 7.00am single noise event 70dBA (Lmax)

Provided that this rule shall not apply to the use or testing of station and vehicle sirens or alarms used by emergency services.

All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

Rule - Vibration

Will comply.

2.4.2.26 Vibration emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 4403:1996 Code of Practice for Storage, Handling, and Use of Explosives.

Activities that fail to comply with this rule will require a resource consent for a **restricted discretionary activity**, with the discretion being restricted over:

- Safety; and
- Time and duration of effect; and
- Effects on buildings and structures, either on site or on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Performance Standards**Assessment****Rule - Construction noise****Will comply.**

2.4.2.27 Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

Activities that fail to comply with this rule will require a resource consent for a **restricted discretionary activity** with the discretion being restricted over:

- Time and duration of effect; and
- Effects on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21

Rules - Noise insulation: noise sensitive activities**Not applicable.**

2.4.2.28 Where a noise sensitive activity or is proposed to be located within 40m of a railway track, the building shall be insulated so that it achieves the following noise levels:

- (a) Inside bedrooms 35dBA LAeq (1hr)
- (b) Inside other habitable rooms 40dBA LAeq (1hr)

2.4.2.29 Where a noise sensitive activity is proposed to be located within:

- (a) 40m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is less than 70km/hour; or
- (b) 80m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is equal to or greater than 70km/hour; or
- (c) 100m of the Waikato Expressway section of State Highway 1 or any other designated State Highway (as measured from the edge of the carriageway or the edge of the designation if the carriageway location has not been confirmed in writing by the Requiring Authority); or
- (d) The Cambridge North Road Noise Effects Area as identified on the Planning Maps;

then the building shall be insulated so that it achieves the following noise levels:

- (i) Inside habitable rooms (including bedrooms) 40dB LAeq (24hr)

Performance Standards

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Provided that this rule does not apply to the St Kilda Structure Plan Area

2.4.2.30 Where a noise sensitive activity is proposed within the 55 dBA Ldn noise contour of the Te Awamutu Dairy Manufacturing Site shown on the Planning Maps it shall be designed to achieve 35dB LAeq inside habitable rooms of new dwellings or new habitable rooms to existing dwellings whether attached or detached.

Activities that fail to comply with Rules 2.4.2.28 to 2.4.2.30 will require a resource consent for a **discretionary activity**.

Rules - Signs

Will comply.

2.4.2.32 The following signs are permitted:

(a) A sign giving information such as the name or street number of premises, the business carried on, names of people occupying premises, and hours of operation; but containing no reference to particular products. No such sign shall exceed 0.25m² visible in any direction.

(b) Signs advertising that the land or buildings are for sale or lease. The maximum size of each sign shall be no more than 2m², and no more than four signs are permitted on a site at any one time.

(c) A sign erected on a construction site giving details of the project. The maximum total area of the sign shall be no more than 2m², and no more than one sign is permitted on a site at any one time.

(d) Any sign erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.

(e) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

(i) Signs shall relate to activities authorised under the District Plan and shall be located on the site to which they relate; and

(ii) Signs shall not be internally illuminated, flashing, incorporate fluorescent or moving materials such as flags or be painted in colours that are used on traffic signals; and

(iii) All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and

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(iv) A freestanding sign shall be placed so that no part is more than 2m above ground level; and

(v) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and

(vi) Signs shall be removed where the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.

2.4.2.33 Signs giving information on forthcoming events, elections, cultural, religious, educational or sporting events and displayed not more than 90 days before and three days after the event or such lesser time as may be prescribed by legislation; as long as signs shall not exceed a combined total area of 3m² visible in all directions and shall be setback at least 15m from any strategic road.

Provided that in all cases:

(a) Signs shall not be internally illuminated, flashing, incorporate fluorescent materials such as flags or be painted in colours that are used on traffic signals; and

(b) All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and

(c) A freestanding sign shall be placed so that no part is more than 2m above ground level; and

(d) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and

(e) Signs shall be removed within three days of the conclusion of the event.

Provided that the relevant zone based or district wide rules apply where they are more restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and Viewshafts.

Activities that fail to comply with Rules 2.4.2.32 and 2.4.2.33 will require a resource consent for a **discretionary activity**.

Rules - Earthworks

Not applicable.

2.4.2.34 Earthworks shall not exceed a total volume of 25m³ or a total area of 250m² in a single activity or in cumulative

3Ms has already obtain consent for earthworks across the site.

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activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**

Rule - Compact housing

Not applicable.

2.4.2.43 Compact housing within the compact housing area overlay shall have a minimum area of 2,000m² and shall meet the following requirements:

There are no compact housing overlays areas on the 3Ms site.

(a) The maximum length of unbroken building line parallel to all site boundaries including internal site boundaries shall be 20m. Building lines in excess of this standard shall be broken or stepped to a minimum depth of 2.4m and a minimum length of 3m at least once every 20m in length. This rule shall apply to each level of a multi-level building inclusive of the roof; and

(b) Where there is more than one building on a site, it shall be separated from other buildings on the site by at least 3.5m; and

(c) Where any dwelling is to be sited within 10m of another dwelling on the same site or parent title prior to subdivision by way of unit title, cross lease or strata title, there shall be no direct line of sight from the main living areas of the dwelling into the main living areas of another dwelling. If a direct line of sight between main living areas cannot be avoided, visual screening shall be constructed or planted to prevent a direct line of sight; and

(d) Dwellings shall have a dual aspect with windows being placed so that outlook is obtained to the front and rear of the dwelling, with window sills no more than 1m from floor level; and

(e) The following minimum gross floor areas and outdoor living areas shall apply:

Dwelling	Minimum floor area of dwelling	Minimum outdoor living area for ground level dwellings	Minimum outdoor living area dimensions for ground level dwellings	Minimum outdoor living area for above ground level dwellings	Minimum outdoor living area dimensions for above ground level dwellings
Studio units and 1 bedroom unit	50m ²	20m ²	4m	10m ²	2m
2 bedroom unit	70m ²	30m ²	4m	12m ²	2m
3 bedroom unit	95m ²	30m ²	4m	14m ²	2m

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(f) Landscaping and permeable surfaces: At least 30% of the net site area of any site or unit site area shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.

(g) A communal outdoor service area or storage court shall be provided that does not exceed 10m² of site area and it shall be screened so that it is not visible from the front boundary of the site.

(h) Outdoor living areas shall:

(i) Be located and/or screened so that at least 50% of the outdoor living area has complete visual privacy from the living rooms and outdoor living areas of other dwellings on the same site and shall be screened from adjoining sites; and

(ii) Be oriented to the north, east or west of the dwelling, but not the south of east or west measured from the southernmost part of the dwelling; and

(i) Any communal outdoor living area provided shall be in addition to, not in substitution of, the required outdoor living area for each dwelling; and

(j) An area for letterboxes at the front of the property; and

(k) A place for refuse and recycling material that is accessible to a two-axled truck shall be provided; and

(l) Dwellings that are parallel to, or adjoin the road boundary of the site shall have a front door that faces the road.

Activities that fail to comply with this rule will require a resource consent for a **discretionary activity**.

Rule - Show homes

Will comply.

2.4.2.45 For each show home:

(a) No more than three people may be employed to work in an office ancillary to a show home; and

(b) The maximum gross floor area for an office ancillary to a show home shall be 50m² ; and

(c) Activities carried out in an office ancillary to a show home shall relate solely to the promotion of the product of the show home operator; and (d) An office ancillary to a show home shall provide on-site parking, manoeuvring, loading and access in accordance with the requirements for offices set out in Section 16 - Transportation.

Performance Standards	Assessment
<p>Activities that fail to comply with this rule will require a resource consent for a discretionary activity</p>	
<p>Rule - Local Centres within the C2/C3 Structure Plan area</p> <p>2.4.2.47 Local Centres within the C2/C3 Structure Plan area (in accordance with Rule 2.4.1.3(h)) shall comply with the following:</p> <p>(a) Be located in general accordance with the C1 and C2/C3 Structure Plans; and</p> <p>(b) The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week; and</p> <p>(c) Overall ground floor building footprint of any commercial, café, dining and ancillary activities shall not be greater than 550m² GFA (excluding any sports centre and/or art and cultural centre within the C2 growth cell); and</p> <p>(d) The minimum building setback from boundaries shall be as follows:</p> <p>(i) Road boundary 0m</p> <p>(ii) Internal site boundaries where the lot adjoins a residential lot 5m</p> <p>(e) The maximum height of buildings shall be 9m.</p> <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion limited to the effects of any non-compliance with the performance standards.</p>	<p>Not applicable.</p> <p>This rule is applicable at a later date once the nature of the local centre is known.</p>
<p>Rules - Temporary construction buildings</p> <p>2.4.2.48 Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on the same site as the construction project, or on a site adjoining the construction project.</p> <p>2.4.2.49 Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum setback requirements for the Residential Zone.</p> <p>Activities that fail to comply with Rules 2.4.2.48 to 2.4.2.49 will require a resource consent for a discretionary activity.</p>	<p>Will comply.</p>

4.2 NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the “NES”) apply if an activity or industry described in the Hazardous Activities and Industries List (“HAIL”) is undertaken, has been undertaken, or more likely than not, is being or has been undertaken on the land.

Clause 5(7) of the NES states:

“Land covered

- (7) The piece of land is a piece of land that is described by 1 of the following:
 - a) an activity or industry described in the HAIL is being undertaken on it;
 - b) an activity or industry described in the HAIL has been undertaken on it;
 - c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.”

In terms of clause 5(7)(a), (b) and (c) of the NES, the application site is a rural property that has been utilised for general farming activities in the past. There is no evidence to suggest that a HAIL activity is being undertaken, or has been undertaken, on the property. Furthermore, it is more likely than not that a HAIL activity has not been undertaken on the subject property.

The site is not identified in the District Plan as a potential HAIL site, nor has the site been identified as a HAIL site by the Waikato Regional Council or on Waipa intramaps. The provisions in Section 5(7) are therefore not applicable to application site or the proposed subdivision.

In summary, the provisions of the NES are not applicable to this application.

4.3 SUMMARY OF RMA STATUS

The following summaries the rules that the 3Ms proposal does not comply with:

- › Rule 15.4.1.1(w) – Subdivision in a Deferred Zone – Non-Complying Activity;
- › Rule 15.4.2.1 (ac) – Residential Subdivision in the C1 and C2/C3 structure plan areas – Non-Complying Activity;
- › Rule 15.4.2.1 (ad) - Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1 (e) and Rule 15.4.2.62 - Non-Complying Activity;
- › Rule 15.4.2.3 - Lot frontage, lot shape factor and vehicle crossings (all other zones) – Discretionary Activity;
- › Rule 15.4.2.5 – Lot Design – Discretionary Activity;

- › Rule 15.4.2.7 – Lot Design – Discretionary Activity;
- › Rule 15.4.2.13 – Site Suitability: General – Non-Complying Activity;
- › Rule 15.4.2.65 – Roads – Discretionary Activity;
- › Rule 16.4.2.2 – Road Hierarchy - Discretionary Activity; and
- › Rule 16.4.2.5 - Vehicle entrance separation from intersections and other vehicle entrances – Discretionary Activity.

A bundling approach is applied to overlapping resource consent applications so that the most restrictive activity status is applied to all aspects of the same proposal. In this instance, the activities associated with the proposal are to be assessed overall as a **Non-Complying Activity**.

Resource Consents Sought - Summary

In 3Ms is therefore seeking resource consent for the following activities:

- › **Subdivision consent** - to enable the creation of 242 residential lots within the C2 Growth Cell in Cambridge and associated lots for public assets.

This application is not seeking a land use consent for the development. While the development would breach a number of Deferred Zone / Rural Zone land use rules, land use consent is not being sought at this present time. It is anticipated that at the time that dwellings will be constructed, Plan Change 13 will have rezoned the C1 and C2/C3 Growth Cells from Deferred Residential Zone to Residential Zone. In that regard, most the residential activities that will occur when the subdivision has been completed (around March 2022) will be Permitted Activities, but land use consent may be required at a later date for some aspects of the proposed development (e.g. compact housing). 3Ms, though it's development planning, had relied on the process for uplifting the deferred status of the C1 and C2/C3 Growth Cells that is enshrined in the Waipa District Plan, and the process which has been utilised by another developer in 2020 in the C3 Growth Cell.

The change in approach from the Waipa District Council in moving away from an uplift via resource consent or council resolution has resulted in the 3Ms development having to proceed in the context of an inappropriate planning framework for residential development, while another developer in the C3 Growth Cell has had its site “re-zoned” via council resolution. This issue remains until the 3Ms site is re-zoned via Plan Change 13 to the Waipa District Plan from Deferred Residential Zone to a full Residential Zone. This issue is not of 3Ms making and in that regard, 3Ms is seeking the Waipa District Council to be pragmatic in processing this subdivision consent ahead of a land use consent. This approach will allow for the land use components of the development be carefully assessed against an appropriate Residential Zone planning framework in mid to late 2021.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

The following assessment of environmental effects is focused on the matters that are relevant to the proposal and the relevant Assessment Criteria and Information Requirements in the Waipa District Plan provisions that are applicable to the proposal.

The following effects have been identified, and are discussed below:

- › Positive effects;
- › Character and amenity effects;
- › Servicing effects; and
- › Effects related to changes in the Structure Plan spatial layout;

5.1 POSITIVE EFFECTS

The following are considered to be positive benefits of the 3Ms development:

- › **Delivery of residential sections to market** – the township of Cambridge, and the wider Waipa District, continues to experience strong growth and continues to experience supply constraints around available residential sections. Completion of these works will assure that Cambridge meets its obligations under the National Policy Statement on Urban Development.
- › **Diversity of residential sections** – 3Ms is proposing a variety of section sizes to cater for residential dwellings for a range of socio-economic groups (i.e. medium density housing and individual house sites).
- › **Support local jobs** – delivery of these projects will bring public benefit through local employment, continuity of work for the local contractors and wider region. Benefits will go beyond the initial project construction through its vertical flow on effects across several key industry sectors. 3Ms anticipates that approximately 50 civil construction related local jobs will be created as a result of the development. A further 300 jobs will be created through the residential development itself (i.e. the building / construction sector).
- › **Provide the community a new school** - the subdivision will allow the Ministry of Education to commence works on a new Primary School for planned for Cambridge will cater for 700 - 1,000 primary students. The local primary schools' roles are currently at capacity and community schooling resources are oversubscribed. The new school will relieve the overcrowding and will bring a better balance and learning opportunity to our young students and accommodate the next phase of growth expected within the community.
- › **Increase community wellbeing** – the project will deliver significant community facilities which will support and enhance walking and cycling opportunities for the local community. A central reserve area and community spaces will support local sport along with the health and wellbeing of local residents.

- › **Provision of a playground** – the 3Ms proposal includes the creation of a playground and water play park, creating a destination for the community.

In addition, housing suppliers have committed to delivering environmentally sustainable housing stock including some of the following features;

- › Potential reduced carbon footprint through solar powered dwellings (concept at this stage).
- › More efficient homes through higher levels of home insulation.
- › Conservation of water resources through rainwater capture for non-potable reuse within the home.

For the reasons outlined above it is considered that the proposal will have positive effects on both the applicant and the wider community.

5.2 CHARACTER AND AMENITY EFFECTS

A subdivision of land does not create any actual or potential physical effects on the environment. It is only the land uses that might occur as a result of a subdivision that can cause effects. The specific land use matters will be considered at a later date, either via compliance with the permitted activity rules, or via a separate land use consent process (closer to the subdivision being completed). Notwithstanding this, 3Ms has undertaken a significant amount of work developing concepts for the houses that could be developed within the growth cells. These house plans show the level of high-quality design envisioned for the subdivision. Furthermore, substantial effort has been placed in designing the landscaping for the subdivision.

In the present case, the use of the land once the subdivision is completed will be residential, in accordance with the underlying zoning of the land. The development will be unsurprising given the wider area has been earmarked for intensive residential development.

For these reasons, 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.

The following figures, from the 3D model that 3Ms has prepared of the development, provide an overview of what the development will look like:



Figure 36. 3D Renders from the 3Ms Model

For the reasons outlined above any effects on character and amenity are considered to be less than minor.

5.3 TRANSPORTATION EFFECTS

The transportation effects were addressed by Stantec through the ITA. The below summaries, verbatim, the transport effects and mitigation proposed from the ITA.

Access Layout

The proposed initial access layout and recommended supporting works on Cambridge Road are:

- A 3m wide shared path along the site frontage.
- No direct property access to Cambridge Road.
- Extension of the existing flush median from Kelly Road to the Te Awa Lifecare Village access.
- Right turn bays, integrated with the flush median on Cambridge Road at Road 10 and Road 11.
- Relocation of the existing 50/80 km/h speed limit change from west of Kelly Road to west of the Te Awa Lifecare access.

These recommended works are shown diagrammatically on [the following figure].

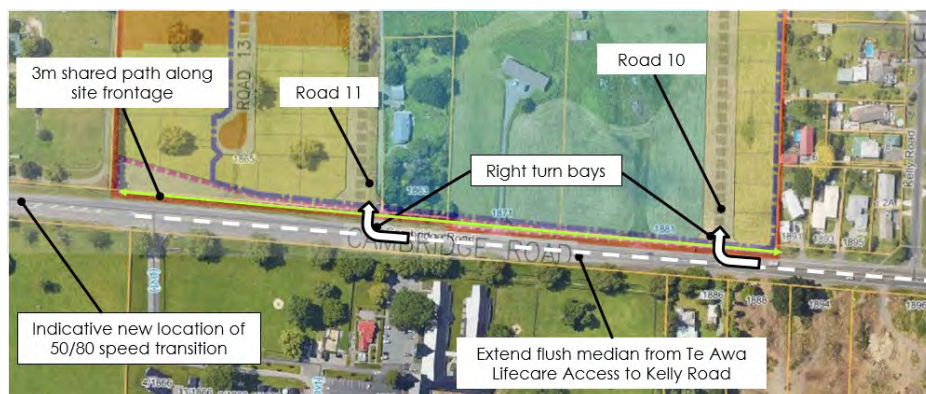


Figure 37. Initial Access Arrangements

The accesses are approximately 200m apart. The WDC District Plan does not contain guidance in relation to spacing between intersections so reference has been made to the Waikato Regional Infrastructure Technical Specifications (RITS). On arterial roads RITS recommends a spacing of 90m between intersections on the same side of the road.

In a 50km/h speed environment, Austroads recommends safe intersection sight distance (SISD) of 90m (minimum) and 97m (desirable). Cambridge Road is straight and flat in this area and there are not expected to be any impediments to achieving appropriate sight distance for what is recommended to be a 50km/h speed environment in future.

When the C2/C3 roundabout is formed it is recommended that the Road 11/Cambridge Road intersection becomes left in and left out only. The Road 10/Cambridge Road intersection could remain unchanged, permitting all turning movements

Intersection Performance

The proposed intersections on Cambridge Road have been modelled using the isolated intersection analysis package SIDRA. The expected degree of saturation (DoS), average delay, level of service (LOS) and 95-th percentile queue length are summarised below for the Cambridge Road/Road 11 intersection, which is expected to carry the highest traffic volumes. Results for the Road 10 intersection are also presented in Appendix B.

Table 11 1 presents the AM peak analysis. Table 4 2 presents the PM peak. Both intersections have been modelled with the 2022 volumes presented earlier as Figure 9 1 and Figure 9 2. The assumed intersection layout has right turn bay on the Cambridge Road (east) approach, two exit lanes from the development, and a single lane approach from Cambridge Road (west). The layouts are also shown in Appendix B [of the ITA].

Table 11-1: SIDRA results (AM Peak, 2022)

Road	Movement	Volume (vph)	DoS	Average Delay (s/veh)	LOS	95% Back of Queue (m)
Cambridge Road (East)	T	673	0.378	0.0	A	0.0
	R	107	0.104	8.4	A	3.5
Road 11 (North)	L	155	0.143	7.8	A	4.5
	R	155	0.578	23.4	C	16.9
Cambridge Road (West)	L	107	0.382	5.6	A	0.0
	T	573	0.382	0.1	A	0.0
Intersection	-	1,770	0.578	-	-	-

Table 11-2: SIDRA results (PM Peak, 2022)

Road	Movement	Volume (vph)	DoS	Average Delay (s/veh)	LOS	95% Back of Queue (m)
Cambridge Road (East)	T	573	0.321	0.0	A	0.0
	R	83	0.113	10.2	B	3.5
Road 11 (North)	L	78	0.100	9.3	A	2.9
	R	78	0.360	23.2	C	8.5
Cambridge Road (West)	L	83	0.490	5.7	A	0.0
	T	791	0.490	0.1	A	0.0
Intersection	-	1,686	-	-	-	-

The tables show that the critical movement in both time periods is the right turn out of Road 11. This operates at LOS C with an expected average delay of 23.4 seconds/vehicle in the morning and 23.2 seconds/vehicle in the afternoon. The 95th percentile back of queue is some 17m in the morning, equivalent to 2-3 vehicles in length.

It is understood that the roundabout that will ultimately connect Cambridge Road with the C2 and C3 growth cells (collector roads 1 and 4) is expected to be constructed by late 2023. To assess how long the priority-controlled intersections could serve the proposed subdivision, the most critical scenario (AM peak at Road 11) was modelled with annual increases in traffic volume on Cambridge Road.

This analysis showed that the upper limit of LOS D was reached for the critical movement (the right turn exit) in the year 2027 (with 21% growth in the observed 2020 volumes). On this basis it can be concluded that the proposed access arrangement can be supported

until at least 2027, when additional connectivity would be required. The SIDRA results for this scenario are presented in Appendix B.

5.4 SERVICING RELATED EFFECTS

As detailed in Section 3.5, the 3Ms development can be appropriately serviced in an efficient and affordable manner, and in a manner in general accordance with the C1 and C2/C3 Structure Plan.

5.5 CHANGES TO THE STRUCTURE PLAN LAYOUT

3Ms is proposing a high-quality development in a residential growth cell to provide much needed sections to the residential market. In designing the current 3Ms subdivision layout, 3Ms is proposing to not have the north/south public assets located within the application / development site. This represents a minor change to spatial layout of the assets that was anticipated by the C1 and C2/C3 Structure Plan, in that these assets will likely need to be located on neighbouring properties which were previously not shown to have public infrastructure located on them. While 3Ms does not consider this effect to be more than minor given that the Waipa District Council and those land owners will need to go through a robust process to acquire the land (which should not result in those parties being worse off from a land value perspective), it does represent a change.

Out of an abundance of caution, 3Ms is suggesting that the application be limited notified to those parties where 3Ms is proposing the public assets to be located.

5.6 SUMMARY OF ENVIRONMENTAL EFFECTS

Overall, it is considered that the adverse effects of the proposed subdivision will be less than minor. The proposal will have significant positive effects for Cambridge and the wider community.

6. STATUTORY ASSESSMENT

6.1 INTRODUCTION

The RMA is the principal statutory document governing the use of land, air, and water. The purpose of the RMA, as set out in Section 5, is to “promote the sustainable management of natural and physical resources”. This section of the AEE sets out the framework under the RMA that applies to the resource consents that are being sought from the Waipa District Council.

6.2 REQUIREMENTS OF A CONSENT APPLICATION

Section 88 of the RMA requires that an application for a resource consent be made in the prescribed form and manner, and include, in accordance with Schedule 4, the information relating to the activity, including an assessment of the activity's effects on the environment, as required by Schedule 4.

The resource consent application in Part A of this AEE is in the prescribed form, as set out in Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. Waipa District Council's Consent Application Form has also been completed (**Appendix A**).

By way of summary, the AEE meets the requirements of Schedule 4, and the requirements of section 88 of the RMA.

6.3 STATUS OF PROPOSED ACTIVITIES

The RMA status of the activities for which resource consent is being sought is a **Non-Complying Activity**.

6.4 SECTION 104D ASSESSMENT

As a Non-Complying Activity, the application must be considered under section 104D of the RMA, and in particular what are known as the ‘gateway’ tests. In accordance with section 104D Council must only grant consent if either subsection 1(a) ‘the adverse effects of the activity on the environment will be minor’; or 1(b) ‘will not be contrary to the objectives and policies of relevant plans and proposed plans in respect of the locality; is met.

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—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

- (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

An assessment of the actual and potential environmental effects associated with the proposed activities is provided in Section 5 of this AEE. Overall, it is concluded that any adverse effects of the proposal on the surrounding environment will be less than minor.

The objectives and policies of the Waipa District Plan (being the relevant plan for the purpose of Section 104(1)(b) of the RMA) are assessed further in this AEE. As is noted subsequently it is concluded that the proposal is consistent with the objectives and policies relating to the Deferred Zone, in which the key objectives and policies require that development not compromise the future zoning and development of the land. As this proposal seeks consent for residential land uses, and the future zoning is residential, it is considered that this proposal is inherently consistent with the relevant objectives and policies. The objectives and policies relating to the Rural Zone are not relevant to the intended use of the land (as set out in the Waipa District Plan) and, on that basis, no weight should be placed on those provisions in the assessment of the current application.

In light of the above, section 104D of the RMA is not considered to be an impediment to the granting of the resource consent for the proposed activities and it can be further considered under section 104 of the Act. In this regard, both 'gateway' tests in section 104D are able to be passed, and the application may be considered under the provisions of section 104

Further, it is noted that the key reason that the activity status is non-complying is due to the change in approach by the Waipa District Council in uplifting the deferred status of the growth cells. Any subdivision in a deferred zone, that is not a boundary adjustment, is a non-complying activity whereas if the C2 Growth Cell was zoned Residential Zone (in accordance with the uplift triggers in the Waipa District Plan) then the activity would likely not be non-complying. In a letter to 3Ms sent on 19 May 2020 from Tony Quickfall, Waipa District Council recognising this, stating:

Background

The Waipa District Plan was reviewed in 2011-2017, and became operative in 2017. During this review process, we received submissions requesting a more streamlined approach to opening up deferred zones. One submitter specifically requested that this process should avoid the need to go through a plan change to uplift deferred zones.

Advice received at the time supported a streamlined process and proposed an alternative to a plan change process for uplifting deferred zones. This resulted in rule 14.4.1.10 and associated objectives and policies in the operative Waipa District Plan. This rule provides for firstly, structure plans to be approved via a resource consent process, then for deferred zones to be uplifted by way of a council

resolution, and with the last step being an “amendment” to the District Plan maps to change the zoning. This has been our current practice.

Review

As you may be aware, Council is looking at reviewing parts of the Waipa District Plan that might need improving or updating. This is to ensure best practice and that the district plan remains effective and efficient.

Our review has identified a technical and legal issue with the way that deferred zones are uplifted under the District Plan, in particular the process of uplift by Council resolution, and subsequent “amendments” to the District Plan maps which do not follow an RMA Schedule 1 Plan Change process.

To remedy this, we will be changing the District Plan. We have started work on a Council plan change, known as “Plan Change 13 – Uplifting Deferred Zones”. This will apply to all deferred zones.

While we are still developing the technical mechanisms of the plan change, we anticipate that the process of live zoning a deferred zone will remain streamlined. At this stage we anticipate notifying Council Plan Change 13 around September 2020.

Implications

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Applications or Work in Progress

For any new applications in C2/3 deferred zones that are not yet lodged, these will be processed on the underlying rural zoning, rather than the deferred zoning. This is likely to mean a non-complying consent application.

- For growth cells identified as deferred zoning, there is already a public expectation of development occurring.
- The only material consideration is therefore one of timing.
- An application, based on the underlying zone within a deferred zone, would be favourably received. We would give appropriate weight to the deferred zoning in considering affected parties and our processing of the application. We would anticipate using the pre-application process to discuss and clarify our approach to processing the application.
- We would still require the district plan’s “uplifting” criteria for deferred zones to be met (e.g. servicing and need).

3Ms proposal is based on the underlying / intended Residential Zone, and in that regard, it is anticipated that the Waipa District Council will consider the application in this context (and would be favourably received).

6.5 SECTION 104 ASSESSMENT

Section 104 of the RMA lists the matters that a consent authority must, subject to Part 2, have regard to in determining whether a resource consent application should be granted. It states:

- (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.
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.
- (2A) When considering an application affected by section 124 or 165ZH(1)(c), the consent authority must have regard to the value of the investment of the existing consent holder.

The matters for consideration under section 104 are assessed in the following subsections.

6.5.1 Section 104(1)(a) Assessment - Actual and Potential Effects

With respect to section 104(1)(a) of the RMA, the actual and potential effects on the environment of the proposed activities are set out in Section 5 of this AEE. As concluded in that section, 3Ms considers that all actual and potential adverse effects can be appropriately avoided, remedied, or mitigated to the extent that any residual effects will be less than minor.

6.5.2 Section 104(1)(b) Assessment – Policy and Planning Documents

With respect to section 104(1)(b) of the RMA the following documents are considered to be of relevance to the proposal:

- › The Vision and Strategy for the Waikato River;
- › National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
- › National Policy Statement on Urban Development;
- › Waikato Regional Policy Statement; and
- › Waipa District Plan.

Each are discussed in turn.

6.5.2.1 Vision and Strategy for the Waikato River

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 inserted the Vision and Strategy for the Waikato River (the “**Vision and Strategy**”) into the (then) operative RPS.¹ The Vision and Strategy prevails over any inconsistent provisions in a national policy statement or the New Zealand Coastal Policy Statement.

The Vision and Strategy applies to the area of the Waikato River from Huka Falls to Te Puuaha o Waikato (Port Waikato) and the Waipa River from its junction with the Punui River to its confluence with the Waikato River at Ngaruawahia. This area includes the Hautapu site.

The Vision for the Waikato River is:

“... for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.”

There are 13 objectives included to realise the above Vision, 12 strategies to achieve those objectives and 18 methods to implement those strategies.

Of these provisions, it is the 13 objectives which contain the desired outcomes for the management of the Waikato River.

A key point to note is that the Vision and Strategy provides an additional consideration for decision-makers assessing any resource consent application relating to the Waikato River.

¹ The Vision and Strategy was also included in the notified version of the Proposed (now operative) RPS. This meant that the RPS progressed through the submission and hearing process with the Vision and Strategy being reflected in many of the provisions of the RPS.

There is an obligation on decision-makers under section 18 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 to have “particular regard” to the Vision and Strategy in their decision-making (and the Vision and Strategy refers, amongst other things, to restoring and protecting the health and wellbeing of the Waikato River). This obligation to have “particular regard” must be considered along with the decision-maker's other duties under section 104 and Part 2 of the RMA.

By way of summary, the Vision and Strategy has been fully considered during the formulation of this proposal. It is considered that the proposal will not impact on the ability for the objectives of the Vision and Strategy being achieved.

6.5.2.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

As discussed in section 4.2, given that the site has not been identified as a HAIL site, it is considered that the ‘piece of land’ referred to in the NES does not include the subject property and therefore the NES is not applicable.

6.5.2.3 National Policy Statement on Urban Development Capacity

Introduction and Application

The National Policy Statement on Urban Development 2020 (“**NPS-UD**”) came into effect on 20 August 2020. It replaced the National Policy Statement on Urban Development Capacity 2016 (“**NPS-UDC**”).

The NPS-UDC required councils to improve planning processes to enable more development. The NPS-UD gives further direction in certain areas, such as where development capacity should be provided and how councils can be more responsive to development opportunities.

The NPS-UD 2020 recognises the national significance of:

- › having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- › providing sufficient development capacity to meet the different needs of people and communities.

The NPS-UD is also designed to support and contribute towards the Government’s 2017 Urban Growth Agenda - a programme that aims to remove barriers to the supply of land and infrastructure and make room for cities to grow up and out. It does this by:

- › addressing constraints in our planning system to ensure our system enables growth and supports well-functioning urban environments; and
- › requiring local authorities to open up more development capacity, so more homes can be built in response to demand.

More specifically, the NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. This includes:

- › ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi);
- › ensuring that plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth;
- › developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions; and
- › aligning and coordinating planning across urban areas.

The NPS-UD applies to all urban environments, which are categorised into the three tiers (determined by population size and growth rates). The Waikato Regional and Waipa District Councils are Tier 1 local authorities under the NPS-UD.

An urban environment is defined in the NPS-UD as:

any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.

The 3Ms site meets the NPS-UD definition of an urban environment, and since it is within the jurisdiction of a Tier 1 local authority, the 3Ms site is a Tier 1 urban environment.

Waipa District Council must implement the objectives and policies in the NPS-UD into its planning documents including the Waipa District Plan, as well as producing a Future Development Strategy and a Housing and Business Development Capacity Assessment. It is understood that Waipa District Council is working on the implementation of the NPS-UD over the next 24 months, which is also implemented through the Waikato Future Proof.

Part 2 of the NPS-UD – Objectives and Policies

The NPS-UD contains objectives and policies that councils must *give effect* to in their resource management decisions. Objectives and policies relevant to Tier 1 local authorities and Tier 1 urban environments are set out and discussed below.

Objectives

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

The 3Ms development will be a well-functioning urban environment. 3Ms has put a significant amount of work into ensuring that the development will be high quality and create a sense of place for its residents. This development will enable people and communities to

provide for their social, economic and cultural wellbeing, as well as having positive environmental and amenity outcomes.

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

As detailed in the 3Ms vision for the subdivision (in Section 3.1 of this AEE), 3Ms is providing different housing choices which will enable housing at differing scales of affordability, and to cater for a variety of housing choices.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities.
- (b) the area is well-serviced by existing or planned public transport.
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Clause (c) is the most applicable to the 3Ms development. Cambridge is a sought-after location with a significant amount of demand for housing. While the Waikato Regional Policy Statement and the Waipa District Plan do not currently give effect to the NPS-UD (by virtue of the NPS-UD only recently becoming operative), it is considered that the granting of this consent application will “enable more people to live in, and more businesses and community services to be located in, areas of an urban environment” where “there is high demand for housing or for business land in the area, relative to other areas within the urban environment”.

Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

As detailed in the 3Ms vision for the subdivision (in Section 3.1 of this AEE), 3Ms is providing different housing choices which will provide for a number of different lifestyle opportunities. The subdivision provides a lot for a future school site, smaller lot areas for more compact housing, differing lot sizes between 400 – 800m², a super lot for a retirement village as well as providing some space for part of a local centre and playground. The 3Ms subdivision also has a significant area dedicated to stormwater management, which will also provide amenity benefits.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The engagement undertaken with Ngāti Hauā and Ngāti Korokī Kahukura is intended to be consistent with the principles of Te Tiriti o Waitangi.

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

The 3Ms subdivision achieves the aim of the objective. The development is integrated with infrastructure planning (as detailed in Section 3.5 of this AEE), and it does not impact upon the ability to service the wider growth cells area. Importantly, clause (c) requires that the Waipa District Council be responsive to this proposal as it does provide significant development capacity in an area where there are very few sections in Cambridge currently on the market.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

While this objective is aimed at the Waipa District Council, it is noted that 3Ms has used all of the most recent information available.

Objective 8: New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

The development has been designed with a significant focus on walking and cycling. Further, the development will be resilient to climate change, with this being factored into the design of the stormwater system.

Policies

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

In respect of Policy 1:

- (a) 3Ms is proposing to create a variety of lot sizes that are intended to provide diversity in type, price and location of different households. In addition, the engagement with iwi has intended to address clause (ii);
- (b) Is not applicable;
- (c) The development has good accessibility, in accordance with this clause;
- (d) Will not impact upon the land development market, aside from providing much needed residential sections;
- (e) As far as practicable, supports reductions in greenhouse gas emissions; and
- (f) Is reliant to the potential effects of climate change.

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

The 3Ms development will assist the Waipa District Council with providing sufficient development capacity over the short term. It is understood that there are very few sections on the market currently, with the 3Ms proposal seeking to put at least 242 new sections on the market in 2022.

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (ii) relative demand for housing and business use in that location.

The 3Ms development provides an appropriate density for the location.

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Not applicable.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.

In respect of Policy 6;

- (a) this development is within a residential growth cell, enshrined in the Waipa District Plan.
- (b) this application involves a minor spatial change to the Structure Plan that is within the Waipa District Plan. It is not considered that this change to the spatial layout of the structure plan represents a significant change purely from a land use planning perspective (while acknowledging that Waipa District Council will likely have to acquire land from more parties as a result of the 3Ms proposal).
- (c) It is considered the 3Ms development will be a well-functioning urban environment.
- (d) This proposal will represent a significant contribution to Waipa District Council meeting the contributions of the NPS-UD to realise the development capacity of the C2 Growth Cell.
- (e) This proposal will cater for the likely impacts of climate change as far as practicable.

Policy 7: Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.

Not applicable as this policy is for the council to implement, however it is noted that the 3Ms subdivision will assist the Waipa District Council in meeting any set bottom lines.

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- (a) unanticipated by RMA planning documents; or
- (b) out-of-sequence with planned land release.

Not applicable, as this proposal does not include a plan change. However, the proposal does result in minor spatial modifications to the approved Structure Plan that is within the Waipa District Plan. As stated earlier, this proposal will result in development capacity being realised in 2022.

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and
- (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and
- (d) operate in a way that is consistent with iwi participation legislation.

While Policy 9 is for the Waipa district Council to implement, it is noted that the engagement with tangata whenua is intended to be consistent with this policy.

Policy 10: Tier 1, 2, and 3 local authorities:

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and
- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and
- (c) engage with the development sector to identify significant opportunities for urban development.

This proposal is inherently consistent with Policy 10, and the engagement had between Waipa District Council and 3Ms has resulted in a subdivision layout that has benefits to the community in terms of a reduction in initial upfront infrastructure spend (in 3Ms opinion).

The proposed subdivision represents a significant opportunity for urban development.

Policy 11: In relation to car parking:

- (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and

- (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

Not applicable.

Part 3 of the NPS-UD - Implementation

Part 3 of the NPS-UD sets out a non-exhaustive list of things that local authorities must do to give effect to the objectives and policies set out above. It should also be noted that nothing set out in Part 3 limits the general obligation under the RMA to give effect to those objectives and policies.

Council's NPS-UD implementation obligations considered most relevant to this application are set out below.

Subpart 1 – Providing development capacity

Clause 3.2 Sufficient development capacity for housing

1. Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing:
 - (a) in existing and new urban areas; and
 - (b) for both standalone dwellings and attached dwellings; and
 - (c) in the short term, medium term, and long term.
2. In order to be **sufficient** to meet expected demand for housing, the development capacity must be:
 - (a) plan-enabled (see clause 3.4(1)); and
 - (b) infrastructure-ready (see clause 3.4(3)); and
 - (c) feasible and reasonably expected to be realised (see clause 3.26); and
 - (d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22).

Clause 3.3 Sufficient development capacity for business land

1. Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet the expected demand for business land:
 - (a) from different business sectors; and
 - (b) in the short term, medium term, and long term.
2. In order to be **sufficient** to meet expected demand for business land, the development capacity provided must be:

- (a) plan-enabled (see clause 3.4(1)); and
- (b) infrastructure-ready (see clause 3.4(3)); and
- (c) suitable (as described in clause 3.29(2)) to meet the demands of different business sectors (as described in clause 3.28(3)); and
- (d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22).

Clause 3.4 Meaning of plan-enabled and infrastructure-ready

1. Development capacity is **plan-enabled** for housing or for business land if:
 - (a) in relation to the short term, it is on land that is zoned for housing or for business use (as applicable) in an operative district plan
 - (b) in relation to the medium term, either paragraph (a) applies, or it is on land that is zoned for housing or for business use (as applicable) in a proposed district plan
 - (c) in relation to the long term, either paragraph (b) applies, or it is on land identified by the local authority for future urban use or urban intensification in an FDS or, if the local authority is not required to have an FDS, any other relevant plan or strategy.

2. For the purpose of subclause (1), land is **zoned** for housing or for business use (as applicable) only if the housing or business use is a permitted, controlled, or restricted discretionary activity on that land.

3. Development capacity is **infrastructure-ready** if:
 - (a) in relation to the short term, there is adequate existing development infrastructure to support the development of the land
 - (b) in relation to the medium term, either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan
 - (c) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

Clause 3.5 Availability of additional infrastructure

1. Local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.

Subparts 2 - 8

Subparts 2 through 8 of Part 3 of the NPS-UD detail various other activities that local authorities must do to give effect to NPS-UD objectives and policies including;

- › What to do in response to unanticipated or out-of-sequence developments (Clause 3.8);
- › Adoption of evidence-based decision-making (Clauses 3.9 - 3.11);
- › Preparation of Future Development Strategies (Clauses 3.12 – 3.18);
- › Preparation of Housing and Business Development Capacity Assessments (Clauses 3.19 – 3.30);
- › Providing for intensification in tier 1 urban environments (Clauses 3.31 – 3.34);
- › Specifying within plans, objectives for every zone in an urban environment describing the intended development outcomes for each zone and ensuring policies and rules are consistent with these objectives (Clauses 3.35 – 3.37); and
- › Where district plan contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks (Clause 3.38).

This development assist the Waipa District Council in meeting its obligations.

Part 4 of the NPS-UD - Timing

Part 4 of the NPS-UD sets out timeframes that local authorities must achieve various implementation activities. The preparation of Housing Development Capacity Assessments is the first of these, due by 31 July 2021.

“Waipa 2050”, prepared in November 2017, sets out anticipated outcomes and plans for growth in the Waipa District. It was prepared in response to the Vision and Strategy for the Waikato River and to meet the Council’s obligations under the 2016 NPS-UDC. The latter, requiring that sufficient land for housing be available for the ‘short term’, ‘medium term’ and ‘long term’ and that an oversupply of land be made available. More specifically, these obligations on Council were to ensure that the following was provided for each of these time periods:

- › **Short term (1-3 years (2018-2020))** – development capacity must be feasible, zoned and serviced with development infrastructure. 20% over-supply against forecast was required as a ‘high growth’ area.
- › **Medium term (3-10 years (2021-2030))** – development capacity must be feasible, zoned and either: serviced with development infrastructure, or; the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002. 15% over-supply against forecast was required as a ‘high growth’ area.
- › **Long term (10-30 years (2031-2050))** – development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure

required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002. 15% over-supply against forecast was required as a 'high growth' area.

Based on population, household projections and industrial land supply at that time, land was grouped into that anticipated for development either pre (Stage 1) or post (Stage 2) 2035. Figure 38 shows the location of the growth cells on a growth map.

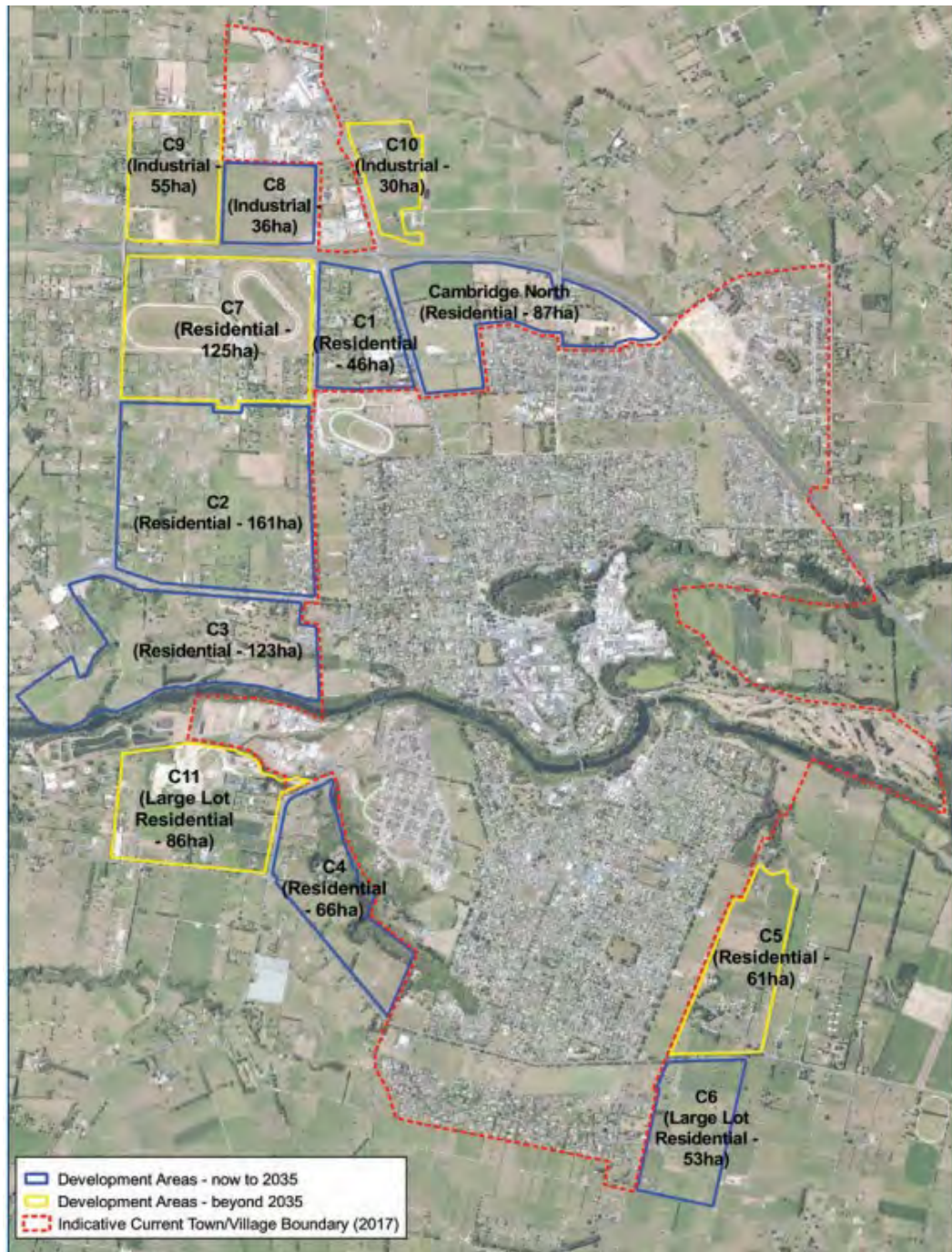


Figure 38. Cambridge Growth Map

The strategy also includes each growth cell being zoned within the Waipa District Plan as Deferred Zone, with a set of criteria that has to be met for each growth cell to be fully developed. These criteria include

- › The provision of a structure plan (which has been done in the case of the C1 and C2/C3 Growth Cells).
- › Having an agreement in place between Council / infrastructure providers / developers for infrastructure provision.
- › An assessment of both the number of growth cells available for development and also the total land supply in each town or village. The idea behind this approach was to enable multiple growth cells to be open simultaneously to provide for market choice and competition, and to avoid the potential risks of having a single focus on one growth area.

A suite of strategy and planning documents and forums provide guidance on how the respective growth cells should be developed. These include; structure plans, town concept plans, the 10-Year Plan, the Development and Subdivision Manual, Council's Environmental Strategy, and also Council's partnership with Tangata Whenua and private developers.

Although the site is zoned for future development (Deferred Zone), the Waipa District Plan does not currently comply with clause 3.4(2) requiring land zoned for housing to be a permitted, controlled, or restricted discretionary activity on that land. If land use consent was required, the status of residential housing in the C2 Growth Cell would be Non-complying under the Waipa District Plan given the rural zone setback rules apply. Plan Change 13 will change this situation.

The latest Future Proof Housing Development Capacity Assessment states that the key challenges being faced in the Waipa District include:

- › High demand for housing in Cambridge given its proximity to the Waikato Expressway, to Hamilton and to community services and employment
- › An increasing and ageing population, and how to best cater for these changes
- › Growth is putting stress and strain on existing infrastructure, particularly water.
- › Infrastructure affordability.

In respect of these challenges, 3Ms considers that its proposal:

- (a) Addresses the challenges in respect of the demand for housing by having 242 residential lots on the market in 2022;
- (b) Caters for the increasing ageing population by providing a "super lot" that is intended to be a retirement village; and
- (c) Ensuring that the 3Ms development can be standalone so that there is limited council infrastructure spending required initially.

Other Matters

“Future Proof”

“Future Proof” is a joint project set up by various partner entities to consider how the wider Hamilton, Waipa and Waikato sub-region should develop into the future. Its corner stone 30-year strategy document, updated in November 2017, provides an overall framework for aligning other plans and strategies developed by organisations that deal with growth, including local authorities and central government agencies. This strategy is currently under review and is expected to be out for public consultation early next year.

The most recent Housing Development Capacity Assessment was done utilising data available as at June 2017. It states that, in the Waipa District, roughly two thirds of the available capacity is located in and around the main urban centres of Cambridge and Te Awamutu. It also noted that a large amount of additional capacity, in the form of greenfield growth zones around both the main towns, will soon be enabled via the plan changes to the Waipa District Plan. This includes the C1 and C2/C3 Growth Cells, however the development of these growth cells have been slower than anticipated. Overall, it concluded that:

- › Waipa currently has sufficient capacity to meet the demand for houses over the short term; and
- › Within the short term, overall capacity will be significantly bolstered by the additional capacity enabled by the plan changes that occurred in 2018. It was intended that those plan changes will enable enough capacity to meet the demand for housing over the medium and long term. It is concluded that the development of the C1 and C2/C3 Growth Cells is required to ensure that there is sufficient capacity.

Based on the Hamilton to Auckland Corridor and Hamilton-Waikato Metro Spatial Plan Urban Growth Programme Indicatives document (dated 3 April 2020), development within the C1 and C2/C3 Growth Cells is an important aspect of the Waipa District achieving its targets under the National Policy Statement:

Development of the three 3 growth cells (C1 C2 C3) in Cambridge west will provide for urban growth with 2,500 new dwellings, a new primary school for 600 - 1,000 pupils, and a commercial centre.

The infrastructure construction works will provide employment as will construction of the new dwellings, school and commercial centre.

The housing development will be a mix of single, dwellings, apartments and multi-storey dwellings clustered near the Green Belt and C1 commercial centre.

...

The development of these growth cells is important in ensuring housing demand is matched by supply and that additional businesses in the Hautapu area, for example APL (the biggest window frame manufacturing company in NZ) who are in process

of relocating to Cambridge, have housing nearby for staff. It is expected that associated businesses to APL will start relocating as well as new ones setting up.

This opportunity is strategically aligned and recognised in the Hamilton- Waikato Metro Spatial Plan (in progress), Futureproof Growth Strategy, and Waipa 2050 Growth Strategy.

6.5.2.4 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (“**RPS**”) became operative on 20 May 2016 and contains 25 objectives to address the issues identified in the RPS. Those that are most relevant to this application are discussed below:

Objective 3.1 (Integrated Management) states:

Natural and physical resources are managed in a way that recognises:

- a) the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;
- b) natural processes that inherently occur without human management or interference;
- c) the complex interactions between air, water, land and all living things;
- d) the needs of current and future generations;
- e) the relationships between environmental, social, economic and cultural wellbeing;
- f) the need to work with agencies, landowners, resource users and communities;
and
- g) the interrelationship of natural resources with the built environment.

The proposed scheme for the subdivision is a gridded layout which integrates with the existing gridded structure of Cambridge and provides for integration between the old and the new parts of Cambridge. The proposed scheme is built around a grid of green pedestrian and bicycle routes that provides for integrated land uses.

Stormwater management features are integrated into the design which also accommodates recreational uses and provides for positive ecological outcomes. The scheme makes clear movement connections for walking, cycling and vehicles both within the subdivision and to the wider community.

For the above reasons, the proposal provides for natural and physical resources to be managed in an integrated manner and is consistent with Objective 3.1.

Objective 3.2 (Resource use and development) seeks to:

recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing’.

The proposed subdivision will enable Council to provide the necessary land for housing and to fulfill their obligations under the NPS, thereby providing for land owner’s economic and social wellbeing whilst ensuring that the adverse effects are minimised. The proposal is consistent with Objective 3.2 as it will facilitate future residential subdivision and development (in accordance with the existing structure plan).

Objective 3.4 (Health and wellbeing of the Waikato River) states *“the health and wellbeing of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved”*.

The health and wellbeing of the Waikato River has been widely considered in the overall C1 and C2/C3 structure planning process. The proposed development is consistent with the structure plan and therefore has considered the health and wellbeing of the Waikato River. The proposal is consistent with Objective 3.4.

Objective 3.9 (Relationship of tāngata whenua with the environment) states *“the relationship of tāngata whenua with the environment is recognised and provided for, including: a) the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and b) the role of tāngata whenua as kaitiaki”*.

Consultation has been undertaken with tangata whenua through Te Huia Natural Resources in a manner intended to be consistent with Objective 3.9.

Objective 3.10 (Sustainable and efficient use of resources) states that *“use and development of natural and physical resources occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste.”*

The proposed subdivision is consistent with the land use patterns identified in the C1 and C2/C3 Structure Plan and is therefore compatible with the Structure Plan, and Councils plans for future residential development in this area. The proposal is considered a sustainable and efficient use of the property and is consistent with the Objective 3.10.

Objective 3.12 (Built environment) states that:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

- a) promoting positive indigenous biodiversity outcomes;
- b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;

- c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;
- d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;
- e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;
- f) protecting access to identified significant mineral resources;
- g) minimising land use conflicts, including minimising potential for reverse sensitivity;
- h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;
- i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;
- j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and
- k) providing for a range of commercial development to support the social and economic wellbeing of the region.

A great deal of effort has been undertaken to ensure that the built environment provides for sustainable outcomes. Examples where this is proposed are as follows:

- › The proposed layout is built around a grid of green pedestrian and bicycle routes that are easily accessed from all dwellings. Green networks provide for positive ecological, social and cultural outcomes;
- › Continuous cycle pathway has been incorporated along the C2 stormwater corridor;
- › A range of housing types are offered. Higher dwelling densities align with site amenities, with denser housing types located along edges of shared open spaces;
- › Dwellings are proposed to be designed to provide passive surveillance along the street frontages; and
- › Some dwellings have part of their open space on the street side of the buildings which provides for vibrancy as well as surveillance of the public realm.

The latter two elements contribute to crime prevention (Crime Prevention Through Environmental Design) and therefore provide for environmental, social, cultural and economic outcomes. The proposal is therefore consistent with Objective 3.12.

Objective 3.21 (Amenity) states that *“the qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.”*

The Applicant has a history of producing high quality developments in Cambridge, St Kilda development being a notable development whereby a great deal of emphasis was placed on amenity values. Again, there has been considerable time and expense to ensure this proposal produces a residential development that has a high degree of amenity for its residents are the wider Cambridge community. The proposal is consistent with Objective 3.21.

Objective 3.27 (Minimum housing targets for the Future Proof area) states:

The minimum targets for sufficient, feasible development capacity for housing in the Future Proof area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC) 2016 are as follows.

Area	Minimum Targets (number of dwellings)		
	Short to Medium 1-10 years (2017-2026)	Long term 11-30 years (2027-2046)	Total
Hamilton City	13,300	23,600	36,900
Waipa District	5,700	8,200	13,900
Waikato District	7,100	12,300	19,400
Future Proof Sub-Region	26,100	44,100	70,200

Policy 6.14 of the RPS, also of direct relevance to the proposal, adopts the Future Proof land use pattern:

Policy 6.14 Adopting Future Proof land use pattern

Within the Future Proof area:

- a) new urban development within Hamilton City, Cambridge, Te Awamutu/Kihikihi, Pirongia, Huntly, Ngaruawahia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and Whatawhata shall occur within the Urban Limits indicated on Map 6.2 (section 6C);
- b) new residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 6-1 (section 6D);
- c) new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2 (section 6D) and in accordance with the indicative timings in that table except where alternative land release and timing is demonstrated to meet the criteria in Method 6.14.3;
- d) other industrial development should only occur within the Urban Limits indicated on Map 6.2 (section 6C), unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes in Table 6-2 (section 6D) shall be provided for as appropriate in district plans;

- e) new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 6-2 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 6-2;
- f) new industrial development outside the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the arterial function of the road network, and on other infrastructure;
- g) where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern; and
- h) where land is required for activities that require direct access to Hamilton Airport runways and where these activities cannot be accommodated within the industrial land allocation in Table 6-2, such activities may be provided for within other land adjacent to the runways, providing adverse effects on the arterial road network and other infrastructure are avoided, remedied or mitigated.

Section 6D of the RPS discusses the location and extent of new residential development. Table 6-1 of the RPS sets out the Future Proof residential growth allocation and staging for 2006-2061. The Applicant proposes to provide for 242 dwellings in the first stage of this subdivision and therefore goes some way to achieving the targets specified.

In terms of the density targets required by both Future Proof and the RPS, the 3Ms development will achieve 13.6 households per hectare.

For the above reasons, it is therefore considered that the proposal is consistent with the relevant provisions of the RPS.

6.5.2.5 Waipa District Plan

The objectives and policies within the WDP are organised by zone and by topic. The following provides commentary on of those provisions in Section 1 (Strategic Policy Framework), Section 14 (Deferred Zone), Section 15 (Infrastructure, Hazards, Development and Subdivision) and Section 17 (Works and Utilities) are relevant to these applications, as well as the provisions of the C1 and C2/C3 Structure Plan. These provisions are considered in the application to show wider consistency with the district plan, despite the fact that this application is not for land use consent.

The Rural Zone provisions are not considered to be relevant to this proposal given the site is zoned “Deferred Residential”. Despite not being within a Residential Zone, given that this is the ultimate use of the Deferred Residential Zone the objectives and policies of the Residential Zone are considered.

Strategic Policy Framework Provisions

Objective - Settlement pattern

1.3.1 To achieve a consolidated settlement pattern that:

- (a) Is focused in and around the existing settlements of the District; and
- (b) Supports the continued operation, maintenance, upgrading and development of regionally important sites and regionally significant infrastructure and nationally significant infrastructure, and provides for on-going access to mineral resources.

Policy - Settlement pattern

1.3.1.1 To ensure that all future development and subdivision in the District contributes towards achieving the anticipated settlement pattern in the Future Proof Growth Strategy and Implementation Plan 2009 and the District Growth Strategy.

Policy - Towns

1.3.1.2 To provide for a consolidated settlement pattern by ensuring that new urban activities are focused within the urban limits of the towns of the District and in particular:

- (a) Residential developments and subdivision being located within the residential zones of Cambridge, Te Awamutu and Kihikihi, and also above ground floor level within the Commercial Zone; provided that this policy does not limit further development within the Residential Zone at Karāpiro identified on Planning Map 31.
- (b) A range of accommodation facilities and services to support the long term accommodation and care requirements for the existing and future elderly population, some of which may need to occur on the periphery of towns outside of the current urban limits as well as within the Residential Zone.
- (c) Retail activities, offices and commercial services being located within the Commercial Zones of the District, in a manner that ensures the vitality of the identified pedestrian frontage areas, and maintains Cambridge and Te Awamutu as the primary commercial centres of the District.
- (d) To recognise the potential for the following new areas of commercial zoning:
 - (i) The deferred Commercial Zone in Carter's Flat, Cambridge will be considered for rezoning to once a new Industrial Zone at Hautapu is in place, and the Cambridge bypass is complete; and
 - (ii) A possible motorway service centre at Hautapu; and
 - (iii) Local and neighbourhood centres within Deferred Zones and future growth areas.

- (e) Industrial Zoned land being maintained for industrial activities and new Industrial Zoned land being provided for within the urban limits at Hautapu (96ha gross), Bond Road (21ha gross) and Paterangi Road (8.5ha).
- (f) Developments within the Commercial Zone and Industrial Zone that increase the type and range of employment opportunities within the District and reduce the level of commuting traffic into Hamilton will be supported.

Policy - Subdivision and development within the Rural Zone

1.3.1.5 To ensure that the natural resources of the Rural Zone, including high class soils, continue to be used for rural activities by:

- (a) Avoiding residential developments and dwellings that are at a density greater than that anticipated by the Rural Zone; and
- (b) Avoiding commercial activities and industrial activities, except for rural based industries and nature tourism; and
- (c) Ensuring that development and subdivision activities within the Rural Zone do not reduce the area of land available for farming activities in the District; and
- (d) Rural based industries not being of a size or location where they undermine the role of a strategic industrial node identified in the Proposed Waikato Regional Policy Statement, or have an adverse effect on the strategic road network or other infrastructure. Rural based industries shall have a functional and compelling needs to locate in the Rural Zone; and
- (e) Managing actual or potential adverse effects on the health and well-being of water bodies; and
- (f) Avoiding sensitive subdivision, use and development that could result in reverse sensitivity effects on rural activities or existing lawfully established rural based industries.
- (g) Managing the effects of development on on-going access to mineral resources.

The robust process structure planning process that has occurred has anticipated the subject site, zoned Deferred Residential, would be residential in the future. This land however is currently not within the urban limits but is anticipated by the structure plan and provides a consolidated settlement pattern, achieving the requirements stated in Future Proof, and a range of housing types.

Objective - Planned and integrated development

1.3.2 To ensure that development and subdivision happens in a way and at a rate that is consistent with the anticipated settlement pattern, maximises the efficient use of zoned and serviced land, and is co-ordinated with cost-effective infrastructure provision.

Policy - Implement Proposed Waikato Regional Policy Statement, Future Proof 2009 and Growth Strategy

1.3.2.1 To allow subdivision and development that will give effect to the settlement pattern and directions of the Proposed Waikato Regional Policy Statement and that is consistent with the settlement pattern and directions in the Future Proof Growth Strategy and Implementation Plan 2009 and the Growth Strategy, and avoid unplanned developments which are inconsistent with these directions.

Policy - Co-ordination of Subdivision and Development in Deferred Zones

1.3.2.2 To avoid subdivision and development in Deferred Zones that is not generally in accordance with Appendix S1 unless:

- (a) The development can be adequately serviced at the cost of those parties undertaking the development and does not undermine committed infrastructure investments made by Council to support other growth areas; and
- (b) The development meets the relevant criteria for alternative land release in the Regional Policy Statement.

Policy - Efficient use of zoned and serviced land

1.3.2.4 Maximise the efficient use of existing physical resources by requiring all new serviced residential greenfield development and subdivisions to have a range of lot sizes that achieve an overall target density of 12 to 15 dwellings per ha of gross developable area. Policy - Avoid development and subdivision that compromises the development of Deferred Zones and future growth areas

1.3.2.5 To ensure that development and subdivision within Deferred Zones and future growth areas does not compromise anticipated future uses.

Policy - Co-ordination between subdivision and development and infrastructure

1.3.2.6 To manage the increased demand on infrastructure from development and subdivision by requiring all subdivision and development to be co-ordinated with the provision of infrastructure including utility services, and integrated with the transport network and the District's road hierarchy. If subdivision and development is likely to occur in areas currently supplied, or intended to be supplied by municipal services, but in advance of the provision of municipal services, then the provision of infrastructure by developers shall be to a design and standard that will enable integration with public service provision. The provision of infrastructure by developers must take into account the available or planned network capacity.

The proposed land use and subdivision is in accordance with Appendix S1 - Future Growth Cells and is an efficient use of the largely vacant land. The proposal achieves the 12-15 densities per hectare required by Future Proof and the Waikato RPS. The proposed activities are in general accordance with the Structure Plan (further discussed subsequently).

Objective - Environmental and heritage protection and recreation values

1.3.4 To ensure that development and subdivision activities maintain and where possible enhance the environmental, heritage and recreational values of the District.

Policy - Enhancing existing recreation and conservation values

1.3.4.5 To enhance the recreation and ecological values of the District, by improving the function and access to existing reserves whilst ensuring areas of historic and ecological importance are protected and the development or subdivision results in net environmental gains.

The recreational space provided in the proposal allows for a green network that facilitates activities such as walking, running and cycling.

Objective - Implementation of the Waikato River Vision and Strategy

1.3.5 The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

Policy - Health and well-being of the Waikato and Waipā Rivers

1.3.5.1 To achieve the directions and outcomes of the Waikato River Vision and Strategy within the catchment area identified on the Planning Maps by District Plan provisions relating to:

- (a) Building setbacks and earthworks; and
- (b) Activities on the surface of water; and
- (c) Peat lake catchments; and
- (d) Esplanade reserves; and
- (e) Landscapes; and
- (f) Environmental Benefit Lot provisions for significant natural areas and in some circumstances riparian areas; and
- (g) Significant natural areas and indigenous biodiversity generally; and (h) Intensive farming activities; and
- (i) Public access; and
- (j) Customary activities; and
- (k) Marae and papakāinga; and
- (l) Cultural sites and cultural landscapes.

Policy - Maintaining and enhancing public views and public access

1.3.5.2 To maintain and enhance public views and public access by development actively facing and providing access to the Waikato River.

As discussed in Section 6.5.2.1 the proposal will not impact on the ability for the objectives of the Vision and Strategy being achieved and is consistent with the above objective and policy.

Objective - Energy and resource efficiency, design, character and amenity

1.3.6 To ensure that developments and subdivisions maintain and where possible enhance key elements of character and incorporate design and sustainability principles.

Policy - Urban design, character and amenity

1.3.6.1 Urban developments and subdivisions shall:

(a) Maintain and where possible enhance key elements of character through building and infrastructure design, and the layout of sites; and (b) Actively incorporate sustainability principles within the design and layout of the development and subdivision as well as the infrastructure servicing the development.

Policy - Rural character and amenity

1.3.6.2 To maintain key elements of rural character and amenity by restricting the number and location of buildings, and to maintain the values associated with identified landscapes and significant natural areas.

Policy - Energy and resource efficiency

1.3.6.3 To ensure high levels of energy and resource efficiency by:

- (a) Requiring roading layouts to achieve high levels of connectivity; and (b) Requiring all residential developments to be orientated to achieve maximum solar access for new dwellings; and
- (c) Where it is appropriate, requiring multi-modal transport options to be incorporated into developments and subdivisions; and
- (d) Encouraging infrastructure which takes account of the sustainability of the life cycle of the utility, for example, stormwater runoff, storage and treatment, the selection of construction materials, ongoing energy and maintenance costs, renewal opportunities for retention devices on individual sites, as well as the active incorporation of water conservation measures; and
- (e) Enabling the establishment of on-site renewable electricity generation systems, subject to the management of adverse effects.

Policy - Implement visions and strategies in Town Concept Plans

1.3.6.4 To enable the opportunities and outcomes in the Town Concept Plans subject to the provision of infrastructure and the adequate management of adverse effects

The proposal represents an efficient use of resources. Notable examples are the design of buildings and private open spaces which are influenced by access to sunlight and take advantage of natural energy. Transport infrastructure is also an efficient use of resources and provides for connectivity and multimodal transport options. The proposal is in general accordance with the structure plan for C2 and implements the vision expressed in the Town Concept Plans.

Summary

The proposal is consistent with the provisions related to Section 1 of the Waipa District Plan. Where this is not the case are related to those provisions relating to rural land. This poses no impediment to the granting of this consent as this property will be zoned residential, once the deferred status is lifted (which is expected to occur prior to residential development occurring, noting that the subdivision itself will not be completed until around 2022).

The land that is the subject of these applications has undergone a robust structure plan process that has clearly signalled this land for future residential activity. As currently stands the Rural Zone rule apply to this land, and hence there is a technical inconsistency with the above objectives and policies. If the Applicant however had waited for the deferred zoning to be uplifted, and the Residential Zone provisions would apply, the proposals are highly consistent with all objectives and policies of the Residential Zone (further discussed subsequently).

Deferred Zone Provisions

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.

The proposal is consistent with Objective 14.3.1 and Policy 14.3.1.2 above in that this proposal is entirely consistent with the underlying residential zoning of the site.

Infrastructure, Hazards, Development and Subdivision Provisions

Objective - Integrated development: site design and layout

15.3.1 To achieve integrated development within the District, that contributes to creating sustainable communities and enhances key elements of character and amenity.

Policy - Understanding the constraints and opportunities of a site by undertaking a site and surrounding area analysis

15.3.1.1 Development and subdivision should integrate with and acknowledge the constraints and opportunities of the site and surrounding area.

Policy - Sustainable design and layout development principles

15.3.1.2 Development and subdivision within the urban limits and the Large Lot Residential Zones, should occur in accordance with the principles of sustainable design, and enable energy efficiency.

Policy - Low impact design

15.3.1.3 The design and layout of development and subdivision, should recognise the landform and processes of the natural environment of the site and surrounding land, and avoid or minimise alterations to the landform and ecosystems.

Sustainable design is proposed throughout the subdivision, including elements such as:

- › The connectedness within the development as well as to the wider Cambridge community;
- › The layout of the streets has also been influenced by solar orientation, enabling energy efficiency;
- › Low impact design is proposed in the development, including features such as stormwater management solutions which also accommodates a recreational area;
- › The open space network that is proposed is open ended. This will allow for the future extension of these spaces. The proposal allows for good connections to Cambridge road and if extended, to the Waikato River and Te Awa cycle path.

An Urban Design Statement has been attached as **Appendix H** which details the level of sustainability the proposal achieves. **Appendix D** (3Ms design / engineering statement), details constraints of the site have been considered as part of proposed solutions. These details are discussed within the '3Ms Design Statement' and are consistent with the above objectives and policies.

Objective - Integrated development: natural hazards and site suitability

15.3.2 To ensure that sites proposed as part of a development or subdivision will be capable of accommodating activities anticipated within the applicable zone.

Policy - Land to be suitable for use

15.3.2.1 Land to be developed or subdivided must be physically suitable to accommodate the permitted land use activities for that zone in accordance with the rules of this Plan.

Policy - Consideration of natural hazards

15.3.2.2 Development and subdivision design should avoid natural hazards, or provide for the mitigation of the hazard within the development or subdivision design.

Policy - Consideration of climate change

15.3.2.3 Development and subdivision design should avoid areas that may be subject to the known effects of climate change, or provide for the mitigation of the effects of climate change within the development or subdivision design.

Policy - Consideration of reverse sensitivity

15.3.2.4 Development and subdivision design should not result in reverse sensitivity effects on adjacent sites, adjacent activities, or the wider receiving environment.

The site has been subject to a robust structure planning process and it is therefore concluded that the site is suitable, and factors such as natural hazards, climate change and reverse sensitivity have been considered as part of this process to provide for residential development. While the proposal results in a minor change to the spatial layout of the public infrastructure within the growth cell, the activities proposed are in “general accordance” with the structure plan and are consistent with the above objective and policies.

Objective - Integrated development: efficient servicing

15.3.3 Achieving the efficient and cost-effective servicing of land by ensuring that servicing is provided to areas proposed to be developed.

Policy - Servicing requirements

15.3.3.1 All proposed urban development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone. Servicing requirements shall include:

- (a) Reserves for community, active and passive recreation; and
- (b) Pedestrian and cycle connections; and
- (c) Roads; and
- (d) Public transport infrastructure, e.g. bus stops; and
- (e) Telecommunications; and
- (f) Electricity; and

- (g) Stormwater collection, treatment and disposal; and
- (h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
- (i) Anticipating and providing for connections to identified adjacent future growth areas

15.3.3.2 Development and subdivisions shall:

- (a) Be located in areas where infrastructural capacity has been planned and funded; and
- (b) In areas subject to an approved structure plan, provide sufficient infrastructural capacity to meet the demand identified in the structure plan; and
- (c) Achieve the lot yield anticipated in an approved structure plan; and (d) Include infrastructure provision for both the strategic infrastructure network and local infrastructure connections.

Policies - Roading infrastructure

15.3.3.3 The design, location, alignment, and dimensions of new roads shall ensure that safe vehicle, pedestrian, and cycling access and manoeuvring can be provided to every site/lot.

15.3.3.4 The roading pattern shall ensure connectivity to adjacent land identified as Deferred Zones or future growth areas, and the provision of public transport infrastructure, such as bus stops.

Policy - Standard of infrastructure

15.3.3.5 Infrastructure services shall be provided to a standard that will allow the service to be extended to Deferred Zones or future growth areas

The proposal provides for the supporting infrastructure required to support the residential subdivision, as well as the subdivision itself. The subdivision will be connected to existing water, wastewater, stormwater, electricity and services and has been provided for as part of the infrastructure design for the scheme. Sufficient land has been set aside to accommodate these requirements. Supporting documents have been attached to this report which provides details that illustrates the efficient and integrated infrastructure that has been provided in this proposal and support the above objectives and policies.

Objective - Urban consolidation

15.3.4 To ensure urban consolidation will be achieved within the District, while also contributing to character and amenity outcomes.

Policy - Achieving density, design and character

15.3.4.1 The minimum and maximum lot size and dimension of lots have been established so that they achieve the character and density outcomes of each zone.

Policy - Rural Zones: ensuring the productive potential of rural land

15.3.4.6 The minimum rural lot size requirement has been established to ensure the productive potential of rural land is retained for a range of farming activities.

Policy - Rural Zones: maintaining amenity and rural character

15.3.4.7 To ensure that development does not compromise the predominant character and amenity of the Rural Zone, subdivision design and layout shall:

- (a) Avoid de facto settlements such as ribbon, or residential cluster development; and
- (b) Maintain the visual and environmental values of the area, including but not limited to, maintaining the integrity of landscape areas and viewshafts; and
- (c) Not compromise the ecological functioning of significant natural areas, e.g. peat lakes and biodiversity (indigenous forest) corridors, as defined on the Planning Maps; and other areas of biodiversity value.

Policy - Rural Zones: infrastructure

15.3.4.8 To ensure that development does not give rise to demand or potential demand for the uneconomical and unplanned expansion of infrastructure services, or the upgrade of existing infrastructure, by avoiding residential cluster, ad hoc and ribbon development.

As the deferred status of the C2 Growth Cell has not been uplifted at this stage, there is a technical inconsistency with the above objectives and policies related to rural land. This has no consequence however as the site has been approved for future residential activity. The density, design and character are in keeping with the residential zone and in general accordance with the Structure Plan.

Objective - Integrated development: reduce the fragmentation of rural land and retain rural land for production

15.3.5 To ensure that the primary productive potential of the rural land resource is retained and enhanced.

Policy - Maintaining productive potential of the rural land

15.3.5.1 To ensure the productive potential of the Rural Zone is retained by:

- (a) Maintaining a minimum rural lot size of 40ha; and
- (b) Limiting and controlling the location of smaller lots.

Policy - High class soils

15.3.5.3 To protect high class soils from fragmentation by:

- (a) Ensuring that rural lot sizes can accommodate a range of farming activities; and

- (b) Allowing limited adjustment or relocation of title boundaries within a holding or between holdings, that result in more efficient use of high class soils; and
- (c) Ensuring that subdivision rightstransfer to non-sensitive locations as specified in this Plan; and
- (d) Restricting the use of high class soils for activities other than primary production; and
- (e) Restricting the level of impermeable surfaces on high class soils; and
- (f) Facilitating and encouraging the amalgamation of small titles.

As stated above, the deferred status of the C2 Growth Cell has not been uplifted at this stage and as such there is a technical inconsistency with the above objectives and policies related to rural land. This has no consequence however as the site has been approved for residential activity via the structure planning process.

Objective - Integrated development: environmental enhancement

15.3.6 Maintain and enhance the District’s natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.

Policy - Minimise impacts on the natural environment: low impact design methods

15.3.6.1 To maintain and enhance the natural environment, the existing land forms, vegetation, and water bodies, through the use of low impact design methods at the time of development and subdivision.

In accordance with the SMP and best practice design principles, Low Impact Design will be implemented throughout the design of the subdivision. Provision for open space offers an opportunity for a green network on the site which will be able to be extended to connect to the Waikato River and supports the above objective and policy.

Objective - Giving effect to the Waikato River Vision and Strategy

15.3.12 To ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision.

Policy - Maintaining the health and well-being of land and water bodies

15.3.12.1 To give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā River Accord, by ensuring that all development and subdivision shall include the following elements:

- (a) Low impact design for stormwater, drainage and earthworks; and
- (b) Building setbacks from lakes and water bodies; and
- (c) Access to water bodies where appropriate; and
- (d) Provision for the Te Awa Cycleway, where relevant; and

- (e) Minimal indigenous vegetation removal and requirements for restoration and enhancement of indigenous vegetation and natural character; and
- (f) Restricting locations of earthworks, building and wastewater systems within cultural landscapes.

As stated in Section 6.5.2.1, the Vision and Strategy has been fully considered during the formulation of this proposal. It is considered that the proposal will not impact on the ability for the objectives of the Vision and Strategy being achieved.

Objective - Structure planning

15.3.15 To achieve integrated development within structure plan areas.

Policy - Structure planning

15.3.15.1 To enable development and subdivision within approved structure plan areas where the development and subdivision is integrated with the development pattern and infrastructure requirements specified in an approved structure plan.

This development is in general accordance with the structure plan and achieves integrated development with this plan.

Summary

The proposal is largely consistent with the provisions related to Section 15 of the Waipa District Plan. Where this is not the case relates to those provisions relating to rural land. This poses no impediment to the granting of this consent as this property will be zoned residential, once the deferred status is lifted.

Transportation

Objective - Ensuring sustainable, integrated, safe, efficient and affordable multi-modal land transport systems

16.3.1 All new development, subdivision and transport infrastructure shall be designed and developed to contribute to a sustainable, safe, integrated, efficient (including energy efficient network design) and affordable multi-modal land transport system.

Policy - Design elements

Development, subdivision and transport infrastructure shall be designed and located to:

- (a) Minimise energy consumption in construction, maintenance and operation of the network; and
- (b) Accommodate and encourage alternative modes of transport; and
- (c) Give effect to the road hierarchy; and
- (d) Contribute to:

- (i) Integrated transport and land use planning and a safe road system approach; and
- (ii) Reducing deaths and serious injuries on roads; and
- (iii) An effective and efficient road network; and
- (iv) Efficient movement of freight.

Policy - Ensuring future connections

Development, subdivision and transport infrastructure shall be designed and located to:

- (a) Link to existing transport networks, including roads, walking, cycling and passenger transport; and
- (b) Accommodate future transport network connections and walking, cycling and passenger transport options to Deferred Zones and future growth areas.

The development allows for a choice of walking cycling and vehicle movement. In terms of walking and cycling, key strategic links and crossing points are planned along and across Cambridge Road, linking back to the Te Awa River Ride path south of the site as well as other planned pedestrian and cycle links with adjoining land. This ensures connectivity in all directions. With respect to future public transport, the proposed roading network allows for a number of vehicle loops through the site that would support a bus service at a later date. The proposal supports the above objective and policies.

Objective - Integrating land use and transport: ensuring a pattern of land uses and a land transport system which is safe, effective and compatible

16.3.2 Land use and transport systems successfully interface with each other through attention to design, safety and amenity.

Policy - Integrating land use and transport

Development, subdivision and transport infrastructure shall be located, designed and managed to:

- (a) Minimise conflict on and across arterial routes and provide appropriate access; and
- (b) Include access that is safe and appropriate for all road users, including those with restricted mobility; and
- (c) Minimise the need for travel and transport where practicable; and
- (d) Facilitate travel demand management opportunities where practicable.

Policy - Enhancing pedestrian safety

To improve pedestrian safety in proximity to schools and other community facilities, and commercial areas including pedestrian frontage areas; the standard of pedestrian networks shall be enhanced to accommodate and encourage greater use.

Policy - Safe roads

Development and subdivision design and construction shall contribute to a safe road environment, by:

- (a) Providing safe and appropriate locations for vehicle entrances, driveways, pedestrian and cycle routes; and
- (b) Designing and locating transport networks, lighting, street furniture and landscaping to minimise conflict, maintain visibility, and provide for maintenance activities.

Policy - Managing effects on character and amenity

Development, subdivision and transport infrastructure shall be located, designed and managed to:

- (a) Avoid, remedy, or mitigate adverse effects of transport on character and amenity; and
- (b) Facilitate opportunities to enhance character and amenity; and
- (c) Ensure that the outcomes sought in the Waipa Growth Strategy, Town Concept Plan 2010 Plans, and the Character Precinct statements in Section 6 – Commercial Zone of this Plan are achieved.

The landscape architecture and civil engineering designs show the proposed street cross sections which incorporate wide berms, street tree planting and shared walking and cycling paths. A careful selection of street trees has been considered as part of the landscape architecture of the street environments which provide for amenity. A high level of connectivity has been proposed provides for integration of land uses and transport

A strategic approach to movement safety has been developed. This is outlined in the ITA, attached as **Appendix G**. Stantec have summarised the following *“overall, a safe system, safe speed community environment is assessed to have been planned”*. The proposal is consistent with the above objective and policy.

Objective - Maintaining transport network efficiency

16.3.3 To maintain the ability of the transport network to distribute people and goods safely, efficiently and effectively.

Policy - Effects of development or subdivision on the transport network

16.3.3.1 Avoid, remedy or mitigate the adverse effects of development or subdivision on the operation and maintenance of the transport network, including from:

- (a) Traffic generation, load type, or vehicle characteristics; and
- (b) The collection and disposal of stormwater; and
- (c) Reverse sensitivity effects where development or subdivision adjoins existing and planned roads.

Objective - Provision of vehicle entrances, parking, loading and manoeuvring areas

16.3.4 The provision of adequate and well located vehicle entrances and parking, loading and manoeuvring areas that contribute to both the efficient functioning of the site and the adjacent transport network.

Policy - Location of vehicle entrances

To maintain the safe and efficient functioning of adjoining roads and railways, vehicle entrances to all activities shall be located and formed to achieve safe sight lines and entry and egress from the site. In some locations, adjoining rail lines, State Highways, and the District's Commercial Zones; vehicle entrances will be limited and will require assessment due to the complexity of the roading environment, or the importance of provision for pedestrians.

Policies - Ensuring adequate parking, loading and manoeuvring areas on site

16.3.4.2 To maintain the efficient functioning of adjoining roads, all activities shall provide sufficient area on site to accommodate the parking, loading and manoeuvring area requirements of the activity, except in the Residential Zone where the provision of on-site manoeuvring for dwellings is enabled within the setbacks.

Objective - Minimising adverse effects of the transport network

16.3.5 The transport network can have effects on the adjacent environment that must be mitigated through design.

Policy - Natural environment

Transport infrastructure, including its layout within a development and subdivision, shall be designed and located to avoid, remedy or mitigate adverse effects on the adjacent environment, having regard to stormwater collection, treatment and disposal, earthworks, noise and the landscape areas identified within this Plan and on the Planning Maps.

Based on the outcomes of the ITA, it is considered that the proposal is consistent with the objectives and policies of Section 16.

C1 and C2/C3 Structure Plan

The following tables provide an assessment of the proposal against the provisions of the C1 and C2/C3 Structure Plan.

Table 15. Structure Plan Provision Analysis

Structure Plan Goal / Objective	Assessment
Character	
S19.2.3.3 Maintain and enhance the existing local character of Cambridge through:	
(a) Provision of tree-lined streets and grass berms, where appropriate.	As shown in Appendix H , 3Ms is proposing tree-lined streets and grass berms.
(b) Low, visually permeable fences.	This will be subject to individual dwelling design, but it is intended that all fencing will be of high quality.
(c) Provision of private open space (low site coverage).	3Ms has place significant emphasis on providing private open space, including commissioning LAD Architects to develop concept housing designs to support the Urban Design Statement
(d) Unique elements such as integrated stormwater corridors, walkways / cycleways, heritage features.	The 3Ms site includes significant area of stormwater reserve, including a soakage basin and stormwater swales. These will include walkways and cycleways
(e) Integrated movement and open space networks	Complies – within the 3Ms development site there a significant open space network (linear reserve and the stormwater reserve).
(f) Central focal points and community meeting places	Complies – within the centre of the 3Ms development, there will be significant reserve space, an active reserve (playground) and a local centre that will likely include a café.
(g) Recognising areas of cultural significance and doing so in collaboration with iwi.	As detailed by the tangata whenua engagement strategy, 3Ms has sought to engage with hapū.
Connected Streets	

Structure Plan Goal / Objective	Assessment
S19.2.3.4 An open, well-connected street network extends from the existing Cambridge grid pattern where topography allows for this (albeit at a smaller scale), promoting safe and efficient connections for pedestrians and cyclists.	Complies, as addressed by the ITA.
S19.2.3.5 A well-linked movement and circulation plan provides opportunities for future public transit and safe routes for pedestrians and cyclists.	Complies, as addressed by the ITA.
Neighbourhood and Local Centres	
S19.2.3.6 Central, accessible Neighbourhood and Local Centres form a focal point for each of the new residential communities, providing local convenience retail and services	Complies – as shown by Figure 7, there is a local centre in the central area of the 3Ms subdivision.
Open Space	
S19.2.3.7 Generous provision of parks and open space provide opportunities for social gatherings, recreation and leisure within a short walking distance of the majority of residents (i.e. as identified within the five minute / 400m walking circles depicted below), including facilities such as children’s playgrounds and public toilets.	Complies – as shown by Figure 7, there is significant open space provided in the 3Ms subdivision.
S19.2.3.8 Stormwater conveyance and treatment areas are co-located with areas of public open space creating multi-functional features of the Structure Plan areas.	Complies – as shown by Figure 7 the stormwater reserves are multi-functional areas that are proposed to be used for amenity and recreational purposes.
Walking and Cycling Connections	
S19.2.3.9 A network of off and on-road walkways and cycleways connect residents with each other and to community focal points (the neighbourhood and local centres, local parks, existing recreation features, public transit stops, etc.)	Complies, as addressed by the ITA.
S19.2.3.10 Within the C2/C3 Structure Plan area, a central stormwater corridor links residents to community focal points through off-road cycle connections, and provides a multi-functional space for stormwater conveyance as well as recreation and amenity opportunities.	Complies, as addressed by the ITA.

Structure Plan Goal / Objective	Assessment
Housing Choice	
<p>S19.2.3.11 The C1 Structure Plan will accommodate approximately 275-375 dwellings and the C2/C3 approximately 1,750-2,375 dwellings in a variety of forms including low-density single-family homes, small-lot detached homes, and with potential for town houses. Higher densities can be expected within those areas identified for compact housing.</p>	<p>The 3Ms subdivision caters for a number of different housing typologies, providing more housing options than is typically promoted by developers in Cambridge.</p>
<p>S19.2.3.12 A variety of housing types and sizes are supported to accommodate a diverse population, with different household structures and income levels.</p>	<p>As per the above comment.</p>
<p>S19.2.3.13 Densities vary across the Structure Plan area with lower density areas further away from the neighbourhood amenities, and higher densities closer to the neighbourhood amenities and central areas of open space.</p>	<p>As shown on the 3Ms layout, the smaller lots are located close to the areas of reserve / stormwater, with the larger lots being located generally further away from the amenities.</p>
<p>S19.2.3.14 The Structure Plans for the C1 and C2/C3 Growth Cells seek to respond to the Future Proof targets through a balanced approach of providing an overall density target of 12-15 dwellings per hectare/net, responding to local character attributes and infrastructure requirements, and also providing opportunities for higher densities (compact housing) in appropriate locations.</p>	<p>The development meets the Future Proof targets, providing 13.6 households per hectare.</p>

Land Use

In respect of land use, the Structure Plan states:

The Structure Plan accommodates a variety of land uses including varied residential densities, local convenience retail, services and civic uses (within the neighbourhood and local centres), and parks. Residential densities have been laid out in a deliberate pattern with lower density blocks located on the edges of the Structure Plan areas (particularly in the north and west), moving to slightly denser residential areas around the neighbourhood centre and local open spaces.

Table 16. Structure Plan Provision Analysis – Land Use

Land Use Outcome Sought	Assessment
<p>Residential Outcomes Sought</p> <p>S19.3.2.3 The following outcomes are sought for residential development within the Structure Plan:</p>	
<p>(a) Walkable, safe community that is well connected to the surrounding context, providing good access to nearby community amenities, open space, St Peter’s School and the Waikato River.</p>	<p>3Ms has placed significant emphasis on providing the outcomes sought by this clause.</p>
<p>(b) Clear orientation and wayfinding aided by a logical layout, street hierarchy and pedestrian network.</p>	<p>As above, the 3Ms development is a logical layout.</p>
<p>(c) Residential subdivision that contributes to establishing positive character outcomes through a contextually appropriate design that promotes local characteristics to create a strong community identity.</p>	<p>Complies.</p>
<p>(d) Distributed residential density with a mix of useable lot types, sizes, uses and activities.</p>	<p>The 3Ms subdivision caters for a number of different housing typologies, providing more housing options than is typically promoted by developers in Cambridge.</p>
<p>(e) Lots oriented to maximise solar access and address streets and public spaces.</p>	<p>Will comply.</p>
<p>(f) Development that is responsive to existing natural features and landform in terms of residential layout, road network and provision of services.</p>	<p>Will comply.</p>
<p>(g) Development that is seen as a natural, seamless progression of the existing Cambridge urban area, rather than being a standalone development.</p>	<p>Will comply.</p>
<p>(h) Development that accentuates and reflects the open relationship of residences to street frontages, with generous front yards and low fencing.</p>	<p>Will comply.</p>
<p>Compact Housing Development</p>	
<p>S19.3.2.4 The proposed Structure Plans allow for compact housing development within close proximity to active</p>	<p>While 3Ms is proposing compact housing, it is not applying for land</p>

Land Use Outcome Sought	Assessment
recreation, local open space, local and neighbourhood centres, schools and Cambridge Road	<p>use consent giving the zoning issues.</p> <p>This matter will be addressed in the subsequent land use consenting process once Plan Change 13 has been made operative.</p>
S19.3.2.5 Within these areas compact housing may include duplexes, terraces, apartments and town houses. Rules for development within the Compact Housing Overlay are set out in the Residential Zone provisions of the District Plan.	As above.
S19.3.2.6 Compact Housing will remain voluntary unless otherwise required as part of a Comprehensive Residential Subdivision consent.	As above.
Comprehensive Residential Subdivision	
<p>S19.3.2.7 Retaining an overall density of 12-15 dwellings per hectare remains a key objective of the structure plan, while also providing for:</p> <p>(a) Good quality urban design and amenity outcomes.</p> <p>(b) A mix of densities and living opportunities.</p> <p>(c) Appropriate densities in relation to access to surrounding amenities.</p> <p>(d) Development flexibility in terms of timing of development topologies.</p>	<p>The development meets the Future Proof targets, providing 13.6 households per hectare.</p> <p>The outcomes (a) – (d) will be provided for.</p>
<p>S19.3.2.8 In order to achieve S19.3.2.7, a dual approach is proposed through the District Plan provisions:</p> <p>(a) Retaining the existing residential subdivision rules for C1 and C2/C3, with a requirement for a minimum 12.5 dwellings per hectare net excluding roads and, in addition, land not suitable or available for residential development including open spaces, areas constrained by topography, commercials, schools and land required for environmental buffers and stormwater infrastructure (including any buffer areas or setbacks from the stormwater infrastructure) to be demonstrated as part of any subdivision, unless undertaken in accordance with a Comprehensive Residential Subdivision consent.</p>	<p>3Ms will meet the required density target.</p> <p>No land use consent is being sought at this stage - this matter will be addressed in the subsequent land use consenting process once Plan Change 13 has been made operative.</p>

Land Use Outcome Sought	Assessment
<p>(b) Comprehensive Residential Subdivision consent – provide opportunity to achieve a minimum of 12.5 dwelling per hectare net over a larger development area (thus achieving greater flexibility in the distribution of densities), enabled by agreeing a concept plan and staged approach to a wider Comprehensive Residential Subdivision area, including proposed densities.</p>	
<p>S19.3.2.9 A number of bottom-line thresholds are required as part of the proposed provisions for Comprehensive Residential Subdivision areas:</p>	<p>As below.</p>
<p>(a) A Comprehensive Residential Subdivision approach may be applied to any land area within the overall structure plan area within common ownership and/or control.</p>	<p>The 3Ms site is within common ownership</p>
<p>(b) The Provision of an overall concept plan for the ‘Comprehensive Residential Subdivision’ area will be required, to illustrate:</p> <p>(i) How the average densities will be maintained over the course of a staged development.</p> <p>(ii) A logical distribution of densities taking into account access to surrounding amenities such as open space.</p> <p>(iii) Appropriate graduation between densities, including regularity in densities along streets (i.e. to achieve consistency in character outcomes).</p> <p>(iv) The concept plan may continue to evolve over time (as part of subsequent subdivision consents) provided that the average densities are maintained.</p>	<p>The 3Ms Scheme Plan, and the information in this AEE, shows how this will be achieved.</p>
<p>(c) A minimum 2.5% net land area or 2,000m² of the Comprehensive Residential Subdivision area (whichever is larger) must be developed as Compact Housing, pursuant to the district plan provisions.</p>	<p>Not applicable at this stage.</p> <p>This matter will be addressed in the subsequent land use consenting process once Plan Change 13 has been made operative.</p>
<p>(d) Where compact housing is proposed, this must be in accordance with the Compact Housing requirements (i.e. in accordance with any consent granted).</p>	<p>As above.</p>
<p>(e) The minimum lot size where development does not form part of a compact housing development shall be 400m²</p>	<p>Does not comply.</p>

Land Use Outcome Sought	Assessment
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(f) The maximum lot size shall be 1,500m ²	Complies – the maximum lot size does not exceed 1,500m ²
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Neighbourhood and Local Centre	
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<p>S19.3.3.1 The Neighbourhood and Local Centres strategy for the Structure Plans aims to provide primarily local convenience retail and services for the daily needs of Structure Plan residents as well as those in immediately adjacent residential communities. The Neighbourhood and Local Centres should not detract from the Cambridge Town Centre, but rather provide a focal point and sense of community – enabling residents to undertake the quick stop shopping that they do frequently – within easy walking and cycling distance of their homes. One Neighbourhood Centre and three Local Centres are proposed:</p> <p>...</p> <p>(b) Local Centres: For the C2/C3 Growth cells, three local centres are proposed. Each local centre may include up to 550m² GFA at ground level, with the potential to include local retail and commercial services, café and dining and ancillary activities, along with offices or residential activities limited to above ground floor. Within the C2 Growth Cell, a sports centre and/or art and cultural centre, no greater than 500m² GFA in total is also provided for.</p>	Complies – 3Ms is proposing a local centre within its development that is adjacent to the active reserve area (which will contain playground facilities). This local reserve is likely to contain a café.
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<p>S19.3.3.2 The following outcomes sought are facilitated through the relevant district plan provisions, including the relevant objectives, policies, rules and assessment matters relating to residential and compact housing land use. Where there is any conflict or inconsistency between the structure plan outcomes and guidance and any zone rule, the zone rule shall prevail.</p>	Complies, as above.
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S19.3.3.3 The following outcomes are sought for Neighbourhood and Local Centres:

(a) Centrally located – within 10-minute walk of the majority of residents.

(b) A community focal point / meeting place – bringing people together to as they go about their daily activities.

(c) Of a scale that is sympathetic to the surrounding residential form and does not detract from the commercial offering within the existing Town Centre.

Land Use Outcome Sought	Assessment
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(d) An enhanced public realm and improved pedestrian safety and amenity through considered design of buildings and open space.

School (C2 Growth Cell)

S19.3.5.1 A preferred location has been identified for a future primary school and daycare facility within the C2 Structure Plan area. Notwithstanding, the exact / final location for the school site will need to be agreed between Ministry of Education, Waipa District Council and relevant landowners. For the final location, an approximate area of 3.0-3.5 hectares will be required and the following criteria must be taken into account (as per the Ministry of Education school location guidelines):

Complies – 3Ms has been working with the Ministry of Education regarding the location of the school site, and has an agreement in that respect.

- (a) Facilitate a complementary relationship with existing / proposed open spaces.
- (b) Provide adequate connectivity to surrounding residential areas and to the wider Cambridge Road network, through an interface with main roads (I.e. Collector Roads and key Local Roads).
- (c) Provide sufficient road frontage to enable parking / drop off areas to be created.
- (d) Be positioned on fairly flat land for ease of construction and creation of useable space.
- (e) Sit outside of floodable or contaminated areas.
- (f) Have adequate clearance from existing transmission lines / cell phone sites.
- (g) Be easily connected to existing water, wastewater, stormwater, electricity, services.

Stormwater Strategy

The following table assesses the 3Ms development against the stormwater strategy of the Structure Plan.

Table 17. Structure Plan Provision Analysis - Stormwater

Outcome Sought	Assessment
S19.4.3 Urban Design Guidelines (Stormwater)	
<p>S19.4.3.1 The following urban design guidelines relate to the development of stormwater management areas within the Structure Plan:</p> <p>(a) Stormwater management areas to utilise plant species that are functional, durable, low in maintenance and contribute to local ecology and amenity.</p> <p>(b) Stormwater management areas to be co-located with areas of public open space for activation and local amenity</p>	<p>In respect of:</p> <p>Clause (a) – the stormwater management areas within the 3Ms development will utilise appropriate plant species (see Figure 39).</p> <p>Clause (b) – 3Ms is proposing that both the large reserve containing the stormwater basin and the reserve containing the east / west swale be multifunctional spaces (See Figure 39).</p>
<p>S19.4.3.2 Within the C2 Growth Cell Area:</p> <p>(a) Develop a comprehensive open space plan for the central C2 swale, including vegetation management, provision of walking and cycling ways, key activities nodes (e.g. playgrounds and other open space amenities), and interface with adjoining land uses.</p> <p>(b) Edge the central C2 stormwater corridor on at least one side by a public road and design it so that it is overlooked by adjacent land uses on both sides (except adjacent to the proposed school site) (see Figure 11).</p> <p>(c) Include a continuous pedestrian and cycle trail along the length of the central C2 stormwater corridor – connecting residents and visitors through the C2 Structure Plan area, past the central reserve area and local centre, to the C3 Growth Cell.</p> <p>(d) Provide a number of vehicular and pedestrian connections across the central C2 stormwater corridor in an east-west orientation through the provision of bridge / culvert structures.</p> <p>(e) Restore and enhance the remaining section of the existing C2/C3 stream that has yet to be restored to a naturalised stream.</p>	<p>In respect of:</p> <p>Clause (a) – the 3Ms development does not preclude the central C2 swale being constructed in a manner provided for. The 3Ms stormwater reserve will achieve the requirements of this clause.</p> <p>Clause (b) – the 3Ms development does not preclude a road being located next to the C2 Stormwater corridor on adjacent properties within the growth cell.</p> <p>Clause (c) – as above.</p> <p>Clause (d) – as above.</p> <p>Clause (e) – this proposal does not impact the C3 Stream.</p>
S19.4.4 Staging	
<p>S19.4.4.1 It is likely that the drive for residential development within these growth cells will precede the designation and</p>	<p>Not applicable, as 3Ms is proposing to construct a</p>

Outcome Sought	Assessment
<p>construction of the proposed stormwater network. As such, a staged approach to stormwater management is considered appropriate, to enable initial stages of development to occur without reliance on the wider stormwater solution. The temporary solution includes opportunity to provide for a centrally located stormwater management area that, once the permeant stormwater solution is in place, could be converted back to open space or residential development.</p>	<p>stormwater system that is not reliant on the public infrastructure and can soak to ground 100% of the 100-year event (plus climate change).</p>
<p>S19.4.4.2 There are significant risks with a staged approach that will need to be worked through in further detail by developers in consultation with Council if a staged approach is to proceed. These will depend on the location, size and nature of development areas being considered. Further, triggers regarding the uplifting of Deferred Zones are contained within Section 14 (Deferred Zone), provision 14.4.1.9 of the Waipa District Plan; and these triggers must be met prior to the Deferred Zoning being uplifted or any temporary solution being implemented.</p>	<p>As above.</p>

The following figure provides an overview of the proposed 3Ms multifunctional reserve space, that contains the stormwater basin.



Figure 39. Stormwater Basin Plan

Movement Network

In relation to the movement network, the Structure Plan states:

S19.5.1 Overview

S19.5.1.1 Movement within the C1 and C2/C3 Structure Plans is facilitated through a network of roads – accommodating both vehicles and cyclists alongside high quality pedestrian oriented paths. It is also supported by off-road walkways and cycleways, linking through the central stormwater channel in C2 and connecting the community to its surrounds.

S19.5.2.2 Collector Roads, as shown on the Structure Plans and within Figure 13: C1 and C2/C3 Movement Network, are generally fixed in location, subject to the outcomes of detailed design.

S19.5.2.3 Local Roads, as shown on the Structure Plans and within Figure 13: C1 and C2/C3 Movement Network, are indicative in terms of their location. In this regard, the layout as shown is considered appropriate and reflects appropriate block depths and widths, street lengths, orientation and location adjacent to open space and other land uses; notwithstanding, it is acknowledged that exact alignment of these roads is likely to be modified as further detailed design is undertaken. What remains important is that the outcomes outlined below and intent behind the plans is retained through detailed design.

As detailed in Section 3 of this AEE, while the 3Ms updated layout will result in the location of the north / south collector road changing (which will be determined by the Waipa District Council in a separate process), it will still be in general accordance with the structure plan (as detailed by the ITA).

The following table provides a brief assessment of the 3Ms development against the provisions of the Structure Plan, with reference back to the ITA where appropriate.

Table 18. Structure Plan Provision Analysis – Movement Network

Outcome Sought	Assessment
<p>General Outcomes Sought</p> <p>S19.5.3.2 The following outcomes have been established for the Structure Plan to help guide future development:</p>	
<p>(a) A road network based on a modified grid structure – supporting Cambridge’s established grid system and supporting connectivity.</p>	<p>3Ms is proposing a road network based on grid structure.</p>
<p>(b) A range of transportation choices provided with priority given to walking, cycling and a future provision of public transport.</p>	<p>As detailed in the ITA, 3Ms has provided a range of</p>

Outcome Sought	Assessment
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transportation choices, and has prioritised walking and cycling.

(c) Integration of transportation and land use planning.

Complies.

(d) Vehicle, pedestrian and cycling safety promoted through design – with streets designed as public spaces where pedestrians feel safe.

3Ms has placed significant emphasis on designing the streets in a manner where pedestrians and cyclists feel safe.

General Guidelines

S19.5.3.3 The following general guidelines have been developed to help guide movement, circulation and access within the C1 and C2/C3 Structure Plans:

(a) Support a fine grained network of connected streets to provide multiple alternate routes for local traffic and reduce congestion caused by limited entry points.

Complies, as generally addressed in the ITA.

(b) Minimise cul-de-sacs. Where cul-de-sacs are unavoidable, minimise their length and include pedestrian/cyclist linkages to the surrounding movement or open space network (to provide shortcuts and a choice of routes).

Complies – 3Ms has only proposed three cul-de-sacs. However, the development provides good walking and cycling connectivity, particular in respect of the school site.

(c) Increase connectivity and permeability by:

Complies, as generally addressed in the ITA.

(i) Establishing walkable blocks averaging 200m by 80m, based on a formal or informal grid wherever possible.

(ii) Facilitating the creation of new connections, mid-block spaces, and green linkages, for walking, and particularly where larger block sizes are proposed.

(d) Prioritise pedestrians first, followed by cyclists then future public transport (buses) and other vehicles at street intersections within the Structure Plan area.

Complies, as generally addressed in the ITA.

Streetscape Guidelines – Street Trees

S19.5.4.2 The following guidelines relate to the provision of street trees within the Structure Plan area, some of which are illustrated in Figure 14 [of the structure plan]:

Outcome Sought	Assessment
(a) Provide street trees at 10 metre centres, located to avoid interference with services, light poles, driveways and parking bays.	Complies – 3Ms will be planting a significant number of street trees as detailed in Appendix H .
(b) Use different types of street trees and vegetation to highlight the street hierarchy and key destinations such as public open spaces.	As above.
(c) Provide adequate berms or tree-pits to allow trees to grow to maturity and minimise pavement maintenance requirements.	As above.
(d) Provide tree species with an appropriate height and canopy for the location, width of street, and ongoing maintenance. Use larger trees on wider streets to create the impression of an avenue.	As above.
(e) Avoid low shrubs or low canopy trees that block sightlines of pedestrians and vehicles.	As above.

Streetscape Guidelines - Cambridge / Hamilton Road – Guidelines (C2/C3 Structure Plan)

19.5.4.5 The Cambridge / Hamilton Road is an important road corridor due to its central location within the overall C2/C3 Structure Plan area and as the western gateway to Cambridge. The future design of this road will be influenced by the development of the C2/ C3 Structure Plans, including its relationship with the adjoining Te Awa Lifecare Village, local centres and surrounding residential growth. The following guidelines shall apply to this road corridor:

(a) Enhance the overall pedestrian and visual amenity of Cambridge Road, integrated with the surrounding land uses.	3Ms has placed emphasis on ensuring the frontage of its development with Cambridge road enhances the amenity and is a visually attractive “gateway to Cambridge”.
(b) Reduce the speed limit to 50km / hour along the Structure Plan area boundaries to enhance safety and amenity.	Not applicable to 3Ms.
(c) Provide for signalised north south pedestrian crossing points between the C2 and C3 Structure Plan areas.	Not applicable to 3Ms.
(d) Avoid on-street parking along Cambridge / Hamilton Road.	Not applicable to 3Ms, however it is noted that there will be no direct access to houses / dwellings within the development to Cambridge Road.

Outcome Sought	Assessment
<p>(e) Maximise passive surveillance by requiring low front walls/fences/landscaping along the street frontage. A height of 1200mm high allows for passive observation of the street when standing within dwellings. Fence materials should be sympathetic to surrounding built form but retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the street edge.</p>	<p>Expected to comply, but will be addressed at the land use consent stage.</p>
<p>(f) Provide landscaped yards (for residential sites) along the road boundary to create a privacy buffer and contribute to the visual amenity of both private and public realm.</p>	<p>Expected to comply, but will be addressed at the land use consent stage.</p>
<p>(g) Provide a dedicated cycle shoulder on either side of Cambridge Road to facilitate movement between this Structure Plan area, other destinations in the west (i.e. Velodrome) and the Town Centre.</p>	<p>Not applicable to 3Ms (to be undertaken by Waipa District Council).</p>
<p>(h) Provide a minimum 4m shared path on the southern side of Cambridge Road to connect St Peters, the Velodrome and Te Awa Lifecare Village with the Cambridge Town Centre</p>	<p>Not applicable to 3Ms (to be undertaken by Waipa District Council).</p>
<p>Pedestrian and Cycling Network</p>	
<p>S19.5.5.1 In an effort to encourage human-powered, sustainable transit and maintain pedestrian friendly walkable development, the Structure Plan accommodates a well-integrated cycling network – with connectivity to the wider Cambridge Cycling network.</p>	<p>Complies, as generally addressed in the ITA.</p>
<p>S19.5.5.2 In order to promote a walkable and human-scale development, the Structure Plan incorporates an extensive network of pedestrian oriented spaces and connective elements including footpaths, off-road walking paths and open spaces (refer Figure 13: C1 and C2/C3 Movement Networks).</p>	<p>Complies, as generally addressed in the ITA.</p>
<p>Public Transportation</p>	
<p>S19.5.6.1 Although a bus network isn't currently in place in Cambridge, it is likely that in years to come a bus network will link residents and visitors with key destinations. As such, provision has been made in the plan for an indicative bus route, connecting the residents to the neighbourhood centre, key areas of open space and to the wider Cambridge community (refer Figure 13: C1 and C2/C3 Movement Networks).</p>	<p>Complies, as generally addressed in the ITA.</p>

Parks and Open Space

The Structure Plan shows 70 hectares of land allocated to reserve space in the C2/C3 Structure Plan. Within the development 3Ms is proposing:

- › A 2.3117-hectare stormwater basin that will also function as an active reserve with walking / cycling paths around it and a “fitness trail”;
- › A 2.2603-hectare linear reserve that follows the west / east swale through the development; and
- › A 5,151 m² active reserve which backs onto the west / east swale. It is proposed that this area include a destination playground.

Table 19. Structure Plan Provision Analysis – Parks and Open Space

Outcome Sought	Assessment
General Outcomes Sought	
S19.6.1.5 The following outcomes have been established for the Structure Plan to help guide future development:	
(a) Inclusive, accessible, conveniently located and well-designed open spaces that provide for a range of different functions, activities and users.	Complies. 3Ms is proposing significant reserve area within its development including multifunctional reserves that will be used for stormwater management, recreation and a playground.
(b) A high-quality public realm developed through appropriate landscaping and provision of park amenities.	Complies, as above.
(c) Opportunities for residents and stakeholders to provide input into the detailed parks planning process.	Not applicable given that the reserve areas within the development will be paid for by 3Ms.
(d) Provision of public spaces for community and cultural events (e.g. gathering spaces, markets, community gardens).	Complies, as above.
(e) Opportunities for public art initiatives, particularly within any civic spaces provided within the Neighbourhood Centre.	3Ms will be creating opportunities for public art initiatives, primarily in the east/west linear reserve.
(f) Designed to support year-round activities and recreational opportunities.	Will comply.
General Guidelines	

Outcome Sought	Assessment
<p>S19.6.1.6 The following general guidelines have been developed to help guide the provision and articulation of open spaces within the Structure Plan:</p>	
<p>(a) Design the entrance to public spaces so they are easily identified, including signage/ wayfinding to increase legibility and safe use.</p>	<p>Will comply.</p>
<p>(b) Provide public open spaces with edges that are activated or overlooked by adjacent streets and dwellings. This will improve the perceived safety and encourage use of these open spaces. Generally, at least 50% of the edges shall be surrounded by streets so there is a sense of public ownership and overlooking.</p>	<p>Complies.</p>
<p>(c) Provide public open spaces that enable a variety of recreational and social activities to occur within them</p>	<p>Complies – the 3Ms reserves areas are designed to be multifunctional and connected.</p>
<p>(d) Provide for adequate distribution of playgrounds and public toilets.</p>	<p>The 3Ms site contains a playground area and public toilets.</p>
<p>(e) Incorporate existing landscape features, significant vegetation, and sites of cultural significance into public open spaces.</p>	<p>Not applicable.</p>
<p>(f) Avoid “dark areas” (areas that are not overlooked, not well lit, or hidden from view) and blank walls. This combination is likely to attract graffiti and other undesirable activities. Instead, introduce appropriate landscape treatment, lighting, and ensure neighbouring land uses provide windows that overlook and activate these spaces.</p>	<p>Will comply.</p>
<p>(g) Connect new and existing public open space to the wider green and public open space network with walkways / cycleways and consider the provision of cycle rack facilities.</p>	<p>There are no existing open spaces immediately adjacent to the 3Ms site.</p>
<p>S19.6.2 Local Parks / Sports Fields</p>	
<p>S19.6.2.1 Local parks within the Structure Plan area have been evenly distributed throughout the community providing for local recreation and amenity. These parks will be utilised for a mixture of active and passive recreation to cater to all community needs – with some spaces acting as gardens and retreats and others for playgrounds and sports fields. Local parks may be a</p>	<p>Complies – 3Ms is proposing a central active reserve / playground within its development area.</p> <p>This application does not preclude the sports fields being located elsewhere in the C2 Growth Cell. The effect of</p>

Outcome Sought	Assessment
mixture of both hard and soft spaces and will provide local amenity – particularly in those areas with increased residential density.	this application is that sports fields will not be located within the 3Ms development.
S19.6.2.2 Opportunity for provision of a café is provided for within the centrally located sports fields in the C2 Structure Plan area, subject to appropriate design (including transport and visual amenity impacts).	As detailed in the 3Ms layout, a local centre is proposed adjacent to the active reserve (playground). This area will likely contain a café.
S19.6.3 Cultural Sites of Significance	
S19.6.3.1 Cultural sites of significance were identified within the C1 and C2/C3 Growth Cells following a preliminary desktop archaeological investigation. A number of these sites have been indicated on the Structure Plans (see Figure 18) and incorporated within areas of open space where possible. It is anticipated that Council and future developers will work with Iwi to determine how these (and other) sites can be appropriately acknowledged and respected through detailed design. These sites have potential to provide educational and amenity opportunities through preservation and interpretation.	There are no archaeological sites within the 3Ms property.
S19.6.4 Stormwater Corridors	
S19.6.4.1 A stormwater corridor will run through the centre of C2 in a north-south direction, it will then be piped beneath the Cambridge / Hamilton Road and continue as a swale corridor down the western side of C3. This area will provide for stormwater conveyance from C1 (and future development within C7) south to the Waikato River. This area will not only provide for stormwater conveyance, but will also provide for stormwater treatment and will be utilised within C2 for recreation, pedestrian / cycle movement and as an amenity feature.	This application is seeking subdivision consent for the 3Ms site only. This consent is not seeking to include the north / south stormwater swale infrastructure on the 3Ms site. However, 3Ms considers that the stormwater corridor is able to be provided to the west of the 3Ms property in a manner that is in accordance with this provision.
S19.6.5 Stormwater Management Areas	
S19.6.5.1 A number of stormwater management areas will be distributed throughout the Growth Cells to retain and treat stormwater before it enters into the central conveyance corridor. These areas will be co-located with pockets of local open space – activating and integrating them within the community.	Complies. 3Ms is proposing a large central reserve area which will encompass a stormwater basin. This reserve area will be designed to include walking paths and fitness circuits.

Outcome Sought	Assessment
S19.6.8 School Sites	
<p>S19.6.8.1 A preferred location has been identified for a future primary school and daycare facility within the C2 Structure Plan area. Once a final location has been decided, it will comprise of an area of approximately 3.0-3.5 hectares. The school location is considered within the context of the public open space network as their grounds and facilities are often public in nature and shared between education and community uses.</p>	<p>Complies – this consent application includes a lot for the proposed school site.</p>
S19.6.9 Existing Open Space / Recreation Features	
<p>S19.6.9.1 The interface between proposed development and existing areas of open space and/or recreation features is important. Council wants to ensure that these areas continue to be connected to surrounding communities, are activated by adjacent land uses and the current experiences offered by them are not compromised.</p>	<p>The 3Ms site does not interface with the existing Green Belt.</p>
<p>S19.6.9.2 The C1 Growth Cell is bound to the south by the existing town belt. This is a strong underlying feature of Cambridge and a space is used for the Cambridge Raceway and the Cambridge East Maungakawa Pony Club. The C2/C3 Structure Plan interfaces with the Town Belt to the east and the Te Awa Cycleway from the C3 Growth Cell. The Te Awa Cycleway is a popular recreational feature of Cambridge and its existing green and open character should be protected. Creating a strong interface between the town belt and the Te Awa Cycleway with the Growth Cells is very important and the following guidelines outline how this might be achieved.</p>	
S19.6.10 Walkways and Cycleways	
<p>S19.6.10.1 A comprehensive walking and cycling network will link all types of public open space, creating a residential area that can be safely and easily accessed without the use of private vehicles. Figure 13: C1 and C2/C3 Movement Networks illustrate the location of existing and proposed walking and cycling tracks in relation to public open space.</p>	<p>As shown by the updated 3Ms Structure Plan, and scheme plan there will be significant emphasis placed on walking and cycling network connectivity.</p> <p>This matter is also addressed in the ITA.</p>
S19.6.11 Wayfinding and Signage	

Outcome Sought	Assessment
<p>S19.6.11.1 An integral part of both the movement and open space networks is the provision of simple, clear and attractive wayfinding – to ensure that residents and visitors can safely and efficiently reach destinations and move between spaces. To reinforce legibility and integration, a signage and wayfinding strategy should be prepared. This strategy will link with existing Council wayfinding and signage provisions and help to highlight specific character areas to strengthen neighbourhood identity and support a sense of place.</p>	<p>Can comply.</p> <p>3Ms is happy to discuss with Waipa District Council the appropriate signage for use in the development.</p>
<p>S19.6.12 Landscape and Vegetation</p>	
<p>S19.6.12.1 Cambridge has been known as the ‘town of trees’ over a hundred years, and tree-lined streets are a key characteristic of Cambridge. The following guidelines highlight how the Structure Plan seeks to continue to reinforce the leafy nature of Cambridge.</p>	<p>As detailed in Appendix H, there has been a strong focus on landscape design within the 3Ms site.</p>
<p>Landscape and Vegetation Guidelines</p> <p>S19.6.12.2 The following guidelines relate to the provision of trees and landscape areas within the Structure Plan area:</p>	
<p>(a) Retain existing mature vegetation on site, where possible</p>	<p>There is very little vegetation on site currently, however, 3Ms will likely retain some of the mature trees at the front of the site. The development will result in significantly more planting / species diversity than the present situation.</p>
<p>(b) Provide sufficient space / soil depth to support healthy trees.</p>	<p>Will comply.</p>
<p>(c) Undertake tree planting as part of park and open space development to support amenity provision, place making and sustainability outcomes.</p>	<p>Will comply, as detailed by the work undertaken by Line and Design (detailed in Appendix H)</p>
<p>(d) Select a diverse range of tree species to prevent disease susceptibility and visual uniformity.</p>	<p>Will comply.</p>
<p>(e) Plant landscape areas with species that are low maintenance, hardy and well suited to local conditions</p>	<p>Will comply.</p>

Outcome Sought	Assessment
(f) Provide an emphasis on native or indigenous plants that are appropriate to the site and landscape character of the area – particularly within wetland areas and ecological corridors.	Will comply, as detailed by the work undertaken by Line and Design (detailed in Appendix H).
(g) Undertake remnant soil studies within wetland areas and ecological corridors, to determine the types of previous plants that originally grew in these locations to influence species selection and placement.	While 3Ms has not undertaken soil studies, native plants will be utilised across the development.
(h) Select appropriate street trees to enable sunlight penetration on streets and within adjoining public open spaces during winter months	Will comply.
(i) Provide landscaping that enables the preservation of important views and vistas.	Will comply.

The following figures show the proposed active reserve area in the 3Ms development and the linear reserve.

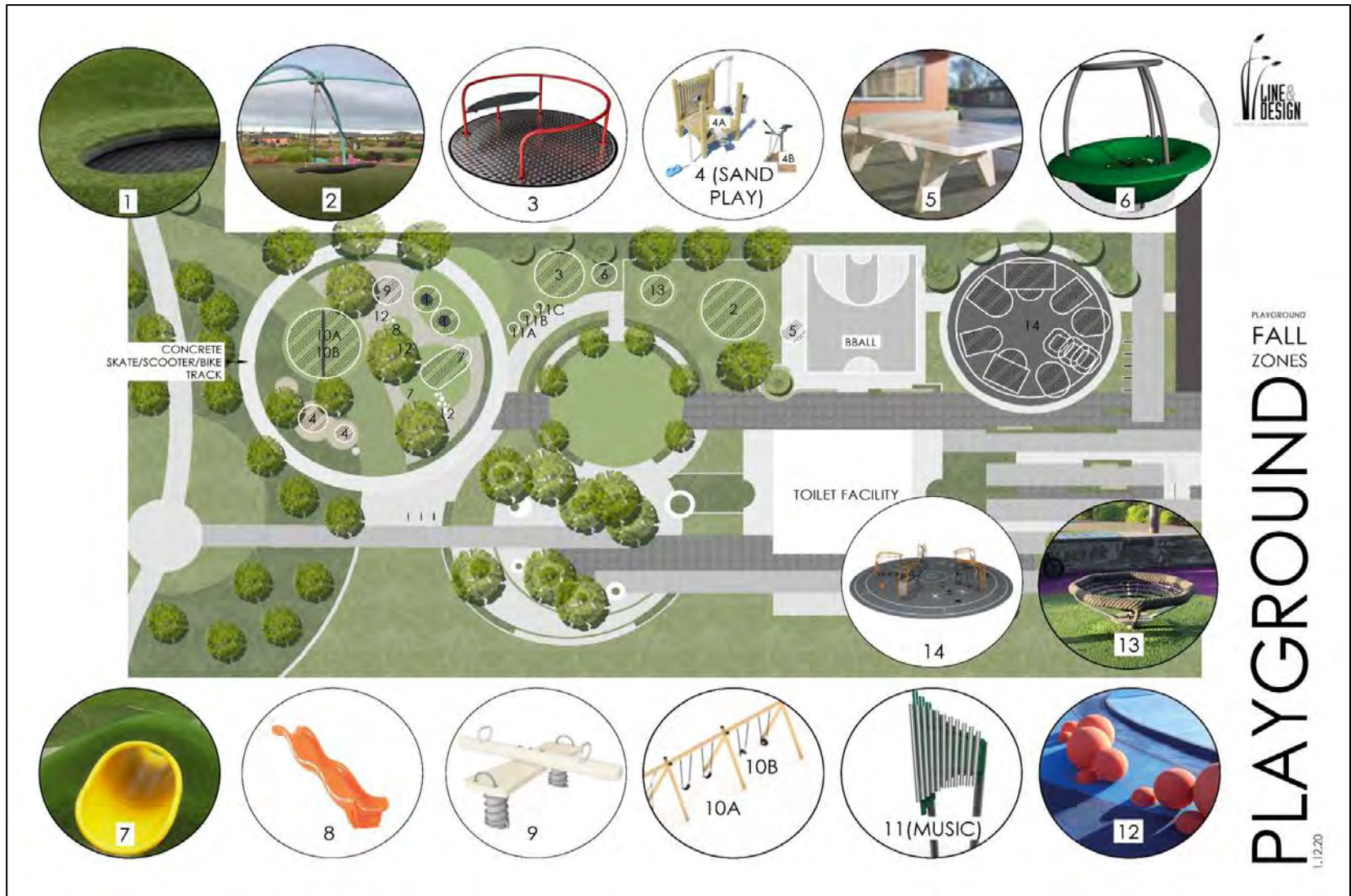


Figure 40. Playground Concept



Figure 41. Water Play Concept

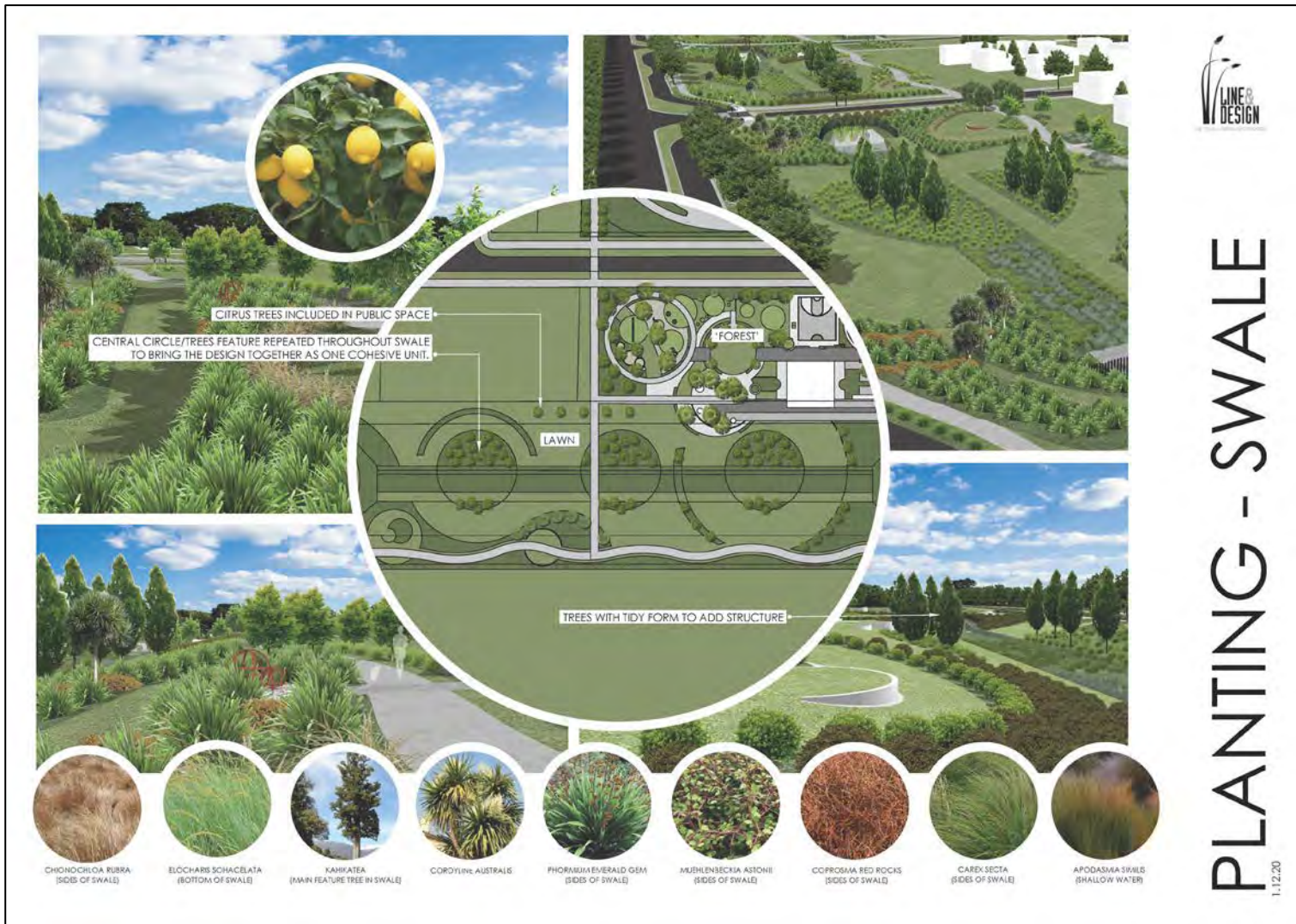


Figure 42. Concept Swale Planting Plan

Water and Wastewater Servicing

The following table provides an assessment of the key provisions of the Structure Plan in respect of water and wastewater servicing.

Table 20. Structure Plan Provision Analysis – Water and Wastewater Servicing

Outcome Sought	Assessment
Water supply	
<p>S19.7.2 The proposed water supply network has been designed assuming that the demand can be supplied from two different connection points. The head loss has been calculated for the furthest hydrant to the connection points when considering 12.5l/s water supplied from each connection.</p> <p>S19.7.3 Hydrants are proposed on the main lines every 135m. The pipe sizes determined in this high level design are sensitive to head and flow availability at the connection points to the Growth Cells.</p> <p>S19.7.4 All local roads will have a rider main.</p>	<p>As detailed in Section 3.5, the 3Ms site can be appropriately serviced from a water supply perspective in a manner in accordance with the Structure Plan.</p>
Wastewater	
<p>S19.7.5 The proposed wastewater reticulation has been designed on the basis that the existing network and treatment plant has sufficient capacity to cater for the proposed development.</p> <p>S19.7.6 Two connection points have been allowed for connection to the existing wastewater network. The growth area C1 will be connected to the existing Taylor Street pump station. A manhole at 15 Vogel Place will convey the wastewater from Growth Cells C2 and C3.</p> <p>S19.7.7 Gravity pipe trench depths have been checked considering the furthest property connection to the local collector and the main sewer. Self-cleaning velocity and minimum gradient have been considered in designing the proposed wastewater reticulation.</p> <p>S19.7.8 Due to relatively flat topography of the areas (excluding some locations at C3), pump stations are utilised where the gravity pipe trench depths are 5.5m or deeper.</p> <p>S19.7.9 The proposed Structure Plan water and wastewater network concept plans have been designed assuming there is available capacity in the existing systems. It is understood that proposed network upgrades in the LTP will provide adequate capacity to and from the Growth Cells. Before any preliminary design for the C1 and C2/C3 Growth Cells is undertaken it is recommended that the water supply and wastewater network models are updated to confirm the capacity of these systems. The Growth Cell infrastructure layouts and sizing can then be adjusted accordingly if required. Proposed water and wastewater network layouts and connections are illustrated in Figures 20 and 21 as follows.</p>	<p>As detailed in Section 3.5, the 3Ms site can be appropriately serviced from a wastewater perspective in a manner in accordance with the Structure Plan.</p>

Implementation

In respect of the implementation of the Structure Plan, the 3Ms site is located within Stage 1 (as shown in the staging plan).

Summary

In summary, it is considered that the 3Ms proposal is in general accordance with the Structure Plan as the outcomes of the Structure Plan are able to be achieved, despite the minor changes to the spatial layout of some of the public infrastructure.

The Urban Design Statement, prepared by Chow Hill, concludes:

Development of the site has been under consideration from the outset of the plan change process that resulted in the current structure plan. Consequently, there has been general alignment of the broad aims for the site from both a strategic planning perspective and relative to specific land development ambitions by 3Ms.

As the details of the development have been further defined and refined, the vision for the land has been maintained. Changes have of course been made as a product of further design development and consideration of development staging. However, any differences are at a level of detail that maintain the overall strategic intent. The Waipa District Plan requires that the 3Ms development be in “general accordance” with the Cambridge C1 and C2/C3 Structure Plan. Comparison of the structure plan and the proposal for the 3Ms site demonstrates that this is the case.

In urban design terms, the proposed combination of site engineering, landscape design and architecture will result in an attractive urban extension to Cambridge. While incorporating many aspects of best practice design, the scheme also includes individual and contextual aspects that will serve to support a sense of individuality and create a memorable place.

The proposed scheme is considered to be a successful plan for the growth of the western side of Cambridge.

Residential Zone

Objective - Key elements of residential character

2.3.1 To maintain and enhance the existing elements of the Residential Zone that give each town its own character.

Policy - Cambridge

2.3.1.1 To maintain and enhance Cambridge’s character by:

- (a) Maintaining the grid layout that provides long vistas down roads; and
- (b) Providing for wide grassed road verges that enable sufficient space for mature trees; and
- (c) Maximising opportunities to provide public access to the town belt; and



- (d) Maintaining and enhancing public views to the Waikato River and Karāpiro Stream Valley with development actively facing and providing access to the River and the Stream; and
- (e) Providing for development that is of a low density, one to two storeys, and set back from road frontages to enable sufficient open space for the planting of trees and private gardens; and
- (f) Maintaining the mix of villa, cottage and bungalow type housing within the identified character clusters.

It is considered that the 3Ms proposal will be consistent with the wider Cambridge character, bringing aspects like tree lined streets and high-quality housing, which are reflective of Cambridge, into the 3Ms development.

The objectives and policies relating to building setbacks, building heights, site coverage and permeable surfaces, signs, daylight, outdoor living areas building lengths will be considered in the context of the land use consents required (once Plan Change 13 has been made operative), again noting that this application is only seeking subdivision consent due to the current zoning of the site.

Objective - Providing housing options

2.3.4 To enable a wide range of housing options in Cambridge, Te Awamutu, Kihikihi, and Karāpiro in a way that is consistent with the key elements of the character of each place.

Policy - Sustainable and efficient use of land

2.3.4.1 To meet changing housing needs and to reduce demand for further land to be rezoned, by providing for a range of housing options. Developments that are comprehensively designed where spaces can be shared will be preferred.

As detailed previously in this AEE, one of the key aspects of the 3Ms vision is to provide a variety of housing choices and lot sizes within the development to cater for different lifestyles and life stages. The subdivision has been comprehensively designed and will achieve a density of 13.6 households per hectare.

Policy 2.3.4.5 in respect of compact housing will be considered during the land use consenting phase of the development.

Objective - Comprehensive design and development

2.3.5 To ensure that developments are comprehensively designed, incorporate urban design and CPTED principles, are co-ordinated with infrastructure provision, and integrated with the transportation network.



Policies - Cambridge Park and C1 and C2/C3 Structure Plan Area

2.3.5.2 To encourage creative and innovative approaches to urban design and development within the Cambridge Park Residential Zone and the C1 and C2/C3 Structure Plan Area.

As set out in this AEE, the 3Ms development has been comprehensively designed, incorporates urban design (including an Urban Design Statement, architectural drawings, landscape concept drawings and 3D renders of the development). 3Ms has placed significant emphasis on incorporating the CPTED principles.

As detailed in Section 3.5 of this AEE, the 3Ms site can be developed from an infrastructure perspective in an appropriate manner.

In respect of the provisions relating to non-residential activities, which are relevant to the proposal local centre, the C1 and C2/C3 Structure Plan includes a local centre on the 3Ms site. This area is small, will not detract from the Cambridge CBD, and will likely only include a café.

This 3Ms subdivision is considered to be consistent with the objectives and policies of the Residential Zone.

6.5.2.6 Precedent Effect

One final matter that may need some comment is the potential for the granting of the current consent application to cause a 'precedent effect'. This issue sometimes arises due to a concern held by the Waipa District Council that a decision to grant a consent for a Non-Complying Activity could undermine the integrity of the Waipa District Plan. Furthermore, Waipa District Council has, through the pre-application discussions, raised concerns regarding the 3Ms subdivision plan not including the north/south collector road or the north/south swale and this impacting the integrity of the Waipa District Plan.

The lead authority on plan integrity and precedent is the High Court decision in *Rodney District Council v Gould* [2006] NZRMA 217. In that decision the High Court held at [99], [100], and [102]:

In my view, a reasoned decision which held that a particular non-complying activity proposal was not contrary to district plan objectives and policies could not be criticised for legal error simply on the basis that it had omitted reference to district plan coherence, integrity, public confidence in the plan's administration, or even precedent.

...

No doubt the Environment Court will continue to advert in appropriate cases to the concepts of the integrity and coherence of the district plan, public confidence in its consistent administration, and precedent. I do not suggest that there is any error in taking that course.

...

It is to be observed that on this approach, it is where the circumstances of a particular case lack any evident unusual quality that granting consent may give rise to concerns about public confidence in the consistent application of the rules in the District Plan. Conversely, where the circumstances of the particular case can be seen as having some unusual quality, the constraints of what is now s105(2A)(b) may be overcome. **In an appropriate case the Environment Court can decide that there are aspects of a proposal which take it outside the generality of cases, so that the case may be seen as exceptional and if it can be said that the proposal is not contrary to the objectives and policies of the district plan, it will not be necessary also to consider and make findings, on the issues of public confidence in the administration of the district plan and district plan Integrity.** Concerns about precedent, about coherence, about like cases being treated alike are all legitimate matters able to be taken into account, as the recent decision of Baragwanath J in *Murphy v Rodney District Council* [2004] 3 NZLR 421 again emphasizes. **But if a case is truly exceptional, and can properly be said to be not contrary to the objectives and policies of the district plan, such concerns may be mitigated, may not even exist.**

(emphasis added)

Often the concern centres around the potential for the ‘floodgates to open’ and for Council to be exposed to a deluge of applications for similar consents in respect of other properties. As the Environment Court observed in *Beacham v Hastings District Council* W75/2009 at [85]:

Only in the clearest of cases, involving an irreconcilable clash with the important provisions, when read overall, of the District Plan and a clear proposition that there will be materially indistinguishable and equally clashing further applications to follow, will it be that Plan integrity will be imperiled to the point of dictating that the instant application should be declined.

The issue of plan integrity is a matter which can appropriately be considered, particularly where the application is contrary to the objectives and policies in the Plan; see *Endsleigh Cottages Ltd v Hastings District Council* [2020] NZEnvC 064. However, in the present case the application is consistent with all relevant objectives and policies and seeks to enable a land use and overall development plan which is consistent with the Waipa District Plan’s intent.

Based on the conclusions in this AEE, it is considered that there will be no precedent effect that undermines the integrity of the Waipa District Plan arising from the granting of the current consent application for a Non-Complying Activity. The reasons for this conclusion are:

- › Every resource consent application that is made to consent authorities throughout New Zealand is due to a proposed activity not complying with the permitted activity rules and/or performance standards in the relevant plan. Simply breaching a rule or a performance standard is not a sufficient reason to decline consent or be concerned about a precedent effect (otherwise the resource consent application process would serve no purpose). Applications need to be determined based on an evaluation of



the effects of the proposed activity on the environment and the outcomes sought to be achieved in the relevant statutory instruments in accordance with section 104 and, in this case, section 104D, of the RMA.

- › A precedent effect should only be a matter of concern where it results in substantive environmental outcomes that are contrary to what the relevant plan is seeking to achieve. As discussed above, the current proposal will not result in any of the issues or adverse effects. Residential development in this area is entirely anticipated.
- › Any subdivision within the Deferred Zones of the Waipa District, that is not a boundary adjustment, is a Non-Complying Activity, irrespective of the scale of the subdivision. It is assumed that the Non-Complying Activity status is designed to protect the future intended land use of the deferred area, and not compromise the future use of that land through the granting of a subdivision consent that it inconsistent with that land use. In this respect, the 3Ms proposal is entirely consistent with the intended use of its site; that is, residential activities.
- › The change in approach by the Waipa District Council in respect of the uplift of the deferred status of the zone (moving away from the council resolution process that is provided for under the Waipa District Plan) has meant that 3Ms has had to consent its subdivision under a planning framework (deferred zone and rural zone) that does not provide for residential development. It is likely that if the site was zoned Residential Zone, then the subdivision would not be a Non-Complying Activity.
- › 3Ms has also recognised that its updated subdivision layout represents some minor spatial differences from the current Structure Plan. To ensure that the outcomes that the Structure Plan achieve are not impacted, 3Ms has undertaken a significant amount of work updating various plans to document how where the moved public assets could be located. This has included re-designing the Structure Plan to provide Waipa District Council an option (at 3Ms cost) as to how the growth cells can still be serviced.
- › 3Ms has also sought to engage with some of the neighbouring landowners who would be potentially impacted by the layout refinements, and are suggesting that this consent application be notified to specific parties to ensure that they are aware of the potential implications of not having the public assets located on the 3Ms land.
- › The Waipa District Plan does not give effect to the NPS-UD (given it was made operative before the NPS came into effect). It is understood that there is currently a limited supply of residential sections on the market. This development assists the Waipa District Council in meeting its obligations under the NPS-UD by delivering over 200 residential sections to the market in 2022.

The Waipa District Council has also raised concerns regarding this proposal not being in strict spatial accordance with the C1 and C2/C3 Structure Plan. 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 generally



structure plans are 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. 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.

3Ms understands that 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, or at their own volition have sought to move the infrastructure from what was proposed in the Structure Plan. Three such examples 3Ms is aware of are detailed below, and it is noted that 3Ms does not consider that these are a precedent. Rather, they are examples of where there has been a proposal considered on its merits which has resulted in a different outcome to that shown on the relevant Structure Plan:

- › It is understood that 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.
- › It is understood that the Waipa District Council are currently in the process of acquiring land from Shaws Property Holdings Ltd in the C1 Growth Cell to enable the collector road to be constructed. The alignment of the collector road is not the same 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.
- › 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).
- › Finally, it is understood that Waipa District Council is currently considering a resource consent application 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.

This application states in respect of a precedent effect:

Precedent is an important matter to consider under Section 104(1)(C). While not an environmental effect per se [sic], for Council to approve an application they need to be mindful that an adverse precedent effect is not being made. Whilst the RMA tells us that each application has to be assessed on its individual merits, natural justice means that applications of a similar nature need to be treated in a comparable manner. In this instance the approval of a non-residential

(commercial) development in a residential area could potentially create an unwanted precedent for other similar developments. As a result, in order to safeguard Council's position (should consent be approved), Council must be satisfied that the site has contains a set of unique characteristics that would differentiate it from other more traditional residential sites.

In our opinion, the site contains a key point of difference from other future residential zoned sites in the district. Although we have no stats to back this up, we would suggest that having a future residential zoned site, with a consented based line for commercial activities (café) which is surrounded by commercial development is a scenario which is unlikely to be encountered on a regular basis, if at all. On this basis establishing a commercial activity on the subject site will be compatible with the surrounding land uses and thus not detract or further erode the amenity values of the area. In conclusion, based on the above analysis, we conclude that the potential approval of this resource consent application will not set an unwanted precedent for future developments within the District.

In summary, it is 3Ms view that the granting of this subdivision consent application would not create a precedent effect, nor would it result in the integrity of the Waipa District Plan being compromised.

6.5.2.7 Section 104(1)(c) – Other Relevant Matters

6.5.2.7.1 Iwi Management Plans

Under section 104(1)(c) Iwi Management Plans are a relevant matter to be considered by the Waikato Regional Council when assessing this application under section 104 of the RMA. This section provides commentary on the two Iwi Management Plans of relevance to this application.

- › Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan; and
- › Te Rautaki Tāmata Ao Turoa o Hauā, the Ngāti Hauā Environmental Management Plan.

Tai Tumu Tai Pari Tai Ao

Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan (“**WTEP**”) was lodged with Waikato Regional Council on 6th September 2013. The purpose of the plan is to:

‘provide a map or pathway that will return the Waikato-Tainui rohe to the modern-day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha’.

3Ms has reviewed the WTEP and provides an assessment against the provisions below. However, the Applicant acknowledges that only Waikato-Tainui can determine for Waikato-Tainui if, from a Waikato-Tainui perspective, the magnitude, frequency, and duration of the effect, and if the overall effect of an activity is positive or negative. For that

reason, 3Ms has sought to engage with tangata whenua representatives of Waikato-Tainui in respect of the proposed works, through Te Huia Natural Resources.

Section C of the WTEP contains the Issues, Objectives, Policies and Methods developed under the following headings that are relevant to the application:

- › Tribal Strategic Plan;
- › The Vision and Strategy for the Waikato River;
- › Right of First Refusal on Crown Lands;
- › Waikato-Tainui Communities;
- › Customary Activities;
- › Natural Heritage and Biosecurity;
- › Historical Items, Prized and Significant Sites;
- › Natural Hazards;
- › Freshwater;
- › Land;
- › Fisheries;
- › Land Use Planning;
- › Infrastructure;
- › Hierarchy of Management Measures; and
- › Environmental Enhancement.

Tribal Strategic Plan

This section of the WTEP sets out the tribe's strategic objectives in relation to its own identity, integrity, success and wellbeing. It draws on the blueprint 'Whakatapuranga 2050' for the cultural, economic and social advancement of Waikato-Tainui. While this section is most relevant to internal stakeholders, there is an objective, policy and several methods that seek to ensure that resource management, use and activities within the Waikato-Tainui rohe are consistent with (and if possible, contribute to the achievement of) the vision, mission, values and strategic objectives of Whakatapuranga 2050.

3Ms recognises the role of Waikato-Tainui as kaitiaki within its rohe. Furthermore, understands the importance of land and water resources, particularly the centrality of the Waikato River, to the tribe's mana and identity.

The Vision and Strategy for the Waikato River

Section 11 of the WTEP addresses the Vision and Strategy for the Waikato River 'Te Ture Whaimana'. This section provides the background to the process of settlement of Raupatu

Claims between Waikato-Tainui and the Crown and outlines the legislative recognition of the Te Ture Whaimana in resource management decision making, including by way of co-management and an Integrated River Management Plan for the Waikato River.

The Vision and Strategy, and an assessment of 3Ms application in relation to the Vision and Strategy, is discussed in Section 6.5.2.1 of this report.

Right of First Refusal on Crown Lands

Section 12 of the WTEP explains the genesis of the concept Right of First Refusal (“**RFR**”) as part of the 1995 treaty settlement between Waikato-Tainui and the Crown. RFR provides an open-ended opportunity for the tribe to regain some of the Raupatu or confiscation lands and gives effect to the Waikato-Tainui principle ‘i riro whenua atu, me hoki whenua mai’ (as land was taken, land should be returned).

The objectives in this section of the WTEP seek to clarify that the RFR applies to the long-term leasing or vesting of land, as well as to the sale of land. They also signal to Crown agencies and local authorities that care must be taken to protect the integrity and good faith of the RFR.

This section is relevant to central and local government agencies.

Waikato-Tainui Communities

Section 13 of the WTEP supports the sustainable development of marae and papakaainga in both rural and urban areas. It encourages local authorities involved in land use planning to consider the infrastructure requirements, character and amenity of papakaainga developments. As such, this section is not relevant to this application.

Customary Activities

Section 14 of the WTEP outlines Waikato-Tainui’s customary activities and resource use, which has been affected by a decline in the abundance and variety of resources as well as reduced access to these resources.

The proposal will not impact upon the ability for customary activities to be undertaken.

Natural Heritage and Biosecurity

Section 15 of the WTEP discusses the loss of indigenous biodiversity and the negative effect this has had on the relationship of Waikato-Tainui with the whenua. The Plan seeks to restore the rohe to ecological health.

There is no mature vegetation on the site, or any other areas of particular natural heritage values.

Historical Items, Prized and Significant Sites

The Applicant is familiar with the WTEP’s approach to site management protocols (Objective 16.3.1). This application does not relate to any land disturbance activities, which will be considered at a later stage. However, for completeness it is noted that 3Ms will undertake earthworks required accordance with the discovery protocols relating to taonga (16.4.3.2)

and archaeological sites (16.4.3.3). 3Ms will implement cultural protocols and comply with heritage legislation (if there are any accidental discoveries). This approach includes many of the methods (a) to (g) giving effect to Policy 16.3.5.1 - Areas and sites of significance, including good project management, clear communication, monitoring of effects, inclusion of protocols and reporting results.

Natural Hazards

Section 17 addresses natural hazards including land use and risk management, taking a wider perspective of community wellbeing over individual property owners. Nothing in relation to the activities that are the subject of this consent application will increase the risk or magnitude of a natural hazard event, nor will it change any risk or effect on human life.

Freshwater

The WTEP contains the objectives, policies and methods pertaining to specific environmental areas. The objectives and policies on fresh water in Section 19 of the WTEP relate mainly to the aspiration of Waikato-Tainui to work alongside government agencies to manage the allocation of fresh water and improve the quality of water across the region.

Objective 19.4.1 (the relationship between Waikato-Tainui and water) seeks to ensure that Waikato-Tainui engage and participate in the highest level of decision-making on matters that affect waters. This is reinforced by Policy 19.4.1.1 (which states the same thing).

Objective 19.4.2 (water quality) seeks to ensure that freshwater is drinkable, swimmable and fishable in all places. This is supported by Policy 19.4.2.1 that seeks that regulators set clearer and higher water quality targets, and also develop and incentivise methods to achieve these targets.

Objective 19.4.3 (water quality (integrated catchment management)) seeks an integrated and holistic approach to the management of water. This is supported by Policy 19.4.3.1 that seeks to ensure that integrated catchment management is effective and informative, and the scope of planning is broad.

Objective 19.4.4 (water quantity and allocation) seeks that water allocation restores and protects the health and wellbeing of water bodies. This is supported by four policies, which seek: any water allocation framework operates under consistent principles, is equitable and efficient and restores and protects the health and wellbeing of water bodies (Policy 19.4.4.1); any water allocation mechanisms allocate water to Waikato-Tainui for the social, cultural, spiritual, environmental, and economic health and wellbeing (Policy 19.4.4.2); that resource consent processing ensures any allocation of water has regard to best practice and the objective of restoring and protecting the health and wellbeing of Waikato-Tainui water bodies (Policy 19.4.4.3); and, that allocable and minimum flows are determined in partnership with Waikato-Tainui and recognises Waikato-Tainui aspirations (Policy 19.4.4.4).

3Ms has designed this proposal in a manner that appropriately addresses the actual and potential effects on freshwater. Water quality is to be protected via the measures implemented as required by an approved Erosion and Sediment Control plan, and it is assumed that discharging the stormwater generated from the subdivision to land (instead of

directly to the Waikato River via a point source discharge) would be generally supported by Waikato-Tainui. Therefore, application is therefore consistent with Section 19 of the WTEP.

Land

Section 21 of the WTEP pertains to the use of land and Waikato-Tainui's concern to restore ecosystem balance by addressing issues including soil erosion, catchment management, nutrient loss, land development, dam management and riverbank erosion.

The Applicant considers that the proposal is consistent with Section 21 of the WTEP.

Fisheries

Section 22 of the WTEP outlines how the restoration of fisheries is critical to the mana and status of Waikato-Tainui and is central to achieving the Vision and Strategy of a healthy, abundant Waikato River.

Given this proposal is for a land use matter, it is considered that this section of the WTEP is not relevant to the proposal.

Land Use Planning

Section 25 of the WTEP contains objectives and policies that provide for future urban and rural development that is well-planned and responsive to Waikato-Tainui concerns. This chapter will have been considered in the proposal to rezone the growth cells.

Infrastructure

Section 26 highlights the necessity of involving Waikato-Tainui in large infrastructure projects including those related to energy, transport and waste.

Representatives of Waikato-Tainui and tangata whenua have been engaged throughout the resource consent development process the Te Huia Natural Resources.

Hierarchy of Management Measures

The Applicant's approach to managing the effects of its resource use and activities is consistent with the hierarchy of management measures outlined in Section 8.2.1 of the WTEP.

Environmental Enhancement

3Ms approach to managing the effects the stormwater activities are consistent with the approach outlined in Chapter 7 of the WTEP - 'Toward Environmental Enhancement'.



Te Rautaki Tāmata Ao Turoa o Hauā

Te Rautaki Tāmata Ao Turoa o Hauā, the Ngāti Hauā Environmental Management Plan (“**NHEMP**”), was developed to express Ngāti Hauā values and aspirations for their environment. It was lodged with the relevant regulatory agencies in 2018 and is intended for those utilising the plan to understand the values, frustrations and aspirations for the environment and state the Ngāti Hauā views on particular land uses and activities.

The policies and actions of the NHEMP are primarily aimed at Regional and District Councils within their rohe. However, the provisions are also to be used to inform and guide engagement processes and decisions associated with resource consent applications.

An assessment of the relevant provisions and sections of the NHEMP is provided under the following headings:

- › Sustainable Land Use and Development (Section 9);
- › Te Wai Māori - Water (Section 11);
- › He Mahinga Kai – Fisheries (Section 13);
- › Cultural Heritage (Section 15).

Sustainable Land Use and Development

The provisions of Section 9 seek to manage the effects of urban land use and development within the rohe of Ngāti Hauā, including the promotion of low impact urban design and the utilisation of locally sourced native plants for landscaping (for example). Furthermore, the provisions require that a holistic and integrated approach be taken in relation to the sustainable use, development and management of land. This is to be achieved through working with other parties to ensure that land use and development within the rohe recognises and provides for:

- › Mauri of land and soil resources;
- › Relationship between Ngāti Hauā and natural resources;
- › Value of the knowledge held by Ngāti Hauā;
- › Role and application of mātauranga and tikanga;
- › Principle of interconnectedness; and
- › Aspirations to enhance social and economic wellbeing.

Te Wai Māori

The relationship Ngāti Hauā has with its waterways lies at the heart of their physical, spiritual and cultural wellbeing. The health and wellbeing of freshwater resources is connected to the health of the whenua and wellbeing as a community.

The relevant objectives in relation to water are as follows:



Objectives

1. The mauri of freshwater within our rohe is restored and protected. This means that:

- Water is plentiful and clean enough for drinking, swimming and sustaining plentiful mahinga kai.
- Water allocation occurs in a manner that is sustainable and consistent with the natural limits of our rivers, streams and aquifers.
- Water is allocated fairly and used efficiently and responsibly.
- Waterways are accessible for customary use e.g. mahinga kai.

2. Recognition of Ngāti Hauā values, interests and Mātauranga in relation to freshwater planning and management within our rohe. This means that:

- Aspirations for marae, papakainga, and Māori land development is not unfairly disadvantaged by freshwater allocation and quality.
- Our intergenerational knowledge and experience is valued.
- Our role as a Treaty partner and post settlement governance entity is recognised.

3. Protection and revitalisation of our traditional knowledge and practices regarding our rivers, streams and aquifers (puna).

3Ms has designed the subdivision layout in a manner to provide for urban development while also ensuring that the stormwater quality is appropriate for discharge into waterways.

In respect of Objective 2 and Objective 3, 3Ms has engaged with Ngāti Hauā representatives (through Te Huia Natural Resources) and sought to understand their views in respect of the various resource consents being sought.

The water related objectives are reinforced through the policies of Section 11:

Policies

Policy 11A: Work collaboratively to ensure a holistic and integrated approach is taken to restoring the mauri of freshwater within our rohe.

Policy 11B: Ensure that water allocation and use is equitable and efficient.

Policy 11C: Avoid further degradation of water quality within our rohe.

Policy 11D: Build traditional and contemporary knowledge about our wai.

The key policies in respect of, the resource consent being sought by 3Ms are Policy 11A, and Policy 11C. In terms of Policy 11A, 3Ms has worked with Ngāti Hauā representatives (through Te Huia Natural Resources) to understand their view in terms of its activities. Similarly, it is considered that the activities the subject of this application do not impact upon the ability to restore the mauri of freshwater.



Policy 11C requires that further degradation of water quality of the Ngāti Hauā rohe be avoided. It is noted that the stormwater management solution for the 3Ms site has been designed to ensure no adverse effects on freshwater bodies.

Cultural Heritage

This section of the NHEMP focuses on the ways in which cultural heritage can be protected from land use and development. It is considered that the approach to managing cultural, heritage and archaeological values is consistent with the provisions of this chapter.

6.5.2.7.2 Other Matters

As detailed earlier in this AEE, 3Ms had anticipated that, once the discharge permit was obtained from the Waikato Regional Council for the discharge of stormwater from the C1 and C2/C3 Growth Cells, the deferred status of the growth cells could be uplifted through the process enshrined in the Waipa District Plan (in accordance with Rule 14.4.1.9). This consent was granted by the Waikato Regional Council in early 2020. Therefore, it has been a legitimate expectation that 3Ms would be applying for a subdivision consent within a Residential Zone, rather than a Deferred Zone.

This matter has been addressed in Section 6.4 in respect of the letter sent to 3Ms from Tony Quickfall regarding the change in approach. Further, in an email on 19 May 2020, Tony Quickfall advised 3Ms that:

That gave us the idea to weight the deferment issue into our planning assessment under RMA s104(1)(c) - *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

The effect of this deferment, which is one put forward by the Waipa District Council, is that 3Ms is consenting its development under a rule framework (i.e. the Deferred Zone and Rural Zone provisions) that is not appropriate for the nature of the activity that is contemplated by both the C1 and C2/C3 Structure Plan and by the Deferred *Residential* Zoning. Accordingly, 3Ms considers that substantial weight should be given to the outcomes set out in the Residential Zone section of the Waipa District Plan.

6.6 PART 2 MATTERS

Recent case law has confirmed that a consent authority must have regard to the provisions of Part 2 when it is appropriate to do so.² Part 2 is an overriding matter and decisions on resource consents must demonstrably contribute towards the purpose of the Act. Reference to Part 2 of the RMA beyond its expression in the relevant statutory planning documents is appropriate where there is invalidity, incomplete coverage or uncertainty of meaning within the statutory planning documents in respect of determining a resource consent application. For this application, there is no invalidity, incomplete coverage or uncertainty of meaning within the statutory planning documents.

² R J Davidson Family Trust v Marlborough District Council, [2018] NZCA 316.

Notwithstanding the above, in accordance with Schedule 4(2)(1)(f) of the RMA, Part 2 of the RMA is considered to the extent appropriate in the following paragraphs.

The previous sections have set out the key matters the Waipa District Council will be required to have regard to when considering the application. However, these considerations are expressly “subject to Part 2”, which incorporates an overall assessment of the proposal against the sustainable management purpose of the RMA, which is defined in section 5 of the Act as:

- ... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Applying section 5 of the RMA involves judgement of whether a proposal would promote the sustainable management of natural and physical resources, and that judgement allows for the comparison of conflicting considerations and the scale and degree of them and their relative significance or proportion in the final outcome.

Regarding the requirement that effects be “avoided, remedied or mitigated”, case law has established that it is not required that all effects be avoided, or that there is no net effect on the environment or that all effects are compensated for in some way. Rather, it is about doing what is reasonably necessary, given the circumstances of the particular case, to lessen the severity of effects. The measures to be employed by 3Ms in respect to the subdivision of land at the subject property ensures that any actual and potential adverse environmental effects are avoided, remedied and/or mitigated.

Sections 6, 7 and 8 of the RMA set out the principles to be applied in achieving the purpose of the Act. They are not an end in themselves, but an accessory to the principal purpose. To the extent the principles of those sections are relevant they do not suggest the granting of the consent sought by 3Ms is inappropriate.

6.7 SUMMARY

In summary the proposed land use and subdivision are consistent with all the policy frameworks in the relevant national and regional planning instruments.

The activities are largely consistent with the objectives and policies of the Waipa District Plan. Where there is inconsistency is solely due to the timing of the applications, whereby the applications have been lodged prior to the deferred status of the C2 Growth Cell being uplifted. As a result of this technicality Rural Zone provisions apply, in comparison to Residential Zone provisions had the Deferred Zone been uplifted. Due to the required



assessment against provisions related to rural land there is an inconsistency with relevant objectives and policies, both in Section 4 and Section 15. If the Deferred Zone had been uplifted however, and Residential Zone provisions (Section 2) would apply, the application would be consistent with all the objectives and policies for residential land. The inconsistency with objectives and policies in Section 15 would also be resolved as those inconsistencies currently relate to rural land.



7. CONSULTATION

There is no duty for the applicant to undertake consultation for resource consent applications under section 36A of the RMA. However, 3Ms has consulted with the following parties prior to lodging the application:

- Waipa District Council;
- Tangata Whenua – Ngāti Korokī Kahukura and Ngāti Hauā; and
- Neighbouring Landowners (to the west of the 3Ms site).

7.1 WAIPA DISTRICT COUNCIL

Over the past 12 months, there has been significant engagement between 3Ms and the Waipa District Council regarding the 3Ms development; both in terms of the sale of land to the council for the public assets (and associated valuation) and in respect of the nature of the 3Ms subdivision itself.

The following table provides an overview of the key correspondence and meetings had with the Waipa District Council regarding this development.

3Ms has provided the key correspondence it has had with the Waipa District Council in respect of the land acquisition process within the below table, and in **Appendix C** (from July 2020 to November 2020 (and including the first round of correspondence about this matter in December 2019)), and has done so to show the level of engagement had (in good faith) with Waipa District Council regarding the land acquisition.

Table 21. 3Ms and Waipa District Council Engagement

Date	Reason for Meeting / Correspondence	Attendees
29 November 2019	Correspondence received from Waipa District Council regarding council feedback on the draft 3Ms subdivision layout.	
6 December 2019	Email to Tony Quickfall from 3Ms documenting the proposed consenting strategy.	
18 December 2019	Meeting to discuss the proposed consenting strategy.	Matt Smith, Abbie Fowler, Mark Chrisp, Hayley Thomas (WDC), Tony Quickfall (WDC)
4 March 2020	To discuss the first 3Ms subdivision application (which is not being progressed).	Abbie Fowler, Hayley Thomas (WDC)
27 March 2020	3Ms lodged the subdivision consent for the Stage 1A subdivision	



Date	Reason for Meeting / Correspondence	Attendees
1 April 2020	Correspondence with Hayley Thomas regarding the staged uplift if the C1 and C2/C3 Growth Cells.	
17 April 2020	Correspondence with 3Ms and Waipa District Council regarding the Stage 1A subdivision, the roads to vest and the costs associated with the culverts required to cross the swale to connect to the collector road.	
19 May 2020	Email / letter from Tony Quickfall relating to Plan Change 13 and the delaying of the uplift of the deferred status of the growth cell, and associated correspondence.	
29 May 2020	Decision released on the Stage 1A Subdivision (for the public assets).	
5 June 2020		Mark Chrisp, Abbie Fowler, Wayne Allan (WDC), Tony Quickfall (WDC)
26 June 2020	Letter from Waipa District Council regarding issues and options for uplifting deferred zones.	
9 July 2020	3Ms provided feedback on Plan Change 13 issues and options letter.	
16 July 2020	Land use consent for earthworks across the 3Ms site lodged with the Waipa District Council	
22 July 2020	3Ms / Waipa District Council consenting update	Abbie Fowler, Robin Walker, Aaron Ingoe
11 August 2020	Land use consent granted for earthworks across the entire 3Ms site.	
24 September 2020	Phone call between Mark Chrisp and Liz Stolwyk regarding the 3Ms development and land valuation process.	Mark Chrisp and Liz Stolwyk
25 September 2020	The matters discussed: <ul style="list-style-type: none"> • The shortage of supply of residential land and houses in Cambridge (and the consequential increase in house prices); 	Mark Chrisp, Garry Dyet (WDC), Liz Stolwyk (WDC), Wayne Allan (WDC)

Date	Reason for Meeting / Correspondence	Attendees
	<ul style="list-style-type: none"> • Concerns regarding the approach being taken to the valuation of land required for public works; • The delay to development occurring in Cambridge (with associated economic consequences) due to the concerns held by land owners / developers in relation to valuation issues; • Council's legal obligations in relation to the manner in which it purchases land for public works under the Public Works Act (PWA); and • Ways in which all of the above can be resolved (generally and specifically in relation to 3Ms). <p>Associated correspondence regarding the same (25 and 28 September 2020).</p>	
29 September 2020	3Ms provided a memorandum to Waipa District Council regarding the "consentability" of an alternative (standalone) 3Ms layout.	
21 October 2020	Pre-application meeting to discuss the 3Ms updated standalone development layout.	Matt Smith, Abbie Fowler, Mark Chrisp, Lachlan Muldowney, Tony Quickfall (WDC), Wayne Allan (WDC), Richard Bax (WDC)
23 October 2020	Developer Forum Meeting at Cambridge to discuss upcoming Proposed Changes to the Waipa District Plan and proposed changes to the Development Contributions Policy (among other matters) at which feedback from 3Ms was provided.	Waipa District Council, Mark Chrisp, Matt Smith, Mitch Plaw.
30 October 2020	Letter received from Waipa District Council regarding the delay in notification of Plan Change 13 due to "An issue that has come to light around the need for further clarification of public infrastructure (i.e. roading, stormwater and reserves) within the Deferred Zone Growth Cells that are proposed to be uplifted".	
5 November 2020	Discussion regarding alternative 3Ms subdivision layout	Abbie Fowler and Hayley Thomas (WDC)
19 November 2020	Pre-application meeting	Abbie Fowler, Aaron Ingoe, Mark Bachelor (WDC Consultant Planner)

Date	Reason for Meeting / Correspondence	Attendees
26 November 2020	Pre-application meeting to discuss the engineering components of the 3Ms alternative layout.	Matt Smith, Abbie Fowler, Liam McCaffrey, Aaron Ingoe, Wayne Allan (WDC), Bryan Hudson (WDC), Richard Bax (WDC), Tony Coutts (WDC), Robin Walker (WDC), Tony Quickfall (WDC), Mark Bachelor (WDC)
27 November 2020	Correspondence with Wayne Allan and Richard Bax regarding a land acquisition plan for the updated 3Ms layout, and provision of the same.	

The following instances show where specific Waipa District Council feedback or concerns have been incorporated into the final 3Ms development layout:

- › Including roading connections from local roads in the 3Ms site to the north / south collector road.
- › Including the active reserve on the 3Ms property so that it is more centrally located in the C2 Growth Cell.

Waipa District Council sent through various emails outlining feedback on the 3Ms layout. That feedback, along with the 3Ms response is presented in tabular format in **Appendix I**.

Waipa District Council, through feedback on the 3Ms proposal sent via email on Thursday 3 December 2020 and Friday 4 December 2020, raised concerns with the impact of the 3Ms development now meaning that the swale and collector road would need to cross through multiple properties, making the land acquisition process a more strenuous task and creating a piecemeal approach to its construction. 3Ms does acknowledge this, but reiterates that having the swale and collector road located solely on the 3Ms property did not create certainty for the Waipa District Council (or other developers in the growth cell) as evident through the unresolved land acquisition process.

7.2 TANGATA WHENUA

As detailed in **Appendix E**, Te Huia Ltd engaged with the tangata whenua and Iwi Authority through email and hui. Phone contact also occurred during the development of this Report.

- › 17 August 2020: Initial contact, via email, was made with tangata whenua providing the first draft of the Report for the various consents sought by Waipa District Council and 3Ms.
- › 3 November 2020: Meeting with Norm Hill (on behalf of Ngati Hauā Iwi Trust).
- › 5 November 2020: Revised draft Report sent to tāngata whenua for comment and discussion.

- › 10 November 2020: Support for final report received from Ngati Korokī-Kahukura (via email).
- › 10 November 2020: Endorsement from Waikato-Tainui of the position provided by Ngāti Korokī-Kahukura and Ngati Hauā Iwi Trust.
- › 10 November 2020: Phone discussion with Norm Hill regarding the Report. Support provided for the report on behalf of Ngāti Hauā Iwi Trust.

3Ms are also in the process of arranging a pre-start karakia with Ngāti Hauā and Ngāti Korokī Kahukura to signify the commencement of the earthworks.

7.3 NEIGHBOURING LANDOWNERS

3Ms is not proposing any fundamental changes to the outcomes provided for in the C1 and C2/C3 Growth Cells. 3Ms however, is putting forward a subdivision consent where the result of that subdivision consent is that the north / south collector road and swale will need to be located somewhere else within the C2 Growth Cell.

As stated earlier in this AEE, 3Ms has prepared an integrated updated Structure Plan that places the public infrastructure in the most logical place, which is directly to the west of the 3Ms site. In that regard, the impact of the 3Ms subdivision consent will be that other parties will need to have the infrastructure located on their land. The following figure shows an updated land acquisition plan. 3Ms has attempted to contact all of the parties where the public infrastructure in green is located.



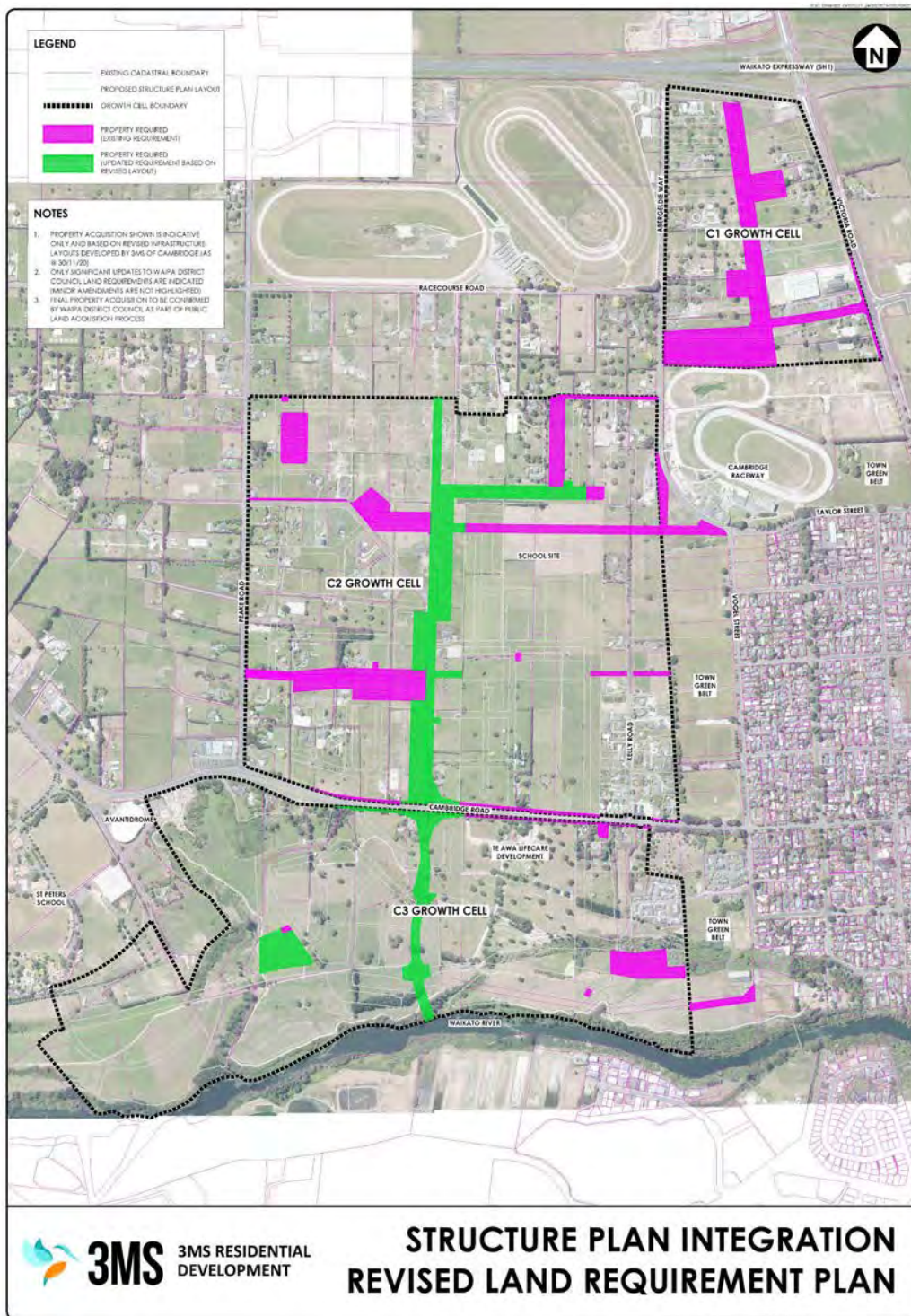


Figure 43. 3Ms Proposed Land Requirement Plan

The following details the consultation undertaken with these parties.



Jeanatte and Desmond Brough

1835A Cambridge Road

- › 3Ms attempted the phone number provided, but the number was incorrect.
- › 3Ms attempted to visit the property in the hope that someone was home on 3 December 2020, however the property was locked by two gates.
- › 3Ms placed a letter in the mailbox seeking a meeting with the Broughs and provided the updated 3Ms plans on 3 December 2020.
- › Waipa District Council subsequently confirmed to 3Ms (via email on 3 December 2020) that the Broughs have received the information and contacted the council to get advice. The email indicated that they were opposed to having the swale and collector road on their land.
- › Jeanette Brough rang 3Ms on 7 December 2020 and a meeting is arranged for 9 December 2020 to discuss the 3Ms proposal.

Grasslands Lane Limited (RD Gussey & TM Gussey)

694 Grasslands Drive

- › 3Ms, through real estate agent Angela Finnigan of Baileys Real Estate, has made several approaches to purchase the house and land holdings. The owners expressed interest in retaining the home and selling the balance of the land to 3Ms. 3Ms are still in contact with the owners in relation to the development.
- › 3Ms has also provided the owners with plans showing the location of the 3Ms proposed collector road and swale as it relates to their property.

GB Homestead Limited (Gareth Hawthorn)

409 Grasslands Drive

- › 3Ms rang Gareth Hawthorn on 3 December 2020, explained 3Ms plans and requested a meeting to discuss further. A meeting was organised for Monday 4 December 2020
- › 3Ms met with Gareth Hawthorn on 7 December 2020. The 3Ms plans were discussed, as was the potential impacts on his property. It was reiterated that the only thing that 3Ms had any certainty over was the fact that the location of the north/south collector road and stormwater swale would not be on the 3Ms property and the updated plans showing the assets on his property was not fixed.



Frank and Colleen Ritchie

397 Grasslands Drive

- › 3Ms visited Grasslands Drive on 2 December 2020, talked with Frank Ritchie and left him with the updated 3Ms plans.
- › Frank rang 3Ms on 3 December and a meeting to discuss the plans further was confirmed for 4 December 2020.
- › 3Ms met with Frank, Colleen and Shaun Ritchie on Friday 4 December 2020, where 3Ms explained the 3Ms proposal, subdivision consent application. Also addressed was the potential impact of the proposal on the property. All of the 3Ms plans were provided to the Ritchie's, with their property highlighted.

Xiaofeng (Felix) Jiang and Liping Yang

1835 Cambridge Road

- › 3Ms visited property on 1 December. 3Ms spoke to lessee who did not want to talk about the proposal, nor wanted to pass on the owner details to 3Ms.
- › 3Ms managed to find a phone number, and rang Felix on 1 December 2020 to have an initial discussion regarding the 3Ms plans.
- › 3Ms sent Felix the updated plans.
- › A meeting was organised for Tuesday 8 December 2020.

Carmen and Nigel Cosgrove

690 Grasslands Drive

- › 3Ms rang Nigel Cosgrove on 2 December 2020 and briefly explained the 3Ms proposal and offered to meet to discuss further. Nigel said he would ring back in the next couple of days and come and visit the 3Ms office.
- › Nigel came to the 3Ms office on 3 December 2020 to discuss the proposal. 3Ms talked Nigel and Carmen through the 3Ms plans and potential impacts for them and detailed that while 3Ms had prepared updated Structure Plan layouts, that the location was not fixed and it would be up to Waipa District Council to implement.

Gary Alton

59 Racecourse Road

- › 3Ms rang Gary Alton on 1 December and briefly explained 3Ms proposal, and offered to meet to explain/discuss further. A meeting was organised for 2 December 2020.
- › 3Ms met with Gary at 59 Racecourse Road on 2 December and talked through the 3Ms proposal and updated plans. The updated plans were left with Gary.



Te Awa Lifecare Limited (Terry Pratley)

1866 Cambridge Road

- › 3Ms emailed Terry Pratley on 2 December 2020 outlining the 3Ms proposal and the potential impacts for Te Awa. This email included the updated 3Ms plans, with an offer to meet to explain/discuss further.
- › Terry emailed on 2 December and meeting set for 4 December 2020 at the 3Ms offices.
- › 3Ms met with Terry Pratley on Friday 4 December 2020 at the 3Ms office. 3Ms outlined the proposed subdivision plans, and the 3Ms updated integrated structure plan that showed the roundabout on Cambridge Road further to the west. Terry indicated that Te Awa Lifecare was in full support of the proposal, and in particular the location of the roundabout on Cambridge Road.
- › Te Awa Lifecare have subsequently indicated that they will provide a signed written approval of affected party form. A letter was received from Te Awa Lifecare setting out its support for the 3Ms proposed roading alignment. This letter is presented in **Appendix J**.
- › There have been subsequent emails, texts and phone calls between the parties following the meeting.

St Peters School

1832 Cambridge Road & 1716 Cambridge Road

- › St Peters School and 3Ms have entered into a Joint Venture to develop the land owned by St Peters School. Given 3Ms is a Joint Venture partner it is considered that approval for this development is implicit.
- › Notwithstanding this, the Joint Venture partners have had an initial meeting with the Waipa District Council regarding the land acquisition process where St Peters School indicated that they supported the 3Ms proposal and the change in alignment of the roundabout and collector road.



8. NOTIFICATION

Sections 95A – 95G of the RMA set out the matters that Waipa District Council must consider when deciding whether to notify the resource consent application.

These sections are considered below.

8.1.1 Public Notification (Section 95A)

Step 1 (Mandatory Notification):

- › The applicant has not requested public notification of the application (95A(3)(a));
- › Public notification is not required under section 95C (95A(3)(b)); and
- › The application is not made jointly with an application to exchange recreation reserve land (95A(3)(c)).

The application is therefore not subject to mandatory public notification (95A(2)).

Step 2 (Public Notification Precluded):

- › The application is not subject to a rule or national environmental standard that precludes public notification (95A(5)(a)); and
- › The application is not for an activity listed in section 95A(5)(b).

Public notification is therefore not precluded under section 95A(4).

Step 3 (Public Notification Required in Certain Circumstances):

- › The application is not subject to a rule or national environmental standard that requires public notification (95A(8)(a)); and
- › Based on the conclusions reached in this AEE, the activity will not have adverse effects on the environment that are more than minor. This application does not preclude the outcomes of the Structure Plan being achieved – the effect of this application is only that the north/south stormwater corridor and the collector road will not be located in the 3Ms land. Given that the outcomes of the structure plan can be achieved, it is considered that full public notification is not appropriate (95A(8)(b)).

Public notification of the application is not required under section 95A(7).

Step 4 (Special Circumstances):

- › No special circumstances requiring public notification apply to the application in regard to section 95A(4).

Public notification is not required under section 95A.



8.1.2 Affected Persons and Limited Notification

If the Waipa District Council does not publicly notify an application under section 95A, it must decide if there are any affected persons, an affected protected customary rights group, or affected customary marine title group in relation to the activity, whom it must give limited notification of the application.

With respect to the process set out in section 95B:

Step 1 (Certain Affected Groups and Persons):

- › There are no protected customary rights groups (95F) relevant to the area (95B(2)(a));
- › There are no protected customary marine rights groups (95G) relevant to the area (95B(2)(b)); and
- › The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement (95B(3)(a)).

The application is therefore not subject to limited notification under section 95B step 1.

Step 2 (Limited Notification Precluded):

- › The application is not subject to a rule or national environmental standard that precludes public notification (95B(6)(a)); and
- › The application is not for an activity listed in section 95B(6)(b).

Limited notification is not precluded under section 95B(5).

Step 3 (Certain Other Affected Persons):

- › The application is not for an activity listed in section 95B(7)(a); and
- › The proposed activity may have adverse effects on any person that are minor or more than minor (discussed in more detail subsequently) given that the result of the grant of this subdivision application will be that the north/south stormwater corridor and the north/south collector road will need to be located on land owned by other parties within the C2 Growth Cell (95B(8)).

Limited notification of the application is required under section 95B(9).

Step 4 (Special Circumstances):

- › No special circumstances requiring notification of any other person apply to the application in regards to section 95B(10).

Limited notification is required under section 95B.



8.1.3 Notification Summary

3Ms is proposing a high-quality development in a residential growth cell to provide much needed sections to the residential market. In designing the current 3Ms subdivision layout, 3Ms is proposing to not have the north/south public assets located within the application / development site. This represents a minor change to spatial layout of the assets that was anticipated by the C1 and C2/C3 Structure Plan, in that these assets will likely need to be located on neighbouring properties which were previously not shown to have public infrastructure located on them. While 3Ms does not consider this effect to be more than minor given that the Waipa District Council and those land owners will need to go through a robust process to acquire the land (which should not result in those parties being worse off), it does represent a change.

Out of an abundance of caution, 3Ms is suggesting that the application be limited notified to those parties where 3Ms is proposing the public assets to be located. However, the following parties are only potentially affected if the updated 3Ms Structure Plan layout is implemented by the Waipa District Council.

In that regard, 3Ms considers that the following parties should be limited notified of the application should the 3Ms updated Structure Plan be progressed by the Waipa District Council:

Table 22. Potentially Affected Parties

Number	Address	Owners / Occupants
1	1835A Cambridge Road	DB Brough & JC Brough
2	694 Grasslands Drive	RD Gussey & TM Gussey
3	409 Grasslands Drive	GB Homestead Limited
4	397 Grasslands Drive	CA Ritchie, FT Ritchie & JR Coltman
5	1835 Cambridge Road	L Yang & X Jiang
6	690 Grasslands Drive	CJ Cosgrove & NJ Cosgrove
7	59 Racecourse Road	GI Alton
8	1866 Cambridge Road	Te Awa Lifecare
9	1832 Cambridge Road	St Peters School Trust Board
10	1716 Cambridge Road	St Peters School Trust Board



Figure 44. Location of the Potentially Affected Parties

Accordingly, it is requested that the Waipa District Council process this application on a limited notified basis.

9. CONCLUSION

3Ms of Cambridge GP Limited (“3Ms”) is the owner of approximately 40 hectares of land located on the northern side of Cambridge Road, west of Kelly Road and the existing Cambridge Town Centre, and are seeking to subdivide its existing property create 242 lots that will be used for residential purposes within the Cambridge C2 Structure Plan area. In that regard, 3Ms is seeking a subdivision consent to enable the land to be subdivided to create the lots.

The 3Ms land is located within an area that is subject to the C1 and C2/C3 Structure Plan, which shows the north/south stormwater corridor and collector road being located on the 3Ms property. 3Ms had been working with the Waipa District Council to deliver the public assets that the Structure Plan proposes to locate on the 3Ms site, however several factors have led to this process not being continued. 3Ms is committed to providing residential development in Cambridge and has therefore sought not to delay this further by relying on the land purchase process. Rather, 3Ms has prepared a scheme plan and site layout that is not reliant on the main north/south trunk infrastructure being built (at least on its land), and is now proposing that the main north / south collector road and stormwater swale not be located on the 3Ms site. It is therefore likely that this infrastructure would need to be moved to the west of the 3Ms site (on properties held by other parties).

It is acknowledged by 3Ms that this application will result in a minor spatial change to that which was anticipated in the C1 and C2/C3 Structure Plan. While 3Ms has no control over where the public assets are ultimately built if they are not located on land owned by 3Ms, to ensure that the outcomes of the C1 and C2/C3 Structure Plan can be achieved with the 3Ms “standalone option”, 3Ms has put a significant amount of work into preparing updated Structure Plans diagrams. The outcomes in the current Structure Plan can be achieved alongside the updated 3Ms development (which does not include having the main north/south infrastructure on its site). Importantly, the wastewater and water supply infrastructure developed on the 3Ms site will still serve a larger area than just the 3Ms site (in other words, from a water and wastewater perspective the updated 3Ms development is not standalone). In respect of stormwater and roading, while the site can be “standalone” 3Ms is providing the optionality for its infrastructure to connect to the public infrastructure when built.

3Ms has asked the technical experts engaged to assess whether the revised 3Ms subdivision layout is in “general accordance” with the outcomes set out in the Structure Plan. All of the assessments commissioned have concluded that the 3Ms subdivision, that is the subject of this application, is in general accordance with the C1 and C2/C3 Structure Plan.

A subdivision consent is required from the Waipa District Council for a **Non-Complying Activity**, requiring resource consent. The application is for a Non-Complying activity as all subdivision in a Deferred Zone is a Non-Complying Activity (aside from boundary adjustments). Therefore, the application needs to be considered in accordance with section 104D of the RMA. It is considered that both of the ‘gateway’ tests in section 104D of the RMA are met, and Council consider this application in accordance with section 104 of the RMA.



In accordance with section 104(1)(a) of the RMA, the actual and potential environmental effects have been assessed and are considered to be acceptable.

The proposal has been assessed to be consistent with the relevant objectives and policies of the NPS-UD, Vision and Strategy, RPS and Waipa District Plan, in accordance with section 104(1)(b) of the RMA. In accordance with section 104(1)(c) of the RMA, the Waikato Tainui Environmental Management Plan and Ngati Hauā Iwi Environmental Plan have also been addressed and it is concluded that the proposal is consistent with the direction of those plans. 3Ms also considers that the change in approach from the Waipa District Council in uplifting the deferred status of the growth cells is “other matter” to be considered as 3Ms would have been lodging a consent within the Residential Zone framework had this change in approach not occurred.

Given this proposal is seeking consent for the 3Ms development in a manner that does not include the north / south public assets, 3Ms seeks that this consent application be processed on a limited notification basis to ensure the owners of the properties to the west of the 3Ms site are made aware of the potential implications.

It is also considered that the proposed development is consistent with the purpose of the RMA and there are no reasons why the resource consent should not be granted.





A

APPENDIX A

**Waipa District Council Consent
Application Form**

Resource Consent Application Form

Section 88 of the Resource Management Act 1991. This form provides us with your contact information and details about your proposal. Please print clearly and complete all sections.

To: Name of Council who is the consent authority for this application

Type of resource consent being applied for:

Land use consent

Subdivision

Combined land use and subdivision

Activity Status

Controlled

Restricted Discretionary

Discretionary

Non-complying

I don't know

Fast Tracked Resource Consent

The Resource Management Act 1991 provides for land use activities that have a Controlled Activity status to be fast tracked through the resource consent process and processed within 10 working days by Council. Your consent may be fast tracked if you tick yes to the first two questions below.

- | | | |
|---|-----|----|
| 1. Is this application for a controlled activity (land use only)? | Yes | No |
| 2. Have you provided an electronic address for service? | Yes | No |

If you wish to opt out of the fast track process, tick here:

Applicant name

Please provide the full name of the persons, company, society or trust applying for this resource consent. If the applicant is a trust, please provide the full name/s of all trustees of that trust.

Contact person *(for companies, societies and trusts only)*:

Name:

Phone:

Postal address:

Email:



Applicant Contact Details

Postal Address:

Post code:

Email:

Phone:

Mobile:

Agent Contact Details

If you have an agent or other person acting on your behalf, please complete the details below.

Agent:

Contact person:

Postal Address:

Post code:

Email:

Phone:

Mobile:

Location of Proposal

Please complete with as much detail as you can, so the site for your proposal is clearly identifiable. Include details such as unit number, street number, street name and town.

Property address:

Legal description:

Description of Proposal

Please provide a brief description of your proposal and the reasons why resource consent is required i.e. which rules in the District Plan are infringed. If the space provided is insufficient, please attach any additional pages.

Correspondence and Invoices

Please let us know where to send any correspondence and invoices. Please note that where possible any correspondence will be sent by email.

All correspondence excluding invoices sent to: Applicant or Agent

All invoices sent to: Applicant or Agent

Other Consents

Please let us know of any other consents that you have applied for or know that you need to apply for related to this application. This includes any resource consents that may be required from a Regional Council under a Regional Plan.

Other resource consents	Resource consent no. (if known)
Building Consent	Building consent no. (if known)
Regional Plan consent	Type of Regional consent: <i>e.g. water discharge permit, water take permit, earthworks</i>

National Environmental Standards (NES)*

Please let us know if you require consent under a National Environmental Standard. National Environmental Standards are regulatory documents that contain standards pertaining to certain matters e.g. management of contaminated land, telecommunications.

Is consent required under a NES?: Yes No I don't know

Tick the following applicable NES:

NES for Air Quality

NES for Drinking Water

NES for Telecommunication Facilities

NES for Electricity Transmission Services

NES for Assessing and Managing Contaminants in Soil to Protect Human Health

NES for Plantation Forestry

Other

**For further information about National Environment Standards, their requirements and forms please refer to any other sheets provided with these application forms.*

Pre-application Information

We recommend that you have a pre-application discussion about your proposal with a Council planner.

Have you had a pre-application meeting with a Council planner? Yes No

Have you had any other conversations with any other Council staff? Yes No

Date of meeting

Please provide the names of Council staff you have spoken with:

If notes of the meeting or other conversations were provided to you, please include a copy of these.

Have you attached any minutes/notes from the meeting: Yes No

Notification

The Resource Management Act 1991 allows applications to be notified for public submissions on request of the applicant.

Are you requesting that your application be publicly notified? Yes No

If you selected 'yes' to the above question, please attach a short summary outlining the details of your application.

Have you attached a summary? Yes No

Owner of Site

Landowner's full name, phone number and address:

OR:

Same as applicant details

Site Visit Requirements

As landowner and with the consent of any occupiers or lessee, I am aware that Council staff or authorised consultants will visit the site which is the subject of this application, for the purposes of assessing this application, and agree to a site visit.

OR

If the applicant is not the landowner, I understand that Council staff or authorised consultants will visit the site, which is the subject of this application, for the purposes of assessing this application, and agree to a site visit.

Is there a locked gate or security system restricting access by Council Staff? Yes No

Do you have a dog on the property? Yes No

Is there any hazard that may place a visitor at risk? Yes No

Provide details of any entry restrictions that Council staff should be aware of e.g. health and safety, organic farm etc.

Draft Conditions

When a consent is granted, Council can include conditions to manage any adverse effects.

Do you wish to see draft conditions prior to Council making a decision on the application? Yes No

By ticking this box, I understand that the opportunity to review the draft conditions is an act of good faith by the Council and is intended to assist with identifying errors, not to encourage debate over conditions. I further understand that Council has the right to continue processing the consent if too much time is taken with the circulation of draft conditions. By requesting draft conditions you agree to an extension of time under section 37 of the RMA for the time it takes to resolve draft conditions.

Signature of the Applicant(s) or Agent

Please read the information below before signing the application form

Payment of fees and charges

I have read and completed any supplementary forms and/or guidance as provided by Council related to fees and charges.

I/we understand that Council will invoice me for the actual and reasonable costs incurred in the processing of this application. Subject to my/our rights under sections 357B and 358 of the RMA, I/we undertake to pay all and future processing costs incurred by the Council. The Council may issue interim invoices for applications. Without limiting the Council's legal rights, if any steps, including the use of debt collectors, are necessary to recover unpaid processing costs, I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company, in signing this application I/we are confirming that I/we are authorised to bind and are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Privacy information

The Council requires the information you have provided on this form to process your application under the RMA and to collect statistics. The Council will hold and store the information, including all associated reports and attachments, on a public register. The details may also be made available to the public on the council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the Council. If you would like to request access to, or correction of any details, please contact the Council.

Information checklist

The information checklist provided overleaf sets out the full set of mandatory information that Council requires for your application to be considered complete. If inadequate information is supplied with your application, this will cause delays in processing or may result in the application being returned pursuant to section 88(3) of the RMA. Your completed application should be submitted to Council with any supplementary forms and/or guidance as provided by Council.

Confirmation by the applicant

I/we confirm that I/we have read and understood the information and will comply with our obligations as set out. A signature is not required if you provide your information by electronic means.

Applicant name: _____ Signature: _____ Date: _____

Applicant name: _____ Signature: _____ Date: _____

Applicant name: _____ Signature: _____ Date: _____

Confirmation by the agent authorised to sign on behalf of the applicant

As authorised agent for the applicant, I confirm that I have read and understood the above information and confirm that I have fully informed the applicant of its/their obligations in connection with this application, including for fees and other charges, and that I have the applicant's authority to sign this application on its/their behalf.

Agent's full name:

Signature:

Date:

Information Checklist for Resource Consent Application

All applications must include the following information:

A description of the activity

A description of the site where the activity will occur

The full name and address of each owner or occupier of the site

A description of any other activities that are part of the proposal to which this application relates

A description of any other resource consents required for the proposal to which this application relates

An assessment of the activity against Part 2 of the Resource Management Act 1991. This will need to address section 5 'Purpose', section 6 'Matters of national importance', section 7 'Other matters' and section 8 'Treaty of Waitangi'

An assessment of the activity against any relevant objectives, policies or rules in the District Plan

An assessment of the activity against any relevant requirements, condition or permissions in any rules in a document (as per section 104 (1) (b) of the RMA)

An assessment of the activity against any relevant provisions of a:

- National Environmental Standard
- National Policy Statement
- Regional Policy Statement
- Regional Plan

A description of any part of the activity that is permitted under the District Plan.

If a permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates it complies with the relevant requirements and conditions for that permitted activity (so that resource consent not required for that activity).

An assessment of effects (AEE) of the activity.

An AEE is an essential part of your application. If an AEE is not provided Council is unlikely to accept your application.

The AEE should discuss all the actual and potential effects of your proposed activity on the environment. Schedule 4 of the RMA outlines all of the matters that must be addressed in your AEE. The amount of detail provided must reflect the scale and significance of the effects that the activity may have on the environment. For example, if there are major effects arising from the proposal, a detailed analysis and discussion of these effects must be included in the AEE. It may require the provision of information from specific experts (e.g. a traffic engineer). If the effects of the proposal are very minor, then a less detailed AEE can be submitted. *The Council has information available to assist you to prepare the AEE – please contact us if you have any questions.*

All applications for subdivision consent must also include the following information:

The position of all new boundaries.

The areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan.

The locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips.

The locations and areas of any existing esplanade reserves, esplanade strips, and access strips.

The locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A

The locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):

The locations and areas of land to be set aside as new roads.

Other useful information

The following examples of information are not compulsory, but they will be beneficial to your application and will help Council make an informed decision about your application. Submitting this information *if it is relevant to your proposal* may save time and costs further down the track.

Certificate of title(s)

This must be less than 3 months old for the site(s) to which this application relates. Please attach the title(s) and any consent notices, covenants, easements attached to the title(s).

Locality plan or aerial photo

Please provide at an appropriate scale (for example 1:500). Please indicate the location of the site in relation to roads and other landmarks. Show the street number of the subject site and those of adjoining sites.

Site plan or scheme plan

Please provide at an appropriate scale (for example 1:100) showing the location of the building or activity in relation to all site boundaries. The site plan should include the following where relevant:

- North point
- Title or Reference No.
- Scale
- Date the plans were drawn
- Topographical information
- Natural features, including protected trees, indigenous vegetation, water courses
- Archaeological and/or cultural/heritage sites
- Certificate of Title boundaries/location of fence positions relative to boundaries
- Accessways and road frontages, including proposed crossing places/right of ways
- Onsite manoeuvring and existing and proposed car parking spaces
- Legal and physical roads
- Existing buildings
- Existing wells and/or effluent disposal systems
- Buildings on adjacent sites

- Layout and location of proposed buildings and activity in relation to legal site boundaries
- Earthworks design and contours/areas of excavation
- Landscaping
- Site coverage calculation
- Details of any signage (sign design, dimensions and location on buildings)
- Areas subject to hazards e.g. unstable slopes, areas of flooding, peat soils or fill
- Areas of potential or confirmed contamination

Elevation plans

Please provide at an appropriate scale (for example 1:50, 1:100 or 1:200) and show all structures to be constructed or altered, showing the relationship and appearance of proposed buildings.

Floor plans of proposed building or buildings to be used

Please clearly show the use of each area.

Engineering design plans for any water, wastewater and stormwater

Only concept engineering plans are required at this stage.

Volume of any earthworks

This must include area and volume of soil removed/imported and depth of cut/fill

Details of Hazardous Activities and Industries (HAIL) List activity

If you are unsure whether your site is on the HAIL list please contact Council for assistance.

Any written approvals including details of those sought but not obtained

Please include any signed written approval forms and signed plans if acquired.

Specialist reports to support your application

This may include Traffic Impact Studies, Landscape and Planting Plans, Acoustic Design Certificates etc.

Details and outcome of any consultation undertaken with adjacent land owners and occupiers, and relevant bodies. For example, the Regional Council, Heritage New Zealand Pouhere Taonga, Transpower, KiwiRail, NZTA, Department of Conservation etc.

Details of any consultation undertaken with iwi

If you are unsure whether your proposal may affect matters of interest to iwi, or who the relevant iwi groups might be, please discuss this with Council prior to lodgement.

Any other information arising from specific District Plan provisions

Other information to include in an application for subdivision consent if it is relevant to your proposal:

A north arrow and the scale (1:2000)

All proposed and existing easements (including private)

Any amalgamations

Stages (if applicable)

Location of fence positions relative to boundaries

Existing and proposed dimensions and sizes of lots

Legal and physical roads, accessways and rights of way including grades

All existing buildings and structures, their distance to existing and proposed boundaries and the position of any eaves in relation to rights of way/accessway

Site coverage calculations

Existing and proposed crossing places and sight distances and separation distances between crossing places

Building platforms for all allotments including shape factors

Onsite manoeuvring and existing and proposed vehicle parking spaces (where required)

Significant trees, bush stands, protected trees (including their extent of their drop line), covenanted areas or other features

Existing high voltage electricity lines and gas lines

Archaeological and/or cultural heritage sites

Water bodies

Areas of likely or confirmed contamination

Areas subject to land hazards eg unstable slopes, areas of flooding, peat soils, fill

Location of existing and proposed service connections (including connections to reticulated services) and/or systems i.e water, wastewater, stormwater and any easements

Onsite effluent treatment and disposal areas and fields

Details of proposed stormwater management appropriate to the scale and nature of the subdivision

Pipework and onsite stormwater systems

Open drains (including ownership)

Effect of subdivision and end use on existing overland flow paths

Contours showing existing and finished ground level (levels to the relevant datum) at 0.5m intervals within the subdivision, and at 2 metre intervals on adjoining properties (to enable effects on those properties to be assessed). A separate plan may be needed to show these details

Areas of proposed or existing fill or excavation

Any proposed retaining walls or embankments (note if retaining wall over 1 m is proposed, at typical cross section is required).

In urban areas, details of the percentage of proposed and existing impermeable and permeable areas

Natural hazards, eg unstable slopes, areas of flooding, ponding, peat soils.

Elevations (to scale) of buildings which are affected by the location of new boundaries (eg where height in relation to boundary rules apply)



B

APPENDIX B

Records of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier SA56C/447
Land Registration District South Auckland
Date Issued 07 July 1995

Prior References

SA25D/1416 SA31C/267

Estate Fee Simple
Area 26.9866 hectares more or less
Legal Description Lot 1 Deposited Plan South Auckland
31006, Lot 2 Deposited Plan 29023 and
Lot 1 Deposited Plan South Auckland
75243

Registered Owners

3MS of Cambridge Limited Partnership

Interests

Subject to Section 241 Resource Management Act 1991

S316513 Gazette Notice declaring State Highway No. 1 (Awanui-Bluff) fronting the within land to be a limited access road - 21.6.1965 at 9.00 am

Subject to a right of way over part marked D on DPS 31006 specified in Easement Certificate H525373.5 - 18.5.1984 at 2.31 pm (affects Lot 1 DPS 31006)

The easements specified in Easement Certificate H525373.5 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right of way over part marked C on DPS 31006 specified in Easement Certificate H525373.6 - 18.5.1984 at 2.31 pm (affects Lot 1 DPS 75243)

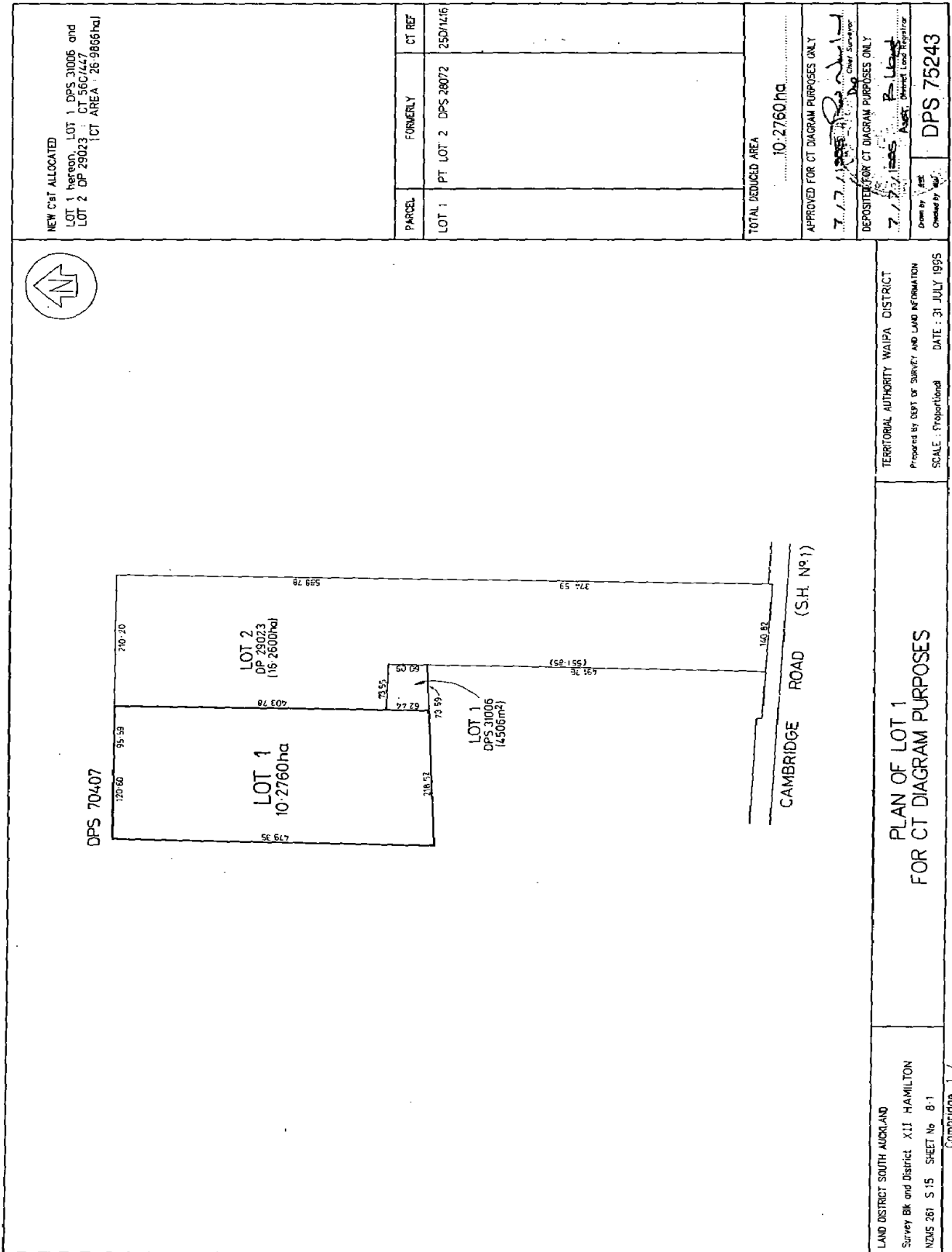
The easements specified in Easement Certificate H525373.6 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto are rights of way and telecommunications and power rights specified in Easement Certificate B282670.8 - 7.7.1995 at 10.48 am

Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991 (See DPS 70407)

Subject to a right of way over part marked D on DPS 70407 created by Transfer B282670.9 - 7.7.1995 at 10.48 am (affects part Lot 1 DPS 75243)

The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991 (affects CsT SA37B/665 and SA37B/666)





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**




R. W. Muir
Registrar-General
of Land

Identifier SA31C/268
Land Registration District South Auckland
Date Issued 18 May 1984

Prior References

SA721/79

Estate Fee Simple
Area 3.5962 hectares more or less
Legal Description Lot 1 Deposited Plan 29023

Registered Owners

3MS of Cambridge Limited Partnership

Interests

S316513 Gazette Notice declaring No.1 State Highway (Awanui-Bluff) fronting the within land to be a limited access road - 21.6.1965 at 9.00 am

Appurtenant hereto is a right of way specified in Easement Certificate H525373.5 - 18.5.1984 at 2.31 pm

The easements specified in Easement Certificate H525373.5 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is a right of way specified in Easement Certificate H525373.6 - 18.5.1984 at 2.31 pm

The easements specified in Easement Certificate H525373.6 are subject to Section 309 (1) (a) Local Government Act 1974

B282670.3 Resolution pursuant to Section 243(f) Resource Management Act 1991 cancelling the right of way easement condition on DPS 31006 - 7.7.1995 at 10.48 am

Appurtenant hereto is a right of way and telecommunications and power rights specified in Easement Certificate B282670.8 - 7.7.1995 at 10.48 am

The easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right of way created by Transfer B282670.9 - 7.7.1995 at 10.48 am

The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**




R. W. Muir
Registrar-General
of Land

Identifier SA68A/9
Land Registration District South Auckland
Date Issued 18 November 1999

Prior References

SA37B/665

Estate Fee Simple
Area 5107 square metres more or less
Legal Description Lot 1 Deposited Plan South Auckland
85575

Registered Owners

3MS of Cambridge Limited Partnership

Interests

S316513 Gazette Notice declaring No 1 State Highway to be a limited access road - 21.6.1965 at 9.00 am
Appurtenant hereto is a right of way and power and telecommunications rights specified in Easement Certificate B282670.8 - 7.7.1995 at 10.48 am
Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto is a right of way created by Transfer B282670.9 - 7.7.1995 at 10.48 am
The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto is a right of way and a right to transmit electricity specified in Easement Certificate B578304.8 - produced 16.11.1999 at 10.54 am and entered 18.11.1999 at 9.00 am
Some of the easements specified in Easement Certificate B578304.8 are subject to Section 243 (a) Resource Management Act 1991 (See DPS 85575)
B644416.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 1.2.2001 at 2.26 pm



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier SA68A/10
Land Registration District South Auckland
Date Issued 18 November 1999

Prior References

SA37B/665 SA37B/666

Estate Fee Simple
Area 9.7520 hectares more or less
Legal Description Lot 2 Deposited Plan South Auckland
85575

Registered Owners

3MS of Cambridge Limited Partnership

Interests

S316513 Gazette Notice declaring No 1 State Highway fronting the within land to be a limited access road -
21.6.1965 at 9.00 am

Appurtenant hereto are rights of way, and telecommunications and power rights specified in Easement
Certificate B282670.8 - 7.7.1995 at 10.48 am

Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource
Management Act 1991

Appurtenant hereto is a right of way created by Transfer B282670.9 - 7.7.1995 at 10.48 am

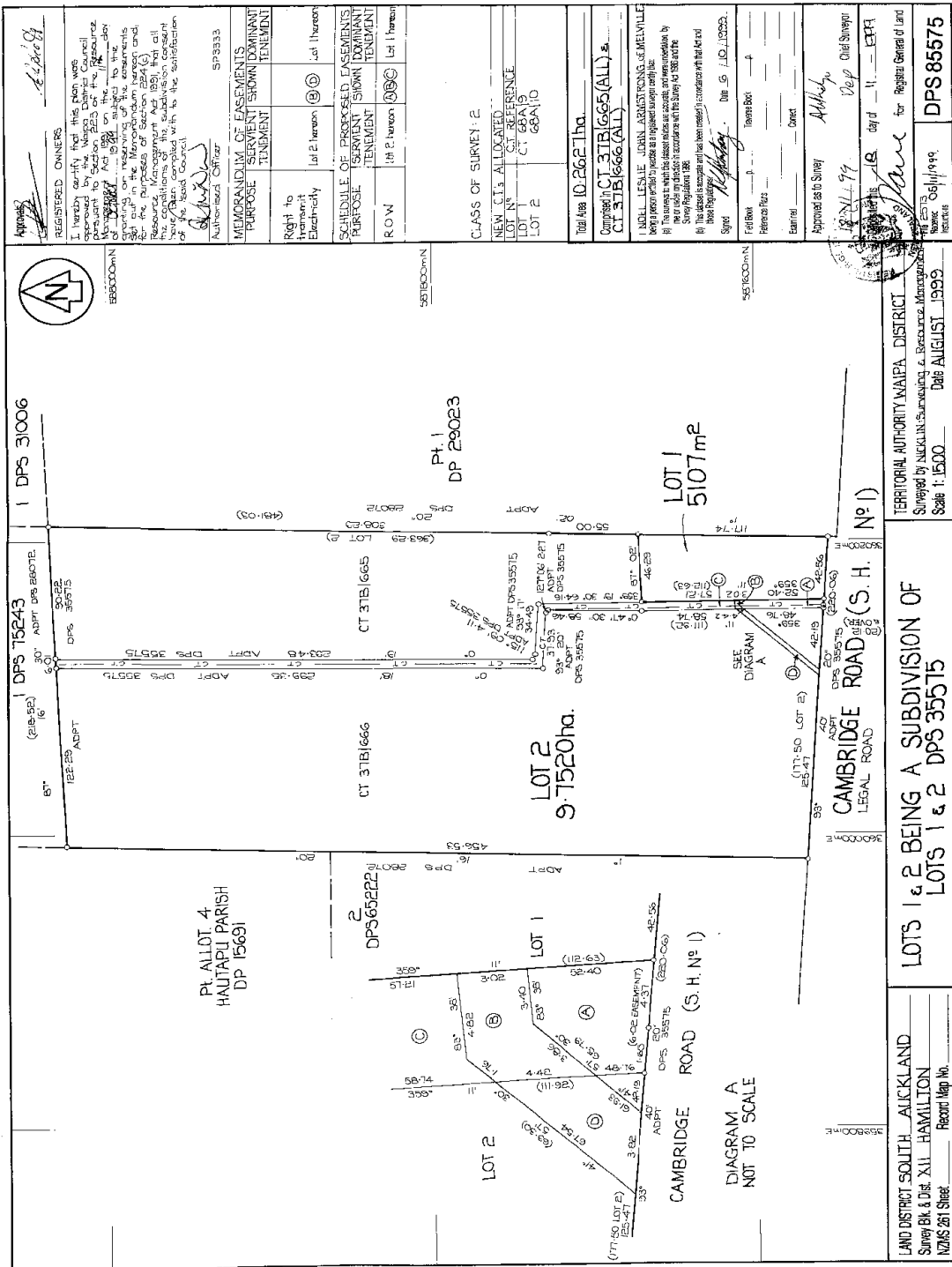
The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way over parts marked A, B and C and a right to transmit electricity over parts marked B and
D on DPS 85575 specified in Easement Certificate B578304.8 - produced 16.11.1999 at 10.54 and entered
18.11.1999 at 9.00 am

Some of the easements specified in Easement Certificate B578304.8 are subject to Section 243 (a) Resource
Management Act 1991

B644416.2 Certificate pursuant to Section 91 Transit New Zealand Act 1989 and from a Limited Access Road -
1.2.2001 at 2.26 pm

11549645.1 Mortgage to Bank of New Zealand - 23.9.2019 at 10:50 am



16 DEC 1999

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50



C



APPENDIX C

**Waipa District Council / 3Ms
Correspondence**

Matt Smith

From: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Sent: Friday, 13 December 2019 9:53 am
To: Matt Smith
Cc: Richard Bax
Subject: Property acquisition discussion - C2, 3M's

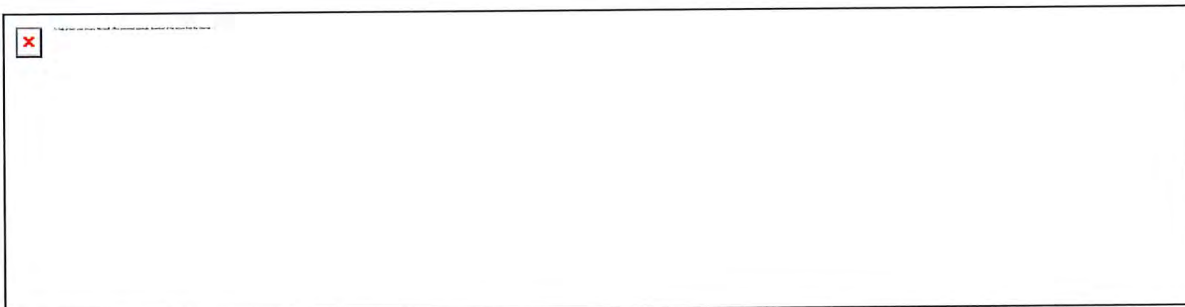
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DDI: 07 872 0061 | MOB: 027 423 0790 | FAX: 07 872 0033



Te Kaunihera ā Rohe o Waipa



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This email message has been scanned for viruses and content and cleared by Sophos and SMX for Waipa District Council.

Matt Smith

From: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Sent: Friday, 13 December 2019 3:38 pm
To: Matt Smith
Cc: Richard Bax; Wayne Allan
Subject: RE: Property acquisition discussion - C2, 3M's

Hi Matt

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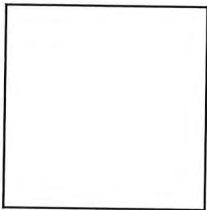
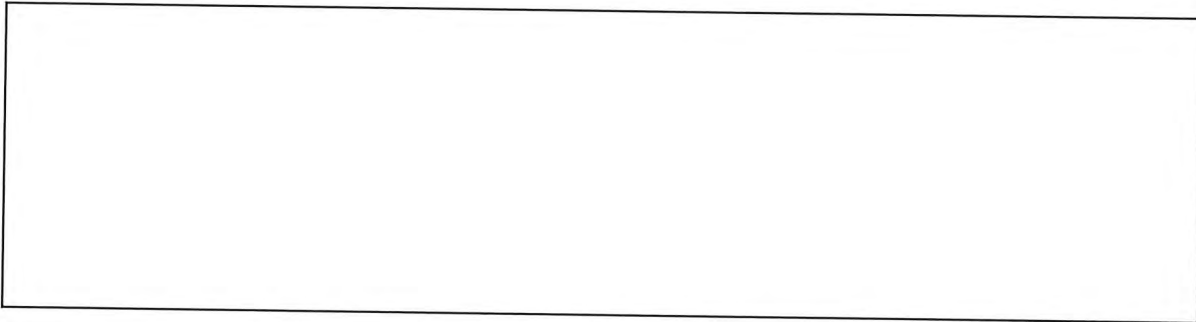
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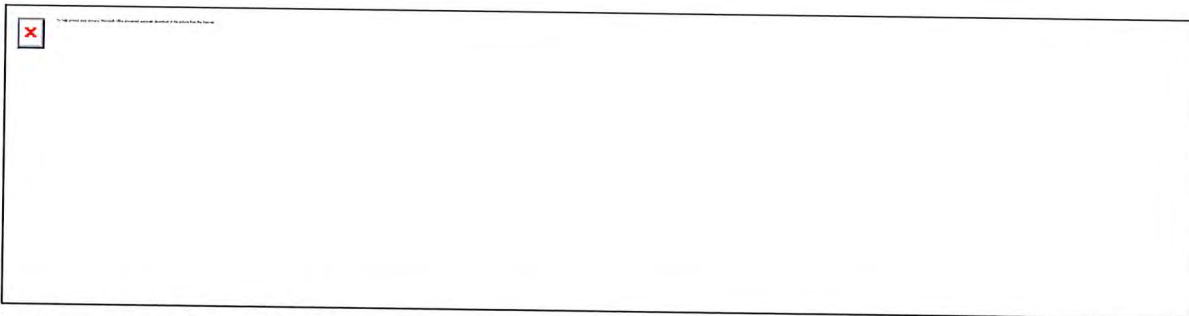
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Attachments: 20191217142049425.pdf

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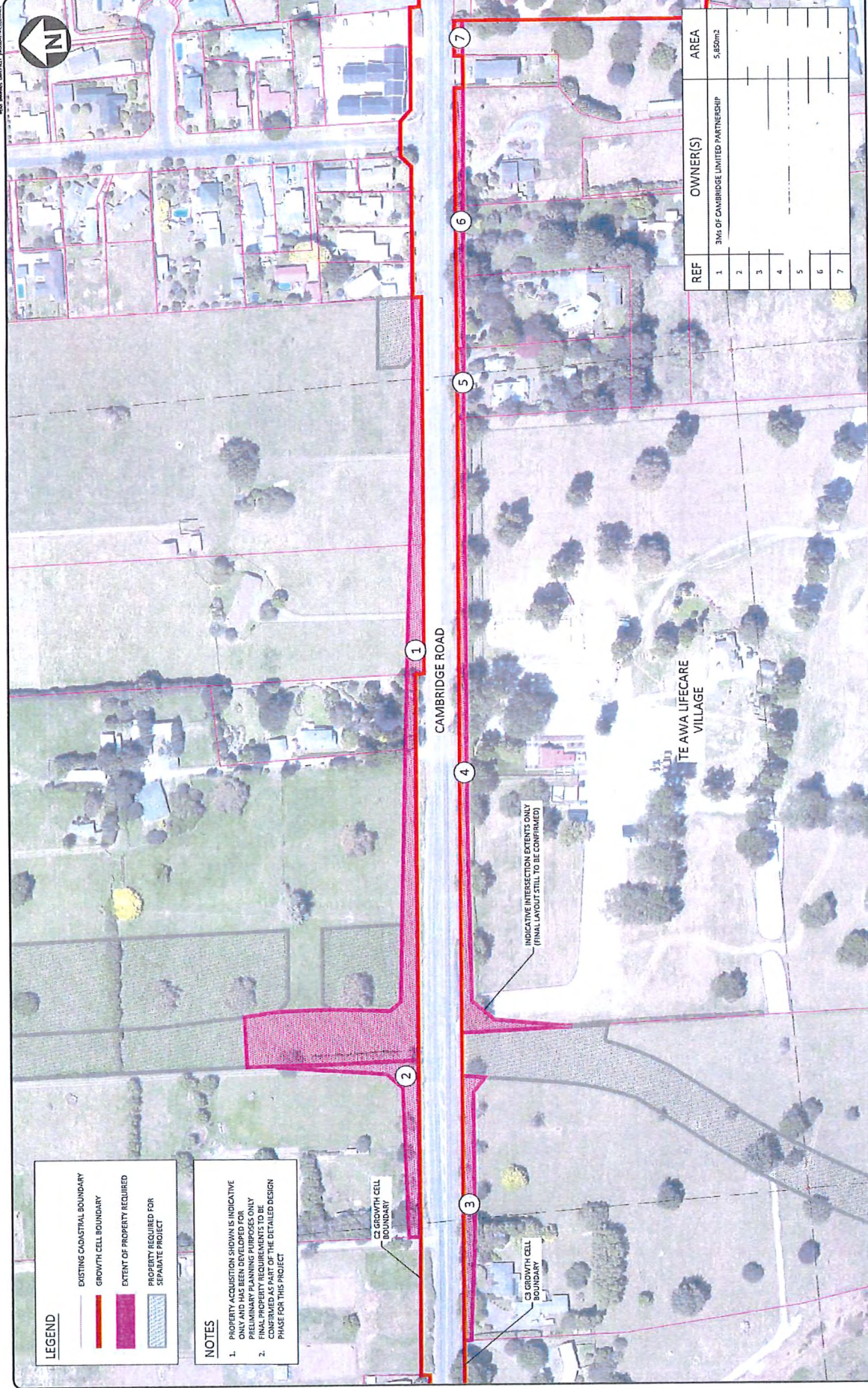
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LEGEND

- EXISTING CADASTRAL BOUNDARY
- GROWTH CELL BOUNDARY
- EXTENT OF PROPERTY REQUIRED
- PROPERTY REQUIRED FOR SEPARATE PROJECT

NOTES

1. PROPERTY ACQUISITION SHOWN IS INDICATIVE ONLY AND HAS BEEN DEVELOPED FOR PRELIMINARY PLANNING PURPOSES ONLY. FINAL PROPERTY REQUIREMENTS TO BE CONFIRMED AS PART OF THE DETAILED DESIGN PHASE FOR THIS PROJECT.

REF	OWNER(S)	AREA
1	BIM OF CAMBRIDGE UNITED PARTNERSHIP	5.850m ²
2		
3		
4		
5		
6		
7		

CAMBRIDGE ROAD

TE AWA LIFE CARE VILLAGE

INDICATIVE INTERSECTION EXTENTS ONLY
(FINAL LAYOUT STILL TO BE CONFIRMED)

CAMBRIDGE C1 & C2/C3
PROGRAMME OF WORKS



LAND REQUIREMENT PLAN PROJECT #C2C3-02

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From: Matt Smith
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To: Matt Smith
Cc: Richard Bax; Wayne Allan; Lachlan Muldowney; Mike Smith; Kate Plaw
Subject: RE: Property acquisition discussion - C2, 3M's

Hi Matt

Thanks for your quick response.

I note your question and understand where you're coming from. I will discuss with other relevant WDC staff and come back to you as soon as I can.

Thanks

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From: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Sent: Wednesday, 18 December 2019 8:56 am
To: Matt Smith
Cc: Richard Bax; Wayne Allan; Lachlan Muldowney; Mike Smith; Kate Plaw; Robin Walker
Subject: RE: Property acquisition discussion - C2, 3M's

Hi Matt

The information contained in my email below was regarding the land only, not the infrastructure to be constructed on the land.
Any agreement regarding the infrastructure itself would go into a development agreement.

Look forward to discussing this in more detail at our meeting on Thursday.

Thanks

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Matt

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From: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Sent: Friday, December 13, 2019 1:38:28 PM
To: Matt Smith <matt@3msofcambridge.co.nz>
Cc: Richard Bax <Richard.Bax@waipadc.govt.nz>; Wayne Allan <Wayne.Allan@waipadc.govt.nz>
Subject: RE: Property acquisition discussion - C2, 3M's

Hi Matt

No worries. I have to be in Te Awamutu Thursday morning but can meet in Cambridge in the afternoon. Would 3.30pm work ok for you?

Thanks

Scott Beaumont Senior Property Advisor (Project Delivery) WAIPA DISTRICT COUNCIL
scott.beaumont@waipadc.govt.nz | www.waipadc.govt.nz
DDI: 07 872 0061 | MOB: 027 423 0790 | FAX: 07 872 0033

From: Matt Smith <matt@3msofcambridge.co.nz>
Sent: Friday, 13 December 2019 10:34 AM
To: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Cc: Richard Bax <Richard.Bax@waipadc.govt.nz>; Wayne Allan <Wayne.Allan@waipadc.govt.nz>
Subject: RE: Property acquisition discussion - C2, 3M's

Hi Scott,

Thanks for the email; I am still away in Australia. I am available on the Thursday to catch up if time allows. As I explained to Wayne our discussion need to bring all the land acquisitions into one deal. All the works will occur concurrently and therefore all the land will be required by WDC at the same time.

Regards

Matt

From: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Sent: Friday, 13 December 2019 9:53 AM
To: Matt Smith <matt@3msofcambridge.co.nz>
Cc: Richard Bax <Richard.Bax@waipadc.govt.nz>
Subject: Property acquisition discussion - C2, 3M's

Hi Matt

Would you be available sometime Monday (16th) morning after 9.30am to have a meeting with Richard Bax and myself at the Cambridge Council office?

This is regarding the acquisition of land from 3M's for the new C2/C3 & Cambridge road intersection. I understand the discussion will also include the 'bigger picture' regarding land to be acquired/vested from 3M's for other Waipa District Council infrastructure.

Thanks

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DDI: 07 872 0061 | MOB: 027 423 0790 | FAX: 07 872 0033

Matt Smith

From: Matt Smith
Sent: Wednesday, 18 December 2019 11:14 AM
To: Scott Beaumont
Cc: Richard Bax; Wayne Allan; Lachlan Muldowney; Mike Smith; Kate Plaw; Robin Walker
Subject: RE: Property acquisition discussion - C2, 3M's

Hi Scott,

As the Senior Property Advisor for WDC can you please simply state what WDC's strategy is in relation to the land required from 3MS for WDC infrastructure?

I need some clarity around the timing for acquisition and payment?

It is my understanding the works required on Cambridge Rd will coincide with the works within the 3MS land as they are all interconnected. It is on this basis it makes sense that WDC purchase the land required as one bundle.

I look forward to your response.

Kind regards
Matt

From: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Sent: Wednesday, 18 December 2019 8:56 AM
To: Matt Smith <matt@3msofcambridge.co.nz>
Cc: Richard Bax <Richard.Bax@waipadc.govt.nz>; Wayne Allan <Wayne.Allan@waipadc.govt.nz>; Lachlan Muldowney <lachlan@muldowney.co.nz>; Mike Smith <mike@mikesmith.co.nz>; Kate Plaw <mitch.kate@xtra.co.nz>; Robin Walker <Robin.Walker@waipadc.govt.nz>
Subject: RE: Property acquisition discussion - C2, 3M's

Hi Matt

The information contained in my email below was regarding the land only, not the infrastructure to be constructed on the land.

Any agreement regarding the infrastructure itself would go into a development agreement.

Look forward to discussing this in more detail at our meeting on Thursday.

Thanks

Scott Beaumont Senior Property Advisor (Project Delivery) WAIPA DISTRICT COUNCIL
scott.beaumont@waipadc.govt.nz | www.waipadc.govt.nz
DDI: 07 872 0061 | MOB: 027 423 0790 | FAX: 07 872 0033

From: Matt Smith <matt@3msofcambridge.co.nz>
Sent: Tuesday, 17 December 2019 4:30 PM
To: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>

Cc: Richard Bax <Richard.Bax@waipadc.govt.nz>; Wayne Allan <Wayne.Allan@waipadc.govt.nz>; Lachlan Muldowney <lachlan@muldowney.co.nz>; Mike Smith <mike@mikesmith.co.nz>; Kate Plaw <mitch.kate@xtra.co.nz>

Subject: RE: Property acquisition discussion - C2, 3M's

Hi Scott,

Thanks for the email; to be clear with reference to the statement below “Normally the developer/land owner would construct the infrastructure on their land and the land would vest in Council through a legalisation process” relates to works that benefits the land owner directly for example a pump station. The works that are to be undertaken within land owned by 3MS’s benefits multiple catchments and growth cells.

Are you serious that it is WDC expectation that 3MS’s will fund the works required, carry the debt burden and wont be reimbursed until the projects are complete for the benefit of C2, C3 and C7 land owners??

Can you please address the question above urgently?

Regards
Matt

From: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Sent: Tuesday, 17 December 2019 4:19 PM
To: Matt Smith <matt@3msofcambridge.co.nz>
Cc: Richard Bax <Richard.Bax@waipadc.govt.nz>; Wayne Allan <Wayne.Allan@waipadc.govt.nz>
Subject: RE: Property acquisition discussion - C2, 3M's

Hi Matt

The Waipa District Council is actively negotiating with land owners that are directly affected by the proposed C2/3 collector roads & Cambridge road intersection. The Council is looking to purchase the required land for this intersection. See the attached high level draft land requirement plan for the intersection. Please note this plan is based on the signalised intersection and shows a land area required from 3M’s of 5850m². The area is subject to the developed design due at the end of January 2020. This acquisition by Council would be under the Public Works Act (PWA), albeit aiming for agreement by negotiation. A Valuation by a registered and competent valuer would be used. Under the PWA the Council would pay for the land owners reasonable legal and valuation costs if they chose to get their own.

Regarding other land under 3M’s ownership to be used for Council infrastructure (storm water swales/roads etc.), this would normally go into a development agreement instead of a PWA acquisition agreement. Normally the developer/land owner would construct the infrastructure on their land and the land would vest in Council through a legalisation process. The value of the land would still be valued by a registered valuer.

Happy to discuss all of this further at our meeting on Thursday.

Thanks

Scott Beaumont Senior Property Advisor (Project Delivery) WAIPA DISTRICT COUNCIL
scott.beaumont@waipadc.govt.nz | www.waipadc.govt.nz
DDI: 07 872 0061 | MOB: 027 423 0790 | FAX: 07 872 0033

From: Matt Smith <matt@3msofcambridge.co.nz>
Sent: Sunday, 15 December 2019 11:51 AM
To: Scott Beaumont <Scott.Beaumont@waipadc.govt.nz>
Cc: Richard Bax <Richard.Bax@waipadc.govt.nz>; Wayne Allan <Wayne.Allan@waipadc.govt.nz>
Subject: Re: Property acquisition discussion - C2, 3M's

Hi Scott

To make the meeting effecient can you please send me an outline that covers what WDC proposes with regards to the land required from 3ms; of interest is when does WDC propose to settle on the land?? Can u outline also the process; will valuations be required?
I look forward to receiving the information ahead of the meeting.

Regards
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Sent: Friday, 13 December 2019 9:53 AM

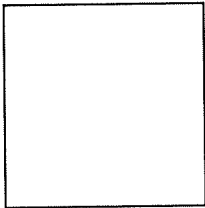
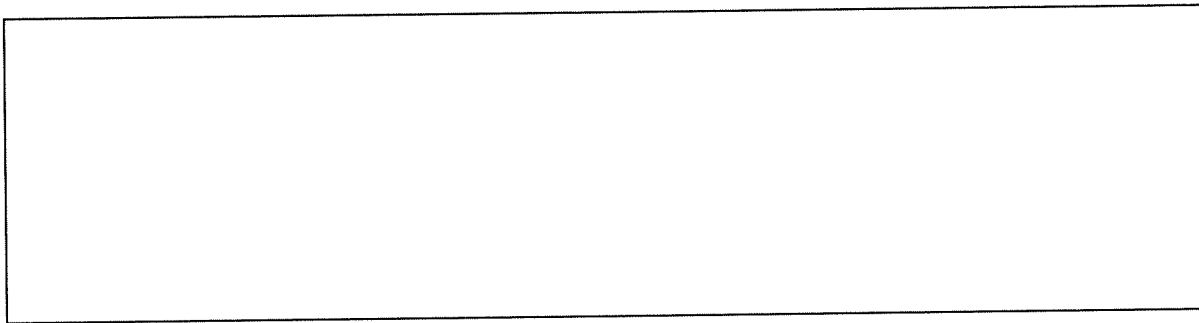
To: Matt Smith <matt@3msofcambridge.co.nz>
Cc: Richard Bax <Richard.Bax@waipadc.govt.nz>
Subject: Property acquisition discussion - C2, 3M's

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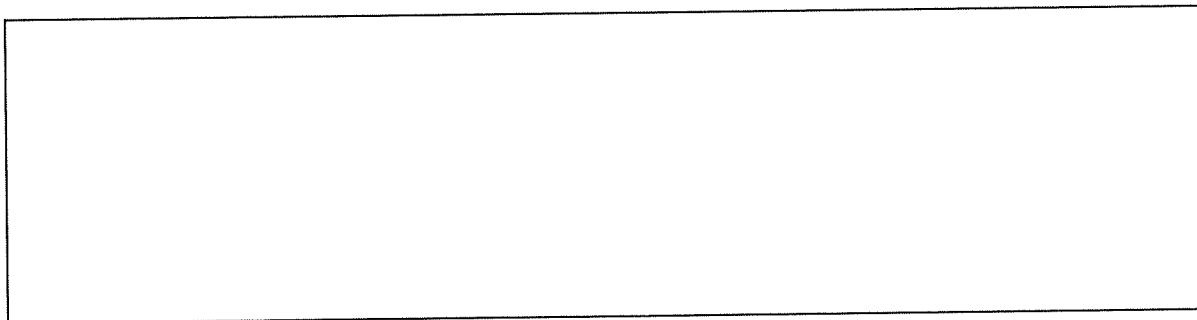
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Scott Beaumont Senior Property Advisor (Project Delivery) WAIPA DISTRICT COUNCIL
scott.beaumont@waipadc.govt.nz | www.waipadc.govt.nz
DDI: 07 872 0061 | MOB: 027 423 0790 | FAX: 07 872 0033



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Te Kaunihera ā Rohe o Waipa

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 27 July 2020 4:38 PM
To: Helen Atkins
Cc: Matt Smith; Mike Smith
Subject: Deferred payment for land
Attachments: Scan0533.pdf

Hi Helen,

Thanks for your further email explaining Council's position. 3MS has reflected carefully. I'm instructed to advise;

First, 3MS is committed to finding a way through this issue, and will work with Council to establish a fair and equitable approach.

In terms of the reasoning relied on to set this apart from other developments, the logic is not accepted. The idea that Council is advancing this public infrastructure materially earlier in the development cycle than would ordinarily be the case is simply not right. 3MS can point to numerous examples where Council has acquired land well in advance of development, in order to secure the strategic land resources. One example, close by, is the stormwater detention land Council acquired in the C1 growth cell. The reality is that that only thing different about this land is the scale, extent and therefore the total acquisition costs, which 3MS acknowledges are larger than Council is used to dealing with.

It must also be acknowledged that Council would ordinarily seek to roll out the infrastructure in an incremental manner, linked to the gradual development of the cell, and increasing the services as development progresses. That option is not available here because Council has made commitments to the MOE for the servicing of the School, and cannot use the incremental approach because it needs to reach right into the cell to connect up the School. Council's commitment to MOE is fundamental to Cambridge's future, and the wider community, and it is right that the wider community pays for these strategic outcomes.

Next, it must also be acknowledged that this infrastructure services over 2400 lots within C1, C2, C3 and C7 growth cells. To burden one particular developer with the holding costs associated with the public land is inequitable. Council must bear these costs and defray them equitably across all 2400 sections. Council has passed resolutions in February 2020 to fund the acquisition of this land, so funding is not an issue. Most notably, elected members were made aware of the risks associated with DC revenue delays at the time they were asked to approve the funding of these assets within the 2020/21 year of the LTP. The staff report (attached) which supported the finding resolutions states; " The advancement of the LTP growth funding will not impact the current growth budgets overall, but does include additional funding of \$19.2m and also commits Council to earlier costs and therefore a higher risk of not recovering development contributions in a timely manner, if development

was too slow. The additional funding does not result in Council breaching its Financial Strategy borrowing limit.” Fully aware of these risks, the elected members resolved to fund the assets in this financial year. For staff to now second guess elected members and delay funding the acquisition is contrary to the very clear political mandate.

It seems obvious that what really concerns Council is the fact that it is partnering with the development community at a scale and cost that it is not used to, and that is understandable. But the fundamentals do not change just because the numbers do. It must incur these capital costs, capitalise the borrowing costs and build those costs into the capital programme, and recover DCs against them. As you know Helen, The DC model will make some assumptions regarding DC revenue, and these assumptions/inputs to the model will be updated as years go by. If DCs are being recovered at a slower rate than anticipated, borrowing costs will be recast, and new DCs will be struck.

3MS has reflected carefully on Council's concerns regarding having more certainty over DC revenue, and therefore its source of funding the borrowing costs.

It wants to make it clear to Council that it is 100% committed to its development in Cambridge, and this is evidenced by the following;

a) 3MS has made significant financial investments over a long period of time, and more recently 3MS have committed to the following:

- \$150k on ensuring good urban design outcomes with regards to the roundabout servicing C2/C3.
- \$320k on Master Planning its 40ha
- \$100k on Urban Design and Planning
- Signed contracts with varying civil designers for our stage 1B in excess of \$200k

b) 3MS has already been granted a subdivision consent application (for “Stage 1A”) that created the lots for the public assets (collector road, reserves, school site).

c) An application for a land use consent to enable earthworks for the entire 40-hectare 3Ms site was lodged with the Waipa District Council on Thursday 16 July 2020.

d) 3MS is currently preparing a resource consent application for the Waikato Regional Council consents to enable construction activities on the site – specifically site dewatering and cleanfill use. The groundwater assessment is currently being undertaken by Beca. This is due on 31 July and it is anticipated that the consent application will be lodged a week after this date.

Subsequent land use consents will be obtained from Waipa District Council (under the Infrastructure Works Agreement between 3Ms and Waipa DC) for the C2 collector road and any other public assets that require land use consents in the 3Ms land.

e) In respect of the first stage of the 3Ms residential development / subdivision itself:

- The architectural concept drawings for the housing typologies has been completed.
- Line and Design are completing their landscape design, including the 3D model of the development.
- Chow Hill will be completing their urban design assessment this week.

- The Engineering Statement will be completed in the coming week. This details how the site is to be serviced from a three waters and traffic perspective (and includes information as to how the Stormwater Management Plan requirements are to be achieved).

f) 3MS has also commenced the preparation of the resource consent application and assessment of environmental effects for the subdivision and land use consent application for "Stage 1B". Stage 1B is a 125-lot subdivision. Given the deferred status of the area, a land use consent is also required as the development (obviously) breaches a number of the Rural Zone rules. In any event, even if the zone is residential given the density of housing that has been achieved there would be non-compliances with rules. The land use consent is intended to cover the entire Stage 1B area. Both the subdivision and the land use consents are for non-complying activities. This AEE is thorough as the rule framework does not recognise the future use of the land at this stage, and until PC13 is operative (which 3Ms has also prepared feedback on). I note that there has been significant engagement with Waipa District Council, primarily through Hayley Thomas with whom we have developed a positive working relationship with. It is anticipated that the resource consent application for Stage 1B will be lodged with the Waipa District Council within the next 2-3 weeks.

Based on the above, Council should have every confidence that it is partnering with a highly committed developer, which intends to bring quality sections to the Cambridge market as soon as possible. Its current expectation is that it will be on track to secure s224C for stage 1 by no later than March 2022. At that time, DC revenue will flow. 3MS would hope that this track record of action and current actions gives Council confidence that it will indeed be receiving DC revenue from 3MS within a 1-2 year timeframe.

While Council should be confident of this DC revenue, if it still requires some form of guarantee, 3MS is prepared to offer a solution. As a way to achieve agreement, 3MS is prepared to include, within the PDA, a contractual commitment to pay a level of DC revenue to Council, commencing in March 2022, at an agreed monthly rate, for an agreed period. This payment will be recorded as a credit against 3MS' future DC payments. This will effectively guarantee DC revenue commences in line with Council's "best case" scenario. To be clear, these payments will be made regardless of whether s224C is delayed, provided the delay is not caused by Council actions.

Helen, 3MS would like to meet with you , and Council decision makers, within the next fortnight, to resolve this issue, and all other PDA matters. The PDA can then be documented and signed.

I trust this offer of a guaranteed DC revenue will provide the answer, and I look forward to hearing back from you.

Regards,

Lachlan

LACHLAN MULDOWNNEY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240 www.lachlanmuldowney.co.nz

-----Original Message-----

From: Helen Atkins <helen.atkins@ahmlaw.nz>

Sent: Wednesday, 22 July 2020 9:11 AM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Subject: RE: Your call - without prejudice

Hi again

Sorry for the delay I have now got instructions and we have an idea that hopefully will see a pathway through.

The Council tells me that this is different from other cases where the Council takes land and pays up front. This is because in this case the land is being taken a lot earlier than would normally be the case so the stormwater infrastructure can be provided in advance of the rest of the cell being developed. For this reason the Council does consider the risk of the 3MS development not proceeding at all or halting for a considerable period does pose risks to Council different from those that exist in other land acquisitions. These risks are difficult to mitigate as it is not like the land could easily be sold by Council for anything else. If Council agreed to pay the money up front would your client be prepared to enter into either a side agreement (I think that sits better than in the S&P) or it could be included in the PDA, whereby if 3MS does not proceed or halts for a considerable period (maybe difficult to define so maybe a review mechanism or similar) or sells the land or goes into liquidation etc then there is a repayment or some penalty imposed as Council would potentially need to halt is capital works programme in relation to stormwater, roading and reserves as these wouldn't be needed to be provided in the same timeframes that currently apply.

Can you take instructions and let me know 3MS thoughts. I can confirm both Wayne and Garry would like this explored.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 |MOB +64 021 405 464 |FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010 PO Box 1585, Shortland Street,
AUCKLAND 1140

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-----Original Message-----

From: Lachlan Muldowney [mailto:lachlan@muldowney.co.nz]

Sent: Tuesday, 21 July 2020 8:49 AM

To: Helen Atkins <https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wlTFLE4Cfyzg&m=dU4Yuy8Dv6aJw4E0k5-b8rSq_HT5YMMgy_1w_0HaMeM&s=XZv_7fl4Fttm7zbJmMYUbgLuUCsGb7Q8qTepIzJ Dmq0&e=>

Subject: RE: Your call

Thanks Helen,

If it is not a cash flow or balance sheet issue then there can be no issue.

What possible risk is there to Council in funding the purchase of land which vests in it, and upon which public infrastructure is built. Council owns the land and the infrastructure. That asset services a school which is critical to the future success of Cambridge and is of strategic significance. It also enables the development of a series of growth cells that are identified as the key growth areas for Cambridge in the Waipa 2050 growth strategy.

The only risk that has been articulated to date has been that growth does not occur at the rate that Council anticipates, and that DC revenue is slower than expected. That's a cost of funds issue, and the costs are capitalised and recovered through the DC model. So if cash flow is not an issue, this risk of delayed DC revenue shouldn't be either. In any event, 3MS has agreed to include a mechanism in the PDA which guarantees some DC revenue after a certain date. So this should allay any concerns.

Helen, no other Council I work with expects to takes land for public infrastructure purposes without paying for it. Council needs to be commercial here. 3MS, and its directors have,

through this project and the Bardowie project invested \$100M plus in Cambridge, much of which is borrowed. They simply cannot afford to carry debt on land which they have vested in Council. There seems to be a misconception that 3MS has deep pockets and can therefore be leaned on. It has strong funding lines and access to capital, but like any commercial entity it pays for it.

If Council wants the land, it must pay for it. The reality is that the greatest cause for a delay in DC revenue will be Council refusing to pay up front for land that is transferred to it. This will affect the developer's ability to fund the development of residential sections.

Have the discussion with Wayne and Garry, and please convey the 3MS position. I recognise that Council is taking huge strides in enabling growth, and that it is rightly cautious in its role, but it has to meet the developers with a commercial approach, otherwise the project will stall.

I look forward to our discussion.

Regards,

Lachlan

LACHLAN MULDOWNNEY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240 https://urldefense.proofpoint.com/v2/url?u=http-3A__www.lachlanmuldowney.co.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wITFLE4Cfyzg&m=dU4Yuy8Dv6aJw4E0k5-b8rSq_HT5YMMgy_1w_0HaMeM&s=QQ0dYSLf_Tiv-cMJ7nA9ZwEphwM6vDmJrlBSVX-UrMw&e=

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From: Helen Atkins <https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wITFLE4Cfyzg&m=dU4Yuy8Dv6aJw4E0k5-b8rSq_HT5YMMgy_1w_0HaMeM&s=XZv_7fl4Fttm7zbJmMYUbgLuUCsGb7Q8qTeplZJ Dmq0&e=>

Sent: Tuesday, 21 July 2020 8:21 AM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Subject: Re: Your call

Morning I'm in a zoom call all morning so a bit tied up today.

As I noted last week I have to make a time to discuss with Wayne and Garry and the former only got back in the office yesterday. I can't therefore guarantee we can sort anything today.

Given the valuation is still a week or so away and that will no doubt result in further discussions I am not sure why this is so urgent. We obviously need to resolve it soon I just cannot confirm it will be today given everyone's other commitments at the moment. I can confirm we can seek to resolve it this week.

I take it for your client's position is all up front - no alternative as you previously discussed. You understand my clients position which is still that it is bearing some risk in paying all up front which hasn't been allayed. It is not a balance sheet or cash flow issue.

I'll get back to you as soon as I have instructions.

Regards

Helen

> On 21/07/2020, at 8:12 AM, Lachlan Muldowney <lachlan@muldowney.co.nz> wrote:

>

>

> Hi Helen, need to talk to you today to resolve the deferred payment issue. As indicated, 3MS simply cannot afford to carry this debt to assist WDC's balance sheet or cash flow.

>

> We need to get the deal done on the basis that payment occurs up front.

>

> Talk soon.

>

> _____

>

> LACHLAN MULDOWNEY

> BARRISTER

>

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

> Chambers Panama Square, 14 Garden Place, Hamilton Postal PO Box 9169,

> Waikato Mail Centre, Hamilton 3240

> https://urldefense.proofpoint.com/v2/url?u=http-3A__www.lachlanmuldowney.co.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wlTFLE4Cfyzg&m=ir42L_WYfsVDRCr3qOhq03l7512d-gTNC-YR6ulujiGo&s=5gf3fo6lbyXjF-IEbn1cgCq17tnyJ-F5rvh4XGk8dtM&e=

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> gTNC-YR6ulujiGo&s=5gf3fo6lbyXjF-IEbn1cgCq17tnyJ-F5rvh4XGk8dtM&e=

>

>

> -----Original Message-----

> From: Helen Atkins

BCO Inspections	Greg Finch
BCO Processing	Linda Brown
Senior Development Engineer	Tony Coutts
Development Engineer	Zion Nordstrom
Development Engineer	Eva Cucvarova

Cr St Pierre / Cr Stolwyk

9 LTP BUDGET CHANGES FOR C1, C2 AND C3 GROWTH CELLS IN CAMBRIDGE

Council has received requests from a number of developers in the C1, C2, and C3 growth cells located in the Cambridge west area, to provide the necessary funding for the public infrastructure in advance of the current Long Term Plan (LTP) timing. This will enable the earlier development of the stage 1 areas for the C1 growth cell neighbourhood commercial and residential areas, the C2 growth cell neighbourhood commercial and residential areas including the provision for a new primary school and the C3 growth cell residential area.

The Ministry of Education (MOE) have indicated their support for the advanced Council funding request for the provision of the public infrastructure which will enable an earlier construction timetable for a new primary school scheduled to be open in 2023.

The advancement of the LTP growth funding will not impact the current growth budgets overall, but does include additional funding of \$19.2m and also commits Council to earlier costs and therefore a higher risk of not recovering development contributions in a timely manner, if development was too slow. The additional funding does not result in Council breaching its Financial Strategy borrowing limit.

The current LTP has funds for the C1, C2 and C3 growth cell spread from 2019/2020 through to the 2027/2028 period. The majority of the LTP funds are provided in the 2020/2021 (\$19.6m) and 2021/2022 (\$24.2m) years.

The recommendation is to reduce the period of funding from 7 down to 2 years and increase the budget by an additional \$19.2m for infrastructure associated with roading, wastewater, stormwater and parks. This additional funding was signalled to Council in May 2019. The new total difference amounts to \$40.1m; that is the

difference between the current budgets of \$19.6m for the 2020/2021 year and proposed budgets of \$59.7m.

The capital costs are recovered by Development Contributions and the current growth projections indicate that the development contributions to repay this expenditure, will be collected by 2025. The rates impact is funding depreciation earlier than currently in the 2018-28 LTP. This amounts to approximately \$185,000 and impacts in 2021/2022.

RESOLVED

1/20/06

That Council:

- a) **RECEIVES** the 'LTP budget changes for C1, C2 and C3 growth cells in Cambridge' report [document number 10228988] of Richard Bax, Consultant Engineer;
- b) **SUPPORTS** the budget changes for the C1, C2 and C3 Growth Cells by bringing forward \$40.1m of LTP funds to the 2020/2021 period as detailed in attached Appendix 1.

Cr Stolwyk / Cr Barnes

10 DELEGATIONS UPDATES – DEVELOPMENT CONTRIBUTIONS AND LIM APPROVALS

Section 3 of the Delegations Manual sets out delegations for assessing and administering development contributions (DCs). DCs are contributions taken from developers under the Local Government Act, to fund associated infrastructure upgrades and additions. Since these delegations were set, some roles and DC processes have changed. The delegations register needs updating to reflect these changes.

Part D of the Delegations Manual sets out delegations relating to approval of land information memorandums (LIMS). The Project Planner role description includes approval of LIMS, but refers to staff names rather than roles. In addition the Project Planner role and Consents Team Leader role are missing from these delegations, and need to be added. This also ensures there is sufficient cover for approving LIMS across senior staff. The temporary delegations to planning staff are no longer needed and can be rescinded.

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 27 July 2020 5:00 PM
To: Helen Atkins
Cc: Matt Smith; Mike Smith
Subject: RE: Deferred payment for land

Hi Helen, just a minor correction, the reference to the attached staff report should in fact be a reference to the excerpt of the meeting minutes. My apologies for any confusion caused.

LACHLAN MULDOWNEY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240 www.lachlanmuldowney.co.nz

-----Original Message-----

From: Lachlan Muldowney
Sent: Monday, 27 July 2020 4:38 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Cc: Matt Smith (matt@3msofcambridge.co.nz) <matt@3msofcambridge.co.nz>; Mike Smith <mike@mikesmith.co.nz>
Subject: Deferred payment for land

Hi Helen,

Thanks for your further email explaining Council's position. 3MS has reflected carefully. I'm instructed to advise;

First, 3MS is committed to finding a way through this issue, and will work with Council to establish a fair and equitable approach.

In terms of the reasoning relied on to set this apart from other developments, the logic is not accepted. The idea that Council is advancing this public infrastructure materially earlier in the development cycle than would ordinarily be the case is simply not right. 3MS can point to numerous examples where Council has acquired land well in advance of development, in order to secure the strategic land resources. One example, close by, is the stormwater detention land Council acquired in the C1 growth cell. The reality is that that only thing different about this land is the scale, extent and therefore the total acquisition costs, which 3MS acknowledges are larger than Council is used to dealing with.

It must also be acknowledged that Council would ordinarily seek to roll out the infrastructure in an incremental manner, linked to the gradual development of the cell, and increasing the services as development progresses. That option is not available here because Council has made commitments to the MOE for the servicing of the School, and cannot use the incremental approach because it needs to reach right into the cell to connect up the School. Council's commitment to MOE is fundamental to Cambridge's future, and the wider community, and it is right that the wider community pays for these strategic outcomes.

Next, it must also be acknowledged that this infrastructure services over 2400 lots within C1, C2, C3 and C7 growth cells. To burden one particular developer with the holding costs associated with the public land is inequitable. Council must bear these costs and defray them equitably across all 2400 sections. Council has passed resolutions in February 2020 to fund the acquisition of this land, so funding is not an issue. Most notably, elected members were made aware of the risks associated with DC revenue delays at the time they were asked to approve the funding of these assets within the 2020/21 year of the LTP. The staff report (attached) which supported the finding resolutions states; "The advancement of the LTP growth funding will not impact the current growth budgets overall, but does include additional funding of \$19.2m and also commits Council to earlier costs and therefore a higher risk of not recovering development contributions in a timely manner, if development was too slow. The additional funding does not result in Council breaching its Financial Strategy borrowing limit." Fully aware of these risks, the elected members resolved to fund the assets in this financial year. For staff to now second guess elected members and delay funding the acquisition is contrary to the very clear political mandate.

It seems obvious that what really concerns Council is the fact that it is partnering with the development community at a scale and cost that it is not used to, and that is understandable. But the fundamentals do not change just because the numbers do. It must incur these capital costs, capitalise the borrowing costs and build those costs into the capital programme, and recover DCs against them. As you know Helen, The DC model will make some assumptions regarding DC revenue, and these assumptions/inputs to the model will be updated as years go by. If DCs are being recovered at a slower rate than anticipated, borrowing costs will be recast, and new DCs will be struck.

3MS has reflected carefully on Council's concerns regarding having more certainty over DC revenue, and therefore its source of funding the borrowing costs.

It wants to make it clear to Council that it is 100% committed to its development in Cambridge, and this is evidenced by the following;

a) 3MS has made significant financial investments over a long period of time, and more recently 3MS have committed to the following:

- \$150k on ensuring good urban design outcomes with regards to the roundabout servicing C2/C3.
- \$320k on Master Planning its 40ha
- \$100k on Urban Design and Planning

- Signed contracts with varying civil designers for our stage 1B in excess of \$200k

b) 3MS has already been granted a subdivision consent application (for “Stage 1A”) that created the lots for the public assets (collector road, reserves, school site).

c) An application for a land use consent to enable earthworks for the entire 40-hectare 3Ms site was lodged with the Waipa District Council on Thursday 16 July 2020.

d) 3MS is currently preparing a resource consent application for the Waikato Regional Council consents to enable construction activities on the site – specifically site dewatering and cleanfill use. The groundwater assessment is currently being undertaken by Beca. This is due on 31 July and it is anticipated that the consent application will be lodged a week after this date.

Subsequent land use consents will be obtained from Waipa District Council (under the Infrastructure Works Agreement between 3Ms and Waipa DC) for the C2 collector road and any other public assets that require land use consents in the 3Ms land.

e) In respect of the first stage of the 3Ms residential development / subdivision itself:

- The architectural concept drawings for the housing typologies has been completed.

- Line and Design are completing their landscape design, including the 3D model of the development.

- Chow Hill will be completing their urban design assessment this week.

- The Engineering Statement will be completed in the coming week. This details how the site is to be serviced from a three waters and traffic perspective (and includes information as to how the Stormwater Management Plan requirements are to be achieved).

f) 3MS has also commenced the preparation of the resource consent application and assessment of environmental effects for the subdivision and land use consent application for “Stage 1B”. Stage 1B is a 125-lot subdivision. Given the deferred status of the area, a land use consent is also required as the development (obviously) breaches a number of the Rural Zone rules. In any event, even if the zone is residential given the density of housing that has been achieved there would be non-compliances with rules. The land use consent is intended to cover the entire Stage 1B area. Both the subdivision and the land use consents are for non-complying activities. This AEE is thorough as the rule framework does not recognise the future use of the land at this stage, and until PC13 is operative (which 3Ms has also prepared feedback on). I note that there has been significant engagement with Waipa District Council, primarily through Hayley Thomas with whom we have developed a positive working relationship with. It is anticipated that the resource consent application for Stage 1B will be lodged with the Waipa District Council within the next 2-3 weeks.

Based on the above, Council should have every confidence that it is partnering with a highly committed developer, which intends to bring quality sections to the Cambridge market as soon as possible. Its current expectation is that it will be on track to secure s224C for stage 1 by no later than March 2022. At that time, DC revenue will flow. 3MS would hope that this track record of action and current actions gives Council confidence that it will indeed be receiving DC revenue from 3MS within a 1-2 year timeframe.

While Council should be confident of this DC revenue, if it still requires some form of guarantee, 3MS is prepared to offer a solution. As a way to achieve agreement, 3MS is prepared to include, within the PDA, a contractual commitment to pay a level of DC revenue

to Council, commencing in March 2022, at an agreed monthly rate, for an agreed period. This payment will be recorded as a credit against 3MS' future DC payments. This will effectively guarantee DC revenue commences in line with Council's "best case" scenario. To be clear, these payments will be made regardless of whether s224C is delayed, provided the delay is not caused by Council actions.

Helen, 3MS would like to meet with you , and Council decision makers, within the next fortnight, to resolve this issue, and all other PDA matters. The PDA can then be documented and signed.

I trust this offer of a guaranteed DC revenue will provide the answer, and I look forward to hearing back from you.

Regards,

Lachlan

LACHLAN MULDOWNNEY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240 www.lachlanmuldownney.co.nz

-----Original Message-----

From: Helen Atkins <helen.atkins@ahmlaw.nz>

Sent: Wednesday, 22 July 2020 9:11 AM

To: Lachlan Muldownney <lachlan@muldownney.co.nz>

Subject: RE: Your call - without prejudice

Hi again

Sorry for the delay I have now got instructions and we have an idea that hopefully will see a pathway through.

The Council tells me that this is different from other cases where the Council takes land and pays up front. This is because in this case the land is being taken a lot earlier than would normally be the case so the stormwater infrastructure can be provided in advance of the rest of the cell being developed. For this reason the Council does consider the risk of the 3MS development not proceeding at all or halting for a considerable period does pose risks to Council different from those that exist in other land acquisitions. These risks are difficult to mitigate as it is not like the land could easily be sold by Council for anything else. If Council agreed to pay the money up front would your client be prepared to enter into either a side agreement (I think that sits better than in the S&P) or it could be included in the PDA, whereby if 3MS does not proceed or halts for a considerable period (maybe difficult to

define so maybe a review mechanism or similar) or sells the land or goes into liquidation etc then there is a repayment or some penalty imposed as Council would potentially need to halt its capital works programme in relation to stormwater, roading and reserves as these wouldn't be needed to be provided in the same timeframes that currently apply.

Can you take instructions and let me know 3MS thoughts. I can confirm both Wayne and Garry would like this explored.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010 PO Box 1585, Shortland Street,
AUCKLAND 1140

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-----Original Message-----

From: Lachlan Muldowney [mailto:lachlan@muldowney.co.nz]

Sent: Tuesday, 21 July 2020 8:49 AM

To: Helen Atkins <https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-

[v5A_Cdp gnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-](https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-)

[mKujin0wlTFLE4Cfyzg&m=dU4Yuy8Dv6aJw4E0k5-](https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-mKujin0wlTFLE4Cfyzg&m=dU4Yuy8Dv6aJw4E0k5-)

[b8rSq_HT5YMMgy_1w_0HaMeM&s=XZv_7fi4Fttm7zbJmMYUbgLuUCsGb7Q8qTep1ZJ](https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-b8rSq_HT5YMMgy_1w_0HaMeM&s=XZv_7fi4Fttm7zbJmMYUbgLuUCsGb7Q8qTep1ZJ)

[Dmq0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-Dmq0&e=>)

Subject: RE: Your call

Thanks Helen,

If it is not a cash flow or balance sheet issue then there can be no issue.

What possible risk is there to Council in funding the purchase of land which vests in it, and upon which public infrastructure is built. Council owns the land and the infrastructure. That asset services a school which is critical to the future success of Cambridge and is of strategic significance. It also enables the development of a series of growth cells that are identified as the key growth areas for Cambridge in the Waipa 2050 growth strategy.

The only risk that has been articulated to date has been that growth does not occur at the rate that Council anticipates, and that DC revenue is slower than expected. That's a cost of funds issue, and the costs are capitalised and recovered through the DC model. So if cash flow is not an issue, this risk of delayed DC revenue shouldn't be either. In any event, 3MS has agreed to include a mechanism in the PDA which guarantees some DC revenue after a certain date. So this should allay any concerns.

Helen, no other Council I work with expects to take land for public infrastructure purposes without paying for it. Council needs to be commercial here. 3MS, and its directors have, through this project and the Bardowie project invested \$100M plus in Cambridge, much of which is borrowed. They simply cannot afford to carry debt on land which they have vested in Council. There seems to be a misconception that 3MS has deep pockets and can therefore be leaned on. It has strong funding lines and access to capital, but like any commercial entity it pays for it.

If Council wants the land, it must pay for it. The reality is that the greatest cause for a delay in DC revenue will be Council refusing to pay up front for land that is transferred to it. This will affect the developer's ability to fund the development of residential sections.

Have the discussion with Wayne and Garry, and please convey the 3MS position. I recognise that Council is taking huge strides in enabling growth, and that it is rightly cautious in its role, but it has to meet the developers with a commercial approach, otherwise the project will stall.

I look forward to our discussion.

Regards,

Lachlan

LACHLAN MULDOWNNEY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240 https://urldefense.proofpoint.com/v2/url?u=http-3A__www.lachlanmuldowney.co.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wlTFLE4Cfyzg&m=dU4Yuy8Dv6aJw4E0k5-b8rSq_HT5YMMgy_1w_0HaMeM&s=QQ0dYSLf_Tiv-cMJ7nA9ZwEphwM6vDmJrlBSVX-UrMw&e=

-----Original Message-----

From: Helen Atkins <[https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wlTFLE4Cfyzg&m=dU4Yuy8Dv6aJw4E0k5-b8rSq_HT5YMMgy_1w_0HaMeM&s=XZv_7fl4Fttm7zbJmMYUbgLuUCsGb7Q8qTepIzJDmq0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ahmlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wlTFLE4Cfyzg&m=dU4Yuy8Dv6aJw4E0k5-b8rSq_HT5YMMgy_1w_0HaMeM&s=XZv_7fl4Fttm7zbJmMYUbgLuUCsGb7Q8qTepIzJDmq0&e=)>

Sent: Tuesday, 21 July 2020 8:21 AM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Subject: Re: Your call

Morning I'm in a zoom call all morning so a bit tied up today.

As I noted last week I have to make a time to discuss with Wayne and Garry and the former only got back in the office yesterday. I can't therefore guarantee we can sort anything today.

Given the valuation is still a week or so away and that will no doubt result in further discussions I am not sure why this is so urgent. We obviously need to resolve it soon I just cannot confirm it will be today given everyone's other commitments at the moment. I can confirm we can seek to resolve it this week.

I take it for your client's position is all up front - no alternative as you previously discussed. You understand my clients position which is still that it is bearing some risk in paying all up front which hasn't been allayed. It is not a balance sheet or cash flow issue.

I'll get back to you as soon as I have instructions.

Regards

Helen

> On 21/07/2020, at 8:12 AM, Lachlan Muldowney <lachlan@muldowney.co.nz> wrote:

>

>

> Hi Helen, need to talk to you today to resolve the deferred payment issue. As indicated, 3MS simply cannot afford to carry this debt to assist WDC's balance sheet or cash flow.

>

> We need to get the deal done on the basis that payment occurs up front.

>
> Talk soon.
> _____
>
> LACHLAN MULDOWNNEY
> BARRISTER
>
> P +64 7 834 4336 M +64 21 471 490
> Chambers Panama Square, 14 Garden Place, Hamilton Postal PO Box 9169,
> Waikato Mail Centre, Hamilton 3240
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>
>
> -----Original Message-----
> From: Helen Atkins
> <https://urldefense.proofpoint.com/v2/url?u=http-3A__helen.atkins-40ah>
> >
> [mlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wlTFLE4Cfyzg&m=ir42L_WYfsVDRCr3qOhq03l7512dgTNC-YR6ulujiGo&s=bEP_TcEolVq2qwx aEbHbm_sm4FIYYAmCyIm6VcObt-M&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__mlaw.nz&d=DwIGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=u9Ej_hFHkx8IGiXVuRlauJl-mKujin0wlTFLE4Cfyzg&m=ir42L_WYfsVDRCr3qOhq03l7512dgTNC-YR6ulujiGo&s=bEP_TcEolVq2qwx aEbHbm_sm4FIYYAmCyIm6VcObt-M&e=)
> Sent: Friday, 17 July 2020 5:13 PM
> To: Lachlan Muldowney <lachlan@muldowney.co.nz>
> Subject: Your call
>
> Hi so sorry I couldn't get back to you today was donkey deep in a horrendous evidence exchange. In terms of payment can I get back to you as I need to talk to Wayne and he was away until Monday.
>
> Have a good weekend.
>
> Helen

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Tuesday, 4 August 2020 6:25 PM
To: Matt Smith
Subject: FW: 3MS

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Tuesday, 4 August 2020 5:26 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: 3MS

Dear Lachlan

As discussed I plan to have a further draft of the Development Agreement to you tomorrow. On the valuation it has been provided to the Council as a draft but there is an issue that the Council are working through internally which means there will be a delay in providing it to you. We are still working on the basis that we are taking a report to the 26 August Council meeting but have the September meeting as a back-up if needs be.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Friday, 7 August 2020 10:37 AM
To: Matt Smith
Subject: FW: 3MS
Attachments: 1865 Cambridge Road Compensation Valuation Report 27 July 2020 Rooding &....pdf; Draft Development Agreement - 3MS edits (with Council responses & edits) - 5 August 2020.docx

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Friday, 7 August 2020 10:25 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: 3MS

Dear Lachlan

The purpose of this email is to report on 2 matters:

- The Development Agreement and the Payment Schedule in particular
- The Valuation

The Development Agreement

As discussed earlier in the week the only significant outstanding issue from the Council's point of view is with the quantum of payments in the Payment Schedule. I have attached a track changes version (which is a version accepting all your edits and tracking changes to those) that deals with the other issues you raised which I hope is acceptable to your client. On the Payment Schedule by instructions are that Council needs to at least cover the annual cost of the borrowing for all the costs associated with the development of 3MS land and that Council needs more security if the s224(c) is not issued by 1 October 2022. To this end you will see the payment amount is \$200,000 per month which I am informed would (over a 6 month period) cover the cost of the borrowing for one year. On the 6 month cut off issue this has been included but I have added a review clause to address the situation where there is still no s224(c) in sight by 1 October 2022.

The Valuation

The valuation is attached. It is final as it has been accepted (after some significant discussions internally and with QV) by Council officers. We anticipate that the key issue is going to be betterment. Anticipating 3MS position on the valuation it is important to set out two principles followed by Council in relation to PWA valuations:

1. Council does not seek to influence the valuation and leaves the process to be followed by the valuer based on best valuation practice. It is clear to me that this is how this valuation has been done and is reflected in the manner in which the valuer has set out the instructions received from Council. Council did not ask the valuer to value betterment and on receiving the valuation sought feedback from the QV regarding this. QV are adamant that this is appropriate and they are more than satisfied that they can defend this approach (if

needs be) in the Land Valuation Tribunal. The very brief instructions that Council did provide to the valuer were provided to you and 3MS on two occasions. Apart from the issue around the deferred zoning timing that the valuer notes there were no other instructions given to the valuer;

2. Council has a Policy in relation to valuations that it will accept them unless there is an appropriate rationale justifying a departure.

By way of context Council valuations have not generally considered betterment but recent experience is that valuers are now starting to include this in their valuations. Council is seeking advice from the President of the Institute of Valuers to see if this is nationwide change in approach. As a result of this and other valuations recently received Council will have to reconsider its valuation policy to determine whether it is still appropriate for betterment to be included in valuations. This will be done as a matter of urgency at the next Council meeting. Obviously this change in approach, if adopted, will have an impact on Council's DCP.

Where to from here

Council officers welcome feedback on the Development Agreement matters and on the valuation. I note under the PWA it is open to your client to seek an alternative valuation and if that was to be done particularly in relation to the betterment and injurious affection matters that would certainly help inform the parties moving forward.

In the meantime Council officers are looking at various ways to progress this issue such that any impasse can hopefully be avoided or addressed. Council confirms its commitment to working in good faith with 3MS to reach an acceptable resolution.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 13 August 2020 8:19 AM
To: Garry Dyet
Cc: david.heald@muritaicapital.com; Matt Smith; Rob Campbell
Subject: St Peter's C3 development

Dear Garry,

As you know I act for 3MS of Cambridge Ltd in respect of their development interests within the C2 growth cell in Cambridge. The directors of 3MS have been working with St Peter's School in respect of the school's development interests within the C3 growth cell. 3MS and St Peters have recently agreed to collaborate closely on the development of their respective land interests, and I now have instructions to act for both entities.

As you know 3MS has recently been engaging with Council in respect of land acquisition matters, which has included Council seeking valuation advice.

I am instructed to advise Council that like 3MS, St Peter's will not agree to the transfer of land at valuation rates which assume a deferred residential zoning status, nor will St Peter's agree to any discount on land value based on 'betterment'.

St Peter's is willing to enter into good faith negotiations, but as a starting point, only on the basis set out above.

Accordingly, I am instructed that any current discussions regarding transfer of land in relation to the Te Awa cycle way, the roundabout under construction, the land requirement for cycle way in Cambridge road, the new roundabout by Te Awa Lifecare, the stormwater pipe and outlet and collector road are now on hold and will not be progressed until such time as the valuation basis matter is resolved.

I await confirmation from Council regarding its intended approach to establishing compensation for these potential land transfers. Once the Council position is known, St Peter's will assess whether it is prepared to enter into negotiations.

I look forward to hearing from you, and would be happy to discuss matters directly.

Regards,

Lachlan

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 13 August 2020 1:00 PM
To: Helen Atkins
Cc: Matt Smith; Mike Smith; Mitch Plaw (mitch.kate@xtra.co.nz); Crawford, Michael (NZ - Hamilton)
Subject: 3MS

Dear Helen,

As you are aware from our recent discussions, in the strongest terms 3MS rejects the valuation prepared by QV (Chris Coakley) dated 5 August 2020. In particular it rejects the notion that any compensation figure payable by Council should be discounted to take account of 'betterment' attaching to the residual 3MS land. I note that during our discussion I have explained the legal basis, and can write to you separately on that topic if necessary. But I note that in principle, there is an inequity in allocating betterment to one developer and not others who also benefit. The capital costs relating to 'betterment' should be spread equitably via development contributions and rates across all relevant catchments.

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I also confirm my previous request on behalf of 3MS that Council not take any further steps to formulate an offer to purchase the land based on the valuation, and not take any steps to seek a political mandate to make such an offer. To be clear, any such offer will be rejected. Transferring the land to Council at the valuation figure will destroy the economics of the 3MS project and render the residual 3MS land undeveloped in the long term, despite whatever public infrastructure is built by Council. Acquisition on this basis will be opposed.

I note you have advised that you will not seek to advance an offer from Council on the basis of the valuation. Instead you have asked that I take instructions from 3MS on what it will accept as an acquisition price for the land, so that you can put it to Council. I have confirmed that any such offer will be based on the previous valuation relating to the MOE land, which 3MS has previously provided to Council. 3MS considers there to be no valid reason to depart from the per sq metre rates derived under that valuation (undertaken by Mr Coakley).

Accordingly, in response to your request I am instructed to advise as follows;

1. Yesterday Robin Walker and Liam McCaffery meet to discuss the lateral spread risk and the land required to mitigate that risk. Post this meeting 3MS has updated the land requirement plan to reflect this agreed position.

2. The land areas required are as follows:

Ref	Area (m ²)	Purpose
1	6,993	Road (Stage 1A)
2	18,211	Road (Stage 1A)
3	14,935	Road (Stage 1B)
4	37,263	Stomwater (1A)
5	2,943	Stomwater (1B)
6	43,589	Reserve (Stage 1A)
7	12,976	Reserve (Stage 1A)
8	751	Wastewater (Stage 1A)
	137,661	

3. There are three factors that determine the compensation payable, the land required for public assets/lateral spread mitigation, the costs of building the Swale Link Roads, and the costs associated with upgrading the foundations from TC1 to TC2 as a result of the lateral spread risk.
4. Based on the above the values associated with each factor is as follows:
 - Land Area being 137,661m² multiplied by \$160 (Crown Valuation for the MOE School Site) equals: \$22,025,760 plus GST (if any).
 - The cost of building the Swale Link Roads. This has been based using the numbers from the WDC Compensation Valuation. The Swale Link Roads through value engineering have been reduced to only 157m multiplied by \$3,500/m equals \$549,500 plus GST (if any).
 - The costs associated with upgrading the foundations from TC1 to TC2 has been estimated at \$5,000 per section affected. There are 66 lots affected with equates to a further \$330,000 plus GST (if any).
5. Based on the above the compensation payable for the land and the injurious affection is \$22,905,260 plus GST (if any). 3MS will enter into a sale and purchase of the land based on this amount.
6. 3MS requests that Council will, in good faith, move quickly to present an offer reflecting the above figure. If it does, 3MS will commit to the payment terms of 70% on vesting, and 30% on completion of the works. 3MS would also agree to the proposed DC guarantee figure of \$200k per month for 6 month, as currently set out in the draft PDA.

Regards,

Lachlan

LACHLAN MULDOWNY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 13 August 2020 5:32 PM
To: Matt Smith; Mike Smith
Subject: FW: 3MS

See below. To discuss.

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 13 August 2020 4:53 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Dear Lachlan

Thank you for your email below upon which I now have instructions. There are three points to make before I focus on the key matter outstanding. First, officers accept that betterment should not be applied in this case and will recommend that to Council. There is a report going to the August Council meeting to this effect. Secondly, regarding your point 4 bullet point 3 Robin Walker informs me that there are 58 lots affected not 66 so the figure quoted will need adjusting – reducing by \$40,000 to \$22,865,260. Finally, Council wishes to acknowledge that the agreement from 3MS to the payment terms of 70% on vesting, and 30% on completion of the works for the S&P and to the proposed DC guarantee figure of \$200k per month for 6 month, as currently set out in the draft PDA represents a significant shift in the original position of 3MS. In saying this Council understands that these agreements are conditional upon Council accepting the figure 3MS are seeking for the land purchase. I now turn to this.

We note that the m2 amount is \$160 and this is based on the Crown valuation for the MOE site which was done by the same valuer. I note that the final MOE valuation is not something Council is privy to or has a copy of. My instructions are that due to the considerable difference between the \$160 figure and the figure the valuer says ought to be applied here of \$100 the only proper way forward from here (given we are dealing with public monies) is for 3MS to get a valuation (which Council pays for) that would need to only focus on the m2 value. This follows the proper PWA process and will withstand any scrutiny that may be applied to the process Council has followed. I am sure you appreciate that for Council to simply accept the figure of nearly \$23m (which is significantly more than the valuation on the record) would not be appropriate.

As mentioned in my earlier email Council officers were working to take a report to the August Council meeting. It is not going to be possible to do this as we really need to be closer to resolving the outstanding valuation issue. However, if we can move forward as I have suggested getting a report to the September meeting is achievable that covers off the DA, IWA and S&P agreement.

Regards

Helen

Helen Atkins
Director

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DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
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Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Thursday, 13 August 2020 1:00 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Cc: Matt Smith <matt@3msofcambridge.co.nz>; Mike Smith <mike@mikesmith.co.nz>; Mitch Plaw (<mitch.kate@xtra.co.nz> <mitch.kate@xtra.co.nz>); Crawford, Michael (NZ - Hamilton) <micrawford@deloitte.co.nz>
Subject: 3MS

Dear Helen,

As you are aware from our recent discussions, in the strongest terms 3MS rejects the valuation prepared by QV (Chris Coakley) dated 5 August 2020. In particular it rejects the notion that any compensation figure payable by Council should be discounted to take account of 'betterment' attaching to the residual 3MS land. I note that during our discussion I have explained the legal basis, and can write to you separately on that topic if necessary. But I note that in principle, there is an inequity in allocating betterment to one developer and not others who also benefit. The capital costs relating to 'betterment' should be spread equitably via development contributions and rates across all relevant catchments.

I also record that I had requested through you, prior to the valuation being issued, that it remain in draft form to give the parties the opportunity to resolve any issues before it is finalised. I note you have explained that this outcome was beyond your control. It is nevertheless regrettable that this did not occur.

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	137,661	

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5. Based on the above the compensation payable for the land and the injurious affection is \$22,905,260 plus GST (if any). 3MS will enter into a sale and purchase of the land based on this amount.

6. 3MS requests that Council will, in good faith, move quickly to present an offer reflecting the above figure. If it does, 3MS will commit to the payment terms of 70% on vesting, and 30% on completion of the works. 3MS would also agree to the proposed DC guarantee figure of \$200k per month for 6 month, as currently set out in the draft PDA.

Regards,

Lachlan

LACHLAN MULDOWNY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 17 August 2020 3:45 PM
To: Matt Smith; Mike Smith
Subject: FW: 3MS

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Monday, 17 August 2020 3:44 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Thank you Lachlan

I will take instructions on the outstanding issues and revert accordingly. On the IWA I can say that it is near final but my understanding (as set out in an earlier email) is that all three agreements need to be approved by Council and will therefore be executed as a package.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Monday, 17 August 2020 3:17 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS

Dear Helen,

I refer to my email of 13 August which set out the 3MS position on the potential acquisition of part of its land by Council, and your response of the same date. In respect of the matters raised by you am instructed to advise;

1. Your confirmation that 'betterment' will not be applied to the valuation and calculation of the acquisition price is noted, and appreciated.
2. Mr Walker's note regarding the number of sections required is correct, the number of sections affected is 58.
3. you are correct that the shift in the 3MS position regarding the 70/30 split and \$200k per month guarantee is conditional on an acquisition price reflective of the MOE land valuations. I understand Council has copies of the early valuations regarding this land, but not the final valuations used to settle the purchase price between 3MS and MOE. Accordingly I attach the QV valuation dated 26 February 2020 and the SGHU valuation dated 11 March 2020. As you can see the m² rate for the land ranged between \$147 and \$170 plus gst if any. The land was ultimately sold for \$162.93 per m².
3. Regarding your suggestion that 3MS seek a further independent valuation, 3MS does not wish to embark on a valuation contest. It is seriously concerned with the delay this would cause. It has already put off a number of contractors who were expecting to be engaged for this upcoming construction season, and that situation will be exacerbated if a lengthy valuation contest arises. It has been made clear to Council that there are hundreds of local jobs at risk if the project cannot proceed, and I also note that Council's own deliverables under the NPS-UDC are also at risk if the project cannot proceed.
4. Accordingly, 3MS asks that council give consideration to the existing valuations in relation to the MOE land, which is indistinguishable from the land intended to be taken by Council for public works, and confirm its proposed acquisition price in reliance on these independent valuations.

Finally, I note that the IWA remains unsigned and 3MS is seriously out of pocket for costs that were intended to be covered by the IWA. Where is that document at within Council?

I look forward to your response.

Regards,

Lachlan

L A C H L A N M U L D O W N E Y
B A R R I S T E R

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 13 August 2020 4:53 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Dear Lachlan

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Director

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Thursday, 13 August 2020 1:00 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Cc: Matt Smith <matt@3msofcambridge.co.nz>; Mike Smith <mike@mikesmith.co.nz>; Mitch Plaw

Subject: 3MS

Dear Helen,

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Regards,

Lachlan

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www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 20 August 2020 12:06 PM
To: Garry Dyet; Helen Atkins
Cc: Matt Smith; Mike Smith; Mitch Plaw (mitch.kate@xtra.co.nz)
Subject: 3MS - Information request
Attachments: Letter to Waipa District Council 20 August 2020.pdf

Dear Garry,

Please see letter **attached**.

Regards,

Lachlan

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

LACHLAN MULDOWNEY

BARRISTER

20 August 2020

Waipa District Council
Private Bag 2402
Te Awamutu 3840

For: Garry Dyet
By email: Garry.Dyet@waipadc.govt.nz

Dear Garry,

RE: 3MS of Cambridge Limited

1. As you are aware I act for 3MS of Cambridge Ltd (**3MS**).
2. 3MS is currently engaging with Waipa District Council (**Council**) in respect of the development of its land within the C2 growth cell area in Cambridge. Recently the parties have been engaged in discussions regarding Council's potential acquisition of certain land owned by 3MS. The land is required by Council for public works.
3. Through that engagement Council has procured certain valuation advice from QV Valuations which it intends to rely on to inform its negotiations. 3MS seeks to better understand the valuation instructions and the approach taken by Council, as compared to other commercial arrangements Council has entered into for the purpose of acquiring land for public works purposes.
4. Accordingly, pursuant to s10 of the Local Government Official Information and Meetings Act 1987(**LGOIMA**) 3MS requests that Council provide it with the following information and documentation;
 - a. All internal file notes, memoranda, reports, emails, texts and written communications between Council staff in respect of the topics referred to in paragraph 5 below;


P +64 7 834 4336 M + 64 21 471 490 E lachlan@muldowney.co.nz

A Panama Square, 14 Garden Place, Hamilton
PO Box 9169, Waikato Mail Centre, Hamilton, 3240

www.lachlanmuldowney.co.nz

- b. All file notes, memoranda, reports, emails, texts and written communications between Council staff and external consultants or contractors engaging with Council in respect of the topics referred to in paragraph 5 below;
 - c. All file notes, memoranda, reports, emails, texts and written communications between Council staff and elected members in respect of the topics referred to in paragraph 5 below;
 - d. All file notes, memoranda, reports, emails, texts and written communications copied to Council between external consultants or contractors engaging with and/or on behalf of Council in respect of the topics referred to in paragraph 5 below;
5. The topics which are the subject of the information requests set out in paragraph 4 above relate to land acquisition or potential land acquisition by Council in respect of public works within the Waipa District. Specifically, involving the following parties and land;
 - a. 3MS land at Cambridge Road within the C2 growth cell
 - b. D B Brough J C Brough, legal descriptions SA54D/529
 - c. Pratts, legal description SA1A/1440
 - d. Honnis (55 Victoria Road, Cambridge), legal description SA1A/1441
 - e. FoodStuffs (63 Victoria Road, Cambridge), legal description SA2D/1397
 - f. Shawwire Ropes (67 Victoria Road, Cambridge), legal description SA69B/554
 - g. Te Awa Rest Home (1866 Cambridge Road, Cambridge)
6. Please ensure that any information or documentation which has been deleted (for storage or file management purpose etc) from Council's electronic records is retrieved for the purpose of responding to this request.
7. Please also ensure that if any documents or information is intended to be withheld pursuant to section 6 or 7 of LGOIMA, the documents and information is clearly identified and the reason for withholding is also identified.
8. I recognise that this information request is broad and it may take longer than the statutory minimum to respond to. If that is the case, please prioritise the request relating to the 3MS land. The other material can then follow.
9. I look forward to receiving the material.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Lachlan Muldowney', with a long horizontal stroke extending to the right.

Lachlan Muldowney
Barrister

CC; Helen Atkins

CC; Directors of 3MS of Cambridge Limited

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 20 August 2020 12:24 PM
To: Matt Smith; Mike Smith
Subject: FW: 3MS - Information request

See below.

LACHLAN MULDOWNEY BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Thursday, 20 August 2020 12:24 PM
To: 'Helen Atkins' <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS - Information request

Hi Helen, yes correct. As indicated, 3MS is considering its options, which includes an assessment of Chris's letter. However, it will not be in a position to provide Council with any revised proposal before the scheduled workshop.

I'll keep you updated if the position changes.

Regards,

Lachlan

LACHLAN MULDOWNEY BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 20 August 2020 12:19 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS - Information request

Thank you for copying me in to this letter Lachlan.

As I noted in my last email officers are taking the betterment issue to a Council workshop next week and generally updating them regarding the 3MS development. In that regard can I read your latest request as meaning your

clients are not prepared to get a valuation that addresses the m2 value for the land to address the point made by Chris is in his original valuation and his follow up letter?

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Thursday, 20 August 2020 12:06 PM
To: Garry Dyet <Garry.Dyet@waipadc.govt.nz>; Helen Atkins <helen.atkins@ahmlaw.nz>
Cc: Matt Smith <matt@3msofcambridge.co.nz>; Mike Smith <mike@mikesmith.co.nz>; Mitch Plaw
(mitch.kate@xtra.co.nz) <mitch.kate@xtra.co.nz>
Subject: 3MS - Information request

Dear Garry,

Please see letter **attached**.

Regards,

Lachlan

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Tuesday, 25 August 2020 2:40 PM
To: Liz.Stolwyk@waipadc.govt.nz; Garry Dyet; Jim.Mylchreest@waipadc.govt.nz;
david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz
Cc: Matt Smith; mike@mikesmith.co.nz
Subject: Meeting tomorrow

Afternoon all,

Suggested agenda for tomorrow's meeting;

1. Update and confirmation of Council position and process on land acquisition. (Garry Dyet)
2. 3MS/St Peter's position on the valuations and concerns over different treatments arising from the valuation process.(Matt/David/Rob)
3. 3MS/St Peter's position on acquisition price of the land (Matt/David/Rob)
4. Impacts of delay (both parties)
5. Next step (both parties)

Regards,

Lachlan

LACHLAN MULDOWNEY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Tuesday, 25 August 2020 4:44 PM
To: Matt Smith; rob.campbell@stpeters.school.nz; david.heald@muritaicapital.com
Subject: FW: 3MS

Gents, see below.

It would be good to discuss matters as a group before the meeting.

Is everyone available for a 30 min catchup beforehand?

Matt, where is the meeting? TA or Cambridge?

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Tuesday, 25 August 2020 4:32 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: 3MS

Good afternoon Lachlan

As you know the Councillors had a workshop today to get an update on the 3MS development. As this was only a workshop no resolutions were passed but the Councillors did provide their thoughts on the way forward as follows:

- They agreed the Council must follow the proper process and the next step in relation to the valuation dispute is for 3MS to get its own valuation at Council's expense;
- They agreed that the issue of betterment should be part of the negotiations in the Development Agreement moving forward and needs to be more thoroughly addressed in the context of the upcoming review of the DCP;
- With regards to the easement with St Peters School regarding the Te Awa cycleway and the land required at the roundabout which currently under construction these are subject to prior agreement with St Peter's Board and this process should not be confused with the 3MS issue over the valuation of their land. It has nothing to do with the 3MS and St Peters JV. A hold up here puts everyone's reputations at risk .

One issue that was discussed was timing. I am advised by the Council team that if we do not have an agreed path going forward in the next 3-4 weeks the whole development schedule the Council (Robin Walker) is managing will need to be put on hold for 12 months.

I note there is a meeting tomorrow to discuss that Council has asked me to attend via zoom. I therefore look forward to hearing from you and your team regarding next steps from 3MS perspective.

Best regards

Helen

Helen Atkins

Director

Atkins Holm Majurey Limited

DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821

helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010

PO Box 1585, Shortland Street, AUCKLAND 1140

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 27 August 2020 8:48 AM
To: Helen Atkins
Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith; Liz Stolwyk; Jim Mylchreest; Garry.Dyet@waipadc.govt.nz
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Thanks for the note Helen.

I will review it and respond accordingly.

Regards,

Lachlan

L A C H L A N M U L D O W N E Y
B A R R I S T E R

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 27 August 2020 8:41 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest <Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyet@waipadc.govt.nz
Subject: 3MS / ST PETERS RECORD OF DISCUSSION

Dear Lachlan

Further to our discussions yesterday I think it is important to record where we landed. This email is **not** without prejudice as the Council team is desirous to ensure full transparency (subject to commercial sensitivity) moving forward.

As a precursor to what follows it is important to state that while we note that 3MS have the impression that Council expects it to shoulder a disproportionate share of the costs associated with the infrastructure serving the growth cell this is absolutely not the case. It is Council position that the basis of any valuation needs to assume that no developer in the affected growth cells is any better or worse off as a result of the purchase price for the land being acquired the Council. Under the various statutes that Council operates under it is imperative that Council follows a proper process that will withstand any scrutiny brought to bear including by the Council's auditors (OAG).

In terms of 3MS:

- Betterment will be dealt with in the Development Agreement such that no discount for betterment will be included in the S&P Agreement (note Council will take this same approach in relation to betterment for all development in the growth cell);

- Broader issues around betterment will be considered as part of the review of the DCP;
- The Council confirms that it does not see the valuation it has received as being sacrosanct but rather information that can inform the negotiation process. Council has not made an offer based on the valuation (see note on the timeframes to date below);
- The Council needs 3MS to obtain an alternative valuation. On receipt of this alternative valuation Council will discuss with 3MS the process moving forward. In this regard the Council team (see note on who the team is below) is desirous to move to the negotiation phase without tooing and froing between valuers;
- The Council team for negotiation purposes will be – Garry, Jim and Liz. I will be present in the negotiations to provide any legal advice needed. In addition, the Council team will seek any further technical advice it needs during the negotiation process. It is important to note any outcome of the negotiations is subject to full Council approval. If necessary a special Council meeting can be convened or we can take it to a scheduled meeting if the timing works.
- In order for Council to proceed to the contract letting stage for the infrastructure works time is critical and as Garry noted at the meeting we need to finalise the whole negotiation and agreement process within the next month.

In terms of St Peters' the same approach can be taken but note the situation with St Peter's is quite different and at a very different stage.

On the timing I have been asked to note the following:

- The valuation was sent to you on 7 August
- 10 August you confirmed to me orally that 3MS will not be getting their own valuation and will not be accepting any offer based on the Council valuation. I asked you to take instructions on what figure 3MS were seeking for the land
- 13 August you responded to the matters raised in our oral conversation . The particular issue you raised was the square metre value.
- 14 August I responded to your email and noted that 3MS will need to provide another valuation at Council cost
- 17 August you emailed me asking that Council consider the MOE valuation as the basis for determining the correct value for the 3MS land
- 18 August I provided you with the response of the valuer Chris Coates as to why the MOE valuation is not appropriate to apply to the 3MS land
- The matter was then not discussed further until the meeting yesterday

The Council team remain committed to progressing matters with your client in an open and transparent manner. The team do not have any pre-conceived view on what the final value of the land is as this is a matter of negotiation.

I need to reiterate that Council do not see this as a commercial negotiation. Obviously commercial realties are important and Council fully appreciate this but this is a process under the auspices of the PWA. In this respect while your client is of the view that the price paid for the land whatever that may be can be passed on to all developers in the growth cell (including 3MS) that price still needs to be robustly determined in accordance with a proper process.

Best regards

Helen

Helen Atkins
Director

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helen.atkins@ahmlaw.nz
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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Tuesday, 1 September 2020 1:13 PM
To: Helen Atkins
Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith; Liz Stolwyk; Jim Mylchreest; Garry.Dyet@waipadc.govt.nz
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Dear Helen,

I refer to your email below of 27 August and note it is written on an open basis, as is this response. In the order in which the issues are raised by you, I advise;

1. 3MS is pleased that Council has abandoned any attempt to recover betterment via the valuation and AS&P. However it is unclear about what Council means when it is suggested that the *broader issues around betterment will be considered as part of the review of the DCP*. I am not aware of any basis under the LGA whereby Council can address betterment via the DCP. Betterment is simply a component of determining land acquisition price, and therefore capex. Once the capex is known and included in the schedule of assets, DC charges can be set, and the capex recovered. Where does betterment fit in? There was a further suggestion at the meeting last week that Council would look to address betterment via the development agreement. Again, 3MS rejects betterment outright, and will not enter into a DA that seeks to recover it.
2. Your acknowledgment that Council does not treat its valuation as sacrosanct is helpful. In your own words, it is clearly conservative. 3MS acknowledges the point Garry made that he must however deal with it, but again stresses that Council has put itself in this position by accepting the valuation in final form, rather than draft. You are correct that Council has not made an offer based on the valuation, in part due to me advising you that an offer at this level will be rejected so need not be presented.
3. 3MS had preferred to see if the parties could move straight to a negotiated purchase price, but notes the very clear indication from Council that it will not negotiate unless 3MS produces a valuation of its own. It is considering doing so. However, before it does, I wish to be clear on the basis for the valuation. The basis will be to first understand the development opportunity for the entire 3MS land without the land acquisition and introduction of public infrastructure. In other words, what could 3MS achieve without the land acquisition and associated works occurring. This exercise was not fully carried out by QV, and is an essential step in determining the value for the land to be acquired, because it informs the key threshold test Council promotes, as you state; *It is Council position that the basis of any valuation needs to assume that no developer in the affected growth cells is any better or worse off as a result of the purchase price for the land being acquired the Council*. Please confirm Council's acceptance of this step in the valuation exercise and endorse this aspect of the valuation exercise as a way of moving forward.
4. If the valuation is procured, we agree that we should move to the negotiation phase without too much *tooting and froing between valuers*. It may be useful to have everyone in the same room, valuers included, for an initial period, and then leave it to the parties to negotiate.
5. Your negotiation team is noted. 3MS will confirm its representatives outside of Matt and myself.
6. Garry's warning of the timeframes was particularly frustrating to hear for the 3MS team. 3MS has been pushing Council to share its valuation instructions since December 2019 (and I have been raising it with you directly since June) with a view to speeding up the process and avoid a valuation contest. Due to Council's actions we now have a valuation contest late in the year, and threatening the construction season. The risks arising from the delay arise from Council's actions, not 3MS.
7. Regarding your account of the timing of events, at no stage on 10 August did I state that 3MS was getting its own valuation. 3MS position was that the MOE valuation should be relied upon. The only offer made was the 3MS offer of 13 August, sent 3 days after the QV valuation was provided. 3MS has not, at any stage 'dragged the chain'.
8. Regarding the purchase price, 3MS agrees that it should reflect market value, and stand up to any robust examination. It seeks that. It also seeks that the principles of fairness and equity as between all developers in the area who stand to benefit from the infrastructure.

9. Regarding the St Peters' land, it is not accepted that it is any different to the 3MS land. The land is required as of today for both stormwater and future roading. To enable any development within the respective growth cells to occur as per the structure plan requires Council to acquire the land. As we stated in the meeting, without the full participation of St Peters' and 3MS, including use of their adjacent land the works required for the stormwater corridor, roading corridor and outfall structure cannot occur.

Finally, in terms of the recent LGOIMA request, as I stated in the request, 3MS seeks to prioritise that part of the request which relates directly to matters concerning 3MS and the current land valuation process undertaken by Council. On that basis can you confirm timing of the provision of that information.

Regards,

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Thursday, 27 August 2020 8:48 AM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest <Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyet@waipadc.govt.nz
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Thanks for the note Helen.

I will review it and respond accordingly.

Regards,

Lachlan

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 27 August 2020 8:41 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest

Subject: 3MS / ST PETERS RECORD OF DISCUSSION

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I need to reiterate that Council do not see this as a commercial negotiation. Obviously commercial realties are important and Council fully appreciate this but this is a process under the auspices of the PWA. In this respect while your client is of the view that the price paid for the land whatever that may be can be passed on to all developers in the growth cell (including 3MS) that price still needs to be robustly determined in accordance with a proper process.

Best regards

Helen

Helen Atkins

Director

Atkins Holm Majurey Limited

DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821

helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010

PO Box 1585, Shortland Street, AUCKLAND 1140

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Friday, 4 September 2020 3:27 PM
To: Matt Smith; mike@mikesmith.co.nz
Subject: FW: 3MS / ST PETERS RECORD OF DISCUSSION

See email sent below.

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Friday, 4 September 2020 3:26 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Hi Helen,

Thanks for your email. 3MS is considering its options in light of Council's position. It is obviously keen to avoid a situation where it seeks a valuation only to find that Council fundamentally disagrees with the methodology. You say that Council won't interfere with the process of 3MS instructing a valuer, but Council will still reserve its right to dispute the valuation, including I assume on the basis of 'flawed' instructions. 3MS is simply trying to avoid a needless argument about that if it seeks a valuation. It sees Council's approach to this whole valuation exercise as being needlessly adversarial. Nevertheless, Council is clear in its requirement.

I still do not understand the position regarding betterment. It is either being claimed or it isn't. There is no comfort to 3MS in knowing that it will not be claimed in the context of the land purchase price, but is somehow 'clawed back' via the DA. Can you be more specific regarding Council's intent? As it stands it seems betterment still looms as a major issue to confront. Also, I'm not sure of the meaning behind your reference to HCC collector roads. Can you elaborate?

Finally, I appreciate the impact an extensive LGOIMA request can have on Council. That is why I have suggested that the first step in the response is to focus on the 3MS related materials. Clearly that will be relevant to the ongoing negotiations, particularly where Council seeks to place reliance on the QV valuation. All information relating to the valuation, including raw materials, instructions, assumptions, requests sent to the valuer by Council and/or Council's representatives will be relevant to validating or testing the QV valuation. Please accelerate these aspects of the response.

Regards,

Lachlan

LACHLAN MULDOWNNEY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>

Sent: Wednesday, 2 September 2020 3:19 PM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest <Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyet@waipadc.govt.nz

Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Good afternoon Lachlan

Thank you for your email I have recorded the Council responses in bold text below. In short the process from here from the Council's point of view is relatively straight forward:

- 3MS get a valuation on whatever basis they consider appropriate - Council won't interfere or agree in advance what this basis should be; and
- Once the valuation has been provided 3MS and Council determine and agree the process that will be followed from there.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]

Sent: Tuesday, 1 September 2020 1:13 PM

To: Helen Atkins <helen.atkins@ahmlaw.nz>

Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith
<matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest
<Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyett@waipadc.govt.nz
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Dear Helen,

I refer to your email below of 27 August and note it is written on an open basis, as is this response. In the order in which the issues are raised by you, I advise;

1. 3MS is pleased that Council has abandoned any attempt to recover betterment via the valuation and AS&P. However it is unclear about what Council means when it is suggested that the *broader issues around betterment will be considered as part of the review of the DCP*. I am not aware of any basis under the LGA whereby Council can address betterment via the DCP. Betterment is simply a component of determining land acquisition price, and therefore capex. Once the capex is known and included in the schedule of assets, DC charges can be set, and the capex recovered. Where does betterment fit in? There was a further suggestion at the meeting last week that Council would look to address betterment via the development agreement. Again, 3MS rejects betterment outright, and will not enter into a DA that seeks to recover it.

Regarding betterment as you know the Council's valuer is adamant that betterment is appropriate to be included in the valuation. What Garry noted at the meeting was that no betterment will be sought in this case but it may need to be reflected in some way in the documentation (AS&P and DA). In terms of how the matter is dealt with going forward during the DCP review everything is on the table including considering the way in which collector roads are dealt with in Hamilton City.

2. Your acknowledgment that Council does not treat its valuation as sacrosanct is helpful. In your own words, it is clearly conservative. 3MS acknowledges the point Garry made that he must however deal with it, but again stresses that Council has put itself in this position by accepting the valuation in final form, rather than draft. You are correct that Council has not made an offer based on the valuation, in part due to me advising you that an offer at this level will be rejected so need not be presented.

As noted at the meeting by me the fact that the valuation was not kept in draft is neither here nor there. Once the valuation was presented to Council then it cannot be un-presented. It is clear from the Council team discussions with the valuer post the receipt of the draft and from his presentation to the Council workshop that the valuer is adamant his valuation is appropriate.

3. 3MS had preferred to see if the parties could move straight to a negotiated purchase price, but notes the very clear indication from Council that it will not negotiate unless 3MS produces a valuation of its own. It is considering doing so. However, before it does, I wish to be clear on the basis for the valuation. The basis will be to first understand the development opportunity for the entire 3MS land without the land acquisition and introduction of public infrastructure. In other words, what could 3MS achieve without the land acquisition and associated works occurring. This exercise was not fully carried out by QV, and is an essential step in determining the value for the land to be acquired, because it informs the key threshold test Council promotes, as you state; *It is Council position that the basis of any valuation needs to assume that no developer in the affected growth cells is any better or worse off as a result of the purchase price for the land being acquired the Council*. Please confirm Council's acceptance of this step in the valuation exercise and endorse this aspect of the valuation exercise as a way of moving forward.

It is not appropriate for the Council to endorse your client's valuation exercise in the same way that it was not appropriate for your client to endorse the Council's valuation exercise. It is up to your client to seek a valuation on whatever terms they consider appropriate. Council will not interfere in this process.

4. If the valuation is procured, we agree that we should move to the negotiation phase without too much *toeing and froing between valuers*. It may be useful to have everyone in the same room, valuers included, for an initial period, and then leave it to the parties to negotiate.

Noted and agreed

5. Your negotiation team is noted. 3MS will confirm its representatives outside of Matt and myself.

Noted

6. Garry's warning of the timeframes was particularly frustrating to hear for the 3MS team. 3MS has been pushing Council to share its valuation instructions since December 2019 (and I have been raising it with you directly since June) with a view to speeding up the process and avoid a valuation contest. Due to Council's actions we now have a valuation contest late in the year, and threatening the construction season. The risks arising from the delay arise from Council's actions, not 3MS.

We will have to agree to disagree on this point. The Council has followed the proper process under the PWA as it is required to do so. I note that the valuation instructions were provided to 3MS on 3 occasions one of these was to you from me. There were no other instructions to the valuer other than providing a response to a question about the deferred zoning status which I reported to you about at the time.

7. Regarding your account of the timing of events, at no stage on 10 August did I state that 3MS was getting its own valuation. 3MS position was that the MOE valuation should be relied upon. The only offer made was the 3MS offer of 13 August, sent 3 days after the QV valuation was provided. 3MS has not, at any stage 'dragged the chain'.

I don't think we are in disagreement on this point it is clear 3MS wanted the MOE valuation relied on. What I am saying is that the debate about getting another valuation has delayed matters.

8. Regarding the purchase price, 3MS agrees that it should reflect market value, and stand up to any robust examination. It seeks that. It also seeks that the principles of fairness and equity as between all developers in the area who stand to benefit from the infrastructure.

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9. Regarding the St Peters' land, it is not accepted that it is any different to the 3MS land. The land is required as of today for both stormwater and future roading. To enable any development within the respective growth cells to occur as per the structure plan requires Council to acquire the land. As we stated in the meeting, without the full participation of St Peters' and 3MS, including use of their adjacent land the works required for the stormwater corridor, roading corridor and outfall structure cannot occur.

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As you will appreciate the LGOIMA request is quite a distraction for the Council team when they would all rather get on with resolving matters. If you are seeking particular information can you please be more specific about what it is you want as this will make handling the request much faster. Having said this it is Council hope that 3MS will not see the need to pursue this request as Council want to look forward to a resolution not backward to a dispute.

Regards,

LACHLAN MULDOWNEY

BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

From: Lachlan Muldowney

Sent: Thursday, 27 August 2020 8:48 AM

To: Helen Atkins <helen.atkins@ahmlaw.nz>

Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest <Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyet@waipadc.govt.nz

Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Thanks for the note Helen.

I will review it and respond accordingly.

Regards,

Lachlan

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BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

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From: Helen Atkins <helen.atkins@ahmlaw.nz>

Sent: Thursday, 27 August 2020 8:41 AM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

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Subject: 3MS / ST PETERS RECORD OF DISCUSSION

Dear Lachlan

Further to our discussions yesterday I think it is important to record where we landed. This email is **not** without prejudice as the Council team is desirous to ensure full transparency (subject to commercial sensitivity) moving forward.

As a precursor to what follows it is important to state that while we note that 3MS have the impression that Council expects it to shoulder a disproportionate share of the costs associated with the infrastructure serving the growth cell this is absolutely not the case. It is Council position that the basis of any valuation needs to assume that no developer in the affected growth cells is any better or worse off as a result of the purchase price for the land being

acquired the Council. Under the various statutes that Council operates under it is imperative that Council follows a proper process that will withstand any scrutiny brought to bear including by the Council's auditors (OAG).

In terms of 3MS:

- Betterment will be dealt with in the Development Agreement such that no discount for betterment will be included in the S&P Agreement (note Council will take this same approach in relation to betterment for all development in the growth cell);
- Broader issues around betterment will be considered as part of the review of the DCP;
- The Council confirms that it does not see the valuation it has received as being sacrosanct but rather information that can inform the negotiation process. Council has not made an offer based on the valuation (see note on the timeframes to date below);
- The Council needs 3MS to obtain an alternative valuation. On receipt of this alternative valuation Council will discuss with 3MS the process moving forward. In this regard the Council team (see note on who the team is below) is desirous to move to the negotiation phase without tooting and froing between valuers;
- The Council team for negotiation purposes will be – Garry, Jim and Liz. I will be present in the negotiations to provide any legal advice needed. In addition, the Council team will seek any further technical advice it needs during the negotiation process. It is important to note any outcome of the negotiations is subject to full Council approval. If necessary a special Council meeting can be convened or we can take it to a scheduled meeting if the timing works.
- In order for Council to proceed to the contract letting stage for the infrastructure works time is critical and as Garry noted at the meeting we need to finalise the whole negotiation and agreement process within the next month.

In terms of St Peter's the same approach can be taken but note the situation with St Peter's is quite different and at a very different stage.

On the timing I have been asked to note the following:

- The valuation was sent to you on 7 August
- 10 August you confirmed to me orally that 3MS will not be getting their own valuation and will not be accepting any offer based on the Council valuation. I asked you to take instructions on what figure 3MS were seeking for the land
- 13 August you responded to the matters raised in our oral conversation. The particular issue you raised was the square metre value.
- 14 August I responded to your email and noted that 3MS will need to provide another valuation at Council cost
- 17 August you emailed me asking that Council consider the MOE valuation as the basis for determining the correct value for the 3MS land
- 18 August I provided you with the response of the valuer Chris Coates as to why the MOE valuation is not appropriate to apply to the 3MS land
- The matter was then not discussed further until the meeting yesterday

The Council team remain committed to progressing matters with your client in an open and transparent manner. The team do not have any pre-conceived view on what the final value of the land is as this is a matter of negotiation.

I need to reiterate that Council do not see this as a commercial negotiation. Obviously commercial realities are important and Council fully appreciate this but this is a process under the auspices of the PWA. In this respect while your client is of the view that the price paid for the land whatever that may be can be passed on to all developers in the growth cell (including 3MS) that price still needs to be robustly determined in accordance with a proper process.

Best regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited

DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821

helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010

PO Box 1585, Shortland Street, AUCKLAND 1140

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Wednesday, 9 September 2020 4:39 PM
To: Matt Smith
Subject: FW: 3MS / ST PETERS RECORD OF DISCUSSION

L A C H L A N M U L D O W N E Y
B A R R I S T E R

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Wednesday, 9 September 2020 4:37 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Thanks Helen,

As indicated 3MS is currently reviewing options regarding development with and without the public infrastructure being provided. I'll update you on the position once it has determined its course. It is very conscious of timing and delay.

Regarding the betterment issue, I reiterate that while it is welcome news that betterment will not be sought or included by Council in the setting of land acquisition prices, that comes as no comfort to 3MS when it is then captured under a development agreement as an offset or similar. That is like agreeing the price for the land, only to have it renegotiated after settlement. It won't happen. If there is to be any addressing of betterment in a DA, the exact detail of that will need to be known at the time the acquisition price for land is agreed. Please confirm the approach.

Regards,

Lachlan

L A C H L A N M U L D O W N E Y
B A R R I S T E R

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Wednesday, 9 September 2020 10:46 AM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Dear Lachlan

Sorry for the delay. Council understands 3MS desire not to enter into lengthy debates about the valuation that 3MS receives and that is Council's desire also. As stated on a number of occasions Council does not issue methodology instructions to those valuers its uses. As you know in the case of the 3MS land the key matters that the valuer took into account were:

- The Structure Plan and the status of the zoning – the land was to be valued on the basis that residential zoning was imminent
- That no developer should be worse off – the PWA principle of equivalency
- The land area needed to acquire for public works

With regards to betterment - betterment has not just been valued in relation to the 3MS land but other valuers for other pieces of land within the cells have also included betterment. Councillors (at a workshop) have agreed with officer advice that for 3MS (and likely for the other developers in the growth cell) betterment will not be sought, and will likely be best addressed via an offset in the DA. Exactly how it is treated in the various documents is to be determined once we are at the negotiation stage post the 3MS valuation.

In terms of the issue of betterment for collector roads going forward Council may consider adopting the same approach at Hamilton City which would mean no, or very little, betterment is likely to apply in such cases. This is something the Council is currently considering as part of its DCP review.

The LGOIMA process is in hand and will focus on the matters you have raised in the first instance.

Just a reminder on timing as you know the window of works opportunity is closing for the infrastructure team if the works are to be done in the forthcoming construction season.

Regards

Helen

Helen Atkins
Director

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DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Friday, 4 September 2020 3:26 PM

To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Hi Helen,

Thanks for your email. 3MS is considering its options in light of Council's position. It is obviously keen to avoid a situation where it seeks a valuation only to find that Council fundamentally disagrees with the methodology. You say that Council won't interfere with the process of 3MS instructing a valuer, but Council will still reserve its right to dispute the valuation, including I assume on the basis of 'flawed' instructions. 3MS is simply trying to avoid a needless argument about that if it seeks a valuation. It sees Council's approach to this whole valuation exercise as being needlessly adversarial. Nevertheless, Council is clear in its requirement.

I still do not understand the position regarding betterment. It is either being claimed or it isn't. There is no comfort to 3MS in knowing that it will not be claimed in the context of the land purchase price, but is somehow 'clawed back' via the DA. Can you be more specific regarding Council's intent? As it stands it seems betterment still looms as a major issue to confront. Also, I'm not sure of the meaning behind your reference to HCC collector roads. Can you elaborate?

Finally, I appreciate the impact an extensive LGOIMA request can have on Council. That is why I have suggested that the first step in the response is to focus on the 3MS related materials. Clearly that will be relevant to the ongoing negotiations, particularly where Council seeks to place reliance on the QV valuation. All information relating to the valuation, including raw materials, instructions, assumptions, requests sent to the valuer by Council and/or Council's representatives will be relevant to validating or testing the QV valuation. Please accelerate these aspects of the response.

Regards,

Lachlan

LACHLAN MULDOWNY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
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www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Wednesday, 2 September 2020 3:19 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest <Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyet@waipadc.govt.nz
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Good afternoon Lachlan

Thank you for your email I have recorded the Council responses in bold text below. In short the process from here from the Council's point of view is relatively straight forward:

- 3MS get a valuation on whatever basis they consider appropriate - Council won't interfere or agree in advance what this basis should be; and
- Once the valuation has been provided 3MS and Council determine and agree the process that will be followed from there.

Regards

Helen

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Director

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Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

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Lachlan

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Dear Lachlan

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As a precursor to what follows it is important to state that while we note that 3MS have the impression that Council expects it to shoulder a disproportionate share of the costs associated with the infrastructure serving the growth cell this is absolutely not the case. It is Council position that the basis of any valuation needs to assume that no developer in the affected growth cells is any better or worse off as a result of the purchase price for the land being acquired the Council. Under the various statutes that Council operates under it is imperative that Council follows a proper process that will withstand any scrutiny brought to bear including by the Council's auditors (OAG).

In terms of 3MS:

- Betterment will be dealt with in the Development Agreement such that no discount for betterment will be included in the S&P Agreement (note Council will take this same approach in relation to betterment for all development in the growth cell);
- Broader issues around betterment will be considered as part of the review of the DCP;
- The Council confirms that it does not see the valuation it has received as being sacrosanct but rather information that can inform the negotiation process. Council has not made an offer based on the valuation (see note on the timeframes to date below);
- The Council needs 3MS to obtain an alternative valuation. On receipt of this alternative valuation Council will discuss with 3MS the process moving forward. In this regard the Council team (see note on who the team is below) is desirous to move to the negotiation phase without tooting and froing between valuers;
- The Council team for negotiation purposes will be – Garry, Jim and Liz. I will be present in the negotiations to provide any legal advice needed. In addition, the Council team will seek any further technical advice it needs during the negotiation process. It is important to note any outcome of the negotiations is subject to full Council approval. If necessary a special Council meeting can be convened or we can take it to a scheduled meeting if the timing works.

- In order for Council to proceed to the contract letting stage for the infrastructure works time is critical and as Garry noted at the meeting we need to finalise the whole negotiation and agreement process within the next month.

In terms of St Peters' the same approach can be taken but note the situation with St Peter's is quite different and at a very different stage.

On the timing I have been asked to note the following:

- The valuation was sent to you on 7 August
- 10 August you confirmed to me orally that 3MS will not be getting their own valuation and will not be accepting any offer based on the Council valuation. I asked you to take instructions on what figure 3MS were seeking for the land
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- The matter was then not discussed further until the meeting yesterday

The Council team remain committed to progressing matters with your client in an open and transparent manner. The team do not have any pre-conceived view on what the final value of the land is as this is a matter of negotiation.

I need to reiterate that Council do not see this as a commercial negotiation. Obviously commercial realities are important and Council fully appreciate this but this is a process under the auspices of the PWA. In this respect while your client is of the view that the price paid for the land whatever that may be can be passed on to all developers in the growth cell (including 3MS) that price still needs to be robustly determined in accordance with a proper process.

Best regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 10 September 2020 4:47 PM
To: Matt Smith
Subject: FW: 3MS / ST PETERS RECORD OF DISCUSSION

Sorry just got to this.

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 10 September 2020 9:16 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Morning Lachlan

Sorry if that is unclear. Hopefully this will help.

If a sum for betterment is included in any agreed valuation of the land (noting we are not at the stage of an agreed valuation yet) then that sum will need to be reflected in the land value in the S&P agreement and will result in the land value being the agreed valuation less the betterment sum. That same sum will then be included as a payment to 3MS in the DA.

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Wednesday, 9 September 2020 4:37 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Thanks Helen,

As indicated 3MS is currently reviewing options regarding development with and without the public infrastructure being provided. I'll update you on the position once it has determined its course. It is very conscious of timing and delay.

Regarding the betterment issue, I reiterate that while it is welcome news that betterment will not be sought or included by Council in the setting of land acquisition prices, that comes as no comfort to 3MS when it is then captured under a development agreement as an offset or similar. That is like agreeing the price for the land, only to have it renegotiated after settlement. It won't happen. If there is to be any addressing of betterment in a DA, the exact detail of that will need to be known at the time the acquisition price for land is agreed. Please confirm the approach.

Regards,

Lachlan

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Wednesday, 9 September 2020 10:46 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Dear Lachlan

Sorry for the delay. Council understands 3MS desire not to enter into lengthy debates about the valuation that 3MS receives and that is Council's desire also. As stated on a number of occasions Council does not issue methodology instructions to those valuers its uses. As you know in the case of the 3MS land the key matters that the valuer took into account were:

- The Structure Plan and the status of the zoning – the land was to be valued on the basis that residential zoning was imminent
- That no developer should be worse off – the PWA principle of equivalency
- The land area needed to acquire for public works

With regards to betterment - betterment has not just been valued in relation to the 3MS land but other valuers for other pieces of land within the cells have also included betterment. Councillors (at a workshop) have agreed with officer advice that for 3MS (and likely for the other developers in the growth cell) betterment will not be sought, and will likely be best addressed via an offset in the DA. Exactly how it is treated in the various documents is to be determined once we are at the negotiation stage post the 3MS valuation.

In terms of the issue of betterment for collector roads going forward Council may consider adopting the same approach at Hamilton City which would mean no, or very little, betterment is likely to apply in such cases. This is something the Council is currently considering as part of its DCP review.

The LGOIMA process is in hand and will focus on the matters you have raised in the first instance.

Just a reminder on timing as you know the window of works opportunity is closing for the infrastructure team if the works are to be done in the forthcoming construction season.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Friday, 4 September 2020 3:26 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Hi Helen,

Thanks for your email. 3MS is considering its options in light of Council's position. It is obviously keen to avoid a situation where it seeks a valuation only to find that Council fundamentally disagrees with the methodology. You say that Council won't interfere with the process of 3MS instructing a valuer, but Council will still reserve its right to dispute the valuation, including I assume on the basis of 'flawed' instructions. 3MS is simply trying to avoid a needless argument about that if it seeks a valuation. It sees Council's approach to this whole valuation exercise as being needlessly adversarial. Nevertheless, Council is clear in its requirement.

I still do not understand the position regarding betterment. It is either being claimed or it isn't. There is no comfort to 3MS in knowing that it will not be claimed in the context of the land purchase price, but is somehow 'clawed back' via the DA. Can you be more specific regarding Council's intent? As it stands it seems betterment still looms as a major issue to confront. Also, I'm not sure of the meaning behind your reference to HCC collector roads. Can you elaborate?

Finally, I appreciate the impact an extensive LGOIMA request can have on Council. That is why I have suggested that the first step in the response is to focus on the 3MS related materials. Clearly that will be relevant to the ongoing negotiations, particularly where Council seeks to place reliance on the QV valuation. All information relating to the

valuation, including raw materials, instructions, assumptions, requests sent to the valuer by Council and/or Council's representatives will be relevant to validating or testing the QV valuation. Please accelerate these aspects of the response.

Regards,

Lachlan

LACHLAN MULDOWNEY

BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>

Sent: Wednesday, 2 September 2020 3:19 PM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest <Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyet@waipadc.govt.nz

Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Good afternoon Lachlan

Thank you for your email I have recorded the Council responses in bold text below. In short the process from here from the Council's point of view is relatively straight forward:

- 3MS get a valuation on whatever basis they consider appropriate - Council won't interfere or agree in advance what this basis should be; and
- Once the valuation has been provided 3MS and Council determine and agree the process that will be followed from there.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]

Sent: Tuesday, 1 September 2020 1:13 PM

To: Helen Atkins <helen.atkins@ahmlaw.nz>

Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest <Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyet@waipadc.govt.nz

Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Dear Helen,

I refer to your email below of 27 August and note it is written on an open basis, as is this response. In the order in which the issues are raised by you, I advise;

1. 3MS is pleased that Council has abandoned any attempt to recover betterment via the valuation and AS&P. However it is unclear about what Council means when it is suggested that the *broader issues around betterment will be considered as part of the review of the DCP*. I am not aware of any basis under the LGA whereby Council can address betterment via the DCP. Betterment is simply a component of determining land acquisition price, and therefore capex. Once the capex is known and included in the schedule of assets, DC charges can be set, and the capex recovered. Where does betterment fit in? There was a further suggestion at the meeting last week that Council would look to address betterment via the development agreement. Again, 3MS rejects betterment outright, and will not enter into a DA that seeks to recover it.

Regarding betterment as you know the Council's valuer is adamant that betterment is appropriate to be included in the valuation. What Garry noted at the meeting was that no betterment will be sought in this case but it may need to be reflected in some way in the documentation (AS&P and DA). In terms of how the matter is dealt with going forward during the DCP review everything is on the table including considering the way in which collector roads are dealt with in Hamilton City.

2. Your acknowledgment that Council does not treat its valuation as sacrosanct is helpful. In your own words, it is clearly conservative. 3MS acknowledges the point Garry made that he must however deal with it, but again stresses that Council has put itself in this position by accepting the valuation in final form, rather than draft. You are correct that Council has not made an offer based on the valuation, in part due to me advising you that an offer at this level will be rejected so need not be presented.

As noted at the meeting by me the fact that the valuation was not kept in draft is neither here nor there. Once the valuation was presented to Council then it cannot be un-presented. It is clear from the Council team discussions with the valuer post the receipt of the draft and from his presentation to the Council workshop that the valuer is adamant his valuation is appropriate.

3. 3MS had preferred to see if the parties could move straight to a negotiated purchase price, but notes the very clear indication from Council that it will not negotiate unless 3MS produces a valuation of its own. It is considering doing so. However, before it does, I wish to be clear on the basis for the valuation. The basis will be to first understand the development opportunity for the entire 3MS land without the land acquisition and introduction of public infrastructure. In other words, what could 3MS achieve without the land acquisition and associated works occurring. This exercise was not fully carried out by QV, and is an essential step in determining the value for the land to be acquired, because it informs the key threshold test Council promotes, as you state; *It is Council position that the basis of any valuation needs to assume that no*

developer in the affected growth cells is any better or worse off as a result of the purchase price for the land being acquired the Council. Please confirm Council's acceptance of this step in the valuation exercise and endorse this aspect of the valuation exercise as a way of moving forward.

It is not appropriate for the Council to endorse your client's valuation exercise in the same way that it was not appropriate for your client to endorse the Council's valuation exercise. It is up to your client to seek a valuation on whatever terms they consider appropriate. Council will not interfere in this process.

4. If the valuation is procured, we agree that we should move to the negotiation phase without too much *toeing and froing between valuers*. It may be useful to have everyone in the same room, valuers included, for an initial period, and then leave it to the parties to negotiate.

Noted and agreed

5. Your negotiation team is noted. 3MS will confirm its representatives outside of Matt and myself.

Noted

6. Garry's warning of the timeframes was particularly frustrating to hear for the 3MS team. 3MS has been pushing Council to share its valuation instructions since December 2019 (and I have been raising it with you directly since June) with a view to speeding up the process and avoid a valuation contest. Due to Council's actions we now have a valuation contest late in the year, and threatening the construction season. The risks arising from the delay arise from Council's actions, not 3MS.

We will have to agree to disagree on this point. The Council has followed the proper process under the PWA as it is required to do so. I note that the valuation instructions were provided to 3MS on 3 occasions one of these was to you from me. There were no other instructions to the valuer other than providing a response to a question about the deferred zoning status which I reported to you about at the time.

7. Regarding your account of the timing of events, at no stage on 10 August did I state that 3MS was getting its own valuation. 3MS position was that the MOE valuation should be relied upon. The only offer made was the 3MS offer of 13 August, sent 3 days after the QV valuation was provided. 3MS has not, at any stage 'dragged the chain'.

I don't think we are in disagreement on this point it is clear 3MS wanted the MOE valuation relied on. What I am saying is that the debate about getting another valuation has delayed matters.

8. Regarding the purchase price, 3MS agrees that it should reflect market value, and stand up to any robust examination. It seeks that. It also seeks that the principles of fairness and equity as between all developers in the area who stand to benefit from the infrastructure.

Noted

9. Regarding the St Peters' land, it is not accepted that it is any different to the 3MS land. The land is required as of today for both stormwater and future roading. To enable any development within the respective growth cells to occur as per the structure plan requires Council to acquire the land. As we stated in the meeting, without the full participation of St Peters' and 3MS, including use of their adjacent land the works required for the stormwater corridor, roading corridor and outfall structure cannot occur.

Noted but we need to separate out the 3MS land from the St Peters land for the purposes of an ongoing discussion as it required for the stormwater access that services C2 and other growth areas, and to enable the C2/C3 intersection to be constructed. It is however a separate owner with different circumstances and would be valued separately.

Finally, in terms of the recent LGOIMA request, as I stated in the request, 3MS seeks to prioritise that part of the request which relates directly to matters concerning 3MS and the current land valuation process undertaken by Council. On that basis can you confirm timing of the provision of that information.

As you will appreciate the LGOIMA request is quite a distraction for the Council team when they would all rather get on with resolving matters. If you are seeking particular information can you please be more specific about what it is you want as this will make handling the request much faster. Having said this it is Council hope that 3MS will not see the need to pursue this request as Council want to look forward to a resolution not backward to a dispute.

Regards,

LACHLAN MULDOWNNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Thursday, 27 August 2020 8:48 AM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest <Jim.Mylchreest@waipadc.govt.nz>; Garry.Dyet@waipadc.govt.nz
Subject: RE: 3MS / ST PETERS RECORD OF DISCUSSION

Thanks for the note Helen.

I will review it and respond accordingly.

Regards,

Lachlan

LACHLAN MULDOWNNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 27 August 2020 8:41 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Cc: david.heald@muritaicapital.com; rob.campbell@stpeters.school.nz; Matt Smith <matt@3msofcambridge.co.nz>; Liz Stolwyk <Liz.Stolwyk@waipadc.govt.nz>; Jim Mylchreest

Subject: 3MS / ST PETERS RECORD OF DISCUSSION

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- In order for Council to proceed to the contract letting stage for the infrastructure works time is critical and as Garry noted at the meeting we need to finalise the whole negotiation and agreement process within the next month.

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- 18 August I provided you with the response of the valuer Chris Coates as to why the MOE valuation is not appropriate to apply to the 3MS land
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Best regards

Helen

Helen Atkins

Director

Atkins Holm Majurey Limited

DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821

helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010

PO Box 1585, Shortland Street, AUCKLAND 1140

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 21 September 2020 5:40 pm
To: Helen Atkins
Cc: Matt Smith
Subject: 3MS
Attachments: 17001-SK-094-REVB.pdf; 17001-SK-094-REVB.pdf; 17001-SK-088-REVA.pdf; 2020.00145 Preliminary Assessment.pdf

Hi Helen,

As indicated 3MS has been in the process of examining a range of development options in respect of its land.

The commercial reality for 3MS is that if the Council land acquisition is to proceed, it will result in a very significant loss of developable land. Of the 40 ha of 3Ms, 13 ha is lost to public infrastructure, some 32.5% of its developable land.

The extent of the land taken does not simply serve the needs of 3MS, but the entire C1, C2,C3 and C7 growth cells. As examples;

- The majority of the collector road for C2 sits within the land required from 3MS's. All other developers/property owners have the rights to connect their local purpose roads into the collector road without any loss of land. Many of the developers/property owners will be able to give sections direct access to the collector road therefore providing them some significant cost savings. 3MS has limited connectivity to the collector road due to the swale network, and therefore occurs additional costs associated with more local roads to service the severed growth cell. This also reduced the section yield so the effect is compounded.
- As 3MS land sits at the lower reach of the swale network in C2 its land affected than any other land owners. 3MS's land at 40h represents 8.5% of the land that will benefit from the stormwater system being 472ha in total. Given the depth of the swale and the batter slopes/liquification mitigation many hectares of land is lost for the benefit of all developers within the catchment.
- 3MS's land provides the majority of the land required for Parks and Reserves in respect of the growth cells. As a result no other land owner within the surrounding growth cells is required to give up land for this community benefit. They therefore retain the balance of their property at no loss of section yield and profit opportunity.

Against this background 3MS has been carefully considering its development capacity without the land being taken, and where it mitigates all effects of its development, and makes its proportionate contribution to other public amenity. The result is the **attached** scheme plan. This scheme plan delivers 450 lots in a manner which manages transport network connections, 3 waters connections, and delivers its share of open spaces, all in a manner which integrates with the wider growth cell.

This development plan is now 3MS preferred option to pursue. Given Council's demonstrated concerns regarding debt levels 3MS questions whether this option may even suit Council. It is prudent to note that if the proposed land acquisition proceeds, it is step one in an asset development programme that will see Council spending circa \$80M over the next 3 or 4 construction seasons. To illustrate, **attached** are the capital expenditure summaries for the projects required to allow C3\C2 land to be developed as per the IWA between 3MS and Council, which assumed the land cost per square metre estimated at \$160.

Returning to the land acquisition, the loss of 32% of the developable land, to serve the needs of other developers cannot occur unless 3MS is adequately compensated. Council's position is that no developer should be worse, or better off, after the taking. Clearly, if Council takes 32% of 3MS' best and most easily developed land under its scheme plan, at a rate which does not reflect its true value, it will indeed be 'worse off'. The financial costs to 3MS are real. This is illustrated in the attached preliminary valuation assessment dated 21 September 2020 which has been prepared for 3MS by Gary Cheyne, of Extensor Advisory Ltd. The final valuation from Extensor is to come, but in the interests of moving the discussion forward, the preliminary assessment is attached so that Council can consider its position.

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I look forward to hearing back from you.

Regards,

Lachlan

LACHLAN MULDOWNEY

BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Wednesday, 23 September 2020 6:21 pm
To: Matt Smith
Cc: mike@mikesmith.co.nz
Subject: FW: 3MS

cfyi

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
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Sent: Monday, 21 September 2020 5:40 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Cc: Matt Smith <matt@3msofcambridge.co.nz>
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www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 24 September 2020 10:52 am
To: Matt Smith
Cc: mike@mikesmith.co.nz
Subject: FW: 3MS

See below

LACHLAN MULDOWNEY

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

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 24 September 2020 10:39 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Lachlan

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B A R R I S T E R

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Cc: Matt Smith <matt@3msofcambridge.co.nz>

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From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 24 September 2020 8:16 pm
To: Matt Smith
Subject: FW: 3MS
Attachments: 17001-SK-095-REVA.pdf

cfyi

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BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

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www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Thursday, 24 September 2020 8:15 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS

All noted, thanks Helen. Also, attached is the cost estimate attachment that I had referred to in my original email but left off. Apologies for that.

Regards,

Lachlan

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Monday, 21 September 2020 5:40 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Cc: Matt Smith <matt@3msofcambridge.co.nz>
Subject: 3MS

Hi Helen,

As indicated 3MS has been in the process of examining a range of development options in respect of its land.

The commercial reality for 3MS is that if the Council land acquisition is to proceed, it will result in a very significant loss of developable land. Of the 40 ha of 3Ms, 13 ha is lost to public infrastructure, some 32.5% of its developable land.

The extent of the land taken does not simply serve the needs of 3MS, but the entire C1, C2,C3 and C7 growth cells. As examples;

- The majority of the collector road for C2 sits within the land required from 3MS's. All other developers/property owners have the rights to connect their local purpose roads into the collector road without any loss of land. Many of the developers/property owners will be able to give sections direct access to the collector road therefore providing them some significant cost savings. 3MS has limited connectivity to the collector road due to the swale network, and therefore occurs additional costs associated with more local roads to service the severed growth cell. This also reduced the section yield so the effect is compounded.
- As 3MS land sits at the lower reach of the swale network in C2 its land affected than any other land owners. 3MS's land at 40h represents 8.5% of the land that will benefit from the stormwater system being 472ha in total. Given the depth of the swale and the batter slopes/liquification mitigation many hectares of land is lost for the benefit of all developers within the catchment.
- 3MS's land provides the majority of the land required for Parks and Reserves in respect of the growth cells. As a result no other land owner within the surrounding growth cells is required to give up land for this community benefit. They therefore retain the balance of their property at no loss of section yield and profit opportunity.

Against this background 3MS has been carefully considering its development capacity without the land being taken, and where it mitigates all effects of its development, and makes its proportionate contribution to other public amenity. The result is the **attached** scheme plan. This scheme plan delivers 450 lots in a manner which manages transport network connections, 3 waters connections, and delivers its share of open spaces, all in a manner which integrates with the wider growth cell.

This development plan is now 3MS preferred option to pursue. Given Council's demonstrated concerns regarding debt levels 3MS questions whether this option may even suit Council. It is prudent to note that if the proposed land acquisition proceeds, it is step one in an asset development programme that will see Council spending circa \$80M over the next 3 or 4 construction seasons. To illustrate, **attached** are the capital expenditure summaries for the projects required to allow C3\C2 land to be developed as per the IWA between 3MS and Council, which assumed the land cost per square metre estimated at \$160.

Returning to the land acquisition, the loss of 32% of the developable land, to serve the needs of other developers cannot occur unless 3MS is adequately compensated. Council's position is that no

developer should be worse, or better off, after the taking. Clearly, if Council takes 32% of 3MS' best and most easily developed land under its scheme plan, at a rate which does not reflect its true value, it will indeed be 'worse off'. The financial costs to 3MS are real. This is illustrated in the attached preliminary valuation assessment dated 21 September 2020 which has been prepared for 3MS by Gary Cheyne, of Extensor Advisory Ltd. The final valuation from Extensor is to come, but in the interests of moving the discussion forward, the preliminary assessment is attached so that Council can consider its position.

As you can see, the *go it alone* option yields a net position of \$64,450,000, which equates to a little over \$160 per m². The final valuation will be forwarded to you once completed.

In the meantime, I am instructed to address the original acquisition offer made to Council in my email of 13 August 2020, which was based on a value of \$160 m². That offer, which came with conditions, is withdrawn. For 3MS now, a purchase at that rate would require that the acquisition price was paid in full on vesting/settlement, and the PDA to reflect a zero value for betterment, and a remission for DCs to reflect the greater contribution that 3MS is making to public infrastructure compared to its neighbouring developers.

Council has made it clear that it will only negotiate once 3MS presents a valuation to justify its proposed acquisition price. However, time is, as you say, critical. 3MS's preliminary assessment now allows Council to re-engage in negotiations with 3MS in good faith. 3MS understands that any negotiations will be subject to Council receiving the final valuation.

I look forward to hearing back from you.

Regards,

Lachlan

LACHLAN MULDOWNY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 28 September 2020 5:51 pm
To: Matt Smith; Mike Smith; Mark Chrisp
Subject: FW: 3MS
Attachments: 2020.00145 PWA Summary Advice.pdf

cfyi

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Monday, 28 September 2020 5:51 PM
To: 'Helen Atkins' <helen.atkins@ahmlaw.nz>
Subject: 3MS

Dear Helen,

Just tried you by phone without success.

Attached is further correspondence from Extensor (Garry Cheyne) dated 28 September which confirms the square metre rate of \$160 as the starting point.

Is there a willingness from Council to re-engage now with negotiations or does it insist on having the final document in its hands before that occurs. Given the timing issues 3MS wants to talk now rather than later.

Please advise.

Regards,

Lachlan

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Tuesday, 29 September 2020 3:59 pm
To: Matt Smith; Mike Smith
Subject: FW: 3MS

cfyi

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Tuesday, 29 September 2020 3:59 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS

Hi Helen,

I am in meetings all day but will surface after 5. I would like to discuss the next steps with you. Are you available?

3MS was told by Council that it needed a valuation to underpin its position and enable Council to continue to engage in negotiations. Reluctantly 3MS has accepted this step given Council would not negotiate without it being completed.

I am told that Chris Coakley has been instructed by Council to contact Garry Cheyne directly to discuss valuation issues. This is not acceptable to 3MS and is not how it intends to continue negotiations. Please call him off. 3MS will not re-engage in negotiations on the basis that the valuers are assigned the lead in arriving at an 'agreed' value. You have the 3MS valuation (albeit preliminary). You have acknowledged that the Coakley valuation is 'conservative'. That sets the framework for discussions to now continue, and should put Council's negotiators (Gary Dyet, Jim Milchreest, Liz Stolwyck) in a position where they can re-engage.

3MS has no interest in Chris Coakley's views or his response to Garry Cheyne's valuation. If he has questions, please pass them through me and I will have them addressed where appropriate. He is of course free to advise Council whatever he likes, but that is a matter between him and Council. 3MS is not interested in engaging with him, or having its expert engage with him.

Please confirm when you can speak this evening.

Regards,

Lachlan

LACHLAN MULDOWNEY

BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>

Sent: Monday, 28 September 2020 5:55 PM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Subject: RE: 3MS

Sorry just been in an AVL hearing all day. I'll flick this on and get instructions.

Helen

Helen Atkins

Director

Atkins Holm Majurey Limited

DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821

helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010

PO Box 1585, Shortland Street, AUCKLAND 1140

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Subject: 3MS

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Please advise.

Regards,

Lachlan

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

Chambers Panama Square, 14 Garden Place, Hamilton

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www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 1 October 2020 10:28 am
To: Matt Smith; Mike Smith
Subject: FW: 3MS
Attachments: Letter - 3MS Residential Development (Alternative Stormwater Solution)-FINAL.pdf; 20200929 - Memorandum - 3Ms Development.pdf

cfyi

L A C H L A N M U L D O W N E Y
B A R R I S T E R

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Thursday, 1 October 2020 10:27 AM
To: 'Helen Atkins' <helen.atkins@ahmlaw.nz>
Subject: 3MS

Dear Helen,

To keen things moving, in anticipation of Council wanting to understand some of the planning and infrastructure matters which have been relied on in preparing the valuation I have **attached** the Mitchell Daysh report and Liam's stormwater design.

I am told that due to workload the final valuation is still some days away. However with the information currently to had the position is clear.

Please now advise if Council wishes to return to the negotiations.

Regards,

Lachlan

L A C H L A N M U L D O W N E Y
B A R R I S T E R

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz



Unit 3, 2 Pukete Road
Te Rapa
Hamilton 3200
P 021 270 1277
E liam@meconsultants.co.nz

30th September 2020

3MS of Cambridge Ltd
1871 Cambridge Road,
Cambridge 3434
NEW ZEALAND

Attention: Matt Smith

3MS Residential Development – Alternative Stormwater Solution

Dear Matt,

The following is a summary of the alternative stormwater solution developed to service the 3MS of Cambridge (3MS) residential development located at 1871 Cambridge Road, Cambridge. The information below confirms the feasibility of this solution and provides initial details for planning purposes.

Background

3MS have created an alternative subdivision layout plan that enables the proposed 40Ha residential development site to proceed without the need for any connections to the proposed Waipa District Council (WDC) supplied stormwater network that will be developed to service the wider C1 and C2/C3 Structure Plan area. Refer to drawing 17001-C-094-REVB attached which shows the alternative subdivision layout plan.

Alternative Stormwater Solution

To service the 3MS alternative subdivision layout plan a 'stand-alone' bulk stormwater solution was identified as the best solution to manage all runoff generated within the proposed 3MS development without reliance on additional downstream infrastructure. The solution is comprised of a centrally located soakage basin which would discharge all stormwater runoff from the development to groundwater while also providing for the diversion of existing upstream catchment flows through the site (refer to Figure 1 below).

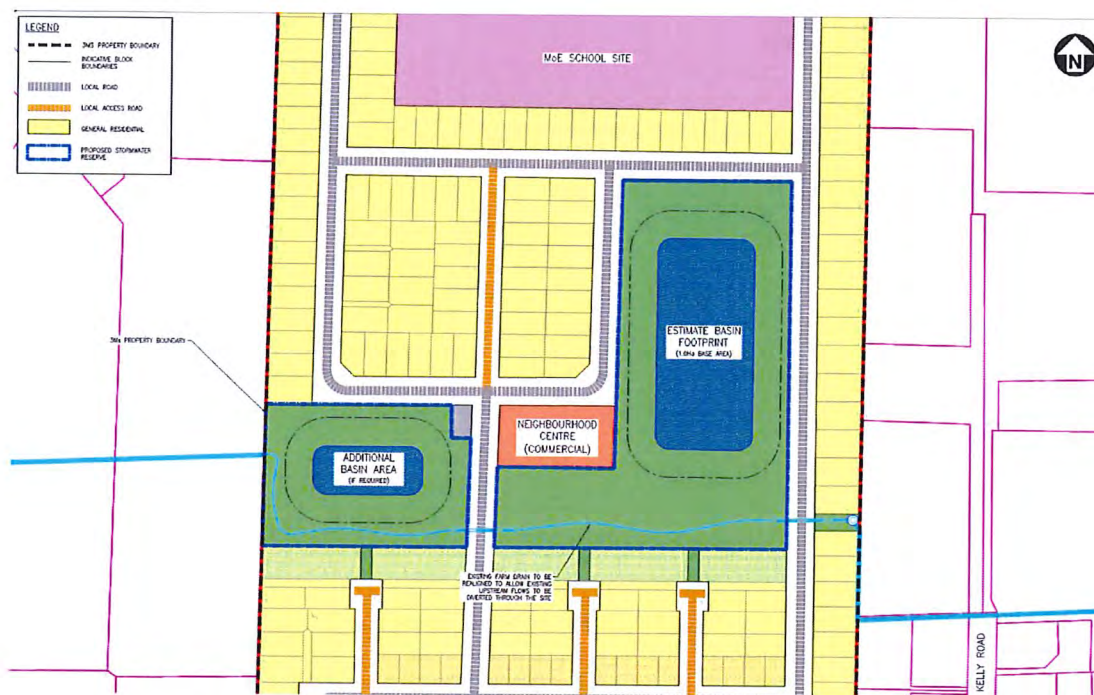


Figure 1 - Alternative Stormwater Solution (General Arrangement)

A high-level assessment was undertaken to confirm the feasibility of the 3MS central soakage basin concept. Table 1 below summarises of the initial design parameters used and initial basin sizing calculated based on a 1% AEP storm event.

Table 1 - 3MS central soakage basin concept (initial sizing)

Design Parameter	Value
Post development catchment area	35.6Ha
Post development catchment coefficient	0.70
Assumed infiltration rate ¹	220mm/hr
<i>Preliminary soakage basin sizing</i>	
Design event	1% AEP storm adjusted to RCP 6.0 (2081-2100)
Required base area	10,500m ²
Live storage depth	1.3m
Required live storage volume	17,000m ³

Initial sizing for the 3MS central soakage basin concept above shows that the 5.2Ha reserve area allocated within the alternative subdivision layout plan is more than adequate to accommodate the proposed solution while also allowing for suitable amenity to be delivered within the reserve area. It also highlights that optimisation of soakage basin design to refine the required footprint would likely further reducing the size of the stormwater reserve area - an estimated reduction of up to 20% is expected to be achievable through further design.

¹ Taken from WDC C1 and C2/C3 Stormwater Management Plan (Beca Ltd, September 2019). Additional site infiltration testing completed within the proposed 3MS central soakage basin footprint on 28th August 2020 showed similar results to previous Beca infiltration testing.

Please contact me if you have any queries regarding any of the above information.

Yours sincerely,



Liam McCaffrey

Director

McCaffrey Engineering Consultants Ltd
P 021 270 1277
E liam@meconsultants.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 1 October 2020 10:54 am
To: Matt Smith
Subject: FW: 3MS

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 1 October 2020 10:30 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Thank you I still don't have instructions but I will pass this onto the Council.

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Thursday, 1 October 2020 10:28 AM

To: Helen Atkins <helen.atkins@ahmlaw.nz>

Subject: 3MS

Dear Helen,

To keen things moving, in anticipation of Council wanting to understand some of the planning and infrastructure matters which have been relied on in preparing the valuation I have **attached** the Mitchell Daysh report and Liam's stormwater design.

I am told that due to workload the final valuation is still some days away. However with the information currently to had the position is clear.

Please now advise if Council wishes to return to the negotiations.

Regards,

Lachlan

LACHLAN MULDOWNY

BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Saturday, 3 October 2020 11:25 am
To: Matt Smith
Subject: FW: 3MS
Attachments: Letter - 3MS Residential Development (Indicative Infrastructure Costs)(1).pdf

LACHLAN MULDOWNEY

BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Lachlan Muldowney
Sent: Saturday, 3 October 2020 11:24 AM
To: 'Helen Atkins' <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS

Good morning Helen,

As requested, here is the McCaffrey report referred to.

Also relevantly, the following inputs in respect of sale price in relation to the alternative layout:

Gen residential	\$400K per lot
Compact residential	\$350K per lot
High Density	\$250K per lot

Also assumed are DCs at \$28K which reflects stormwater infrastructure and reserves provided by the developer and therefore under s200 of the LGA not recoverable from the developer as a DC charge.

Happy to discuss early next week.

Regards,

Lachlan

LACHLAN MULDOWNEY
BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>

Sent: Friday, 2 October 2020 5:59 PM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Subject: RE: 3MS

Lachlan

Confirming our call:

- For the purposes of valuation Council can confirm that 3MSs alternative development proposal could, hypothetically, get consent. In this regard the Council has instructed Chris Coatley to value the land on this basis;
- I have asked Chris to send me his questions for Gary and I will send these to you when I get them.
- I noted that we need valuation advice but the valuers are not negotiating the final deal that is a matter for our respective clients.
- We can discuss next steps once I have sent you the questions from Chris.

Regards

Helen

Helen Atkins

Director

Atkins Holm Majurey Limited

DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821

helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010

PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Helen Atkins

Sent: Friday, 2 October 2020 3:41 PM

To: 'Lachlan Muldowney' <lachlan@muldowney.co.nz>

Subject: 3MS

Hi Lachlan

One thing that is missing from the material you sent through is the costings by the Engineers referred to in the valuation material as follows: [The indicative infrastructure costs provided by McCraffrey Engineering Consultants Limited in its letter and related attachments dated 25 September 2020](#) noted in the letter from Extensor dated 28 September 2020.

Looking back at the earlier plan you sent I realised this was in relation to St Peters.

Talk a bit later on today. It will be off the record as I haven't received final instructions but I can indicate where things are likely to be heading.

Helen
Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 5 October 2020 6:32 pm
To: Matt Smith
Subject: FW: 3MS

LACHLAN MULDOWNEY

BARRISTER

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

Chambers Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Monday, 5 October 2020 1:37 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Hi there is no forensic review intended to be undertaken it was just that Chris (and the Council noted) noted the rates appear a bit lower than comparable developments they are involved in valuing so some context and background. So to keep things moving rather than the Council team trying to extract the information from the IWA documentation it would be really helpful (and a lot quicker) if Liam could just send through the information he has relied on.

Also not sure the reference to DC's not being payable for reserves that you made on Saturday (see email trail below) is correct? Can you check this?

Thanks

Helen
Helen Atkins
Director

Atkins Holm Majurey Limited

DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821

helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010

PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]
Sent: Monday, 5 October 2020 12:41 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS

PS; In the interests of keeping it constructive, can I suggest that if Chris comes back and says he wants to see all the rates to verify reasonableness that you counsel him against that and have him simply make a note in his valuation that these rates are assumed to be reasonable market rates. Getting caught up in an in depth forensic examination by Chris will not go well.

Cheers Helen.

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Monday, 5 October 2020 12:23 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Ok thanks

Helen Atkins
Director

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DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
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Sent: Monday, 5 October 2020 12:18 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS

Good morning Helen,

Matt confirms that the rates are the tender rates submitted to 3MS as reflected in the updated IWA.

Regards,

Lachlan

L A C H L A N M U L D O W N E Y
B A R R I S T E R

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Monday, 5 October 2020 11:39 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Morning Lachlan

I sent this to the valuer and he has asked for some more finely grained detail as follows:

The indicative infrastructure costs provide a very brief summary of the cost per lot stating, 3MS Infrastructure development cost = \$42,000 per lot.

Without the background information that was relied upon to calculate this figure, we cannot check if it is reasonable and cannot be sure what is included and excluded.

It seems the required information will be included in the costs submitted to 3MS by CAMEX and GT Civil as part of their tender process. This was used by McCaffrey Engineering Consultants Ltd as the basis for the calculation of the 'average rate per lot' required to provide infrastructure necessary to service a total of 106 lots within the 3MS development site.

Thank you. Also any news on the timing of the final valuation? Chris is happy to proceed without it as he assumes it won't change much from the draft.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited

DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821

helen.atkins@ahmlaw.nz

Level 19, 48 Emily Place, AUCKLAND 1010

PO Box 1585, Shortland Street, AUCKLAND 1140

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Sent: Saturday, 3 October 2020 11:24 AM

To: Helen Atkins <helen.atkins@ahmlaw.nz>

Subject: RE: 3MS

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Happy to discuss early next week.

Regards,

Lachlan

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 M +64 21 471 490
Chambers Panama Square, 14 Garden Place, Hamilton
Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240
www.lachlanmuldowney.co.nz

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Friday, 2 October 2020 5:59 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Lachlan

Confirming our call:

- For the purposes of valuation Council can confirm that 3MSs alternative development proposal could, hypothetically, get consent. In this regard the Council has instructed Chris Coatley to value the land on this basis;
- I have asked Chris to send me his questions for Gary and I will send these to you when I get them.
- I noted that we need valuation advice but the valuers are not negotiating the final deal that is a matter for our respective clients.
- We can discuss next steps once I have sent you the questions from Chris.

Regards

Helen

Helen Atkins
Director

Atkins Holm Majurey Limited
DDI +64 9 304 0421 | MOB +64 021 405 464 | FAX: +64 9 309 1821
helen.atkins@ahmlaw.nz
Level 19, 48 Emily Place, AUCKLAND 1010
PO Box 1585, Shortland Street, AUCKLAND 1140

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From: Helen Atkins
Sent: Friday, 2 October 2020 3:41 PM
To: 'Lachlan Muldowney' <lachlan@muldowney.co.nz>
Subject: 3MS

Hi Lachlan

One thing that is missing from the material you sent through is the costings by the Engineers referred to in the valuation material as follows: [The indicative infrastructure costs provided by McCraffrey Engineering Consultants Limited in its letter and related attachments dated 25 September 2020](#) noted in the letter from Extensor dated 28 September 2020.

Looking back at the earlier plan you sent I realised this was in relation to St Peters.

Talk a bit later on today. It will be off the record as I haven't received final instructions but I can indicate where things are likely to be heading.

Helen
Helen Atkins
Director

Atkins Holm Majurey Limited

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helen.atkins@ahmlaw.nz

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