

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Tuesday, 6 October 2020 3:38 pm
To: Matt Smith
Subject: FW: 3MS
Attachments: Letter - 3MS Residential Development (Additional Infrastructure Cost Information).pdf

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From: Lachlan Muldowney
Sent: Tuesday, 6 October 2020 3:37 PM
To: 'Helen Atkins' <helen.atkins@ahmlaw.nz>
Subject: 3MS

Hi Helen

Please see the **attached** letter prepared by Liam McCaffrey dated 6 October.

This should provide all of the material required by Council.

Liam is a trusted adviser to Council and I would expect Council to now accept these calculations.

Regards,

Lachlan

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Sunday, 11 October 2020 5:30 pm
To: Helen Atkins
Cc: Matt Smith
Subject: 3MS
Attachments: 2020.00145 Valuation Report FINAL.pdf

Dear Helen,

Please find **attached** the final valuation prepared by Extensor Advisory Ltd (Gary Cheyne).

This valuation represents the vendor's expectations regarding any sale and purchase.

Please now advise if Council wishes to proceed with the acquisition.

Regards,

Lachlan

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 12 October 2020 3:49 pm
To: Matt Smith
Subject: FW: 3MS

cfyi

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-----Original Message-----

From: Lachlan Muldowney
Sent: Monday, 12 October 2020 3:48 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS

Hi Helen,

I understand that Council and its valuer will be considering the Extensor valuation and reflecting on its current position.

Can you please confirm next steps. 3MS wants to understand if Council continues to have an interest in purchasing its land. Matt and I can meet with you and council representatives to finalise any deal on Wednesday or Thursday this week if Garry, Liz and Jim are available.

Regards,

Lachlan

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-----Original Message-----

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Sunday, 11 October 2020 5:35 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: Re: 3MS

Thanks Lachlan

Helen

> On 11/10/2020, at 5:30 PM, Lachlan Muldowney <lachlan@muldowney.co.nz> wrote:
>
> Dear Helen,
>
> Please find attached the final valuation prepared by Extensor Advisory Ltd (Gary Cheyne).
>
> This valuation represents the vendor's expectations regarding any sale and purchase.
>
> Please now advise if Council wishes to proceed with the acquisition.
>
> Regards,
>
> Lachlan
>
> _____
>
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> 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-mKujin0wITFLE4Cfyzg&m=nU01mK1dsUFITquOqBZFNUSEKalc_o3oXxvqeciV_xXE&s=YNX1s47gbczB1zuAaj_EWUzMh9iDxkp1rzlY2L17r4M&e=
>
>

Dear Helen,

With respect to the proposed steps identified by you;

1. Mr Coakley's next steps are noted. That is a matter for Council.
2. There is no need for the valuers to meet. The process under the PWA is a legal process that both you and I are very familiar with. I will be guiding 3MS through any PWA process, not Mr Cheyne.
3. 3MS will not be commissioning a joint report. Again, if Council seeks more advice or input from Mr Coakley that is for it to determine, but 3MS is not part of that.
4. 3MS will meet Council's negotiation team wherever, whenever. Although your timeline suggests that could be weeks away.

I reiterate that the parties are not in a PWA process. They are in an arms length commercial negotiation. Council needs to figure out what it is prepared to pay for this land and make its offer. It has 3MS position, which is that it will sell the land according to the Extensor valuation. For the negotiation to move forward, Council needs to make an offer. How it gets to that point is a matter for it to determine, but having provided its valuation, nothing more is required from 3MS to enable Council to formulate its position.

As you would expect, 3MS is now commencing preparation of its subdivision and land use consents based on the go it alone option. It is likely that it will be seeking a pre-application meeting in the next week or so with Council planners to discuss certain aspects. I assume that should be channelled through Wayne Allan. Please can you confirm.

In the meantime, the ball is in Council's court regarding any offer it wishes to make for the land.

Regards

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From: Helen Atkins <helen.atkins@ahmlaw.nz>

Sent: Wednesday, 14 October 2020 8:22 AM

To: Lachlan Muldowney <lachlan@muldowney.co.nz>

Subject: 3MS

Dear Lachlan

Further to receipt of the final valuation report from Extensor I can confirm Council has all the information it needs. The next steps are:

- Chris Coakley will prepare a valuation report on a similar basis as that prepared by Extensor – this will be done no later than the end of next week.
- The valuers will then need to meet and confer as per the process under the PWA – this can occur the week after next.

- A joint report from the valuers will be required to determine the points of similarity and the points of difference.
- Assuming the parties still wish to meet the negotiation teams can then be bought together.

Regards

Helen

ends

Helen Atkins
Director

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helen.atkins@ahmlaw.nz

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Helen

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Friday, 16 October 2020 8:44 am
To: Helen Atkins; Wayne.Allan@waipadc.govt.nz
Cc: Matt Smith
Subject: RE: 3MS

Dear Helen and Wayne,

3MS seeks a pre-application meeting next week to discuss its subdivision consent application. I will be in attendance along with Matt Smith and Mark Chrisp.

Can you please confirm a time on Wednesday afternoon that would work.

Regards,

Lachlan

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Wednesday, 14 October 2020 1:21 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS

Afternoon Lachlan

I have instructions on your email below.

The Council's position is that 3MS must follow the normal process in regard to reaching an agreed valuation for the property. This involves the valuers discussing their respective positions and providing advice. The Council will not be making any offer until this process has been followed. Chris Coatley has readjusted his commitments and should have his report to Council this week. If there is an agreement between the valuers then time could be made to consider the 3MS package of documents at the Council meeting on 27 October or an extraordinary Council meeting.

If 3MS reject this process then Council will consider its options.

Regards

Helen

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From: Lachlan Muldowney [<mailto:lachlan@muldowney.co.nz>]

Sent: Wednesday, 14 October 2020 10:22 AM

To: Helen Atkins <helen.atkins@ahmlaw.nz>

Subject: RE: 3MS

Dear Helen,

The timeframes you have identified are unacceptable to 3MS. I am advised that there are, quite literally, jobs on the line which are contingent on this deal being concluded immediately, one way or the other. The reality is that section availability in Cambridge is at an all time historic low, and the local construction sector is holding on in hope of the C2 cell opening up immediately.

Council has stressed the need for urgency, yet its suggested process sees negotiations extending for weeks. 3MS cannot be a party to that kind of delay.

Council required that 3MS get a valuation so that negotiations could progress. It has the valuation. Council now needs to make its offer (bearing in mind it has not made an offer to date).

I reiterate that the parties are not in a PWA process. They are in an arms length commercial negotiation. Council needs to figure out what it is prepared to pay for this land and make its offer. How it gets to that point is a matter for it to determine, but having provided its valuation, nothing more is required from 3MS to enable Council to formulate its position. It has 3MS position, which is that it will sell the land according to the Extensor valuation.

3MS requires that Council present its offer within the next 24 hours.

If no offer is forthcoming 3MS will immediately commencing preparation of its subdivision and land use consents based on the go it alone option. It is likely that it will be seeking a pre-application meeting in the next week or so with Council planners to discuss certain aspects. I assume that should be channelled through Wayne Allan. Please can you confirm.

3MS also has a responsibility to advise the Ministry of Education that it has been unable to conclude arrangements with Council in a manner that allows it to meet its contractual deadlines with the Ministry. Unless an offer is made immediately, that advice will be provided this week.

Regards,

Lachlan

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Wednesday, 14 October 2020 8:22 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: 3MS

Dear Lachlan

Further to receipt of the final valuation report from Extensor I can confirm Council has all the information it needs. The next steps are:

- Chris Coakley will prepare a valuation report on a similar basis as that prepared by Extensor – this will be done no later than the end of next week.
- The valuers will then need to meet and confer as per the process under the PWA – this can occur the week after next.
- A joint report from the valuers will be required to determine the points of similarity and the points of difference.
- Assuming the parties still wish to meet the negotiation teams can then be brought together.

Regards

Helen

ends

Helen Atkins
Director

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 22 October 2020 4:51 pm
To: Matt Smith
Subject: FW: here tis
Attachments: 1865 Cambridge Road Compensation Valuation Report 14 October 2020 Rooding & Reserve Acquisition.pdf

Matt, Coakkley's updated valuation attached. Helen sent me this afternoon.

She has arranged to call me at 10.15 tomorrow morning.

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 22 October 2020 3:21 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: here tis

Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 29 October 2020 8:39 pm
To: Matt Smith
Subject: FW: 3MS - Waipa DC

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Thursday, 29 October 2020 7:48 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: Re: 3MS - Waipa DC

Thanks I will share and come back to you shortly

Helen

On 29/10/2020, at 6:16 PM, Lachlan Muldowney <lachlan@muldowney.co.nz> wrote:

Dear Helen,

Following our discussion last week set out below is an update on the current position;

1. As discussed, the pre-application meeting held on 23 October was disappointing. The views of Wayne, Tony and Richard were very entrenched. They considered the proposed application 'not in general accordance with the Structure Plan' and raised fundamental issues of 'plan integrity'. They seemed adamant the application would require limited notification, and possibly public notification. Indeed Wayne suggested the application was likely to go 'all the way to the Environment Court'. The Council position appeared predisposed towards declining the application, which was presumably borne out of the frustration over the failed land acquisition negotiations. I trust you'll ensure 3MS can expect a level playing field in any consenting processing. I have been advised of at least two recent occasions (one in Te Awamutu and one in Cambridge) where infrastructure development has proceeded on a slightly different basis to that depicted in a Structure Plan.
2. Returning to the land acquisition point, I note your advice that Mr Coakley has reviewed the Extensor valuation and appears open to revising his valuation on the basis of the assumptions

identified in the Extensor valuation. While that is positive, it seems the parties are still too far apart for the negotiations to be brought back to life. I have reflected on whether there are any other ways of closing the gap but cannot identify any 'added value' opportunities for 3MS that would warrant accepting a figure less than their asking price. If you have any ideas I would be keen to hear them. I am also conscious that Council has never made any offer to 3MS. Any re-engagement of the negotiations would require that as a first essential step.

3. In the absence of any such offer from Council, 3MS is now committed to pursuing the alternative scheme plan, which sees the central infrastructure spine shifted west, off the 3MS land. I strongly encourage Council to consider the substantial benefits of the proposal. It will enable a significant amount of development to occur within the C2 Cell, fully in accordance with the structure plan, but without Council having to confront the significant capital expenditure that would otherwise be required. It will enable Council to fulfil its immediate obligations under the NPS-UD 2020 by ensuring zoned and serviced land is available in the short to medium term.
4. I am advised that 3MS will now be committing circa \$200k to secure subdivision and land use consents to enable its alternative scheme plan. It is serious in its pursuit of this option and looks forward to working constructively with Council. While it is frustrating for both parties that the original proposal cannot be achieved, the new option is a win/win for both parties and 3MS remains committed to partnering with Council in developing the C2 Cell.

As always, if any matters require discussion please give me a call.

Regards,

Lachlan

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Matt Smith

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Friday, 30 October 2020 12:39 pm
To: Matt Smith; Lachlan Muldowney
Cc: Jim Mylchreest; Liz Stolwyk; Garry Dyet
Subject: RE: External Sender: 3MS Valuation and Alternative Plan

Dear Matt

Thank you for your email below regarding your concerns with the latest valuation undertaken by QV. Garry has asked me to respond on his behalf. I apologise for the delay in getting back to you.

The Council notes your concerns and your stated desire to pursue the stand-alone option. Council remains committed to completing the valuation process in the manner we have set out on a number of occasions – namely that the valuers confer to see if they can reach an agreement of the valuation, noting that this does not commit either party, but helps get them to the end point or closer to it.

Council, will of course, assess any alternative option under the appropriate statutory tests that apply.

Regards

Helen

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Director

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From: Matt Smith <matt@3msofcambridge.co.nz>
Sent: Friday, October 23, 2020 1:07 PM
To: Liz Stolwyk; Garry Dyet; Jim Mylchreest

Cc: Mike Smith; Mitch Plaw (mitch.kate@xtra.co.nz)
 Subject: External Sender: 3MS Valuation and Alternative Plan

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Hi Garry, Jim and Liz,

Last night we received the latest valuation from WDC and again we are disappointed. We have recently signed a heads of agreement with a rest home provider at a figure significantly higher than the 3MS valuation calculated at \$168 square metre plus the injurious affection outlined within the report. They are purchasing a 8ha super lot.

Currently WDC valuation is still well below three valuations that 3MS have served to WDC. At the \$124 square metre value assumed (ignoring the affect of betterment), 3MS are \$42,300,000 worse off financially between the current structure plan and the go alone option. The go alone option has significant benefits for WDC given the concerns raised around WDC future debt ceiling.

Below is a table that coarsely shows the difference in capital required to developed 800 sections across the land owned by 3MS and St Peter's. The numbers below don't included the capital costs of building the roundabout with underpass, and the Kelly Rd upgrade. I have estimated this at an additional \$12,000,000 required which is not listed below.

In short if WDC/3MS were to proceed based on the current structure plan WDC would need to have circa of \$81,000,000 of allocated capital that will be offset by \$41,000,000 of Development Contribution Revenue.

Under the 3MS go alone option WDC would need circa of \$35,500,000 of allocated capital that will be offset by \$29,000,000 of Development Contribution Revenue.

The difference between the two opportunities is an additional debt of \$12,000,000 plus the additional debt required for the other capital works projects being \$12,000,000 which equates to \$24,000,000 of unrecovered debt against the same section yield.

	WDC-3MS Scenario	3MS Only Scenario
WDC C2 Land/Infrastructure Costs	\$46,000,000	\$8,000,000
WDC C3 Land/Infrastructure Costs	\$33,000,000	\$25,500,000
WDC Cambridge Road Bulk Mains	\$2,000,000	\$2,000,000
TOTAL WDC Stage 1A Investment	\$81,000,000	\$35,500,000
ESTIMATED WDC REVENUE	\$41,000,000	\$29,000,000

Our go alone option doesn't compromise the structure plan and allows WDC greater flexibility as many of the big capital works projects can be delayed 5 to 7 years depending on Cambridge's growth profile.

The initial capital requirement from WDC is significantly reduced too which means if the market conditions change WDC aren't exposed as they would be under the WDC/3MS scenario. Another bonus for WDC is that 3MS at their own cost will provide much amenity within the stormwater reserve areas to a similar standard to St Kilda; this will be vested with WDC at no cost.

The information should not be ignored when assessing the options facing WDC.

Kind regards
 Matt, Mike and Mitch

=====

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 2 November 2020 8:23 am
To: Matt Smith
Subject: FW: 3MS / ST PETERS RECORD OF DISCUSSION

Here is my response.

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Tuesday, 1 September 2020 3:10 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

Thank you Lachlan I will respond fully shortly.

Regards

Helen

On 1/09/2020, at 1:13 PM, Lachlan Muldowney <lachlan@muldowney.co.nz> wrote:

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 *toing 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 MULDOWNY

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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 MULDOWNY

BARRISTER

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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 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 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

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Matt Smith

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Monday, 2 November 2020 4:52 pm
To: Helen Atkins
Cc: Matt Smith
Subject: RE: 3MS - Waipa DC

Thanks Helen. Regarding point 4 below, Matt has asked that I also advise Council that he is in close communication with MOE, and has kept them fully informed of the new development plans. They have confirmed they are comfortable with the direction being taken and have no issue conceptually with what 3MS is now proposing. This should give Council further comfort that this significant stakeholders is on board.

Regards,

Lachlan

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Monday, 2 November 2020 9:36 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS - Waipa DC

Dear Lachlan

I have conferred with the Council team – please see the responses in red below.

Helen

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 29 October 2020 6:16 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: 3MS - Waipa DC

Dear Helen,

Following our discussion last week set out below is an update on the current position;

1. As discussed, the pre-application meeting held on 23 October was disappointing. The views of Wayne, Tony and Richard were very entrenched. They considered the proposed application 'not in general accordance with the

Structure Plan' and raised fundamental issues of 'plan integrity'. They seemed adamant the application would require limited notification, and possibly public notification. Indeed Wayne suggested the application was likely to go 'all the way to the Environment Court'. The Council position appeared predisposed towards declining the application, which was presumably borne out of the frustration over the failed land acquisition negotiations. I trust you'll ensure 3MS can expect a level playing field in any consenting processing. I have been advised of at least two recent occasions (one in Te Awamutu and one in Cambridge) where infrastructure development has proceeded on a slightly different basis to that depicted in a Structure Plan. **Council will of course process any application for resource consent appropriately and in accordance with the statutory tests. Council have already determined that this application will be processed by an independent planner to avoid any concerns regarding pre-determination on Council's part.**

2. Returning to the land acquisition point, I note your advice that Mr Coakley has reviewed the Extensor valuation and appears open to revising his valuation on the basis of the assumptions identified in the Extensor valuation. While that is positive, it seems the parties are still too far apart for the negotiations to be brought back to life. I have reflected on whether there are any other ways of closing the gap but cannot identify any 'added value' opportunities for 3MS that would warrant accepting a figure less than their asking price. If you have any ideas I would be keen to hear them. I am also conscious that Council has never made any offer to 3MS. Any re-engagement of the negotiations would require that as a first essential step. **As discussed with you last week apart from the valuers conferring to see if they can get to an agreed figure I have not other suggestions as to breaking the impasse. Council has not made an offer because that next step of the valuers conferring is still to occur. Council has understood from 3MS that any offer below what they are seeking will be rejected. Hence no offer has been made.**
3. In the absence of any such offer from Council, 3MS is now committed to pursuing the alternative scheme plan, which sees the central infrastructure spine shifted west, off the 3MS land. I strongly encourage Council to consider the substantial benefits of the proposal. It will enable a significant amount of development to occur within the C2 Cell, fully in accordance with the structure plan, but without Council having to confront the significant capital expenditure that would otherwise be required. It will enable Council to fulfil its immediate obligations under the NPS-UD 2020 by ensuring zoned and serviced land is available in the short to medium term. **Council will consider the proposal as noted in 1 above once an application is made. Obviously it significantly affects other landowners that are not yet aware of it.**
4. I am advised that 3MS will now be committing circa \$200k to secure subdivision and land use consents to enable its alternative scheme plan. It is serious in its pursuit of this option and looks forward to working constructively with Council. While it is frustrating for both parties that the original proposal cannot be achieved, the new option is a win/win for both parties and 3MS remains committed to partnering with Council in developing the C2 Cell. **Thank you this is noted.**

As always, if any matters require discussion please give me a call.

Regards,

Lachlan

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Matt Smith

Subject: FW: 3MS - Waipa DC
Attachments: RE: External Sender: 3MS Valuation and Alternative Plan

From: Lachlan Muldowney
Sent: Wednesday, 4 November 2020 9:07 AM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: RE: 3MS - Waipa DC

Dear Helen,

Thank you for the response set out below.

I do not wish to spend time looking backwards, but I am compelled to address one point raised in your response where you note;

“Council has not made an offer because that next step of the valuers conferring is still to occur.”

This statement is in line with another statement made in your email to Matt Smith of 30 October which is **attached**, where you state;

“Council remains committed to completing the valuation process in the manner we have set out on a number of occasions – namely that the valuers confer to see if they can reach an agreement of the valuation, noting that this does not commit either party, but helps get them to the end point or closer to it.”

Regrettably, 3MS views these comments as an attempt by Council to rewrite history to enable it to point the finger at 3MS as say that they have not followed the “agreed process”, and that it is 3MS who are responsible for negotiations failing.

3MS will not stand by and allow Council to create this narrative to suit itself. Never was it agreed that after 3MS received its valuation would the valuers be required to meet and discuss differences. As you know, at the meeting held on 26 August Council made its position clear; it would not negotiate on price until 3MS had a registered valuation on the table to underpin its position. Reluctantly, 3MS recognised that this was a bottom line requirement for Council, and agreed to get a valuation, on the basis that the parties would then come together to negotiate.

In an open email communication to me after our meeting of 26 August you confirmed;

- 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.

Despite this clear process, after 3MS tabled its registered valuation, Council has changed the rules and required that before any further negotiation occur, the valuers must meet and confer. This step was never agreed and is a unilateral change to the agreed process that 3MS has rejected.

I do not wish to spend more time and cost addressing this issue, but am instructed to ensure that the record is clear on this point. After the valuation was provided, 3MS had a legitimate expectation that Council's negotiation team would engage. It didn't.

If Council continues to state that negotiations have failed due to 3MS' failure to adhere to the 'agreed process' 3MS will continue to correct the assertions.

Finally, despite the failed negotiations, 3MS will require Council to meet all of its reasonable costs incurred in the valuation and negotiation process. Those costs include valuer, legal and planning costs which are currently being compiled and will be forwarded to Council for payment.

Regards,

Lachlan

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From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Monday, 2 November 2020 9:36 AM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: RE: 3MS - Waipa DC

Dear Lachlan

I have conferred with the Council team – please see the responses in red below.

Helen

From: Lachlan Muldowney <lachlan@muldowney.co.nz>
Sent: Thursday, 29 October 2020 6:16 PM
To: Helen Atkins <helen.atkins@ahmlaw.nz>
Subject: 3MS - Waipa DC

Dear Helen,

Following our discussion last week set out below is an update on the current position;

1. As discussed, the pre-application meeting held on 23 October was disappointing. The views of Wayne, Tony and Richard were very entrenched. They considered the proposed application 'not in general accordance with the Structure Plan' and raised fundamental issues of 'plan integrity'. They seemed adamant the application would require limited notification, and possibly public notification. Indeed Wayne suggested the application was likely to go 'all the way to the Environment Court'. The Council position appeared predisposed towards declining the application, which was presumably borne out of the frustration over the failed land acquisition negotiations. I trust you'll ensure 3MS can expect a level playing field in any consenting processing. I have been advised of at least two recent occasions (one in Te Awamutu and one in Cambridge) where infrastructure development has proceeded on a slightly different basis to that depicted in a Structure Plan. **Council will of course process any application for resource consent appropriately and in accordance with the statutory tests. Council have already determined that this application will be processed by an independent planner to avoid any concerns regarding pre-determination on Council's part.**
2. Returning to the land acquisition point, I note your advice that Mr Coakley has reviewed the Extensor valuation and appears open to revising his valuation on the basis of the assumptions identified in the Extensor valuation. While that is positive, it seems the parties are still too far apart for the negotiations to be brought back to life. I have reflected on whether there are any other ways of closing the gap but cannot identify any 'added value' opportunities for 3MS that would warrant accepting a figure less than their asking price. If you have any ideas I would be keen to hear them. I am also conscious that Council has never made any offer to 3MS. Any re-engagement of the negotiations would require that as a first essential step. **As discussed with you last week apart from the valuers conferring to see if they can get to an agreed figure I have not other suggestions as to breaking the impasse. Council has not made an offer because that next step of the valuers conferring is still to occur. Council has understood from 3MS that any offer below what they are seeking will be rejected. Hence no offer has been made.**
3. In the absence of any such offer from Council, 3MS is now committed to pursuing the alternative scheme plan, which sees the central infrastructure spine shifted west, off the 3MS land. I strongly encourage Council to consider the substantial benefits of the proposal. It will enable a significant amount of development to occur within the C2 Cell, fully in accordance with the structure plan, but without Council having to confront the significant capital expenditure that would otherwise be required. It will enable Council to fulfil its immediate obligations under the NPS-UD 2020 by ensuring zoned and serviced land is available in the short to medium term. **Council will consider the proposal as noted in 1 above once an application is made. Obviously it significantly affects other landowners that are not yet aware of it.**
4. I am advised that 3MS will now be committing circa \$200k to secure subdivision and land use consents to enable its alternative scheme plan. It is serious in its pursuit of this option and looks forward to working constructively with Council. While it is frustrating for both parties that the original proposal cannot be achieved, the new option is a win/win for both parties and 3MS remains committed to partnering with Council in developing the C2 Cell. **Thank you this is noted.**

As always, if any matters require discussion please give me a call.

Regards,

Lachlan

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Matt Smith

Subject: FW: 3MS

From: Helen Atkins <helen.atkins@ahmlaw.nz>
Sent: Monday, November 16, 2020 3:56:07 PM
To: Lachlan Muldowney <lachlan@muldowney.co.nz>
Subject: Re: 3MS

Thank you Lachlan

I agree with all of this. I'll be back to you shortly with the proposal.

Helen

On 16/11/2020, at 3:51 PM, Lachlan Muldowney <lachlan@muldowney.co.nz> wrote:

Dear Helen,

Thanks for the meeting today. Please also pass on my thanks to Jim for his time.

Rather than a detailed record of the discussion I want to simply capture the essential takeaway points and actions as I saw them, using our agreed references of plan A and plan B:

1. 3Ms is moving forward with the new development plan (plan B).
2. WDC will process the plan B application with diligence, and has appointed Mark Batchelor as an independent planner. He has advised WDC that he will be solutions focussed in his approach to his planning assessment.
3. 3MS is likely to have the application lodged within the next few weeks. WDC anticipates some level of notification, but that decision will be made at the appropriate time under the RMA. As the processing occurs, collaboration regarding public communications will be necessary.
4. Both parties agree that the key issue with plan B will be its effect on those landowners now potentially affected by the central swale and transport corridor moving to the west.
5. WDC remains interested in exploring plan A, as per the structure plan, given it has invested heavily in this outcome, and the public has an expectation that it will be delivered.
6. WDC advises that it wants to 'put its best offer' to 3MS but cannot do that until a number of specific valuation related questions are addressed.
7. You will write to me setting out those specific points of clarification, and I will get a response for you. We can then discuss what, if any, next steps are to be taken towards WDC making an offer.
8. The process regarding any further valuation in respect of plan A is separate to the processing of plan B, which will proceed down ordinary RMA timeframes.

Happy to discuss and matters.

Regards,

Lachlan

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24 November 2020

Lachlan Muldowney
Barrister
PO Box 9169
Waikato Mail Centre
HAMILTON 3240

By email: lachlan@muldowney.co.nz

Dear Lachlan

3MS DEVELOPMENT – LAND ACQUISITION

1. I am authorised by Waipa District Council to set out what it sees as the end steps on the process around the valuation process that has stalled.
2. First, I want to set out some preliminary points that I hope will be helpful.
3. I understand 3MS were somewhat surprised that on receipt of its valuation, Council required the valuers to confer. For my part, I apologise if this step was not clear in communications from Council.
4. Secondly, I want to assure your client that Council has no preconceived view of what the value of the land is. Council relies on experts to assist it in this process.
5. Thirdly, while it is Council's hope that all acquisitions can proceed on a willing buyer/willing seller basis, such acquisitions are not the same as commercial sector ones. Council is a public entity dealing with public funds. It therefore must follow transparent, consistent and proper processes and procedures.
6. With this background as context, Council is wishing to have progress begun on the valuation of the 3MS land. Council is, of course, fully aware of 3MS alternative proposal that is still in the early stages.
7. Council sees the next steps as being:
 - (a) The valuers confer with a view to producing a joint statement, noting there are likely to be areas they disagree on;
 - (b) Council will consider that joint statement and pull together an offer to 3MS; and

(c) Negotiations can then begin between the parties to see if an agreement can be achieved.

8. If you could please take instructions on this that would be much appreciated.

Yours faithfully

ATKINS HOLM MAJUREY



Helen Atkins
Director

Direct dial: 09 304 0421
Email: helen.atkins@ahmlaw.nz

LACHLAN MULDOWNNEY
BARRISTER

25 November 2020

Atkins Holm Majurey
Lawyers
PO Box 1585
Shortland St
Auckland 1010

By email: helen.atkins@ahmlaw.co.nz

Dear Helen

RE: 3MS of Cambridge Ltd – Waipa District Council

1. I refer to your letter of 24 November 2020 and am instructed as follows.
2. Council's suggested next steps in respect of the valuation exercise are unacceptable to 3MS.
3. It was made clear to you and Mayor Mylchreest at our meeting on 16 November 2020 that 3MS was pursuing its alternative development plan, and that it had no intention of looking backwards and revisiting the valuation exercise. Nevertheless, I acknowledged that 3MS could not stop Council presenting any offer to purchase the land, noting no offer had yet been made.
4. This was acknowledged by both you and Mayor Mylchreest, and you indicated that Council remained interested in the valuers meeting, in order to resolve certain questions, and that once those questions were resolved, Council would be in a position to make its offer.
5. I reiterated that 3MS objected to putting the valuers together to confer, but that if Council insisted on pursuing these valuation questions, the questions could be put to me, via yourself. From there I would arrange the necessary response from the valuer. You accepted that proposition, as recorded in our email exchange of 16 November 2020, where at points six and seven I expressly state; *WDC advises that it wants to 'put its best offer' to 3MS but cannot do that until a number of specific valuation related questions are addressed. You will write to me setting out those specific points of clarification, and I will get a response for you. We can then*

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A Panama Square, 14 Garden Place, Hamilton

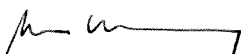
PO Box 9169, Waikato Mail Centre, Hamilton, 3240

www.lachlanmuldowney.co.nz

discuss what, if any, next steps are to be taken towards WDC making an offer. In your email response you confirmed agreement.

6. It is therefore somewhat perplexing and extremely disappointing to 3MS that your letter of 24 November now suggests a very different approach, namely that the valuers confer and produce a joint statement. 3MS can only conclude that Council is consciously selecting a negotiation path that it knows 3MS will not agree to.
7. This departure from the agreed path once again erodes any confidence 3MS has in Council's willingness to engage in good faith negotiations.
8. 3MS has incurred significant legal, valuation, and consulting fees in response to Council's signalled intent to purchase its land, which it requires be met by Council. It is currently collating those costs and will provide them directly to Council. Please confirm that in accordance with the principle of 'full compensation' arising under a compulsory land acquisition, and s 60 of the Public Works Act 1981, that Council will now meet these costs, noting that Council's obligation to pay is not contingent on a successfully concluded negotiation. I note also that in the present circumstances Council's obligation to meet these costs is particularly clear, given it insisted on 3MS procuring a valuation.
9. Returning to the valuation issues, 3MS has no current intention of selling its land to Council. Accordingly, it sees no purpose is served by having the valuers confer, as you suggest.

Yours faithfully,



Lachlan Muldowney
Barrister

CC: 3MS of Cambridge Ltd



APPENDIX D

Engineering Report

PROJECT

3MS RESIDENTIAL DEVELOPMENT

REPORT

ENGINEERING DESIGN STATEMENT



8 December 2020 (Revision 4)

Prepared for 3MS of Cambridge GP Ltd

Table of Contents

1	Introduction	1
2	Scope	4
3	Design Inputs	5
4	Constraints	8
5	Standards and References	9
6	Engineering Solutions	11

Appendices

Appendix A – Structure Plan Integration Plans

Appendix B – 3MS Master Plan

Appendix C – 3-Waters Assessment Report

Appendix D – Geotechnical Technical Suitability Report

1 Introduction

3Ms of Cambridge GP Ltd (3MS) are developing residential subdivision on the western edge of the township of Cambridge, Waikato. The development is located within a new structure plan area made up of three individual growth cells; C1, C2 and C3 (refer to figure 1 below). The 3MS development is a 40Ha residential development is located in southeast corner of the C2 growth cell.

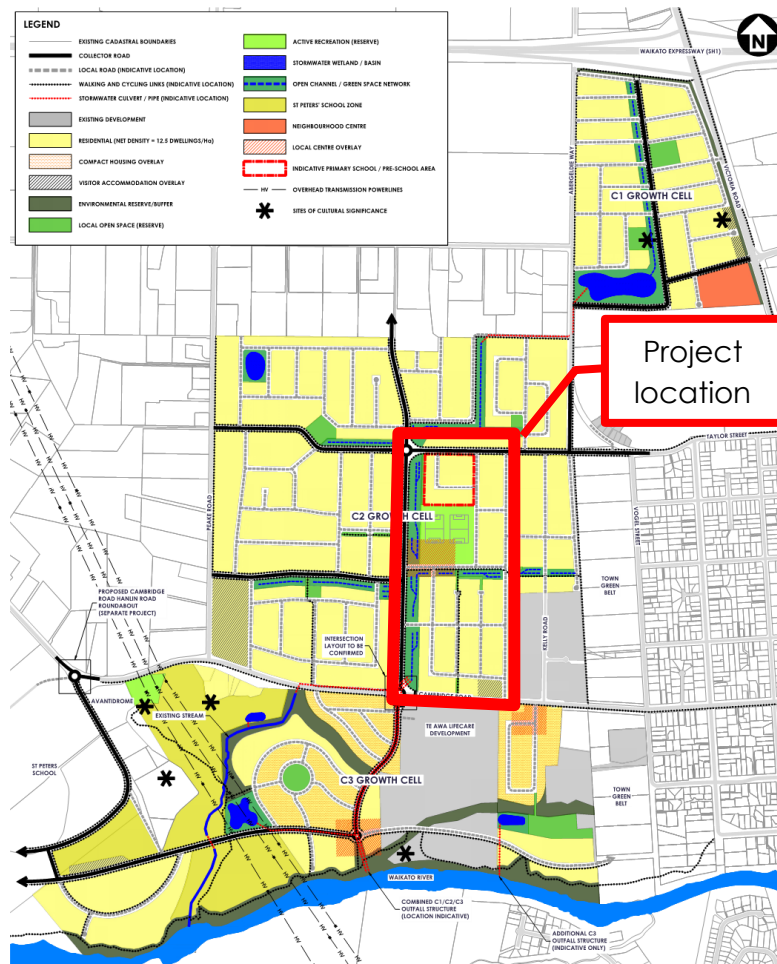


Figure 1 – Structure plan area (C1, C2 and C3 growth cells)

The project involves the development of infrastructure within the site to accommodate ~300 new residential sites along with 8.6Ha retirement village development, neighbour centre and new 4.0Ha school site. The development site also includes strategic development infrastructure required to service the wider structure plan area (to be delivered by Waipa District Council). The subdivision is expected to be developed over several stages with the initial stage focussing on the delivery of the school site.

An extensive review of the planning and infrastructure requirement for the C1, C2 and C3 growth cell areas has already been completed by WDC as part of the structure plan development. This document demonstrates how the proposed development delivers a subdivision in general accordance with the approved structure plan and provides for future development within the balance of structure plan area.

1.1 Location and site description

The current 3MS development site is a 40Ha rural section located at 1863 & 1871 Cambridge Road, Cambridge. This property was previously a dry stock farm with flat topography. Drainage for the site is provided through existing farm drains which discharge into the Waikato River via an existing culvert under Cambridge Road to the west of the site and stream to the south.

The development site has a single road frontage on Cambridge as the primary point of access to the south. The site is surrounded by neighbouring rural properties to the north and west and adjoin the existing Kelly Road residential development to the east.

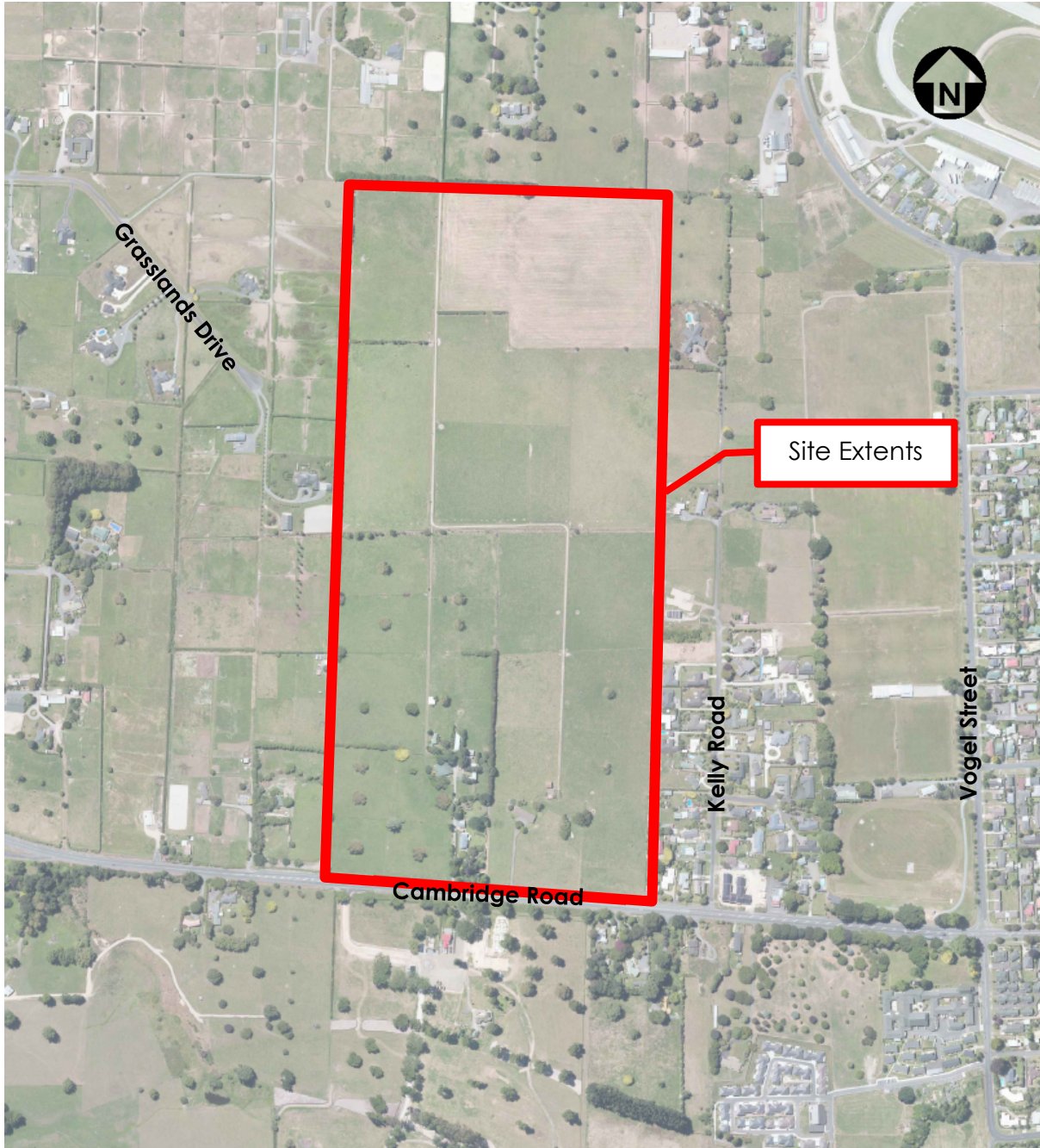


Figure 2 – Project site location

1.2 Document purpose

The purpose of this document is to detail the specific infrastructure required to service the proposed 3MS development and confirm the subdivision can be adequately serviced through the new and existing service networks. It also confirms the philosophies, standards, design parameters and key assumptions to be used in the detailed design of development infrastructure.

2 Scope

This report has been developed to provide specific information and guidance for development of the following infrastructure designs within the proposed growth cell areas;

- Bulk earthworks
- Roads, footpaths and cycle facilities
- Stormwater
- Wastewater
- Water supply

The following aspects are not currently covered by this document;

- Landscaping
- Street lighting
- Reserves and public spaces

It is expected that further details and guidance will be added to this document as the project developments.

3 Design Inputs

This section outlines the key inputs collated for the development of infrastructure designs for the of the structure plan to date. Information has been obtained from a range of third-party sources with varying levels of detail and accuracy¹.

3.1 Survey information

3.1.1 Lidar survey

2008 Lidar files for the structure plan area were sourced from Waikato Regional Council (WRC) on 19th October 2017. The information was supplied in NZTM projection and has been converted to Mount Eden 2000 projection by Cogswell Surveys Ltd.

3.1.2 Topographical survey

The following table contains a list of the topographical survey information collected relating to the growth cell areas.

Description	Approx extents	Source
3d Topographical GPS data from Victor Jia property (C2 growth cell)	45Ha	Churchill Timms Ltd

Table 1 - Survey information sources

3.1.3 Aerial photography

2016 aerial photography were sourced from Waipa District Council on 10th November 2017 in enhanced compression wavelet format (.ecw). This information was supplied in NZTM project and converted to Mount Eden 2000 projection for design.

¹ Information received from third party sources is included in this document but has not been independently verified.

3.3 Services information

3.3.1 Three waters

Electronic network layout information was sourced from Waipa District council from the GIS system. Information on stormwater, wastewater and water supply assets were obtained and current as at October 2017.

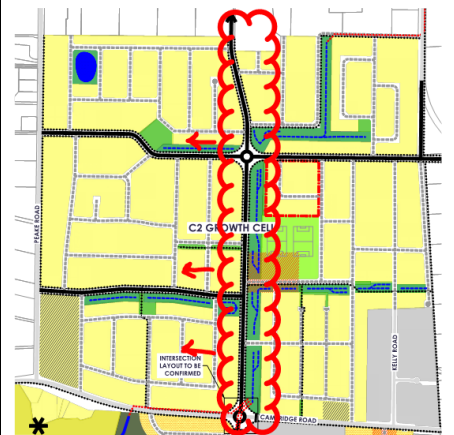
3.3.2 Utilities

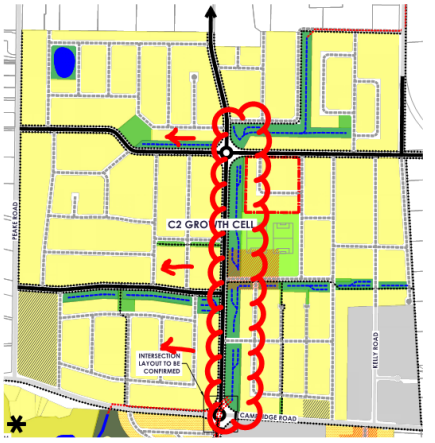
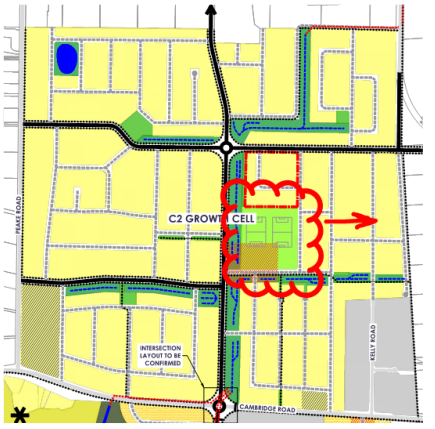
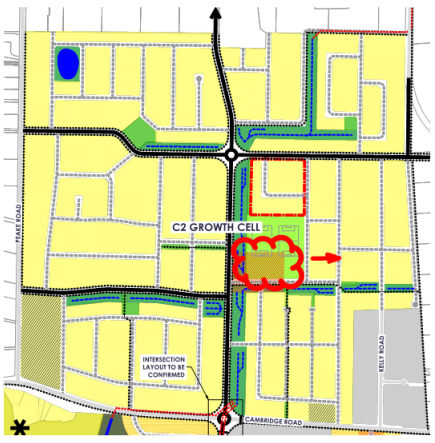
Information was obtained from the following service providers via a B4UDIG request (dated 15th October 2017);

- Chorus (telecommunications/fibre)
- First Gas (gas network)
- Ultrafast (fibre)
- LINZ (survey marks)

3.4 Structure plan integration

The approved structure plan has been used as the basis for coordination of services and integration with future development areas adjoining the property. 3MS have been working closely with WDC on the integration of their proposed subdivision with the structure plan to ensure the development is in general accordance with the approved structure plan. To achieve this the following minor adjustments have been proposed to the current structure plan layout;

Adjustment	Comments	Justification
C2 Central Collector Road shifted by 100m to the west		<ul style="list-style-type: none"> • Provides same connectivity and access within C2 growth cell • Delays WDC investment in central roading infrastructure reducing short-term council debt (i.e. lower interest costs)

Adjustment	Comments	Justification
<p>C2 Central Stormwater Swale shifted by 100-200m to the west</p>		<ul style="list-style-type: none"> • Provides same stormwater network outcomes treatment for sub-catchments within C2 growth cell • Delays WDC investment in central stormwater infrastructure reducing short-term council debt (i.e. lower interest costs)
<p>C2 Active Recreational Reserve to be relocated within C2 growth cell (new location to be confirmed by WDC)</p>		<ul style="list-style-type: none"> • Delays WDC investment in central recreational reserve infrastructure reducing short-term council debt (i.e. lower interest costs)
<p>C2 Local Neighbourhood Centre site location shifted ~240m to the east</p>		<ul style="list-style-type: none"> • Provides same recreational facilities within C2 growth cell • Improves connection with the adjacent town belt reserve • Delays WDC investment in central recreational reserve infrastructure reducing short-term council debt (i.e. lower interest costs)

Refer to **Appendix A** for a plan showing how the above changes have been integrated into the structure plan and coordinated with the proposed 3MS development. Specific details on how the above adjustments have been accommodated within the proposed engineering solutions to service the 3MS development is detailed in Section 6 of this report.

4 Constraints

This section summarises some of the existing constraints identified within or adjoining the 3MS development site. These constraints may impact proposed infrastructure designs and should be considered as part of any proposed solutions.

4.1 Existing developments

4.1.1 Kelly Road residential development

The existing ground levels at the rear of the existing residential properties on Kelly Road (adjoining the eastern boundary) are not to be altered by the project works

4.1.2 Groundwater levels

Site measurements of groundwater taken as part of previous geotechnical investigations show ground water levels within the site are within 2m of existing ground in some part of the site. These levels will limit and/or set the allowable levels for infrastructure throughout the development (i.e. roads and pipe networks).

4.1.3 WDC strategic infrastructure

WDC have completed master planning of infrastructure requirements across all growth cells within the C1 and C2/C3 structure plan area to confirm the strategic infrastructure required to service these development areas. There a number of WDC infrastructure assets have been identified as being located within, or adjacent to, the 3MS development site which will need to interface and coordinate with the design of the 3MS development. Specific WDC projects these are as follows;

- New C2/C3 Intersection and Cambridge Road Upgrade
- C2 Eastern Stormwater Swale
- C2 Terminal Wastewater Pump Station and Rising Main

The proposed 3MS engineering solution demonstrates how these projects have been integrated into the adjusted structure plan (refer to Section 3.4 above) and coordinated with the proposed 3MS development.

5 Standards and References

This following table outlines the design standards and references to be used for design of infrastructure solutions for the 3MS development.

Standard / Reference	Issue	Comments
<i>General</i>		
WDC Development and Subdivision Manual	May 2015	
Regional Infrastructure Technical Specification (RITS)	May 2018	
NZS 4404:2010 Land Development and Subdivision Infrastructure	October 2010	
<i>Earthworks</i>		
Ministry of Business, Innovation & Employment: Planning and engineering guidance for potentially liquefaction-prone land	September 2017	
<i>Roading</i>		
Austrroads Guide to Road Design Part 3: Geometric Design	September 2016	
Austrroads Guide to Road Design Part 4: Intersections and Crossings (General)	June 2017	
Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections	June 2017	
Austrroads Guide to Road Design Part 4B: Roundabouts	December 2015	
Austrroads Guide to Road Design Part 6: Roundabouts	December 2015	
NZTA Manual of traffic, signs and marking Part 1 and 2 (MOTSAM)	August 2010	
NZTA Traffic Control Devices Manual (TCD)	August 2015	
<i>Cycling and Pedestrians</i>		
Austrroads Guide to Road Design Part 6A: Paths for Walking and Cycling	June 2017	
RTS 14 Guidelines for facilities for blind and vision impaired pedestrians	May 2015	
Design Manual for Bicycle Traffic: CROW Fietsberaad 2016	December 2016	
Christchurch Cycle Design Guidelines: Christchurch City Council	July 2016	

Standard / Reference	Issue	Comments
<i>Stormwater</i>		
Austrroads Guide to Road Design Part 5: Drainage (General and Hydrology Considerations)	May 2013	
Austrroads Guide to Road Design Part 5B: Drainage (Open Channels, Culvert and Floodways)	May 2013	
Auckland City Council Technical Publication 10 – Stormwater Management Devices: Design Guidelines Manual 2003 (TP10)	May 2003	

Table 2 - Standards and reference documents

6 Engineering Solutions

6.1 Earthworks

6.1.1 Design philosophy

The following is a description of the earthworks design philosophy for the 3MS development;

- Moderate contouring of development site to achieve suitable lot levels and stormwater grading requirements.
- Overland flow paths for the stormwater to be located within public reserves (where possible).
- The design shall optimise the project earthworks requirements with an aim to reduce the amount of fill required to be disposed of off-site during future stages of the project

6.1.2 Key assumptions

The following are some key assumptions relating to earthworks design;

- Residential lots to be graded as flat as can be achieved with a minimum grade of 0.5% applied where possible. Areas of the site may require batters or low retaining structure (up to 1.5m high) where specific stormwater grading requirements interface with minimum lot levels.
- Minimum batter slopes of 1V:4H to be used
- Individual lot owners will be responsible for completing specific geotechnical investigation and foundation design for future buildings.

Refer to **Appendix D** for a copy of the **Preliminary Geotechnical Investigation and Site Suitability Report** which includes a detailed summary of site geotechnical parameters and information to be used as part of the design (prepared by BTW Consultants).

6.2 Roads, footpaths and cycle facilities

6.2.1 Design philosophy

The following is a description of the transportation network design philosophy for the 3MS development;

- **Development to ‘deliver a cyclist/pedestrian focussed transport network that also serves cars’** – this is an approach that aligns closely with the key objectives outlined in the “Waipa District Cycling & Walking Strategy” (2008) by;
 - **Delivering “an environment that supports cycling”**
 - **Encouraging “more people cycling more often”**
 - **Providing “improved safety for cyclists”**

This concept is a departure from the traditional approach to transport system design which tends to prioritise the requirements for cars/trucks ahead of other modes of transport.

- Hierarchical pattern for the pedestrian and cycling network; strategic, collector and local connections
- A pedestrian and cycling network integrated with local public transport routes and supported by a high level of amenity/facilities (i.e. seating, lighting, refuse stations, cycle stands and maintenance facilities, refreshment stations)
- Hierarchical roading pattern for internal streets; Collector Roads, Local Roads and Local Access Roads
- Transport network is to provide connections to the wider existing and future transport networks (in accordance with the approved structure plan)

Refer to **Appendix B** for a copy of the proposed walking and cycling strategy for the development which demonstrates key elements noted above.

6.2.2 Key assumptions

The following are some key assumptions relating to the transportation design;

- Main traffic access for the development to be via central and northern collector roads within the C2 growth cell
- On road cycle facilities and off-road shared paths to be provided on all Collector Roads
- Shared paths or footpaths to be provided on both sides of all roads
- Cycle movements will be prioritised on strategic corridors/connections
- Pedestrian and cycle network to integrate with nominated transport corridors and connections within the approved structure plan to ensure fully connectivity with the future developments and neighbourhood destinations

6.2.3 Structure Plan Integration

Figure 4 below demonstrates how the proposed 3MS roading layout will integrate with the wider transport network proposed for the wider structure plan area.

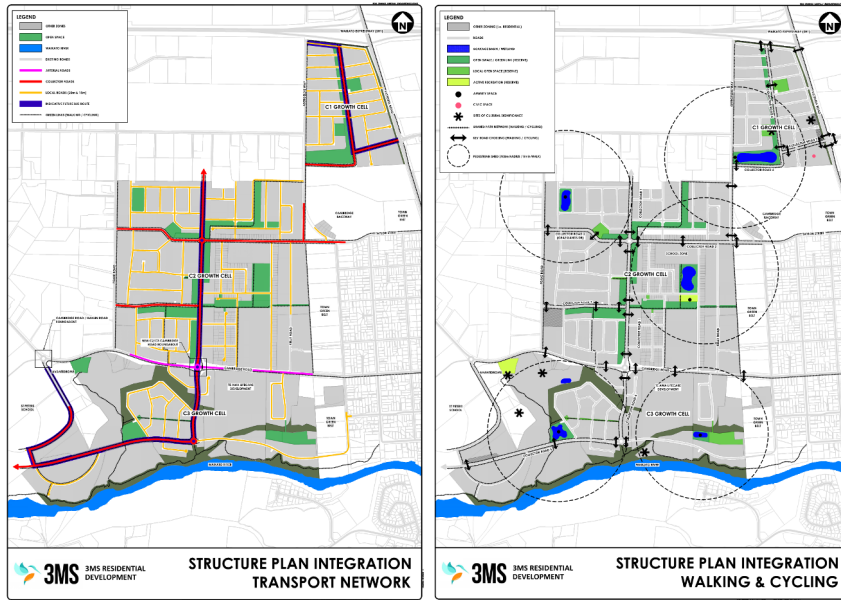


Figure 3 - Structure Plan Integration (Transport Network & Walking/Cycling)

The proposed roading layout includes key local road connections providing linkages with the central C2 collector road on the eastern boundary of the site which forms part of the wider structure plan. Road connections on the Cambridge Road frontage has also been developed to allow for a staged delivery which integrates with planned upgrades required as part of the structure plan network.

Key pedestrian and cycling routes and links through the 3MS development have also been provided in accordance with the structure plan (refer to **Appendix B** for further details).

6.2.4 Road hierarchy and classification

The following road classifications have been assumed for the design:

Road Name	Classification
<i>Existing Roads²</i>	
Cambridge Road	Arterial
<i>Proposed Roads</i>	
C2 North-eastern Collector Road	Collector

² Existing classification based on Waipa District Plan, Appendix T5 – Road Hierarchy (November 2016)

Road Name	Classification
Road 10	Local Road
Road 11	Local Road
Road 12	Local Road
Road 13	Local Access Road
Road 14	Local Access Road
Road 15	Local Road
Road 16	Local Access Road
Road 17	Local Road
Road 18	Local Access Road
Road 20	Local Road
Road 21	Local Road
Road 22	Local Access Road
Road 23	Local Road
Road 30	Local Road

Table 3 - Road hierarchy and classification

Refer to **Appendix B** for a general arrangement of the proposed roading network within the development including the roads listed above.

6.2.5 Speeds parameters

The following table outlines the posted and design speeds used for geometric design.

Road Name	Current Posted speed	Proposed Posted speed	Proposed Design Speed
Cambridge Road	80	50	-
C2 Central Collector Road	-	40	50
C2 North-eastern Collector Road	-	40	50
Road 10	-	30	30
Road 11	-	30	30
Road 12	-	30	30
Road 13	-	30	30
Road 14	-	30	30
Road 15	-	30	30
Road 16	-	30	30
Road 17	-	30	30
Road 18	-	30	30

Road Name	Current Posted speed	Proposed Posted speed	Proposed Design Speed
Road 19	-	30	30
Road 20	-	30	30
Road 21	-	30	30
Road 22	-	30	30
Road 23	-	30	30
Road 24	-	30	30
Road 30	-	30	30
Road 31	-	30	30

Table 4 - Speed parameters

6.2.6 Geometric elements

6.2.6.1 Typical cross section

The initial dimensions to be used for each of the cross-sectional elements under each road classification has been taken from the current structure plan and are noted in the tables below. It is expected that further development of the typical road cross sections will be undertaken as the design progresses to provide more detail and better alignment with urban design outcomes.

Collector Road (25m Reserve)	
Traffic lanes:	3.5m
Flush median:	2.5m
Shoulder:	None
Kerb profile:	WDC barrier kerb
Road-cycleway separation (raised planted median):	1.5m
Two-way cycleway lanes:	2.0m (4.0m total width)
Planted berm:	1.6m (LHS) & 1.4m (RHS)
Grass berm:	1.6m (LHS only)
Footpath:	1.8m (both sides)
Utilities corridor:	1.8m (both sides)
Parking bays:	3.2m (where present)

Local Road (20m Reserve)	
Traffic lanes:	3.0m
Shoulder:	None
Kerb profile:	WDC barrier kerb
Planted berm:	2.5m (both sides)
Shared path:	3.0m (both sides)
Utilities corridor:	1.5m
Parking bays:	2.5m (where present)

Local Road (20m Reserve – Strategic Connection)	
Traffic lanes:	3.0m
Shoulder:	None
Kerb profile:	WDC barrier kerb
Road-cycleway separation (raised planted median):	1.7m
Planted berm:	2.5m (LHS only)
Shared path:	3.0m (LHS) & 3.3m (RHS)
Utilities corridor:	1.5m (LHS) & 2.0m (RHS)
Parking bays:	2.5m (where present)

Local Access Road (17m Reserve - Standard)	
Traffic lanes:	3.0m
Shoulder:	None
Kerb profile:	WDC barrier kerb
Grass berm:	2.5m (both sides)
Shared path:	3.0m (LHS only)
Footpath:	1.5m (RHS only)
Utilities corridor:	0.75m
Parking bays:	2.5m (where present)

In addition to the above cross-sectional elements the following pedestrian and cycling amenities to be included as part of the design;

- Seating at regular intervals
- Low level lighting on shared paths/cycle lanes (where required)
- Refreshment stations (i.e. drinking fountains and drink bottle fillers)
- Cycle stands at key destinations
- Refuse stations (i.e. rubbish bins)
- Route maps (including cultural/heritage references where appropriate)

Refer to **Appendix B** for further details on the typical road cross sections listed above.

6.2.6.2 Geometric parameters

The following geometric parameters have been adopted;

- **Driver reaction time: 2.0s** (General minimum value for most road types – Austroads Part 3; Table 5.2)
- **Longitudinal deceleration coefficient: 0.36 for cars** (desirable maximum for most urban and rural road types – Austroads Part 3; Table 5.3)
- **Longitudinal deceleration coefficient: 0.36 for trucks** (desirable maximum for most urban and rural road types – Austroads Part 3; Table 5.3)
- Curves with Adverse Crossfall; adverse cross fall shall not exceed 3% except in urban areas with an operating speed less than or equal to 70km/hr. Minimum horizontal radii with adverse crossfall criteria to be based on Austroads Part 3; Table 7.10.
- Sight lines at intersections (Austroads Part 4A)
- Sight lines at pedestrian and cycling crossing locations shall be kept clear and protected with 'no stopping at all times' markings (where appropriate) and aligned with safe stopping distances and an appropriate operating speed environment

6.2.6.3 Horizontal alignment

Horizontal alignments of road within the subdivision is based on the urban design layout developed in association with urban designers from ChowHill Consultants. The proposed roads network generally follows a grid type formation with no horizontal curvature; similar to existing street patterns within the wider Cambridge township (refer to **Appendix B** for further details).

6.2.6.4 Vertical alignment

The vertical alignment of new road alignments will be designed to meeting the following minimum requirements.

Parameter	Value	Reference
Minimum gradient	0.4%	Regional Technical Infrastructure Specification (RITS), Section 3.3.2.5
Minimum curve length	20m (Vd<50 & A>1%) 10m (Vd<50 & A<1%)	Regional Technical Infrastructure Specification (RITS), Section 3.3.2.6

6.2.6.5 Intersection form

At-grade intersections to be specified for all intersection locations using standard junction layouts. Table 5 provides some indicative intersection forms to be used for the development (subject to confirmation).

Location	Intersection form
<i>General:</i>	
Collector Road / Local Road	<p>Urban Channelised T-Junction - CHR(S) with provision for priority cycleway access on side road; i.e.</p>
Local Road / Local Road	<p>Urban Basic Right-turn Treatment – BAR with <u>specific speed reduction design elements (i.e. raised table)</u>; i.e.</p>


Location	Intersection form
Local Road / Local Access Road	<p>Unchannelised and 'Giveaway Controlled' T-Junction or cross roads with <u>specific speed reduction design elements (i.e. raised table)</u>; i.e.</p> 

Table 5 - Indicative intersection form

Consideration should be given to the intersection spacing requirements as the roading network layout is refined. Typical intersection spacings are noted in Table 6 below.

Road type	Side road spacing	Reference
Local Road	Same side – 60m Opposite sides – 30m	Regional Technical Infrastructure Specification (RITS), Table 3-4
Collector Road	Same side – 90m Opposite sides – 45m	Regional Technical Infrastructure Specification (RITS), Table 3-4

Table 6 - Intersection spacing

Further work to determine the final form of individual intersections as part of finalising the development layout.

6.2.6.6 Cul-de-sacs

The general layout for cul-de-sac heads is outlined in Table 7.

Road type	Proposed Layout	Reference
Road 13	Offset bulbous head (9.0m radius)	
Road 14	Offset bulbous head (9.0m radius)	
Road 18	Offset head with parking	Regional Technical Infrastructure Specification (RITS), D3.1.7

Table 7 – Cul-de-sac form

6.2.6.7 Private ways

Private accesses are to be provided in situations where two or more sections do not have direct access on to the adjacent road reserve. These accesses are to be based on the following design criteria.

Parameter	Value	Reference
Carriageway width	3.0m (2 to 3 household units) 5.0m (4 to 6 household units)	Waipa District Council Operative District Plan; Appendix T4
Minimum curve radius	20m (at inside of curve)	Regional Technical Infrastructure Specification (RITS), Section 3.3.11.4

6.2.6.8 Parking

Recessed parking bays to be provided on both Load Road and Local Access Roads to meet development parking requirements. Table 8 below outlines some initial guidelines for parking provisions within the development areas.

Provision	Requirement	Reference
Parking spaces required	Local (through road) – 1 park per lot Local (cul-de-sac) – 0.75 park per lot	WDC Development and Subdivision Manual, Section 3, Table 1
Parking bay width	Collector – 3.1m Local – 2.5m	
Parking bay length	6.6m (standard bay)	Regional Technical Infrastructure Specification (RITS), D3.1.8

Table 8 - Parking requirements

Specific parking provisions for individual development areas to be confirmed as part of final development layout.

6.3 Stormwater

6.3.1 Design philosophy

The following is a description of the stormwater design philosophy for the 3MS development;

- *Develop a technically sound and workable overall stormwater management system for the 3MS development that provides site drainage and flood protection while working with other urban design elements of the development.*
- *Design a stormwater system that meets the WDC level of service requirements (as defined within the RITS)*
- *Implement site specific stormwater management within the framework outlined within the SMP for the C2 growth cell in accordance with WDC's global discharge consent.*

6.3.2 Key assumptions

The following is a list of assumptions relating to the stormwater design;

- *All water within the 3MS development site to managed within the property as part of the initial development phase*
- *The 3MS stormwater system must integrate with the stormwater network proposed for the wider structure plan area*
- *The 'trunk swale' and downstream piped outlet will be constructed by WDC in the future in accordance with approved Stormwater Management Plan (SMP)*

6.3.3 Structure Plan Integration

Figure 4 below demonstrates how the proposed 3MS stormwater solution will integrate with the wider stormwater network proposed for the wider structure plan area.

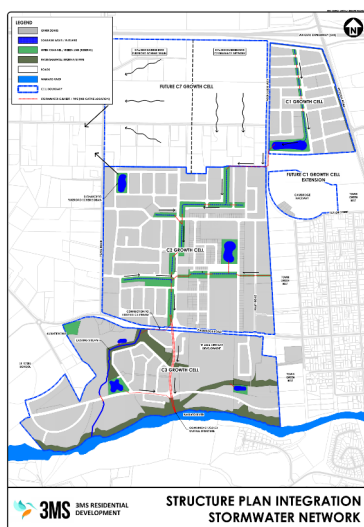


Figure 4 - Structure Plan Integration (Stormwater Network)

The main feature of this network is the east-west stormwater connection that passes through the centre of the 3MS site. The proposed 3MS stormwater solution will provide this east-west connection through the establishment of large forebays which can be upgraded in the future to function as the conveyance swales proposed in this location as part of the SMP (refer to the 3-Waters Assessment Report in **Appendix C** for further details).

6.3.4 SMP compliance

The following is a summary of the LID points proposed 3MS stormwater solution.

Typical components	Waikato Catchment - C2 south (9 points with no natural waterways within the development)	3MS Approach	Points
LID Devices	TOTAL MINIMUM REQUIRED IS 5 POINTS		6
Infiltration devices to reduce runoff volume.	Meeting the capture and infiltration requirements for the 10-year ARI event for 100% of the site.	Sized as part of 3MS consent application	6
Source Control	TOTAL MINIMUM REQUIRED IS 4 POINTS		4
Use of building or site materials that do not contaminate	Residential roofs gutters, downspouts made of non-contaminant leaching materials (assuming 50% or residential and commercial)	Developers Tool Box	1
Water re-use	Site use for garden watering and for non-potable inside waters uses including laundry and toilets is 3 points	Developers Tool Box	3
TOTAL POINTS			10

The above table shows the proposed 3MS stormwater solution easily achieves the required points required through the SMP (refer to the 3-Waters Assessment Report in **Appendix C** for further details).

6.3.5 Design parameters

Refer to **Appendix C** for a copy of the **3-Waters Assessment Report** which includes a detailed summary of stormwater parameters and information to be used as part of the design (prepared by Harrison Grierson Consultants).

6.4 Wastewater

6.4.1 Design philosophy

The following is a description of the wastewater design philosophy for the 3MS development;

- *The 3MS development to be serviced by gravity reticulation networks discharging into a central wastewater pump stations within the catchment*
- *The wastewater reticulation design will need to provide for future development of the rest of this C2 cell*

6.4.2 Key assumptions

The following is a list of assumptions relating to the wastewater design;

- *There shall be no allowance made in the design for wastewater flows from existing catchments (i.e. Kelly Road)*
- *Any upgrades required to the existing network in the vicinity of Cambridge Road, Vogel Street and Vogel Place to meet additional wastewater demand from the new growth cell areas will be completed by WDC prior to the completion of the first development stage.*

6.4.3 Structure Plan Integration

The proposed 3MS wastewater solution will provide the initial C2 terminal wastewater pump station forming the central wastewater collection network for the C2 growth cell. This approach is consistent with the proposed wastewater servicing strategy outlined in the structure plan and will allow WDC to install additional upstream pump stations in the future to service future development within the wider C2 growth cell area. To accommodate this strategy within the 3MS gravity network the following provisions will be included;

- *Upsizing of key gravity pipelines to accommodate discharges from future WDC wastewater pump stations to the west and north of the site*
- *Positioning connection points to the wastewater network at the boundary of the site to allow for future connections without affecting completed development infrastructure*

Refer to the 3-Waters Assessment Report in **Appendix C** for further details.

6.4.4 Design parameters

Refer to **Appendix C** for a copy of the **3-Waters Assessment Report** which includes a detailed summary of wastewater parameters and information to be used as part of the design (prepared by Harrison Grierson Consultants).

6.5 Water Supply

6.5.1 Design philosophy

The following is a description of the water supply design philosophy for the 3MS development;

- *The primary water supply connection for the 3MS site into the Cambridge reticulation is from the existing DN200 on Cambridge Road.*
- *WDC bulk water mains to be provided within the 3Ms development to form part of the network servicing the wider structure plan area.*

6.5.2 Key assumptions

The following is a list of assumptions relating to the water supply design;

- *It is assumed that the existing Cambridge gravity water network will have sufficient pressure / flow to supply the 3MS site, without the need for any booster pumps.*
- *WDC will utilise the existing water supply town reticulation model for Cambridge to assess any impacts on existing infrastructure.*

6.5.3 Structure Plan Integration

The proposed 3MS water supply solution will include the initial north-south bulk main along with bulk mains within the new collector road at the north end of the site. These strategic water supply pipelines form the initial stages of the water supply network for the C2 growth cell. This approach is consistent with the proposed water supply network outlined in the structure plan and will allow WDC to service future to service further development within the wider C2 growth cell area through future connection to these main. Refer to the 3-Waters Assessment Report in **Appendix C** for further details.

6.5.4 Design parameters

Refer to **Appendix C** for a copy of the **3-Waters Assessment Report** which includes a detailed summary of water supply parameters and information to be used as part of the design (prepared by Harrison Grierson Consultants).

6.6 Utility Services

6.6.1 Design philosophy

The following is a description of the utility services design philosophy for the 3MS development;

- *Main connections to service 3MS development to be taken from existing services on Cambridge Road*
- *Allowance for future service connections to service future development within tC2 growth cell to be provided within local and collector road links*

6.6.2 Key assumptions

The following is a list of assumptions relating to the utility services design;

- *Existing overhead power lines on Cambridge Road to be undergrounded by Waipa Networks as part of the development (separate WDC project)*
- *Sufficient capacity is available within the existing utility networks to service the 3MS development*

6.6.3 Structure Plan Integration

The proposed 3MS development will provide common services trenches within road services to allow for the installation of utility networks across the subdivision. Utility networks will be sized³ to accommodate future development within the C2 growth cell where required.

6.6.4 Design parameters

6.6.4.1 Common services trenches

Table 9 below outlines initial dimensions have been specified for common services trenches in new road reserves for the provision of utility services.

Table 9 - Parking requirements

Common services trenches	
Cambridge Road Widening (southern side only)	2.0m
Collector Road	1.8m (both sides)
Local Roads	1.5m (both sides)
Local Access Roads	0.75m (both sides)

³ Design networks to be completed by individual utility providers (separate projects)

6.6.4.2 Power supply

3MS have engaged with Waipa Networks regarding the provision for power supply with the proposed subdivision. A preliminary design has been developed which will be updated to reflect the final development as part of the detailed design process.

6.6.4.3 Telecommunications network

3MS have engaged with had initial discussion with Ultrafast Fibre regarding the provision for power supply with the proposed subdivision. A preliminary design will be developed as part of the detailed design process to accommodate the development and future development within the C2 growth cell.

6.6.4.4 Gas supply

3MS have engaged with had initial discussion with FirstGas regarding the provision for gas supply with the proposed subdivision. A preliminary design will be developed as part of the detailed design process to accommodate the development along with a final decision on whether this service will be provided within the development.