

BEFORE HEARING COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

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

SUBMISSIONS IN REPLY ON BEHALF OF 3MS OF CAMBRIDGE GP LIMITED

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INTRODUCTION

1. These submissions in reply, on behalf of 3MS, focus on the key issues arising from the hearing of this application held on 26 and 27 May 2021. Those issues can be summarised as:
 - a) Deferred residential zoning, activity status and s 104D gateway test
 - b) Status and planning effect of the structure plan
 - c) Actual and potential effects on land within C2/C3 growth cells and any resource management issues arising
 - d) Section 42A author's recommended conditions to preserve infrastructure corridor options for Council
 - e) The Sports Fields
 - f) NPS-UD and its significance in the overall evaluation under s 104 of the RMA
 - g) Conditions

KEY ISSUES

Deferred residential zoning, activity status and s 104D gateway test

2. The question of activity status, and how to correctly assess the application in the context of the deferred zoning, which is subject to a live plan change (**PC13**), was identified by the commissioners as a key issue, and one which required clarification. Rightly, the activity status of the application needs

to be clear, in order that it can be properly assessed under the relevant statutory tests.

3. The position is straightforward; the application is for a non-complying activity in the deferred residential zone. That has always been 3MS' position, it was identified as such in the application, and it has not changed.
4. All subdivision within the deferred residential zone (aside from boundary relocations), including within the C2/C3 structure plan areas, is classified as a non-complying activity.¹
5. This activity status will change once PC13 is operative, at which time it will become a restricted discretionary activity. This outcome, and the overall progress of PC13, is instructive in the commissioners' evaluation of the application in terms of the single objective and supporting policy within the deferred residential zone, which provides relevantly:

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.

Advice Note: The intended future land use of the Deferred Zone is identified on the Planning Maps and includes land to be used for Residential Zone, Large Lot Residential Zone, Industrial Zone, Commercial Zone, and Reserves Zone.

6. The application is consistent with this objective and policy set, and with PC13, which is currently subject to the RMA first schedule process. Despite counsel for the submitters suggesting its outcome is far from certain, again

¹ R15.4.1.1(w), R15.4.2.1.(ac)

applying a 'real world' approach, there is no basis to expect anything but an outcome whereby the deferred zoning status is removed and the land use planning framework is updated to reflect its intended and long signalled urbanisation. While acknowledging the public participatory rights attached to plan making, to suggest that the ultimate uplifting of the deferred residential status is at risk or uncertain is an unrealistic and self-serving suggestion, and should be disregarded.

7. Similarly, to suggest that the proposed subdivision is inconsistent with this future urbanisation, signalled under PC13, is misguided. This is particularly relevant to the commissioners' evaluation under s104D(1)(b) of the RMA in determining whether it is contrary to the objectives and policies of the ODP. To be considered 'contrary', the application must be 'opposed in nature'², or 'repugnant'.³ The evaluation must be taken on a 'holistic basis, looking over the entire application and range of effects, not individual effects'.⁴
8. The proposed subdivision enables land uses which are directly consistent with the intended future use as signalled in objective 14.3.1. Counsel for the submitters attempted to argue that because the application differs from the structure plan, this amounted to an outcome contrary to objective 14.3.1. This approach is misguided, and is unduly granular. Every parcel of land within the zone need not mirror the structure plan entirely. As submitted in opening, such a strict interpretation of objective 14.3.1 cannot be reconciled with the overall scheme of the ODP.⁵ The correct approach is to assess the overall land use outcomes against those intended for the growth cells. On this basis the application cannot be considered contrary to objective 14.3.1.

² *NZ Rail Ltd v Marlborough DC* [1994] NZRMA 70

³ *Royal Forest and Bird Protection Soc Inc v NZTA* [2021] NZHC 390

⁴ *SKP Inc v Auckland Council* [2018] NZEnvC 81

⁵ Opening legal submissions paras 91-93

9. Mr Chrisp explains the situation in his Statement of Supplementary Evidence (at paragraph 87) as follows:

“When interpreting the objective and policies above [Objective 14.3.1 and the policies under that objective], it is important to apply the correct scale of analysis, which is at the level of each individual growth cell or the overall area that is the subject of a Structure Plan (in this case three growth cells combined as an integrated package). This is reinforced by the Advice Note in relation to Policy 14.3.1.2 which refers to the intended future land use being those identified on the Planning Maps. In the case of the C2 Growth Cell, the relevant Planning Maps just show the whole area being earmarked for future residential use – that being the anticipated future use referred to in Objective 14.3.1. As noted in the Advice Note, the reference is to the Residential Zone, not to specific features (including infrastructure) that might occur within the zone. It does not involve, nor require a more granular analysis at a property by property level. Even the plans in the Structure Plan do not show property boundaries. That is because the Structure Plan is intended to provide a “broad framework” rather than a rigid blueprint. That position is the subject of, and reinforced by, Policy 14.3.1.3 above whereby Structure Plans are to “provide a framework for new growth areas” (emphasis added). That position is further reinforced by the language throughout the Structure Plan (and references to it in the body of the Waipa District Plan) which include words and phrases such as “broad framework”, “flexibility”, “guidelines”, and being “in general accordance”.”

10. There are no other particular objectives and policies in the ODP which any party has identified as being challenged or subverted by the proposal. In addition, as observed by the Court of Appeal in *Arrigato Investments Ltd v Auckland RC*⁶, the nature of a non-complying activity means that it is unlikely to find direct support from any specific provisions of the plan. Accordingly, the focus of the s104D inquiry should be on objective 14.3.1, which is intended to preserve the land resource so that its ultimate urbanisation is not compromised by, for example, an industrial activity which would be repugnant to the residential future of the land resource. In contrast to this example, a residential subdivision, enabling homes, a school, a retirement village and public spaces, cannot be considered repugnant to the objective. On this basis the commissioners can be satisfied that this gateway test in s 104D can be met.

⁶ [2002] 1 NZLR

11. Additionally, the alternative gateway test under s104D (1)(a) can also be met, given that the adverse effects of the activity are minor. The only adverse 'effects' the submitters point to as being more than minor are those associated with the potential location of the corridor, and the associated uncertainty. For the reasons set out below (in the section titled 'Actual and potential effects on land within C2/C3 growth cells and resource management issues arising'), these are not resource management effects on the environment. However, even if they were considered to be more than minor effects (which is denied), the alternative s 104D(1)(b) gateway is passed in any event.
12. Accordingly, the commissioners can be satisfied that the gateway test in s 104D of the RMA is met, and the application can be fully evaluated under s104 of the RMA.

Status and planning effect of the structure plan

13. The extent to which the structure plan binds 3MS to a particular subdivision layout containing the infrastructure corridor was a critical issue at the hearing. The expert planning evidence for 3MS was that the structure plan is a guiding document, which creates a guideline for the overall spatial layout of the C2 and C3 growth cells, and which is expected to be reflected in the delivered urban form, but can be subject to changes, variations, departures and differences, which are to be evaluated at the consenting stage. As Mr Crisp notes, if a proposal is not in general accordance with the structure plan it will be assessed as a discretionary activity.⁷
14. This indicates that strict adherence to the structure plan was never intended or required under the ODP, and no party properly construing the ODP would read it as creating certainty of outcome. Rather, even at its

⁷ Crisp EIC para 58

highest, the concept of 'general accordancy' anticipates some departures and differences, and if those departures and differences are deemed to stray too far from the structure plan, the proposal will default to a discretionary activity status and will need to be considered on its merits. This discretionary activity status also indicates that departures and differences which are beyond general accordancy are still anticipated and provided for in the ODP. If they were not recognised and provided for as potential outcomes they would likely have attracted non-complying activity status.

15. The status of the structure plan as a set of guidelines with a degree of inbuilt flexibility was extensively canvassed in the opening legal submissions for 3MS, which included a comprehensive review of the structure plan provisions. That review demonstrated that the content of the structure plan created a flexible framework which provided guidance to developers on how to achieve Council's vision and aspirations for the urbanisation of the C2 and C3 growth cells.⁸
16. This analysis of the status of the structure plan is accepted by Council. In the written legal submissions presented on behalf of Council on day 2 of the hearing, Ms Atkins confirmed:

"We agree with the Applicant that the Structure Plan is a framework. It is a very detailed framework, but the maps do not have the status of planning maps they show indicative alignment of corridors and location of important infrastructure not a fixed location. This is evidenced but the fact that there is a process to depart from the Structure Plan layout. In short I think Council and the Applicant agree that is (sic) the outcomes of the Structure Plan that are the key. We also agree that the corridor alignment was not fixed in stone but it was more than just high level indication as noted by Mr Lang and his witnesses.

In short, the Structure Plan is not sacrosanct. The issue here is the clarity/certainty around the provision of infrastructure and whether this proposal or parts of the proposal should wait for that to be clearer before it (or parts of it) are allowed to proceed."

⁸ Opening legal submissions; paras 22-41

17. In contrast to 3MS and Council, the submitters claim that the structure plan is more rigid in its application, and through this created certainty for stakeholders in how the growth cells would be developed. They could not point to any provisions which established this level of control except - at best - the reference in S19.5.2.3 to the collector roads as 'generally fixed in location, subject to the outcomes of detailed design.' But the term 'generally fixed' would give plan readers the clear message that the structure plan does not guarantee the collector road alignment. Ultimately, whatever reliance the submitters place on this section of the structure plan to create certainty is undermined by the provisions relating to the stormwater infrastructure which cannot possibly be read as creating any certainty of alignment. Section S19.4.5.1 expressly states that various options have been identified to convey stormwater, 'however, prior to designation of the stormwater corridor, a number of further investigations will need to be undertaken as part of the next design stages'. Put simply, even if the collector road corridor was fixed and certain (which is denied), the stormwater corridor was far from certain. Either way, landowners adjacent to the 3MS land had no certainty of outcome based on the structure plan alone.

18. The correct approach to the interpretation and application of the structure plan is to recognise that;
 - a) It is referred to and serves the objective, policies and rules of the deferred residential zone and will guide development within the C2 and C3 growth cells;

 - b) It has its own vision and objectives and outcomes for the intended urban form of the C2 and C3 growth cells;

 - c) It provides guidance for the nature of key public infrastructure and how that infrastructure should function within the C2 and C3 growth cells and integrate with the wider network;

- d) It is not just a series of maps and figures, but a 48 page 'statement' setting out how the urban form is expected and encouraged to develop;
- e) It is inherently flexible and this theme of 'guidance' and 'flexibility' is recurring and repeated throughout the structure plan;
- f) It does not require strict adherence, but seeks development in general accordancy while enabling and anticipating development which is not in general accordancy;
- g) Assessing land use and subdivision applications which are different from, and even not in general accordancy with the structure plan, must be approached first by reference to objective 14.3.1 and associated policies, and secondly by determining whether the proposal frustrates or negates the intended outcomes and vision set out in the structure plan. As Counsel for the Council noted in her presentation; 'it is the outcomes of the Structure Plan which are the key'.

Actual and potential effects on land within C2/C3 growth cells and any resource management issues arising

19. The submitters, and to an extent, the s42A report author have erred in their identification of the adverse environmental effects arising from the application. In particular, the submitters have repeatedly identified 'uncertainty' or 'increased uncertainty' relating to the provision of public infrastructure as an adverse environmental effect. They also referred to effects on their properties arising from the alternative corridor alignment suggested by 3MS. Each of these concerns, while genuinely held, are not environmental effects which the commissioners can take into account of in their evaluation of the effects of the application under s 104(1)(a) of the RMA.

20. First, the issue of uncertainty. The submitters contrast the state of uncertainty of the location of the infrastructure corridor arising under the application, with the certainty offered under the structure plan. This approach is misconceived, for the reasons identified earlier, despite what the submitters may have thought, the structure plan gives no guarantees regarding the location of the corridor. It was never a certainty that public infrastructure would not be located on their land. Indeed, as plans #6 through #13 show, even under the original structure plan alignment many of the adjoining properties were impacted to some degree.
21. Furthermore, the submitters have aligned this issue of certainty with their aspirations or expectations of ongoing peri-rural lifestyle living. These expectations are unrealistic, and do not reflect the reality of living and owning land within a highly strategic urban growth cell. Owning and living on land within a deferred residential growth cell on the immediate edge of Cambridge creates uncertainty. Land use changes signalled in the ODP creates uncertainty. The planned provision of new and substantial public infrastructure creates uncertainty. Structure plans with flexible guidelines for how development will be delivered creates uncertainty. Disparate land use aspirations between owners of strategic land resources creates uncertainty. Landowners signalling intention to retain their land for equestrian or rural uses despite zoning enabling urbanisation creates uncertainty.⁹
22. The 3MS application does not create the uncertainty felt by the submitters. It already exists. The 3MS application is in fact the first step in creating certainty. It establishes the first 'piece in the puzzle' as to how the C2 growth cell will develop. It creates certainty in determining where infrastructure will, and will not be located.

⁹ A number of the submitters expressed this aspiration. Mr Chrisp gave evidence about the uncertainty created in the Hautapu structure plan area due to one single landowner who has frustrated the structure plan by refusing to develop a key landholding.

23. It is self-evident that the 3MS development will remove options for where public infrastructure and public spaces may be located within the C2 growth cell. That is an inevitable outcome of development. The removal of options is an outcome of the development, but is not an effect of the development on the environment to be assessed under s 104(1) (a) of the RMA. Effects may come later, depending on how the resource management issue is resolved.
24. The removal of an option is however a matter to be considered under s104(1)(c). The commissioners' evaluation of this issue should consider the extent to which the removal of an option leaves no other options on the table, or frustrates objectives in the ODP or the structure plan outcomes. In the present case, options for an alternative corridor alignment remain available, and those options are subject to the same regulatory, ownership, and access uncertainties as the option removed. On this basis the issue is capable of being resolved in the future, and therefore does not warrant the decline of consent, not the imposition of conditions which sterilise the 3MS land resource simply to keep an option alive.
25. Next, the submitters point to effects on their land arising under a corridor alignment which intersects with their land. 3MS readily accepts that an alternative corridor alignment which traverses the properties to the immediate west of the 3MS site is achievable and realistic. However, as Mr McCaffrey, the engineering witness for 3MS identifies, it is not the only available option. He identifies a 400m wide corridor of options within the central area of the C2 growth cell which can accommodate the stormwater swale and collector road.¹⁰ His evidence was unchallenged by any other expert.

¹⁰ McCaffrey EIC; para 31, Figure 1

26. Accordingly, it is an error to conclude that an effect of the 3MS subdivision is the imposition of public infrastructure on the submitters' land. Development of the 3MS land does not require this infrastructure. It will be introduced at Council's behest, when and if it considers the infrastructure is necessary to service further development within the C2 and C3 growth cells. That infrastructure may or may not traverse the submitters' land. If that infrastructure is located across the submitters' land, Council will create the effect, and mitigate it through a range of measures, including compensation. Accordingly, effects arising from Council deciding to locate public infrastructure on the submitters' land are not effects arising from the subdivision of the 3MS land.

Section 42A author's recommended conditions to preserve infrastructure corridor options for Council

27. In the section 42A author's written presentation on day 2 of the hearing he states:
- 26. Until an alternative (corridor) location is at least identified and established via a planning process the effects are contrary to the policy direction presented by the structure plan as the alternative is not part of the regulatory regime.
 - ...
 - 31. A condition can require mitigation of effects by requiring the consent holder providing replacement or provision of alternative option with similar regulatory and functional outcome as that removed, until then, the present location may not be developed.
 - 32. This will not frustrate effect being given to the consent as the applicant has direct and immediate access to one of these options and can begin to give effect to the consent.
 - 33. Stages shown in the application plans show how consent could provide for giving effect to any consent and provide for post consent mitigation to be achieved.
 - 34. The plans in Mr Chrisp's evidence don't include stages. A condition could require land within the structure plan service corridor to not be developed until alternative mitigating effects is provided.

28. Mr Bachelor's reasoning or planning explanation set out above is not entirely clear to 3MS, but it has manifested in the following recommended consent condition:

Collector Road and Stormwater and Reserve North/South Network

8. The subdivision shall not proceed until the north/south oriented collector road and stormwater and reserve corridor as shown on the structure plan for the C2 structure plan has been established or otherwise provided for in a manner that will enable them to be constructed either within the application site or in another practicable location.
29. This recommended condition is fundamentally flawed and should be rejected by the commissioners. While it is acknowledged that a condition precedent may be lawful¹¹, it must nevertheless meet the statutory tests for conditions set out in s108AA of the RMA, and the *Newbury* common law tests.¹² Under *Newbury*, the power to impose conditions on a planning consent is not unlimited. In addition to the restrictions that now apply under s 108AA, to be valid at law, a condition must:
- a) Be for a resource management purpose, not for an ulterior one;
 - b) Fairly and reasonably relate to the development authorised by the consent to which the condition is attached;
 - c) Not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties, could not have approved it.

30. Section 108AA provides:

108AA Requirements for conditions of resource consents

- (1) A consent authority must not include a condition in a resource consent for an activity unless—

¹¹ *Westfield v HCC* (2004) 10 ELRNZ 254, Fisher J

¹² *Newbury DC v Secretary of State for the Environment; Newbury DC v International Synthetic Rubber Co Ltd* [1981] AC 578

- (a) the applicant for the resource consent agrees to the condition; or
- (b) the condition is directly connected to 1 or both of the following:
 - (i) an adverse effect of the activity on the environment:
 - (ii) an applicable district or regional rule, or a national environmental standard; or
- (c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent

31. The condition recommended by the s42A author fails both the statutory requirements of s 108AA, and the *Newbury* tests.
32. In terms of s108AA, 3MS does not agree to the recommended condition. Accordingly, the condition must be directly connected to an adverse effect on the environment, or an applicable regional or district rule, or national environmental standard, or it must relate to an administrative matter essential to the efficient implementation of the consent. The recommended condition meets none of these requirements.
33. The s42A recommendation appears to be predicated on the finding that there are adverse effects on the environment arising due to the infrastructure corridor not featuring within the 3MS subdivision, thus engaging s 108AA(1)(b)(i).
34. For the reasons set out in the preceding section of these submissions, the fact that the infrastructure corridor is not within the subdivision does not give rise to an effect on the environment. Transportation and stormwater effects of the subdivision are managed through alternative means, reflected in appropriate conditions, and there are no residual effects arising due to the lack of the infrastructure corridor on 3MS' land. No other part of s108AA(1) is engaged, thus the statutory requirements necessary to validate the recommended condition are not met.

35. In addition, the condition fails the *Newbury* test. While it may be arguably that the condition is for a resource management purpose, it does not fairly and reasonably relate to the development, nor is it reasonable in light of Council's statutory duties.
36. The condition has the effect of rendering the entire subdivision consent fully conditional on a third party action which has no timeframe attached, and no certainty that it will be achieved, or even pursued at all. That third party action is in the hands of Council, and has the effect of sterilising the entire 3MS site while Council determines what action it will take. This condition is even more powerful than a designation, which would at least identify the part of the 3MS land that cannot be developed. Unlike a designation, which requires Council to test its Notice of Requirement under the RMA public participatory process, this condition is free of any such public scrutiny, yet has an even more powerful impact on the 3MS land.
37. In the context of Council's inaction regarding designating the corridor, and its current inability to identify an alignment which it intends to pursue, the imposition of the recommended condition is a gross abuse of its regulatory powers and a complete circumvention of the appropriate pathway towards protecting a strategic infrastructure corridor. In *Newbury* terms, no reasonable planning authority, duly appreciating its statutory duties, could approve it. It is simply unreasonable to grant 3MS a subdivision consent, but restrict all ability to proceed to give effect to the consent, until Council has decided where and how to provide for the infrastructure corridor (which can include on the 3MS land which would necessarily require an entirely new subdivision consent). Such a condition is utterly unworkable, akin to a securing a designation but without meeting the statutory tests, and it is unreasonable.
38. Furthermore, these fundamental flaws in the recommended condition cannot be avoided by restricting the condition to an identified part of the 3MS subdivision. To do so would introduce a staging mechanism which is

not a feature of the application, nor one that 3MS supports. But more importantly, it would render the subdivision and its scheme plan unworkable. The subdivision is designed on the basis that the infrastructure corridor is not a feature. The roading network reflects this, and the stormwater network, featuring a significant detention pond, reflects this. If the Council decides at some later stage to pursue the corridor within the 3MS subdivision, the balance of the developed subdivision will be rendered unworkable.

39. Accordingly, even if the commissioners conclude that the condition can meet the statutory tests in s 108AA (which is denied), the condition must be rejected on *Newbury* grounds as unreasonable. 3MS asks that the commissioners reject this recommended condition in the strongest terms.

The Sports Fields

40. Council has an abundance of available land in Cambridge for sports fields, all within its control. The map of the Cambridge reserve areas presented on day 2 of the hearing illustrated this point (**Attachment A**). Cambridge currently has 72.1 hectares of active reserve land, 161.1 hectares of general reserve land, and somewhat remarkably, 184.5 hectares of reserve land which is currently not used for reserve purposes, but is instead in pasture and subject to grazing leases. Most of that grazed land sits within the 'town belt', a contiguous swathe of open space which encompasses the central urban areas of Cambridge. Under any comparative analysis, Cambridge is very well served for existing reserves and open spaces. The fact that it leases out 184.5 hectares of its current reserve land for grazing purposes bears out the point and raises its own questions around the best and most efficient use of publicly owned land.
41. Nevertheless, Council seeks more land for sports fields, and because this is a feature of the C2 Structure Plan, prefers that it be provided for within the 3MS subdivision. As confirmed by Mr Chrisp, notwithstanding Council's

preference for the sports fields to be provided within the 3MS site, the application does not provide for the sports fields. However, the scheme plan identifies a 'block' of residential lots which can be allocated to open space without reconfiguring the internal road network or any other aspect of the subdivision (as shown in **Attachment B**).

42. On the issue of the absence of provision for the sports parks, 3MS maintains that there is an abundance of alternative land available to accommodate sports parks in Cambridge, and that the application offers sufficient reserves within the development, including the stormwater basin, east/west linear swale, both of which have a public space amenity function, and a destination playground which serves the wider community.
43. In terms of the location of open space reserves, 3MS points to the abundance of existing capacity within Council's Cambridge reserve network, where the sports fields can easily be accommodated. However, if Council is committed to ensuring there is provision within the C2 growth cell, like the infrastructure corridor, there remains large areas of land outside of the 3MS subdivision where it can be accommodated.
44. Accordingly, 3MS seeks approval of the subdivision as applied for. However, as acknowledged in the evidence of Mr Smith, 3MS is willing to sell to Council the land it seeks for sports fields, as depicted in **Attachment B**. 3MS sees this as an incredibly inefficient use of highly valuable residential land, and an inefficient allocation of Council funds, but nevertheless has agreed to sell land to Council. The parties were however unable to conclude the agreement given that the subject land was likely to have been caught in a later stage of the staging plan recommended by the s42A author.
45. Ultimately, as stated by Mr Smith at the hearing, despite his misgivings regarding the efficient use of land and public funds, provided Council grants consent for the subdivision without a staging requirement, and

without a condition such as recommended condition 8 above, 3MS is willing to sell the land to Council.

46. Finally on this issue, the s42A author has recommended the following condition:

Sports Fields Reserve

7. The subdivision shall not proceed until the sports reserve identified in the attached plan titled 'Alternative Active Reserve Layout Option' referenced 17001-SK-126 dated 02.03.21 has been purchased by the Waipa District Council.

47. 3MS does not support this condition. Again, stopping the subdivision proceeding until Council has purchased the land is an unreasonable condition. 3MS considers that the subdivision should be granted as applied for, on its merits, but is prepared to acknowledge that subject to the matters identified in paragraph 44 above, it will sell that land to Council. No condition is necessary.

NPS-UD and its significance in the overall evaluation under s 104 of the RMA

48. Once through the s 104D gateway, the application must be evaluated in accordance with the requirements of s 104, which provides:

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
- (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:

- (iii) a national policy statement:
- (iv) a New Zealand coastal policy statement:
- (v) a regional policy statement or proposed regional policy statement:
- (vi) a plan or proposed plan; and

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

49. The order of the matters referred to in subsection (b) reflects the hierarchy of planning instruments, with each lower order document being subordinate to those higher order documents.¹³ The purpose of a National Policy Statement is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of the RMA.¹⁴ Under s 75(3)(a) of the RMA district plans must give effect to National Policy Statements.
50. In this context, given the district plan is required to align with a National Policy Statement, any tension between the two must be resolved in favour of the superior planning instrument. Equally, in terms of the evaluation of a consent application under s 104, the National Policy Statement must be given significant weighting in the overall balancing exercise.
51. The opening legal submissions for 3MS highlighted the national housing crisis and how it is affecting Cambridge in terms of supply and demand. Highly relevant, Objective 2 of the NPS-UD calls for planning decisions to improve housing affordability by supporting competitive land and development markets. Objective 6 calls for local authority decisions on urban development to be responsive, particularly in relation to proposals that would supply significant development capacity.
52. The evaluation under s 104 must have regard to these objectives relating to a matter of national significance. The commissioners must recognise in

¹³ *Environmental Defence Society v King Salmon New Zealand Ltd* [2014] NZSC 38

¹⁴ Section 45 RMA

their decision the very significant positive contribution the 3MS proposal makes to the achievement of this national policy directive. This factor should weigh heavily in favour of granting the application on conditions which do not frustrate or sterilise the progress of the subdivision and the delivery of residential lots to the market.

53. Returning to the evaluation of actual and potential effects on the environment, it is important to ensure the positive effects of the proposal are recognised. The commissioners were forthright in wanting to ensure a clear demarcation between effects arising from subdivision, and those effects which arise from land use.
54. While this is an important distinction, all of the positive effects arising from land use are facilitated via the subdivision, and therefore can be considered potential effects. Some will be permitted activities once the deferred zoning is removed, others will require consent as restricted discretionary or discretionary activities. Nevertheless, it is realistic to expect that these land uses will eventuate once subdivision consent is granted.
55. The most obvious example of this is the school to be built within the subdivision. As Mr Smith advised, the Ministry of Education has allocated funding to develop the school immediately, and has secured the land from 3MS. The subdivision, and relevant infrastructure connecting to the school must be in place in order for the school development to proceed. This is a significant positive effect arising from the subdivision, and one which Council is understandably keen to see manifest.
56. Next is the provision of a retirement village, which like the school, is contingent on the subdivision proceeding. It will require land use consents in order to proceed, but like the school, is facilitated by the subdivision, which is a potential positive effect.

57. The supply of additional residential lots to the market has been identified as a positive effect. That supply will not arise without a very significant capital investment in the site during the subdivision and land development phase. Mr Smith has given evidence that the civil spend alone is approximately \$15M, with the subsequent construction value in excess of \$75M.¹⁵ While there may be a distinction to be made between benefits arising from subdivision versus land use, one must follow the other, and the benefits are inextricably linked. These positive effects must be given substantial weight in the overall s 104 evaluation.

Conditions

58. At the conclusion of the hearing the commissioners directed Mr Chrisp and Mr Bachelor to confer with a view to identifying a set of draft conditions that they both endorsed and in the event that they could not agree entirely, to identify the residual differences. In their minute of 31 May 2021 the commissioners also directed that draft conditions were to be shared with Mr Phizacklea and Mr Baikie, and their comments sought.
59. Mr Chrisp, along with Ms Fowler for 3MS (who was responsible for drafting the consent conditions proffered by 3MS) and Mr Bachelor, along with Mr Budd (Council's Consents Team Leader who will be responsible for administering the consent conditions) met on the afternoon of 27 May 2021 following the conclusion of the hearing. They agreed that two versions of the conditions would be produced as follows:
- a) A version reflecting the subdivision consent as applied for by 3MS should the Commissioners be minded to approve the application for subdivision consent as sought by 3MS (**Version A**); and
 - b) Using Version A as a base, an alternative version reflecting Mr Bachelor's additional recommended conditions as set out in his s42A

¹⁵ Matthew Smith supplementary evidence para 36

report and evidence presented at the hearing, which modifies the consent in respect of the sports park provision, and the infrastructure corridor provision (**Version B**).

60. Version A was drafted and agreed relatively easily, with Version B not agreed, as it reflects Mr Bachelor's own drafting recommendations which are not agreed by Mr Chrisp. Both versions were provided to Mr Phizacklea and Mr Baikie. Neither raised issues with the drafting of Version A, but both supported Version B, subject to amendments. **Attachment C** is a copy of the communication between the planners reflecting that outcome. 3MS does not support Version B nor the recommended amendments to Version B proposed by Mr Phizacklea and Mr Baikie.
61. On a separate issue, but related to conditions, the commissioners will be aware that at the conclusion of the hearing the transport engineer for Council, Mr Inder was asked if he had reached agreement with Mr Apeldoorn on transportation matters, and he confirmed that through compromise, matters had been resolved, but that there may be some fine tuning to conditions required. On that basis the transportation engineers were to caucus and feed the outcome into the planner discussion on conditions.
62. This feedback occurred, and the transportation conditions on both Version A and B reflect those agreements. Since then, on 3 June 2021 Mr Bachelor advised Mr Chrisp that: *"I've been contacted by the Council Development Engineer (Mr Richard Bax) late this afternoon with a desire to discuss the traffic and roading conditions. I've a discussion with Richard and Cameron Inder at 8.30am Friday. I will report the outcome on completion of the discussion."*
63. Mr Chrisp objected to this course of action, on the basis that it was stepping outside the bounds of the agreed caucusing (see **Attachment D**), but nevertheless the additional step occurred, and as a result, it appears that

one aspect of the previously agreed traffic conditions appears to be no longer agreed. That condition is condition 10(e) in Version A, and relates to the situation where the subdivision proceeds ahead of the C2/C3 roundabout, the roundabout is constructed later and connected to the subdivision, and then final refinements to existing roading is needed to align with the final road network form.

64. It appears Council is seeking to impose all, as yet unidentified, refinement costs on 3MS and seeks that the condition reflect this. It is premature and unfair to allocate all financial risk to 3MS when it has no knowledge of the final form of the roundabout, which may take a form which suits Council's purposes, yet creates an otherwise unnecessary refinement to the existing network. Responsibility for these costs should be determined at the time the roundabout is designed and built. That process will inevitably require a development agreement between 3MS and Council, given 3MS land is required to accommodate the roundabout, and the cost allocations for any 'refinements' can be resolved through that mechanism, which is orthodox and fair to both parties.
65. Accordingly, subject to this one condition, Mr Chrisp understands that Version A has been agreed between the parties, and is set out at **Attachment E**. Version B, which is set out in **Attachment F** reflects Mr Bachelor's position but does not reflect the suggested edits from Mr Phizacklea and Mr Baikie in **Attachment C**, nor any edit to the traffic condition (which is condition 13(e)) in Version B. Again, Mr Chrisp does not support this draft set of conditions.

CONDITIONS UPDATE

66. Since that caucusing process concluded, it appears that Mr Bachelor had made further amendments to his recommended conditions in Version B, with a new set which is set out at **Attachment G**. It also appears that there is not universal support for Mr Bachelor's latest approach, which is

reflected in the correspondence from Counsel for the Council dated 10 June 2021, which I am authorised to share with the commissioners **(Attachment H)**.

67. This situation serves to illustrate the errors in the s42A recommended approach, and reinforces the merits of the commissioners adopting Version A of the draft conditions which is set out at Attachment E.

CONCLUSION

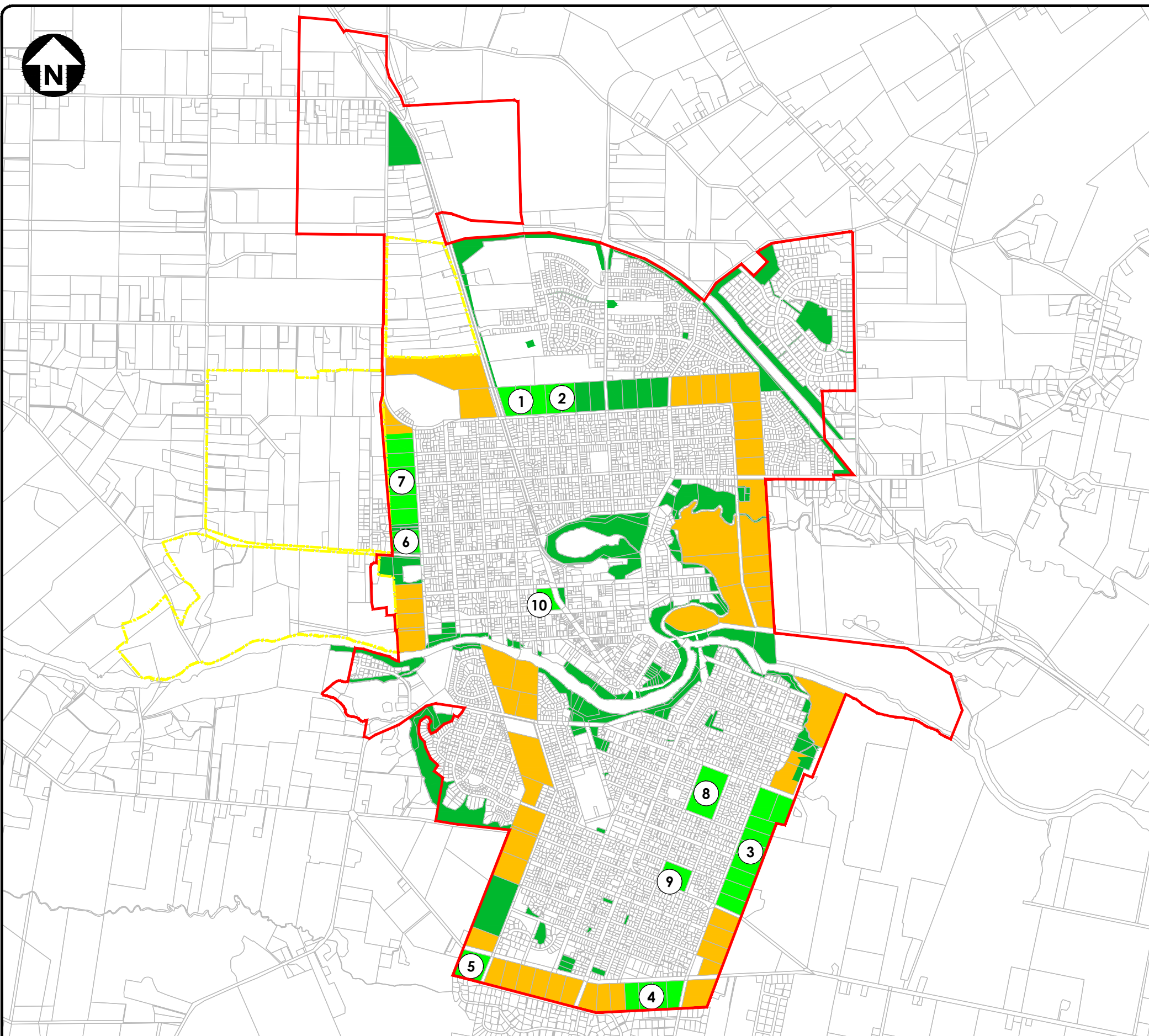
68. The independent view of the commissioners in respect of this application is welcomed by 3MS. It is unfortunate that while both 3MS and Council agree on the desperate need for development to proceed within the C2 growth cell, reaching agreement on how that is to be achieved has proved problematic.
69. Nevertheless, where those differences have been identified, 3MS urges the commissioners to endorse the 3MS approach based on the facts and law, and not simply accept the recommendations of the s42A author and the Council based technical witnesses. Their recommended approach amounts to a circumvention of the RMA designation process, and should not be endorsed.
70. The single purpose of the RMA will best be achieved through the approval of the application in the terms set out under Version A of the draft conditions.

Dated 11 June 2021



L F Muldowney
Counsel for 3Ms of Cambridge GP Limited

ATTACHMENT A



LEGEND

- EXISTING CADASTRAL BOUNDARY
- CAMBRIDGE URBAN LIMITS
- C1 AND C2/C3 GROWTH CELL BOUNDARIES
- RESERVE ZONE - ACTIVE RESERVE
- RESERVE ZONE - GENERAL
- RESERVE ZONE - GRAZING/PASTURE

OVERALL AREA ASSESSMENT

RESERVE USE	APPROXIMATE AREA
ACTIVE RESERVE	72.1 Ha
GENERAL	161.1 Ha
GRAZING/PASTURE	184.5 Ha
TOTAL	417.7 Ha

EXISTING ACTIVE RESERVES/PARKS

REF	RESERVE NAME	APPROXIMATE AREA
1	MEMORIAL PARK	6.8 Ha
2	TOM VOYLE PARK	4.5 Ha
3	LEAMINGTON SPORTS PARK	19.6 Ha
4	CAMBRIDGE POLO CLUB	8.6 Ha
5	CAMBRIDGE BMX TRACK	4.1 Ha
6	CAMBRIDGE ATHLETIC PARK	3.2 Ha
7	JOHN KERKHOF PARK	13.1 Ha
8	LEAMINGTON DOMAIN	6.9 Ha
9	GWYNETH DOMAIN	3.2 Ha
10	VICTORIA SQUARE	2.1 Ha

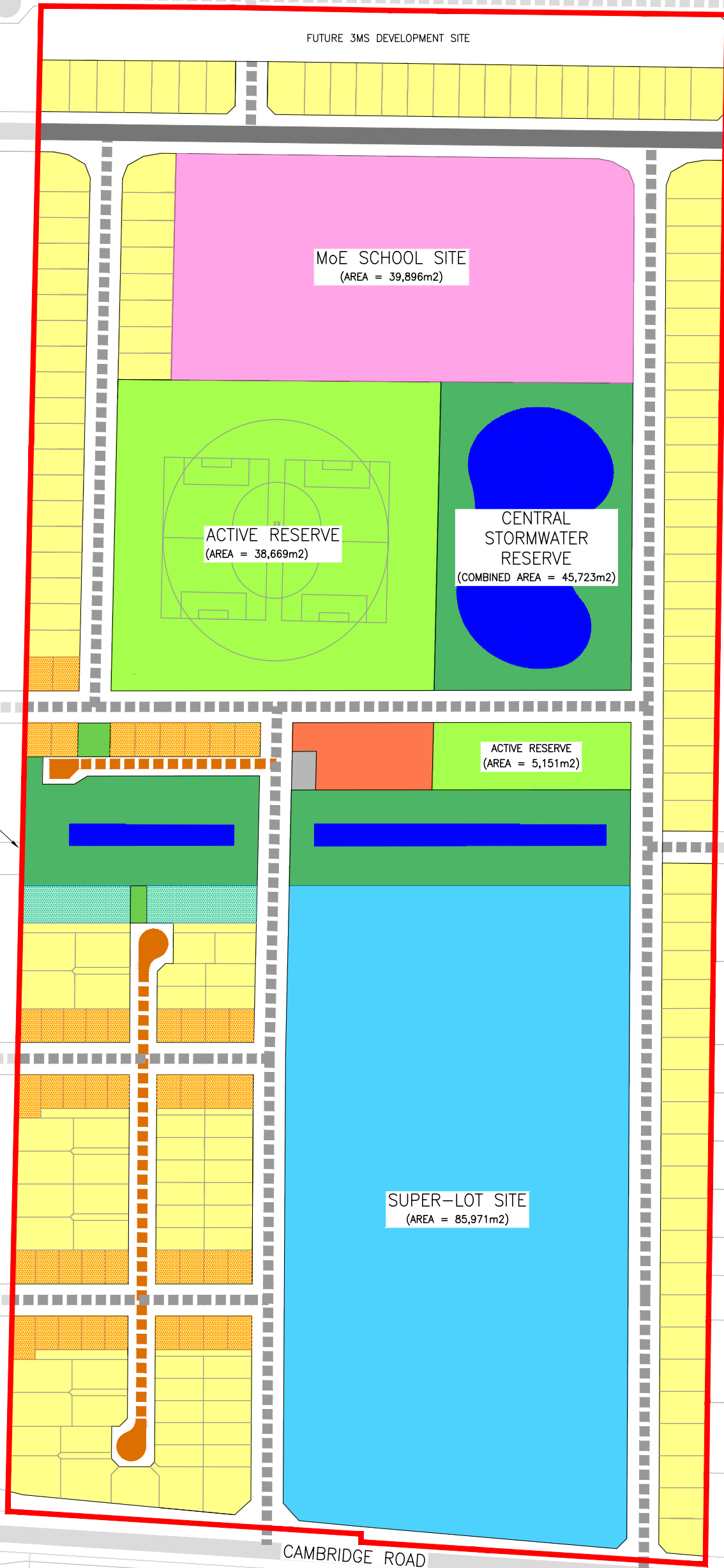
ATTACHMENT B



LEGEND

- 3MS PROPERTY BOUNDARY
- INDICATIVE BLOCK BOUNDARIES
- COLLECTOR ROAD
- LOCAL ROAD
- LOCAL ACCESS ROAD
- GENERAL RESIDENTIAL
- TERRACED RESIDENTIAL HOUSING OVERLAY
- COMPACT RESIDENTIAL OVERLAY
- HIGH DENSITY HOUSING RESIDENTIAL
- MoE SCHOOL SITE
- SUPER-LOT SITE
- NEIGHBOURHOOD CENTRE
- UTILITY RESERVE (WASTEWATER)
- STORMWATER RESERVE
- STORMWATER DEVICE (SOAKAGE BASIN)
- LOCAL OPEN SPACE (RESERVE)
- ACTIVE RECREATION (RESERVE)

DRAWING SCALE BAR (IN MILLIMETRES)



KELLY ROAD

CAMBRIDGE ROAD

3Ms PROPERTY BOUNDARY

TE AWA LIFECARE DEVELOPMENT

DESIGNED BY L. MCCAFFREY	DATE 02.03.21	DRAWN BY L. MCCAFFREY	DATE 02.03.21	APPROVED BY -	DATE -	APPROVAL STATUS FOR INFORMATION	PROJECT NAME 3M RESIDENTIAL DEVELOPMENT PROJECT
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REV	DESCRIPTION	BY	DATE
E	FOR INFORMATION	LPM	19.04.21
D	FOR INFORMATION	LPM	24.03.21
C	FOR INFORMATION	LPM	16.03.21
B	FOR INFORMATION	LPM	16.03.21

CLIENT NAME

DRAWING TITLE

3Ms PROPERTY LAYOUT
ALTERNATIVE ACTIVE RESERVE LAYOUT OPTION

PRODUCED BY

DRAWING SCALE 1:3000	REVISION No. E
DISCIPLINE CIVIL ENGINEERING	
DRAWING No. 17001-SK-126	

ATTACHMENT C

From: [Mark Chrisp](#)
To: [Lachlan Muldowney](#)
Subject: FW: 3Ms - Conditions
Date: Wednesday, 9 June 2021 10:16:19 AM
Attachments: [95AFFA0F0CBA4EFE9F4270F4286331B5.png](#)
[image002.gif](#)
[ATT00001.gif](#)

Hi Lachlan

Emails below from David Phizacklea and Russell Baikie.

Regards



Mark Chrisp
Director

DDI +64 7 838 5670 | +64 27 475 8383 | PO Box 1307, Hamilton 3240
www.mitchelldaysh.co.nz

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From: russell.baikie1@gmail.com <russell.baikie1@gmail.com>
Sent: Tuesday, 8 June 2021 3:25 pm
To: djdpfizacklea@gmail.com; Mark Chrisp <mark.chrisp@mitchelldaysh.co.nz>
Cc: Abbie Fowler <abbie.fowler@mitchelldaysh.co.nz>; Mark Batchelor <Mark.Batchelor@ckl.co.nz>; Quentin Budd <Quentin.Budd@waipadc.govt.nz>
Subject: RE: 3Ms - Conditions

Hi Mark C and Mark B, I wish to endorse the proposed amended conditions David has outlined below.

Regards Russell

Sent from [Mail](#) for Windows 10

From: djdpfizacklea@gmail.com
Sent: Tuesday, 8 June 2021 2:29 pm
Subject: RE: 3Ms - Conditions

Hi Mark

Thank you for sending through the draft consent conditions on Friday for any comment from the submitters' expert planners.
I have discussed the draft conditions with Russell and our comments are provided below.

As you note, some of the transportation related conditions are in both sets of conditions, and in that respect are presumed agreed. Aside from conditions 7, 8 and 9 in the alternative version (track changes of Mark Batchelor and Quentin Budd) the remaining differences do not appear extensive.

The submitters' expert planners comments are solely in relation to the alternative conditions added as conditions 7, 8 and 9 should the Hearing Panel determine to grant consent for the subdivision. We do not have a view on the technical conditions and any remaining differences between the Applicant and Council. Those specific comments are:

- The alternative conditions 7, 8 and 9 are preferred to the Applicant's set of conditions as they require the network infrastructure for the subdivision and wider growth cell to be confirmed before subdivision proceeds.
- Condition 8 provides for the subdivision to proceed only once the north-south collector road and stormwater corridor reserves are established or otherwise provided for. This condition should be included, but in an amended form, alongside a new condition 8A to read:

Network Infrastructure - North-South Collector Road and Stormwater Reserve Network

8. The subdivision shall not proceed until the north-south oriented collector road and stormwater reserve corridors, as shown on the structure plan for the C2 Growth Cell in the operative Waipa District Plan, have been established or otherwise provided for within the applicant's site.

8A The subdivision scheme plan shall be suitably amended to incorporate the requirements of condition 8 above, and shall be submitted to Council for the acceptance of Council's Team Leader – Development Engineering before issuing of section 223 approval.

- Condition 9 should refer to the specific numbered conditions which require a developer agreement. The advice note to condition 44 (in the alternative set of conditions) is the only place at present where a developer agreement is referred to. It is noted this matter may be clarified further by Council as to whether they seek any additional developer agreements.

If you can ensure the submitters' expert planners comments are included as part of the Applicant's reply with respect to those conditions which have not been agreed, as per the Hearings Panel Chairperson's minute.

Ngā mihi.

Kind regards

David Phizacklea
Phizacklea Consulting
021 814 153



From: Mark Crisp <mark.chrisp@mitchelldaysh.co.nz>

Sent: Friday, 4 June 2021 12:41 PM

To: russell.baikie1@gmail.com; djdphizacklea@gmail.com

Cc: Abbie Fowler <abbie.fowler@mitchelldaysh.co.nz>; Mark Batchelor <Mark.Batchelor@ckl.co.nz>; Quentin Budd <Quentin.Budd@waipadc.govt.nz>

Subject: 3Ms - Conditions

Hi Russell and David

In accordance with the directions of the Commissioners in their minute dated 31 May 2021, caucusing has occurred between the applicant's and Council's planning experts and (separately) between the applicant's and Council's traffic engineers.

The planners have produced two versions of the conditions as follows:

- One version for the scenario that the Commissioners grant the subdivision consent as applied for by 3Ms (this version is largely agreed as between the applicant's planners and Council's planners, if Commissioners grant the subdivision consent as applied for by 3Ms, subject to confirmation of several minor aspects); and
- One version (prepared by Mark Bachelor) which is based on an alternative outcome that he / Council wish to occur (i.e. consent granted but not as applied for by 3Ms).

The traffic engineers have reached full agreement as to the traffic related conditions (which are reflected in both of the attached versions of the conditions).

In accordance with the Commissioner's minute, can both of you please consider the attached and provide me with your comments (if any). If you could get back to me by COB on Tuesday next week, that would be appreciated.

I look forward to hearing from you.

Regards



Mark Chrisp
Director

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ATTACHMENT D

From: [Mark Chrisp](#)
To: [Lachlan Muldowney](#); matt@3msofcambridge.co.nz
Cc: [Apeldoorn, Mark](#)
Subject: FW: 3MS Conditions - Roading
Date: Friday, 4 June 2021 10:58:33 AM
Attachments: [ATT00001.gif](#)
[ATT00001.gif](#)

FYI



Mark Chrisp
Director

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From: Mark Batchelor <Mark.Batchelor@ckl.co.nz>
Sent: Thursday, 3 June 2021 11:42 pm
To: Mark Chrisp <mark.chrisp@mitchelldaysh.co.nz>
Cc: Abbie Fowler <abbie.fowler@mitchelldaysh.co.nz>; Helen Atkins <helen.atkins@ahmlaw.nz>;
Quentin Budd <Quentin.Budd@waipadc.govt.nz>
Subject: Re: 3MS Conditions - Roading

Thankyou for your advice. I will be making a decision on how to proceed when appraised of the details and I will inform you what that is.

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From: Mark Chrisp <mark.chrisp@mitchelldaysh.co.nz>
Sent: Thursday, June 3, 2021 8:21:41 PM
To: Mark Batchelor <Mark.Batchelor@ckl.co.nz>
Cc: Abbie Fowler <abbie.fowler@mitchelldaysh.co.nz>; Helen Atkins <helen.atkins@ahmlaw.nz>;
Quentin Budd <Quentin.Budd@waipadc.govt.nz>
Subject: RE: 3MS Conditions - Roading

Hi Mark

This is totally inappropriate! We are involved in a caucusing exercise directed by the Commissioners. The Traffic Engineers have caucused and arrived at an agreed position. There is no ability for someone else (who is not a Traffic Engineer involved in the hearing) to meddle in that process. We are bound by the Code of Conduct for Expert Witnesses and Cameron Inder should be exercising his own professional judgement (which he has and reached agreement with Mark Apeldoorn).

Regards



Mark Chrisp
Director

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From: Mark Batchelor <Mark.Batchelor@ckl.co.nz>
Sent: Thursday, 3 June 2021 7:52 PM
To: Mark Chrisp <mark.chrisp@mitchelldaysh.co.nz>
Cc: Abbie Fowler <abbie.fowler@mitchelldaysh.co.nz>; Helen Atkins <helen.atkins@ahmlaw.nz>;
Quentin Budd <Quentin.Budd@waipadc.govt.nz>
Subject: 3MS Conditions - Roading

Hi Mark

I've been contacted by the Council Development Engineer (Richard Bax) late this afternoon with a desire to discuss the traffic and roading conditions. I've a discussion with Richard and Cameron Inder at 8.30am Friday. I will report the outcome on completion of the discussion.

Regards

Mark.Batchelor@ckl.co.nz

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ATTACHMENT E

OPTION A - PROPOSED CONSENT CONDITIONS FOR SUBDIVISION AS LODGED / APPLIED FOR BY 3Ms

This document contains the set of conditions as agreed between Mark Chrisp, Abbie Fowler, Mark Batchelor and Quentin Budd, to address the subdivision as proposed by 3Ms (scheme plan set out in Attachment A to Mark Chrisp's Evidence in Chief). Additional conditions considered necessary by Mark Batchelor (and which are not agreed by Mark Chrisp / Abbie Fowler) are presented in a separate document.

GENERAL

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

Amalgamation

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

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

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

(CSN Request XXXXXXXX).

Easements

- 8. The easement shown on the scheme plan of subdivision SP/0179/21 shall be created and duly granted or reserved.
- 9. The consent holder shall arrange for the cancellation of the following listed easements pursuant to Section 243(e) of the Resource Management Act 1991:
 - (a) H525373.5
 - (b) H525373.6
 - (c) B282670.9
 - (d) B578304.8
 - (e) B282670.8

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

ROADING

Safe Travel Management Plan

- 10. The consent holder shall provide a Safe Travel Management Plan (STMP), from a suitably qualified Transportation Engineer to Council's Team Leader – Development Engineering for certification by Council and shall be at the consent holder's expense. The STMP shall identify the infrastructure

design provisions of the subdivision transport network which shall be generally in accordance with plans 17001-C-200 to 207. The STMP shall be submitted and resolved with Council certification, prior to lodgement of detailed engineering design drawings for Council certification. The purpose of the submitted Plan is to demonstrate the transport network design aligns with Vision Zero principles, and incorporates strategic infrastructure supporting the Structure Plan objective of prioritising walking and cycling over vehicle trips. This shall include, but is not limited to:

- (a) Methods to encourage residents to choose walking and cycling over vehicular trips within and through the network for short local journeys. In addition to walking and cycling paths and crossings, it includes strategic prevention of certain movements by vehicles to provide 'rat run' mitigation while enabling full access by walking and cycling.
 - (b) Safety System design features of intersections, both internal and connecting to Cambridge Road including but not limited to, providing raised platform intersections of Road 11 and Road 10 with Cambridge Road, and/or other appropriate measures in accordance with transport design best practice and certified by Council's Team Leader – Development Engineering.
 - (c) Details confirming that in the event the C2/C3 Roundabout and sufficient length of Collector Road for the consent holder's development to connect into is not under construction by 31 December 2023, the consent holder shall provide a signalised intersection based on best practice Safe System design principles at the Road 11 / Cambridge Road intersection, delivered in accordance with a programme for implementation to be set out in the Safe Travel Management Plan;
 - (d) Details confirming that in the event the C2/C3 Roundabout and sufficient length of Collector Road for the consent holder's development to connect into is under construction by 31 December 2023, the consent holder shall provide a Safe System road crossing for pedestrians and cyclists across Cambridge Road in the vicinity of Road 11 and/or Road 10 intersections, strategically positioned to prioritise and encourage walking and cycling, and transport safety. Road 11 / Cambridge Road intersection shall then be left in and left out only for vehicle movements.
 - (e) Any proposed transport infrastructure amendments with trigger points/scenarios for implementation, such as other infrastructure specific to the post C2/C3 Roundabout and Collector Road construction, including but not limited to turning movement restrictions and mode filtering measures to prevent specific vehicle movements at nominated intersections within the subdivision. The objective of such measures being to avoid un-necessary traffic movements through the subdivision and to make walking and cycling safer and more convenient for local travel.
 - (f) Recommended speed limits internally and on Cambridge Road; and
 - (g) CPTED requirements.
11. Determination of which treatment is applied to which intersection and the timeframe for implementation is to be set out in the STMP and subject to Council agreement. Council shall retain discretion as to the need for and appropriateness of such upgrades at the time.

Advice note: This enables Council to confirm the works are not necessary if the roundabout and internal connection to the Collector Road are soon to be constructed.

12. The consent holder shall be responsible for the costs of the infrastructure works that are additional to those necessary for the urbanisation upgrade of Cambridge Road.

Submit Road Design Drawings

13. The consent holder shall submit design/construction plans for the road to vest (Lot 511) as shown on drawings 4297-SP-1 REVL, 4297-SP-2 REVL, 4297-SP-3 REVL and 4297-SP-4 REVL. The design/construction plans shall be based on the Safe Travel Management Plan required under **Condition 10** and shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent, and at the consent holder's expense.

The submitted road design plans shall include:

- (a) Pavement design;
 - (b) Connection to existing infrastructure;
 - (c) Fixed entrance locations;
 - (d) Maintenance access tracks;
 - (e) Tracking curve analysis;
 - (f) Line marking and signage;
 - (g) Longitudinal sections;
 - (h) Common services trench;
 - (i) Surface treatments;
 - (j) Streetscape & berm planting (including location and extent, types of materials, botanical and common name and location (measured position in the berm) of street trees, names, grades, number, planting density of traffic island planting); and
 - (k) Traffic management (rat-run / short vehicle trip mitigation) and speed calming measures.
 - (l) The design of the pedestrian / vehicle shared space between the neighbourhood reserve (Lot 501) and the stormwater reserve (Lot 502).
14. Road safety audits for the detailed design and post construction stages shall be conducted in accordance with the requirements of the RITS.

Construct Roads to Vest

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

Quality Assurance Certificates

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

Roading As-Built Plans

17. The consent holder shall provide as-built plans of the road to vest, relevant quality assurance, and the structures located within the proposed road to vest prior to the issuing of the section 224 certificate, to the acceptance of Council's Team Leader –Development Engineering.
18. The consent holder must construct the vehicle crossings identified as part of the detailed design acceptance process (**Condition 13**). The vehicle crossings are to be constructed to the standards as set out in the Regional Infrastructure Technical Specifications drawing D3.3.1. All work is to be completed to the acceptance of the Council's Team Leader – Development Engineering and is at the consent holder's expense.

Advice Notes: Road Corridor / Road Design

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

Safety in Design Workshop

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

Property Numbering

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

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

WATER SUPPLY

Submit Water Reticulation Design

19. The consent holder shall submit design/construction plans for the water reticulation system to supply the proposed lots and connect to the existing reticulated network. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. The water reticulation system shall be designed to the acceptance of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense.

The submitted plans shall include:

- a) Reticulation layout;
- b) Pipe size, material, and pressure ratings;
- c) Hydrant Locations;
- d) Valves and fittings details;
- e) Connection locations to service lots;
- f) Bedding/service trench details; and
- g) Thrust Block details.

Construct Water Reticulation

20. The consent holder shall construct the water supply reticulation system as per the accepted design/construction plans submitted under **Condition 19**, and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Quality Assurance Certificates

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

Submit As-Built plans

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

Advice Notes:

Water Design

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

Location of new water connections

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

Connection to Council's main procedure

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

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

(These forms can be provided upon request)

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

WASTEWATER

Submit Wastewater Pump Station and Reticulation Design

23. The consent holder shall submit design/construction plans for the pump station and gravity wastewater reticulation system to supply the proposed lots and existing receiving network. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. This system shall be designed to the acceptance of Council's Team Leader – Development Engineering. The submitted plans shall include:

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

The costs of the construction of the pump station, rising main and the gravity system will be determined through an Infrastructure Works Agreement between the consent holder and Waipa District Council.

Construct Wastewater Pump Station and Reticulation

24. The consent holder shall construct the wastewater pump station and gravity reticulation as per the approved design/construction approved submitted under **Condition 21** and to the acceptance of Council's Team Leader –Development Engineering. The costs of the construction of the pump station, rising main and the gravity system will be determined through an Infrastructure Works Agreement between the consent holder and Waipa District Council.

Quality Assurance Certificates

25. Following completion of the wastewater pump station and gravity reticulation required under **Condition 22**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering for acceptance.

Submit As-Built Plans

26. As-built plans and information of all wastewater infrastructure assets, which are to be vested in Council, shall be provided to the acceptance of Council's Team Leader – Development Engineering. The costs of the construction of the pump station, rising main and the gravity system will be determined through an Infrastructure Works Agreement between the consent holder and the Waipa District Council.

STORMWATER

Stormwater – Design

27. The consent holder shall submit design/construction plans for the stormwater management system, including the proposed stormwater swale / forebays and the soakage basin. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. The stormwater management system shall be designed to the acceptance of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense. The submitted plans shall include:
- a) Compliance with Stormwater Discharge consent (AUTH141099.01.01);
 - b) Soakage basin design, including the design soakage rates utilised;
 - c) Swale / forebay design;
 - d) Flow direction and grades;
 - e) Pipe sizing and material;
 - f) Longitudinal sections;
 - g) Overland flow paths;
 - h) Receiving network outlet details;
 - i) Bedding details;
 - j) Manhole sizing and details;
 - k) Green Infrastructure details; and
 - l) Connections locations, including rodding eyes.

Stormwater – Construction

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

Stormwater - Quality Assurance Certificates

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

Stormwater - As-built Plans

30. As-built plans and information of all stormwater infrastructure assets provided under **Conditions 27-28**, which are to be vested in Council, shall be provided to the acceptance of Council's Team Leader – Development Engineering and shall be at the consent holder's expense.

Stormwater - Planting Plan

31. The Consent Holder shall provide a detailed Planting Plan prepared for the design and implementation of the stormwater basin and swale / forebay plantings. This plan shall include:
- a) Site plantings including species to be planted, size of plants, and where they are to be

- planted, density of planting, sourcing of plants and fertilising;
 - b) Site preparation for planting including weed and pest control;
 - c) Timeline for planting;
 - d) Ongoing weed and pest control;
 - e) Ongoing mowing requirements;
 - f) Ongoing watering requirements;
 - g) Supplementary/replacement planting plans specifications; and
 - h) Timing of monitoring maintenance inspections.
32. The Planting Plan shall be submitted to Council's Team Leader – Development Engineering for acceptance and shall be implemented on site within the first planting season following completion of these devices unless otherwise agreed with the Council's Team Leader – Development Engineering.

Stormwater - Operations and Maintenance

33. The Consent Holder shall provide a Stormwater Operation and Maintenance Plan ('**SOMP**') for the stormwater management system. The objective of the SOMP is to outline specific operation and maintenance procedures to be implemented to ensure the long-term effectiveness of the stormwater system in achieving the design stormwater management outcomes. The SOMP shall provide for all operational, maintenance, planting and monitoring measures associated with the stormwater infrastructure and shall include:
- a) A programme for regular monitoring and inspection of the stormwater management system including details of monitoring and inspection frequency;
 - b) A programme for the regular collection and disposal of debris, sediment and litter collected by the stormwater management devices to ensure that attenuation volumes are not compromised and that appropriate contaminant removal procedures are established;
 - c) Inspection checklists for all aspects of the stormwater management system including monitoring and maintenance of water quality and vegetation;
 - d) Details of who will be responsible for the operation and maintenance works; and
 - e) Details of recording and reporting of operation and maintenance activities.
34. The SOMP shall be submitted to the Council's Team Leader – Development Engineering for certification within 1 month of the completion of the subdivision construction activities at the site. Any changes to the approved SOMP shall be confirmed in writing by the consent holder and approved in writing by the Council's Team Leader – Development Engineering prior to the implementation of any changes proposed. The SOMP must state that the consent holder will implement the SOMP for a minimum of 24 months following section 224 certification and be at the consent holders expense.

CCTV – WASTEWATER AND STORMWATER

35. The consent holder shall conduct a CCTV survey of all public wastewater and stormwater reticulation constructed for the proposed subdivision, to assess pipe condition, pipe jointing, and gradient variations. The CCTV survey shall be submitted for acceptance to Council's Team Leader – Development Engineering to Council's CCTV recording system, "Retic Manager Ltd". The following matters shall also be included when submitting "Retic Manager Ltd":
- a) CCTV report from a suitably qualified professional;
 - b) Details on each separate pipe line surveyed highlighting any defects and damages found; and
 - c) Suggested remedies for the repair/elimination of defects found.

Advice Notes:

Inspection Guidelines

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

Retic Manager

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

GEOTECHNICAL COMPLETION REPORT

36. Prior to Section 224 Certification, the consent holder shall submit an Earthworks Completion Report. The report shall be prepared by a suitably qualified geotechnical professional and shall demonstrate to the acceptance of the Council's Team Leader – Development Engineering the following matters:
- (a) The location, staging and depths of the final cut and fill areas.
 - (b) Confirmation that the earthworks have been carried out to the required standards.
 - (c) Confirmation that each Lot has a suitable location on which to erect a dwelling.

If recommended by the submitted geotechnical report, **Condition 44(a)** below will require specific foundation design by a Chartered Professional Engineer on any identified Lots.

RESERVES

Neighbourhood Reserve

37. The consent holder shall prepare and submit to Council's Senior Reserve Planner for acceptance a Development Plan for Lot 501 (the neighbourhood reserve) to create an accessible and landscaped reserve. The Development Plan shall include the following:

- a) A plan showing:
 - i. Finished site contours.
 - ii. Planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant heights at maturity, plant locations, plant numbers density of planting, and timing of planting; grassed area detailing the seed mixture.
 - iii. Location and design of any boundary fencing/gates/retaining walls/treatment.
 - iv. Location and design of any hard landscaping (including walkways/footpaths/vehicle crossings/operational access hardstand areas)
 - v. Location and design of play infrastructure
 - vi. Location and design of any entranceway features and signage location and design of any other visitor infrastructure such as seating, toilets, water fountain etc
 - vii. Location and design of any underground services.
 - viii. Location and design of an irrigation system if required.
 - b) A schedule of the species to be planted or retained including botanical name, average plant height at time of planting and maturity and planting density.
 - c) An implementation programme that includes site preparation (topsoil, fertilising, weed removal/spraying, drainage) and planting timeframes.
 - d) A two year maintenance programme that includes: pest plant and weed control, watering, supplementary/replacement planting plan specifications, mowing, timing of monitoring maintenance inspections, and defects liability for grassing, plantings, assets and subsidence.
38. The consent holder shall implement the approved Development Plan and construct the assets identified in the plan to the acceptance of Council's Senior Reserve Planner at the consent holder's expense.
39. Prior to section 224 certification, the consent holder shall enter into an operational and maintenance agreement for the two years following section 224 certification in accordance with the Development Plan at the consent holder's expense.
40. As-built plans for all assets developed on the neighbourhood reserve (Lot 501) which are to be vested in council, shall be provided to the acceptance of Council's Senior Reserve Planner and shall be prepared at the consent holder's expense.

Advice Note: Lot 501 is intended to be subject to a Developer Agreement and Infrastructure Works Agreement that will see the developer prepare and implement a full reserve development plan for Lot 501 that in addition to the matters covered above, will include to include a playground, public toilet and potentially skate facilities and car parking.

SERVICES – POWER AND TELECOMMUNICATIONS

Power

41. The consent holder must arrange with a local network electricity operator for the underground

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

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

Telecommunications

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

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

CONSENT NOTICES

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

ATTACHMENT F

OPTION B - PROPOSED CONSENT CONDITIONS FOR SUBDIVISION AS RECOMMENDED BY M BACHELOR

This document contains the set of conditions as agreed between Mark Chrisp, Abbie Fowler, Mark Batchelor and Quentin Budd (in black text), to address the subdivision as proposed by 3Ms (scheme plan set out in Attachment A to Mark Chrisp's Evidence in Chief). Additional conditions considered necessary by Mark Batchelor (and which are not agreed by Mark Chrisp / Abbie Fowler) are presented in track changes.

GENERAL

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

Sports Fields Reserve

7. The subdivision shall not proceed until the sports reserve identified in the attached plan titled 'Alternative Active Reserve Layout Option' referenced 17001-SK-126 dated 02.03.21 has been purchased by the Waipa District Council.

Collector Road and Stormwater and Reserve North/South Network

8. The subdivision shall not proceed until the north/south oriented collector road and stormwater and reserve corridor as shown on the structure plan for the C2 structure plan has been established or otherwise provided for in a manner that will enable them to be constructed either within the application site or in another practicable location.
9. A developer agreement shall be established between the Council and consent holder for those matters referred to in the conditions of this consent referring to a developer agreement. The agreement shall be established between the consent holder and Council prior to construction of the subdivision beginning.

Amalgamation

10. The following amalgamation conditions must be expressed on the survey plan as follows:

- (a) That Lot 402 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 136, 137 and 138 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
- (b) That Lot 403 hereon (Legal Access) be held as to four undivided one-quarter shares by the owners of Lots 98, 99, 100 and 101 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
- (c) That Lot 404 hereon (Legal Access) be held as to four undivided one-quarter shares by the owners of Lots 118, 119, 120 and 121 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
- (d) That Lot 405 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 140, 141 and 142 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (e) That Lot 406 hereon (Legal Access) be held as to five undivided one-fifth shares by the owners of Lots 143, 144, 145, 146 and 147 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (f) That Lot 407 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 154, 155 and 156 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (g) That Lot 408 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 158, 159 and 160 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (h) That Lot 409 hereon (Legal Access) be held as to five undivided one-fifth shares by the owners of Lots 161, 162, 163, 164 and 165 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (i) That Lot 410 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 172, 173 and 174 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.

(CSN Request XXXXXXXX).

Easements

7.11. The easement shown on the scheme plan of subdivision SP/0179/21 shall be created and duly granted or reserved.

8.12. The consent holder shall arrange for the cancellation of the following listed easement

pursuant to Section 243(e) of the Resource Management Act 1991:

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

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

ROADING

Safe Travel Management Plan

13. The consent holder shall provide a Safe Travel Management Plan (STMP), from a suitably qualified Transportation Engineer to Council's Team Leader – Development Engineering for certification by Council and shall be at the consent holder's expense. The STMP shall identify the infrastructure design provisions of the subdivision transport network which shall be generally in accordance with plans 17001-C-200 to 207. The STMP shall be submitted and resolved with Council certification, prior to lodgement of detailed engineering design drawings for Council certification. The purpose of the submitted Plan is to demonstrate the transport network design aligns with Vision Zero principles, and incorporates strategic infrastructure supporting the Structure Plan objective of prioritising walking and cycling over vehicle trips. This shall include, but is not limited to:

- a Methods to encourage residents to choose walking and cycling over vehicular trips within and through the network for short local journeys. In addition to walking and cycling paths and crossings, it includes strategic prevention of certain movements by vehicles to provide 'rat run' mitigation while enabling full access by walking and cycling.
- b Safety System design features of intersections, both internal and connecting to Cambridge Road including but not limited to, providing raised platform intersections of Road 11 and Road 10 with Cambridge Road, and/or other appropriate measures in accordance with transport design best practice and certified by Council's Team Leader – Development Engineering.

- c Details confirming that in the event the C2/C3 Roundabout and sufficient length of Collector Road for the consent holder's development to connect into is not under construction by 31 December 2023, the consent holder shall provide a signalised intersection based on best practice Safe System design principles at the Road 11 / Cambridge Road intersection, delivered in accordance with a programme for implementation to be set out in the Safe Travel Management Plan;
 - d Details confirming that in the event the C2/C3 Roundabout and sufficient length of Collector Road for the consent holder's development to connect into is under construction by 31 December 2023, the consent holder shall provide a Safe System road crossing for pedestrians and cyclists across Cambridge Road in the vicinity of Road 11 and/or Road 10 intersections, strategically positioned to prioritise and encourage walking and cycling, and transport safety. Road 11 / Cambridge Road intersection shall then be left in and left out only for vehicle movements.
 - e Any proposed transport infrastructure amendments with trigger points/scenarios for implementation, such as other infrastructure specific to the post C2/C3 Roundabout and Collector Road construction, including but not limited to turning movement restrictions and mode filtering measures to prevent specific vehicle movements at nominated intersections within the subdivision. The objective of such measures being to avoid un-necessary traffic movements through the subdivision and to make walking and cycling safer and more convenient for local travel.
 - f Recommended speed limits internally and on Cambridge Road; and
 - g CPTED requirements.
14. Determination of which treatment is applied to which intersection and the timeframe for implementation is to be set out in the STMP and subject to Council agreement. Council shall retain discretion as to the need for and appropriateness of such upgrades at the time.

Advice note: *This enables Council to confirm the works are not necessary if the roundabout and internal connection to the Collector Road are soon to be constructed.*

15. The consent holder shall be responsible for the costs of the infrastructure works that are additional to those necessary for the urbanisation upgrade of Cambridge Road.

Submit Roading Design Drawings

16. The consent holder shall submit design/construction plans for the roads to vest Lots 510 and 511 as shown on the SP/0179/20. The design/construction plans shall be based on the Safe Travel Management Plan under **Condition 47** – Safe Travel Management Plan above and shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent, and at the consent holder's expense.

17. The submitted road design plans shall include, but are not limited to appropriate:

- a Pavement design;
- b Connection to existing infrastructure;
- c Fixed entrance locations;
- d Maintenance access tracks;
- e Tracking curve analysis;
- f Line marking and signage;
- g Longitudinal sections;
- h Common services trench details;
- i Surface treatments;
- j Streetscape & berm planting; and
- k Traffic volume management (rat-run / short vehicle trip mitigation) and speed calming measures.

18. Road safety audits for the detailed design and post construction stages shall be conducted in accordance with the requirements of the RITS.

Construct Roads to Vest

19. The consent holder shall construct the road to vest as shown as Lot 511 within the scheme plan drawings 4297-SP-1 REVL, 4297-SP-2 REVL, 4297-SP-3 REVL and 4297-SP-4 REVL as per the accepted design/construction plans submitted under **Condition 12** and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Quality Assurance Certificates

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

Roading As-Built Plans

21. The consent holder shall provide as-built plans of the road to vest, relevant quality assurance, and the structures located within the proposed road to vest prior to the issuing of the section 224 certificate, to the acceptance of Council's Team Leader –Development Engineering.

22. The consent holder must construct the vehicle crossings identified as part of the detailed design acceptance process (**Condition 12**). The vehicle crossings are to be constructed to the standards as set out in the Regional Infrastructure Technical Specifications drawing D3.3.1. All work is to be completed to the acceptance of the Council's Team Leader – Development Engineering and is at the consent holder's expense.

Advice Notes: Road Corridor / Road Design

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

Safety in Design Workshop

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

Property Numbering

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

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

WATER SUPPLY

Submit Water Reticulation Design

23. The consent holder shall submit design/construction plans for the water reticulation system to supply the proposed lots and connect to the existing reticulated network. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. The water reticulation system shall be designed to the acceptance of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense.

The submitted plans shall include:

- a) Reticulation layout;

- b) Pipe size, material, and pressure ratings;
- c) Hydrant Locations;
- d) Valves and fittings details;
- e) Connection locations to service lots;
- f) Bedding/service trench details; and
- g) Thrust Block details.

Construct Water Reticulation

24. The consent holder shall construct the water supply reticulation system as per the accepted design/construction plans submitted under **Condition 17**, and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Quality Assurance Certificates

25. Following completion of the water reticulation required under **Condition 18**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering.

Submit As-Built plans

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

Advice Notes:

Water Design

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

Location of new water connections

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

Connection to Council's main procedure

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

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

(These forms can be provided upon request)

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

WASTEWATER

Submit Wastewater Pump Station and Reticulation Design

27. The consent holder shall submit design/construction plans for the pump station and gravity wastewater reticulation system to supply the proposed lots and existing receiving network. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. This system shall be designed to the acceptance of Council's Team Leader – Development Engineering.

The submitted plans shall include:

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

The costs of the construction of the pump station, rising main and the gravity system will be determined through an Infrastructure Works Agreement between the consent holder and Waipa District Council.

Construct Wastewater Pump Station and Reticulation

28. The consent holder shall construct the wastewater pump station and gravity reticulation as per the approved design/construction approved submitted under **Condition 21** and to the acceptance of Council's Team Leader – Development Engineering. The costs of the construction of the pump station, rising main and the gravity system will be determined through an Infrastructure Works Agreement between the consent holder and Waipa District Council.

Quality Assurance Certificates

29. Following completion of the wastewater pump station and gravity reticulation required under **Condition 22**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering for acceptance.

Submit As-Built Plans

30. As-built plans and information of all wastewater infrastructure assets, which are to be vested in Council, shall be provided to the acceptance of Council's Team Leader – Development Engineering.

STORMWATER

Stormwater – Design

31. The consent holder shall submit design/construction plans for the stormwater management system, including the proposed stormwater swale / forebays and the soakage basin. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. The stormwater management system shall be designed to the acceptance of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense. The submitted plans shall include:

- a) Compliance with Stormwater Discharge consent (AUTH141099.01.01);
- b) Soakage basin design, including the design soakage rates utilised;
- c) Swale / forebay design;
- d) Flow direction and grades;
- e) Pipe sizing and material;
- f) Longitudinal sections;
- g) Overland flow paths;
- h) Receiving network outlet details;
- i) Bedding details;
- j) Manhole sizing and details;
- k) Green Infrastructure details; and
- l) Connections locations, including rodding eyes.

Stormwater – Construction

32. The consent holder shall construct the stormwater management system as per the accepted design/construction under **Condition 25** and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Stormwater - Quality Assurance Certificates

33. Following completion of the stormwater management system required under **Condition 26**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering for acceptance.

Stormwater - As-built Plans

34. As-built plans and information of all stormwater infrastructure assets provided under **Conditions 25-26**, which are to be vested in Council, shall be provided to the acceptance of Council's Team Leader – Development Engineering and shall be at the consent holder's

expense.

Stormwater - Planting Plan

35. The Consent Holder shall provide a detailed Planting Plan prepared for the design and implementation of the stormwater basin and swale / forebay plantings. This plan shall include:

- a) Site plantings including species to be planted, size of plants, and where they are to be planted, density of planting, sourcing of plants and fertilising;
- b) Site preparation for planting including weed and pest control;
- c) Timeline for planting;
- d) Ongoing weed and pest control;
- e) Ongoing mowing requirements;
- f) Ongoing watering requirements;
- g) Supplementary/replacement planting plans specifications; and
- h) Timing of monitoring maintenance inspections.

36. The Planting Plan shall be submitted to Council's Team Leader – Development Engineering for acceptance and shall be implemented on site within the first planting season following completion of these devices unless otherwise agreed with the Council's Team Leader – Development Engineering.

Stormwater - Operations and Maintenance

37. The Consent Holder shall provide a Stormwater Operation and Maintenance Plan ('**SOMP**') for the stormwater management system. The objective of the SOMP is to outline specific operation and maintenance procedures to be implemented to ensure the long-term effectiveness of the stormwater system in achieving the design stormwater management outcomes. The SOMP shall provide for all operational, maintenance, planting and monitoring measures associated with the stormwater infrastructure and shall include:

- a) A programme for regular monitoring and inspection of the stormwater management system including details of monitoring and inspection frequency;
- b) A programme for the regular collection and disposal of debris, sediment and litter collected by the stormwater management devices to ensure that attenuation volumes are not compromised and that appropriate contaminant removal procedures are established;
- c) Inspection checklists for all aspects of the stormwater management system including monitoring and maintenance of water quality and vegetation;
- d) Details of who will be responsible for the operation and maintenance works; and
- e) Details of recording and reporting of operation and maintenance activities.

38. The SOMP shall be submitted to the Council's Team Leader – Development Engineering for certification within 1 month of the completion of the subdivision construction activities at the site. Any changes to the approved SOMP shall be confirmed in writing by the consent holder and approved in writing by the Council's Team Leader – Development Engineering prior to the implementation of any changes proposed. The SOMP must state maintenance will be implemented for a minimum of 24 months following section 224 certification and be at the

consent holders expense.

CCTV – WASTEWATER AND STORMWATER

39. The consent holder shall conduct a CCTV survey of all public wastewater and stormwater reticulation constructed for the proposed subdivision, to assess pipe condition, pipe jointing, and gradient variations. The CCTV survey shall be submitted for acceptance to Council's Team Leader – Development Engineering to Council's CCTV recording system, "Retic Manager Ltd". The following matters shall also be included when submitting "Retic Manager Ltd":

- a) CCTV report from a suitably qualified professional;
- b) Details on each separate pipe line surveyed highlighting any defects and damages found; and
- c) Suggested remedies for the repair/elimination of defects found.

Advice Notes:

Inspection Guidelines

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

Retic Manager

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

GEOTECHNICAL COMPLETION REPORT

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

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

If recommended by the submitted geotechnical report, **Condition 44(a)** below will require specific foundation design by a Chartered Professional Engineer on any identified Lots.

RESERVES

Neighbourhood Reserve

41. The consent holder shall submit to Council's Senior Reserve Planner for acceptance, following Council confirmation of the reserve design brief, a Development Plan for Lot 501 (the neighbourhood reserve) to create an accessible and landscaped reserve.

9-13. The Development Plan shall include the following:

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

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

43. Prior to section 224 certification, the consent holder shall enter into an operational and maintenance agreement for the two years in accordance with the Development Plan at the consent holder's expense.

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

Advice Note: Lot 501 is intended to be subject to a Developer Agreement and Infrastructure Works Agreement that will see the developer prepare and implement a full reserve development plan for Lot 501 that in addition to the matters covered above, will include to include a playground, public toilet and potentially skate facilities and car parking.

SERVICES – POWER AND TELECOMMUNICATIONS

Power

45. The consent holder must arrange with a local network electricity operator for the underground reticulation of electricity to serve all lots and pay all costs attributable to such work. The consent

holder must submit to the Council written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include, if necessary, the re-siting, repositioning or removal of any electric power lines which exist on the land being subdivided.

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

Telecommunications

46. The consent holder must arrange with a telecommunications company for the underground reticulation of telecommunications or fibre optic cables to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the telecommunications company that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the re-siting, repositioning or removal of any telephone cables which exist on the land being subdivided.
47. Where telephone cables serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.

CONSENT NOTICES

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

ATTACHMENT G

PROPOSED CONSENT CONDITIONS FOR SUBDIVISION AS RECOMMENDED BY MARK BACHELOR

This document contains the set of conditions as agreed between Mark Chrisp, Abbie Fowler, Mark Batchelor and Quentin Budd (in black text), to address the subdivision as proposed by 3Ms (scheme plan set out in Attachment A to Mark Chrisp's Evidence in Chief). Additional conditions considered necessary by Mark Batchelor (and which are not agreed by Mark Chrisp / Abbie Fowler) are presented in track changes.

GENERAL

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

Sports Fields Reserve

7. The subdivision shall not proceed until the sports reserve identified in the attached plan titled 'Alternative Active Reserve Layout Option' referenced 17001-SK-126 dated 02.03.21 has been purchased by the Waipa District Council.

Collector Road and Stormwater and Reserve North/South Network

8. The subdivision shall not proceed until the north/south oriented collector road and stormwater and reserve corridor as shown on the structure plan for the C2 structure plan has been established or otherwise provided for in a manner that will enable them to be constructed either within the application site or in another practicable location.
9. A developer agreement shall be established between the Council and consent holder for those matters referred to in the conditions of this consent referring to a developer agreement. The agreement shall be established between the consent holder and Council prior to construction of the subdivision beginning.

Amalgamation

10. The following amalgamation conditions must be expressed on the survey plan as follows:

- (a) That Lot 402 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 136, 137 and 138 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
- (b) That Lot 403 hereon (Legal Access) be held as to four undivided one-quarter shares by the owners of Lots 98, 99, 100 and 101 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
- (c) That Lot 404 hereon (Legal Access) be held as to four undivided one-quarter shares by the owners of Lots 118, 119, 120 and 121 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.
- (d) That Lot 405 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 140, 141 and 142 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (e) That Lot 406 hereon (Legal Access) be held as to five undivided one-fifth shares by the owners of Lots 143, 144, 145, 146 and 147 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (f) That Lot 407 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 154, 155 and 156 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (g) That Lot 408 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 158, 159 and 160 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (h) That Lot 409 hereon (Legal Access) be held as to five undivided one-fifth shares by the owners of Lots 161, 162, 163, 164 and 165 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith;
- (i) That Lot 410 hereon (Legal Access) be held as to three undivided one-third shares by the owners of Lots 172, 173 and 174 hereon as Tenants in Common in the said shares and that individual Records of Title be issued in accordance therewith.

(CSN Request XXXXXXXX).

Easements

- 11. The easement shown on the scheme plan of subdivision SP/0179/21 shall be created and duly granted or reserved.
- 12. The consent holder shall arrange for the cancellation of the following listed easement pursuant to Section 243(e) of the Resource Management Act 1991:

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

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

ROADING

Safe Travel Management Plan

13. The consent holder shall provide a Safe Travel Management Plan (STMP), from a suitably qualified Transportation Engineer to Council's Team Leader – Development Engineering for certification by Council and shall be prepared at the consent holder's expense. The STMP shall identify the infrastructure design provisions of the subdivision transport network which shall be generally in accordance with plans 17001-C-200 to 207. The STMP shall be submitted to Council for certification as being generally in accordance with plans 17001-C-200 to 207, prior to lodgement of detailed engineering design drawings for Council certification. The purpose of the submitted Plan is to demonstrate the transport network design aligns with Vision Zero principles, and incorporates strategic infrastructure supporting the Structure Plan objective of prioritising walking and cycling over vehicle trips. This shall include, but is not limited to:
- a Methods to encourage residents to choose walking and cycling over vehicular trips within and through the network for short local journeys. In addition to walking and cycling paths and crossings, it includes strategic prevention of certain movements by vehicles to provide 'rat run' mitigation while enabling full access by walking and cycling.
 - b Safety System design features of intersections, both internal and connecting to Cambridge Road including but not limited to providing raised platform intersections of Road 11 and Road 10 with Cambridge Road, and/or other appropriate measures in accordance with transport design best practice and certified by Council's Team Leader – Development Engineering.
 - c Details confirming that in the event the C2/C3 Roundabout and sufficient length of Collector Road for the consent holder's development to connect into is not under construction by 31 December 2023, the consent holder shall provide a signalised intersection based on best practice Safe System design principles at the Road 11 / Cambridge Road intersection, delivered in accordance with a programme for implementation to be set out in the Safe Travel Management Plan;

- d Details confirming that in the event the C2/C3 Roundabout and sufficient length of Collector Road for the consent holder's development to connect into is under construction by 31 December 2023, the consent holder shall provide a Safe System road crossing for pedestrians and cyclists across Cambridge Road in the vicinity of Road 11 and/or Road 10 intersections, strategically positioned to prioritise and encourage walking and cycling, and transport safety. Road 11 / Cambridge Road intersection shall then be left in and left out only for vehicle movements.
- e Any proposed transport infrastructure amendments with trigger points/scenarios for implementation, such as other infrastructure specific to the post C2/C3 Roundabout and Collector Road construction, including but not limited to turning movement restrictions and mode filtering measures to prevent specific vehicle movements at nominated intersections within the subdivision. The objective of such measures being to avoid unnecessary traffic movements through the subdivision and to make walking and cycling safer and more convenient for local travel.
- f Recommended speed limits internally and on Cambridge Road; and
- g CPTED requirements.

13.1 Application for 224C shall not be lodged until either the roundabout referred to in Condition 13 is under construction or traffic signals have been installed in accordance with condition 13.

14. Determination of which treatment is applied to which intersection and the timeframe for implementation is to be set out in the STMP and subject to Council agreement. Council shall retain discretion as to the need for and appropriateness of such upgrades at the time.

***Advice note:** This enables Council to confirm the works are not necessary if the roundabout and internal connection to the Collector Road are soon to be constructed.*

15. The consent holder shall be responsible for the costs of the infrastructure works that are additional to those necessary for the urbanisation upgrade of Cambridge Road.

Submit Roading Design Drawings

16. The consent holder shall submit design/construction plans for the roads to vest Lots 510 and 511 as shown on the SP/0179/20. The design/construction plans shall be based on the Safe Travel Management Plan under **Condition 47** – Safe Travel Management Plan above and shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent, and at the consent holder's expense.

17. The submitted road design plans shall include, but are not limited to appropriate:
- a Pavement design;
 - b Connection to existing infrastructure;
 - c Fixed entrance locations;
 - d Maintenance access tracks;
 - e Tracking curve analysis;
 - f Line marking and signage;
 - g Longitudinal sections;
 - h Common services trench details;
 - i Surface treatments;
 - j Streetscape & berm planting; and
 - k Traffic volume management (rat-run / short vehicle trip mitigation) and speed calming measures.
18. Road safety audits for the detailed design and post construction stages shall be conducted in accordance with the requirements of the RITS.

Construct Roads to Vest

19. The consent holder shall construct the road to vest as shown as Lot 511 within the scheme plan drawings 4297-SP-1 REVL, 4297-SP-2 REVL, 4297-SP-3 REVL and 4297-SP-4 REVL as per the accepted design/construction plans submitted under **Condition 12** and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Quality Assurance Certificates

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

Roading As-Built Plans

21. The consent holder shall provide as-built plans of the road to vest, relevant quality assurance, and the structures located within the proposed road to vest prior to the issuing of the section 224 certificate, to the acceptance of Council's Team Leader–Development Engineering.
22. The consent holder must construct the vehicle crossings identified as part of the detailed design acceptance process (**Condition 12**). The vehicle crossings are to be constructed to the standards as set out in the Regional Infrastructure Technical Specifications drawing D3.3.1. All work is to be completed to the acceptance of the Council's Team Leader – Development Engineering and is at the consent holder's expense.

Advice Notes: Road Corridor / Road Design

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

Safety in Design Workshop

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

Property Numbering

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

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

WATER SUPPLY

Submit Water Reticulation Design

23. The consent holder shall submit design/construction plans for the water reticulation system to supply the proposed lots and connect to the existing reticulated network. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. The water reticulation system shall be designed to the acceptance of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense.

The submitted plans shall include:

- a. Reticulation layout;
- b. Pipe size, material, and pressure ratings;
- c. Hydrant Locations;
- d. Valves and fittings details;
- e. Connection locations to service lots;
- f. Bedding/service trench details; and
- g. Thrust Block details.

Construct Water Reticulation

24. The consent holder shall construct the water supply reticulation system as per the accepted design/construction plans submitted under **Condition 17**, and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Quality Assurance Certificates

25. Following completion of the water reticulation required under **Condition 18**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering.

Submit As-Built plans

26. The consent holder shall submit an as-built plans of all water infrastructure including

connections to the relevant lots within the subdivision. All work shall be to the acceptance of Council's Team Leader – Development Engineering and be at the consent holder's expense.

Advice Notes:

Water Design

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

Location of new water connections

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

Connection to Council's main procedure

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

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

(These forms can be provided upon request)

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

WASTEWATER

Submit Wastewater Pump Station, Rising Main and Reticulation Design

27. The consent holder shall submit design/construction plans for the pump station, rising main and gravity wastewater reticulation system to supply the proposed lots and existing receiving network. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. This system shall be designed to the acceptance of Council's Team Leader – Development Engineering.

The submitted plans shall include:

- a. Flow direction and grades;
- b. Pipe sizing and material;
- c. Bedding details;
- d. Manhole sizing and details;
- e. Longitudinal sections;
- f. Connections to service Lots;
- g. Pump sizing details;
- h. Telemetry and electrical schematic details;
- i. Scour/air valve locations and details;
- j. Screen planting or amenity other requirements;
- k. Gantry design;

- l. Odour control details; and
- m. Seismic Resiliency details.

The costs of the construction of the pump station, rising main and the gravity system will be determined through an Infrastructure Works Agreement between the consent holder and Waipa District Council.

Construct Wastewater Pump Station, Rising Main and Reticulation

- 28. The consent holder shall construct the wastewater pump station, rising main and gravity reticulation as per the approved design submitted under **Condition 21** and to the acceptance of Council's Team Leader –Development Engineering. The costs of the construction of the pump station, rising main and the gravity system will be determined through an Infrastructure Works Agreement between the consent holder and Waipa District Council.

Quality Assurance Certificates

- 29. Following completion of the wastewater pump station and gravity reticulation required under **Condition 22**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering for acceptance.

Submit As-Built Plans

- 30. As-built plans and information of all wastewater infrastructure assets, which are to be vested in Council, shall be provided to the acceptance of Council's Team Leader – Development Engineering.

STORMWATER

Stormwater – Design

- 31. The consent holder shall submit design/construction plans for the stormwater management system, including the proposed stormwater swale / forebays and the soakage basin. The design/construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. The stormwater management system shall be designed to the acceptance of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense. The submitted plans shall include:
 - a. Compliance with Stormwater Discharge consent (AUTH141099.01.01);
 - b. Soakage basin design, including the design soakage rates utilised;
 - c. Swale / forebay design;
 - d. Flow direction and grades;
 - e. Pipe sizing and material;
 - f. Longitudinal sections;
 - g. Overland flow paths;
 - h. Receiving network outlet details;

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

Stormwater – Construction

- 32. The consent holder shall construct the stormwater management system as per the accepted design/construction under **Condition 25** and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Stormwater - Quality Assurance Certificates

- 33. Following completion of the stormwater management system required under **Condition 26**, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering for acceptance.

Stormwater - As-built Plans

- 34. As-built plans and information of all stormwater infrastructure assets provided under **Conditions 25-26**, which are to be vested in Council, shall be provided to the acceptance of Council's Team Leader – Development Engineering and shall be at the consent holder's expense.

Stormwater - Planting Plan

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

Stormwater - Operations and Maintenance

- 37. The Consent Holder shall provide a Stormwater Operation and Maintenance Plan ('**SOMP**') for the stormwater management system. The objective of the SOMP is to outline specific operation and maintenance procedures to be implemented to ensure the long-term effectiveness of the

stormwater system in achieving the design stormwater management outcomes. The SOMP shall provide for all operational, maintenance, planting and monitoring measures associated with the stormwater infrastructure and shall include:

- a. A programme for regular monitoring and inspection of the stormwater management system including details of monitoring and inspection frequency;
 - b. A programme for the regular collection and disposal of debris, sediment and litter collected by the stormwater management devices to ensure that attenuation volumes are not compromised and that appropriate contaminant removal procedures are established;
 - c. Inspection checklists for all aspects of the stormwater management system including monitoring and maintenance of water quality and vegetation;
 - d. Details of who will be responsible for the operation and maintenance works; and
 - e. Details of recording and reporting of operation and maintenance activities.
38. The SOMP shall be submitted to the Council's Team Leader – Development Engineering for certification within 1 month of the completion of the subdivision construction activities at the site. Any changes to the approved SOMP shall be confirmed in writing by the consent holder and approved in writing by the Council's Team Leader – Development Engineering prior to the implementation of any changes proposed. The SOMP must state maintenance will be implemented for a minimum of 24 months following section 224 certification and be at the consent holders expense.

CCTV – WASTEWATER AND STORMWATER

39. The consent holder shall conduct a CCTV survey of all public wastewater and stormwater reticulation constructed for the proposed subdivision, to assess pipe condition, pipe jointing, and gradient variations. The CCTV survey shall be submitted for acceptance to Council's Team Leader – Development Engineering to Council's CCTV recording system, "Retic Manager Ltd". The following matters shall also be included when submitting "Retic Manager Ltd":
- a. CCTV report from a suitably qualified professional;
 - b. Details on each separate pipe line surveyed highlighting any defects and damages found; and
 - c. Suggested remedies for the repair/elimination of defects found.

Advice Notes:

Inspection Guidelines

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

Retic Manager

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

GEOTECHNICAL COMPLETION REPORT

40. Prior to Section 224 Certification, the consent holder shall submit an Earthworks Completion

Report. The report shall be prepared by a suitably qualified geotechnical professional and shall demonstrate to the acceptance of the Council's Team Leader – Development Engineering the following matters:

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

If recommended by the submitted geotechnical report, **Condition 44(a)** below will require specific foundation design by a Chartered Professional Engineer on any identified Lots.

RESERVES

Neighbourhood Reserve

41. The consent holder shall submit to Council's Senior Reserve Planner for acceptance, following Council confirmation of the reserve design brief, a Development Plan for Lot 501 (the neighbourhood reserve) to create an accessible and landscaped reserve.

The Development Plan shall include the following:

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

holder's expense.

43. Prior to section 224 certification, the consent holder shall enter into an operational and maintenance agreement for the two years in accordance with the Development Plan at the consent holder's expense.
44. As-built plans for all assets developed on the neighbourhood reserve (Lot 501) which are to be vested in council, shall be provided to the acceptance of Council's Senior Reserve Planner and shall be prepared at the consent holder's expense.

Advice Note: Lot 501 is intended to be subject to a Developer Agreement and Infrastructure Works Agreement that will see the developer prepare and implement a full reserve development plan for Lot 501 that in addition to the matters covered above, will include to include a playground, public toilet and potentially skate facilities and car parking.

SERVICES – POWER AND TELECOMMUNICATIONS

Power

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

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

Telecommunications

46. The consent holder must arrange with a telecommunications company for the underground reticulation of telecommunications or fibre optic cables to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the telecommunications company that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include, if necessary, the re-siting, repositioning or removal of any telephone cables which exist on the land being subdivided.
47. Where telephone cables serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.

CONSENT NOTICES

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

ATTACHMENT H

10 June 2021

Lachlan Muldowney
Barrister
PO Box 9169
Waikato Mail Centre
HAMILTON 3240

Dear Lachlan

APPLICATION FOR RESOURCE CONSENT BY 3MS – DRAFT CONDITIONS OF CONSENT

1. Further to the conferencing of the planners (with other expert input) I **attach** a draft set of conditions.
2. There are four matters to note:
 - (a) As noted in the heading of the conditions document the track changes shown in the conditions are those conditions that the Applicant planner (Mr Chrisp) does not agree with;
 - (b) In relation to condition 9 while Mr Batchelor has recommended a development agreement in this case it is the position of the Council, advised by me, that such a condition is not necessary. If a development agreement is considered appropriate down the track then there is a process under the Local Government Act 2002 to facilitate this occurring;
 - (c) In relation to condition 13.1 both Mr Batchelor and Mr Inder are concerned about the implementation of the Sate Travel Management Plan (**STMP**) and pursue a specific condition to address this point. It is my advice to Council that this condition is not necessary as there are many conditions of consent (including condition 13 regarding the STMP) that must be complied with. If they are not then the Council can refuse to issue a section 224(c) certificate and/or take enforcement action.

HELEN ATKINS
MICHAEL HOLM
PAUL MAJUREY
VICKI MORRISON-SHAW

ATKINS HOLM MAJUREY LIMITED
Environmental and Public Law Specialists
PO Box 1585, Shortland Street,
Auckland 1140, NEW ZEALAND
Level 19, 48 Emily Place, Auckland 1010
PHONE +64 9 304 0294 FAX +64 9 309 1821

3. As advised could you please include this letter with your reply to the Commissioners.

Yours faithfully

ATKINS HOLM MAJUREY



Helen Atkins
Director

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