

Fast Track Application – Response to Comments Received (HCC)

Applicant: Rotokauri North Development Limited

Project: Rotokauri North – Stage 1

Reference: FTC000059

The following Table 12 respond to those comments received from HCC which identify concerns with the proposal and/or seek amendments to the proposal.

Table 13 identifies and records the changes to conditions identified in the HCC comments version which the applicant disagrees with and/or where HCC conditions have been accepted with modifications, as the reasons for these areas of disagreement and/or changes.

Table 12- response to comments from the Hamilton City Council

Reference	Comment Received	Applicant Response	
		Specialist/Expert providing response	Response
<i>Private Developer Agreement</i>			
2.0 PDA & 4.0 HCC position & 5.0 Proposed PDA conditions	(Summary only) Concerns that the proposal is not consistent with the PDA for provision of water supply beyond 150 lots, and conditions would be imposed to update the PDA.	Engineering & Planning: Jarred Stent (BBO) & Renee Fraser-Smith (Tollemache)	As HCC have pointed out, the private developer agreement (PDA) is a confidential contractual document between the applicant (and other parties falling under the umbrella of the applicants' parent company MADE) and HCC. The applicant concurs with HCC that the Panel does not need to familiar with the private detail of that agreement, and that the key is that the applicant delivers the necessary infrastructure to enable development.

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			<p>For clarity, implementation of the proposal does not require or rely on any infrastructure or funding being provided by HCC.</p> <p>The proposal includes all required infrastructure to service the development proposed.</p> <p>In summary:</p> <p>Roading:</p> <ul style="list-style-type: none"> • Roading to service the entire development is proposed, to be funded and constructed by the applicant. • The new intersection works with SH39, while requiring approvals from Waka Kotahi, are to be funded and constructed by the applicant. <p>Stormwater:</p> <ul style="list-style-type: none"> • A full suite of works has been proposed to manage stormwater, including works to recreate a stream channel, wetland devices, other "stream" devices, and riparian planting. All works will be funded and constructed by the applicant. • Internal reticulation is proposed and will be funded and constructed by the applicant.

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			<ul style="list-style-type: none"> On-lot devices are proposed, and will be required to be installed by future lot owners alongside construction of dwellings. <p>Wastewater:</p> <ul style="list-style-type: none"> A new pump station and wastewater reticulation (including gravity main) is proposed and will be funded and constructed by the applicant. <p>Water:</p> <p>Water supply infrastructure is proposed to be delivered in a staged manner due to the need for additional modelling to confirm the timing of additional bulk infrastructure to be constructed. All works proposed in the application are to be funded and constructed by the applicant. These include:</p> <ul style="list-style-type: none"> A new water supply network to service 150 lots including extensions of the main network; and The proposed package of works also includes further extensions of the main network which will be constructed by the applicant at such time following 150 lots, and compliant with the results of the modelling. <p>A PDA is not relevant to consent conditions, and it is inappropriate for HCC to require consent conditions requiring the PDA to be updated (linked to the resource</p>

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			<p>consent timing). These are confidential contractual matters which are already addressed in a contract. Requiring updates to a contract as a condition of consent would not meet section 108 of the RMA. The applicant is proposing to fund and construct the infrastructure necessary to support the proposal.</p> <p>For this reason, any changes made to the conditions from HCC to insert reference to the PDA have not been accepted in the updated version of the conditions provided.</p> <p>HCC have other mechanisms that it can utilise to “force” a PDA update should it so require.</p> <p>Should the Panel require any further professional advice on this issue, please advise.</p>
<i>Plan Change 7 (PC7)</i>			
3.2-3.3 (and 4.3)	<p>Summary only</p> <p>The PC7 3.6A.4.2 provisions set out staging and provision of infrastructure and work in tandem.</p> <p>The consent conditions need to reflect the relationship between the staging provisions, the infrastructure triggers and the PDA.</p>	<p>Engineering & Planning: Jarred Stent (BBO) & Renee Fraser-Smith (Tollemache)</p>	<p>As addressed extensively above the proposal includes infrastructure to align with the staging and sequence of development. For clarity in relation to the 3.6A.4.2 provisions:</p> <ul style="list-style-type: none"> The relevant transport triggers and required upgrades are satisfied by this application. Of particular note is that any first stage must provide the new intersection with SH39 and a cycle/shared

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			<p>path connection to SH1. This is confirmed in the AEE.</p> <ul style="list-style-type: none"> • The wastewater triggers require the provision of a new pump station and the associated transfer main. It is acknowledged that the alignment differs from the PC7 provision and mapping, to avoid accessing third party landholdings. Instead, a route along the public road network is proposed. The main connection is the same. This level of change is not unusual in moving from a plan change mapping of infrastructure to detailed design and implementation at resource consent. • There is no specified water trigger. The provisions require connection to Arthur Porter Drive with a 450mm pipeline, a 250mm resilience network, and a looped distribution network servicing Rotokauri North. The proposal includes these three items. As with the wastewater, it is acknowledged that the pipeline from Arthur Porter Drive differs from the PC7 provision and mapping, to avoid accessing third party landholdings. Instead, a route along the public road network is proposed. However, the main connection is the same in terms of providing appropriate reticulation to the proposal. • Stormwater infrastructure is required to be commensurate to the stage of development. The proposal meets this requirement.

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3.3	<i>Given that PC7 will be fully operative on 15 July 2022, should the assessment and decision on the application be made after that date, the PC7 provisions will prevail and the current operative provisions in the Operative District Plan will cease to have any legal effect, and can therefore be ignored in the s104 planning assessment. This will mean that the Applicant's proposed conditions, which include a requirement for consent notices which secure ongoing compliance with defined development controls are redundant and can be removed.</i>	Planning: Renee Fraser-Smith (Tollemache)	The applicant agrees that should a decision be made after PC7 becomes operative, the proposed condition for consent notices which secure ongoing compliance with defined development controls are redundant. However, there are elements that will remain relevant (such as treatment of certain lots) and, as such, an alternative has been included in the updated conditions and attachments to assist the Panel.
<i>Noise</i>			
7.1-7.8	<i>Summary Only</i> HCC has recommended additional conditions addressing: <ul style="list-style-type: none"> • The design and construction of the Collector network to meet Rule 25.8.3.4 • Future dwelling construction within 80m of SH39 to comply with Rule 25.8.3.10. 	Acoustic & Planning: Ed Hall (Agile) & Renee Fraser-Smith (Tollemache)	The applicant's acoustic engineers (Agile) have provided a separate response on these matters which is attachment to this response. In summary, the Agile response confirms the matters generally raised by council in respect of road noise and clarifies the application of the provision for internal acoustic treatment to be applied to future dwellings. Additional commentary on conditions is also provided.
<i>Parks and Reserves</i>			
10.1	<i>HCC's Parks and Reserves Planner has reviewed the application and met with the Applicant's Landscape Architect to reach agreement on minor changes to the landscaping plans that</i>	Planning: Renee Fraser-Smith (Tollemache)	We consider that there is an error in the precursor statement on the basis that none of the matters identified in a)-d) warrant amendments to the landscaping plans.

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	<p><i>the Applicant will provide amended plans to the Panel, including:</i></p> <p><i>a) Landscaping plans showing proposed landscaping on SH39 within Waka Kotahi's Designation and Waikato District Council's (WDC) boundary. The Applicant has proffered a condition where any landscaping works fall within the jurisdiction of WDC, the consent holder shall submit the relevant landscaping plans to the WDC for approval as part of the Engineering Works Approval, HCC recommends the same should be applied to Waka Kotahi. This has been reflected as a consent condition.</i></p> <p><i>b) The Applicant has proffered a condition for landscape plans for road reserves and stormwater management devices to be prepared in general accordance with the plans and submitted to the HCC Manger Parks and Recreation Unit for approval. HCC recommend the Landscaping plans be split from the stormwater management device plans as they have different approval requirements from two different HCC teams. HCC has recommended a condition to this effect.</i></p> <p><i>c) HCC has requested additional HCC conditions (Neighbourhood Park Landscaping Plan Approvals). These conditions capture</i></p>		<p><i>As regards the updates to the conditions, these have been made in the HCC version and generally accepted in the updated conditions provided.</i></p>

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	<p>HCC's standard recreation reserve landscaping conditions and advice notes to specify in detail what is required. The conditions stipulate that all works need to be in accordance with RITS. All stormwater management devices shall be implemented in accordance with approved plans to the satisfaction of HCC General Manager Development.</p> <p>d) HCC agree that Lot 2003 must be vested to HCC as a Recreation Reserve at no cost to the Council.</p>		
10.3	Other HCC amendments to conditions	<p>Planning: Renee Fraser-Smith (Tollemache)</p>	As regards the updates to the conditions, these have been made in the HCC version and generally accepted in the updated conditions provided.
<i>Geotechnical</i>			
11.1-11.5	Confirmation of geotechnical findings only	<p>Geotechnical & Planning: Retha Richards (HDGeo) & Renee Fraser-Smith (Tollemache)</p>	<p>HDGeo have provided a separate response on these matters which is attached to this response.</p> <p>In summary, the HDGeo response confirms the matters generally raised by council in respect of geotechnical matters and concurs with the findings on conditions</p>

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11.6	HCC amendments to conditions	Planning: Renee Fraser-Smith (Tollemache)	As regards the updates to the conditions, these have been made in the HCC version and generally accepted in the updated conditions provided.
<i>Stormwater</i>			
12.2a)	<i>The Applicant asked for dispensation for the max extended detention depths >350 which is inconsistent with the Regional Infrastructure Technical Specifications (RITS) requirements. RITS requires Wetlands have an appropriate footprint and the wetland plants can cope with frequency and depth of inundation from frequent storm events. The Applicant stated that the footprint is limited by the yield resulting in a 500mm detention depth being achieved. To offset this, there is a significant drainage reserve footprint proposed downstream of the wetlands including treatment swales, channel freeboard and floodplain benches. There is confidence that at detailed design stage, these systems could be configured in such a way that allows for the requisite extended detention storage upstream of the discharge point and the overall footprint of the stormwater treatment system proposed for handover to HCC is consistent with the RITS objectives. Therefore, HCC has recommended a condition for the stormwater wetland to be constructed in accordance with the RITS as such dispensation is not required</i>	Engineering (SW): Eugene Vodjansky (BBO)	The applicant does not fully comprehend this comment. It states that the intent of the RITS is met, and that HCC instructs that a RITS compliant footprint size is required. This can be resolved in the engineering plan approval phase.

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12.2b)	<i>The downstream discharge for the two year ARI is required to match the pre development discharge. There is significant storage within the stormwater system to provide for the 100 year attenuation, however the two year Annual Return Interval standard may yet be achieved through the detailed design of the proposed throttle culvert and any other storage through the system including wetland outlets. If not, the effects on the environment would need to be managed, this matter will can be dealt with through the Regional Council Consent Conditions</i>	Engineering (SW): Eugene Vodjansky (BBO)	HCC has indicated that this comment will be resolved through the WRC consent conditions. is the applicant agrees.
12.3	<i>Morphum Environmental believe there is no need to allow for any exception to the RITS standards as stipulated in the Application. The Development must be provided with a permanent and sustainable means for the management of stormwater runoff from the site, (and from the upstream catchment where necessary) in accordance with the RITS or to the satisfaction of the General Manager Development (or nominee).</i>	Engineering (SW): Eugene Vodjansky (BBO)	HCC (Morphum) has indicated that they believe that the additional footprint for the treatment wetlands can be found through the detailed design process. The applicant disagrees but is confident that this issue can be resolved during the EPA phase.
12.4-12.5	<i>Summary only</i> <ul style="list-style-type: none"> • A Stormwater Catchment Integrated Catchment Management Plan (SC-ICMP) is required • Condition recommendation to provide an SC-ICMP 	Engineering (SW) & Planning: Eugene Vodjansky (BBO) & Renee Fraser-Smith (Tollemache)	In our opinion, the PC7 SC-ICMP was competently prepared, is comprehensive, and meets these requirements so that there is no reason why it cannot be relied on as they "key step in the development of sustainable stormwater proposal for the wider development".

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			<p>Furthermore, the Stormwater Discharge Report submitted with the application directly implements the PC7 SC-ICMP.</p> <p>The applicant accepts the suggested condition to re-submit this for "approval"; however, the wording proposed by Council is not appropriate as it suggests that there will be "updates" to this document. This is not considered to be necessary or appropriate for the reasons outlined above. A suggested condition sets out a more appropriate wording, should the Panel consider this necessary.</p> <p>The other alternative is to limit any updated document to the relevant catchment, being the Ohote catchment.</p>
12.6	<p><i>One of the significant items to be updated in the application is the 100 year assessment. Requested detail for the downstream receiving environment was to include a long section and other information to confirm the reporting that states the 100 year effects of the proposed development on the Lake Rotokauri Flooding were no more than minor. The conditions provided in Attachment A provide for this matter to be satisfactorily confirmed through the EPA process approval as it was not provided to HCC prior to lodging this submission</i></p>	<p>Engineering (SW): Eugene Vodjansky (BBO)</p>	<p>The applicant agrees that this can easily be resolved in the EPA phase.</p>
Water			
14.1-14.3	<p>Summary only</p> <ul style="list-style-type: none"> Water reticulation proposal does not match the PDA 	<p>Engineering & Planning:</p>	<p>Refer to the comments in relation to matters 2.0, 4.0 and 5.0 above on the PDA.</p>

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	<ul style="list-style-type: none"> Recommended additional conditions 	Jarred Stent (BBO) & Renee Fraser-Smith (Tollemache)	Specific commentary on the conditions has been provided with the updated conditions.
<i>Transportation</i>			
15.1	Suggested conditions amendments	Planning: Renee Fraser-Smith (Tollemache)	Specific commentary on the conditions has been provided with the updated conditions.
15.2	<i>During the pre-submission phase, HCC and the Applicant have addressed numerous transportation matters through a series of workshops. It is expected that any updates to information and plans by the Applicant will be provided to the panel. The list below relates to those matters that are still outstanding:</i>		
15.2a)	<i>Provision of pedestrian access between Road 11 and Road 10 (cu-de-sac)</i>	Urban Design: Ian Munro	Refer to the response provided from Mr Munro, which advises that this connection is not needed.
15.2b)	<i>Provision of dedicated left-turn lanes at the signalised intersections – this has the potential to affect the subdivision boundaries</i>	Urban Design Engineering & Transportation: Ian Munro, Jarred Stent (BBO), Leo Hills (Commute)	It should be stressed that the key reason for signalling these intersections is not car / vehicle capacity but rather to promote and prioritise pedestrian / cycling safety and efficiency especially adjacent to a proposed school. In particular, these are the intersections between collector roads and either collector roads or local roads (not arterials). As such, keeping these intersections as small as possible and thus the pedestrian crossing distance as short as possible is considered highly desirable.

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			<p>The applicant's preference (as originally modelled) would be for the intersections (both near schools) to operate a "barnes dance" type arrangement whereby <u>all</u> pedestrians go (including diagonal) in one phase. This would negate the potential need for additional left turn lanes and would provide school children the most protection and flexibility when crossing the roads to the school.</p> <p>Outside school times, the pedestrian use at these intersections is expected to be minimal.</p> <p>We consider that, should this be further disputed at engineering plan approval stage, that there is sufficient space within the road to vest to accommodate this changes. Specifically, at intersection of roads 1/2 there is sufficient space (width) within the total road width being vested to accommodate left through lanes. The intersection of roads 1/3 also has sufficient space (width) for the north /south approaches, as the east/west already has a left turn lane. Thus, no changes to the subdivision boundaries would be required.</p> <p>Mr Munro has also provided additional comment on this matter.</p>
15.2c)	<i>Details of the cross-section, especially width of the cycle path and berm</i>	Engineering: Jarred Stent (BBO)	It is considered that these matters can be appropriately addressed at engineering plan approval stage.

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15.2d)	<i>Review of the 5m wide flush median (implications for safety and maintenance/operation costs)</i>	Engineering & Transportation: Jarred Stent (BBO) Leo Hills (Commute)	<p>The concern regarding the 5m wide flush median has been noted. It is not considered that narrowing this flush median to say 3.0m will change the lot boundaries but rather simply mean the berm width on either side are 1m greater each. This can be finalised at engineering plan approval stage.</p>
15.2e)	<i>Limiting construction access to Te Kowhai Rd to be left-in/left-out as per the ITA</i>	Transportation & Planning: Leo Hills (Commute) & Renee Fraser-Smith (Tollemache)	<p>From the ITA, the site is expected to cater for up to 90,000 m3 of infill. It is recommended that any construction vehicles required to access the site should utilise SH39 only and no vehicle routes should be proposed through Burbush Road or Exelby Road. It is, however, understood that prior to the roundabout being established, construction vehicles movements to and from the site will likely occur from the east (e.g., SH1). From a traffic perspective, uncontrolled right-turn movements of construction vehicles onto SH39 is not considered appropriate given the speed and classification of the corridor. As such, an alternative access is proposed whereby construction vehicles enter via SH39 (left turn in) and exit via Burbush Road (using the existing races within the site) to connect to the SH39 / SH1 interchange.</p> <p>This should be considered as part of the CTMP to ensure the proposed location of temporary access onto Burbush Road allows for adequate sight distance in both directions and appropriate widening is provided to allow a truck to turn left onto Burbush Road without crossing the centreline.</p>

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			This has been updated in the amended conditions.
15.2f)	<i>Clearly identifying that the shared path to Burbush Rd needs to be separate from any construction vehicle access to Burbush Road</i>		This has been updated in the amended conditions.
<i>Jointly Owned Access Lots</i>			
16.2-	<p><i>Summary only</i></p> <ul style="list-style-type: none"> • HCC considers that jointly owned access lots (JOALs) should be owned by a residents association • Conditions have been updated to reflect this ownership 	<p>Planning: Renee Fraser-Smith (Tollemache)</p>	<p>The matter of JOAL ownership arose as part of the PC7 process with the initial Council section 42A report recommending that JOALs were owned in a unit title. BBO's licensed cadastral surveyor, Mr Milne, prepared evidence to the PC7 Panel outlining the inappropriateness of a unit title and provided an overview of other appropriate ownership models to address maintenance issues.</p> <p>A copy of Mr Milne's evidence is provided as an attachment and reference for the Panel on the issue of ownership. It advises that ownership by a residents association is not the only option available to ensure maintenance of assets.</p> <p>Notably, the reasons presented in HCC's paragraphs a-d have no bearing on ownership other than to confirm they do not need to be a legal road.</p> <p>The applicant is an experienced developer including a successful development at Auranga in Drury (Auckland) where JOALs are frequently used and consented, including as "rear lane" configurations such as that proposed. Across the many stages consented to date by Auckland Council,</p>

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			<p>none have been issued with conditioned requiring the JOALs to be owned by a residents association.</p> <p>For these reasons, the HCC requested changes are not agreed. It is contrary to the evidence on the matter accepted at the PC7 hearing and inconsistent with:</p> <ul style="list-style-type: none"> • advice from the licensed cadastral surveyor; and • the ownership structures that the applicant has developed with similar subdivisions (approved by Auckland Council). <p>However, should the panel remain concerned as to maintenance obligations of the rear lanes the applicant can provide further information.</p>
Other matters			
17.6	<i>HCC supports the requirement for these crossing to be established as part of the subdivision in accordance with the Urban Design Report. A condition to provide for this is provided in Attachment A. Consent notices are to be placed on these lots except for Lots 167 and 168. The Consent Holder should construct these vehicles crossing in the appropriate location in accordance with RITS given they are at a cul de sac head.</i>	Planning: Renee Fraser-Smith (Tollemache)	These are agreed and have been updated in the conditions.
17.7	<i>HCC notes there are several consent notices proffered by the Applicant. Many of these consent notices have been modified with tracked changes. A condition is required to a</i>	Planning:	The updated conditions have been re-drafted to reflect HCC's drafting preference.

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	<i>consent notice that procures the performance of the requirement which cannot be met at the time of 224 certification. The proffered consent notices do not have associated conditions. HCC recommends conditions for each consent notice</i>	Renee Fraser-Smith (Tollemache)	
17.8	<i>The properties at 301 and 321 Te Kowhai Road adjoin the proposal subdivision. The Applicant proposes retaining of walls and fences up to combined height of 2.5m with the boundaries of these properties. The District Plan permits fences/retaining walls up to 1.8m. This is to avoid adverse visual dominance and privacy effects. The adjoining subdivided lots would be elevated and have views over 301 and 321 Te Kowhai Road. The Panel may wish to consider any potential adverse effects of 2.5m fencing on these properties</i>	Planning: Renee Fraser-Smith (Tollemache)	Retaining walls will be limited to 0.5m max. The additional 'height' is for safety fencing (1m) on top of the wall and sufficient additional height o manage potential privacy effects. The combined height can be limited to 2m, and the conditions updated accordingly.
17.9	<i>HCC would appreciate the opportunity to review the Panel's conditions for comment prior to the panel issuing a decision to the Applicant and the relevant Parties</i>	Planning: Renee Fraser-Smith (Tollemache)	This is a matter for the Panel to decide.

Table 13- response to comments from the Hamilton City Council (Conditions)

HCC Condition (HCC reference #)	Applicant Version	Reason for change
General Topics		
PDA conditions – specific and/or any reference to the PDA (Conditions 5-6, 65, 82(i)), 127	Deleted – original text to remain	Refer to the response in Table 12 on the PDA
JOAL Amalgamation Conditions to be replaced with residents' society ownership conditions (Conditions 118-122, 124	Deleted – original text to remain	Refer to the response in Table 12 on the JOAL ownership
Insertion of HCC referencing (Conditions 1, 24, 45)	Change has not been made	The Panel can decide if it is appropriate to include HCC references.
Sediment and Erosion Control - HCC comment on conditions 33-39: <i>The technical requirements of these conditions must align with the final regional consent conditions</i>	No changes required	The conditions as drafted reflect the Regional consent
HCC commentary on redrafting of consent notices	Changes have been made	Refer to the response in Table 12 on matter 17.7.
Specific Conditions		
<u>4. Stage 1A must obtain s224 works clearance prior to the development (excluding earthworks) for any subsequent stage</u>	Not included in updated conditions.	This condition is unnecessary – sequencing and staging is addressed by the specific staging conditions (commencement conditions) and there is no reason why Stage 1A could not be progressed concurrently with stage 1B. This condition is not agreed to.

HCC Condition (HCC reference #)	Applicant Version	Reason for change
<p><u>66. That prior to Engineering Plan Approval for any stage of the development, The Rotokauri North Sub-catchment ICMP shall be updated to allow integration with neighbouring properties and catchments sharing the stormwater systems</u></p>	<p>Alternative proposed should the Panel consider necessary.</p> <p><u>65. The Rotokauri North Sub-Catchment ICMP dated September 2021 shall be submitted with the engineering plan approval for formal certification.</u></p> <p><u>Advice Note:</u></p> <p><u>This is required as the Rotokauri North SC-ICMP was prepared during the PC7 process and to meet the HCDDP requirements, the document should be technically certified through a consent process. There is no expectation that the document will require any update. Additionally, its certification does not relieve future developments and resource consents of requirements to provide stormwater management reporting – it is expected that the future developments will implement the SC-ICMP.</u></p>	<p>Refer to comments in Table 12 referencing items 12.4-12.5.</p> <p>Should the Panel prefer the HC version, it is requested that it be relocated to after HCC condition 67/applicant condition 61. HCC have inadvertently split condition 65 into two (65 and 67). This should be read as one full condition, rather than two separate conditions.</p>
<p><u>67. (a)(iii) Splitter islands shall be designed where intersecting roads meet collector roads. Pedestrian cut-downs shall be sited five metres behind the proposed limit line, with corresponding cut-downs in the splitter islands</u></p>	<p>Deleted</p>	<p>The following response has been provided by Leo Hills (Commute):</p> <p>The pedestrian cut-downs and splitter have been proposed in the EPA condition presumably relate to pedestrian / cyclist safety on collector roads (at the intersections).</p>

HCC Condition (HCC reference #)	Applicant Version	Reason for change
		<p>In this regard it is recognised that additional provision should be provided for pedestrian / cyclists on the collector roads where they cross other roads (dues to the pedestrian / cyclist volume expected). Accordingly a raised table crossing has been proposed in the drawings where all intersecting roads meet collector roads. An example of one of these is shown below and in the photograph. This is considered an appropriate pedestrian / cyclist design due to:</p> <ul style="list-style-type: none"> • The tables slow all traffic on the side road (where the pedestrian / cyclist cross) to 10-20km/hr • The proposal does not increase the crossing distance that would occur with splitter islands (to accommodate truck tracking).

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<p><u>67. (a)(iv)</u> Any speed reduction mechanisms management measures to ensure a design speed of 30 km/ph for the local road network applicable to the west of Road 3 / Road 14 intersection and east of the Road 17 / Road 15 intersection to reduce vehicle speeds approaching these intersections</p>	<p>Retained original text version with minor amendment from HCC. Repeated below for ease of reference.</p> <p>61.(a)(iv) Any speed reduction mechanisms Speed management measures to ensure a design speed of 30 km/ph for the local road network.</p>	<p>As with the comments made on in Table 12 on items 15.2b), the proposal has sought to promote and prioritise pedestrian and cyclist safety. This includes promoting a low speed environment across the entire development not just on approaches to intersection. The HCC changes alter and undermine this approach, as they only seek to reduce speeds on the approaches to main intersections. For this reasons the HCC amendments are not agreed and would undermine pedestrian and cycle safety throughout the development.</p>
<p><u>67. (b) JOALS</u></p>	<p>Deleted and/or relocated</p>	<p>The HCC amendment is a repeat of the matters listed in (j) of this same condition. Where specific amendments have not been made they are addressed under the (j) changes below.</p>
<p><u>67. (c)(i)</u> Stormwater runoff from the site <u>including on lot stormwater management measures</u> shall be treated and managed in accordance with the Waikato Regional Infrastructure Technical Specifications-RITS to provide a permanent and sustainable means for the management of stormwater runoff from the site, (and from the upstream catchment where necessary) and the Stormwater Discharge Report referenced in condition 1.</p>	<p><u>61.(c)(i)</u> Stormwater runoff from the site <u>including on lot stormwater management measures</u> shall be treated and managed in accordance with the Waikato Regional Infrastructure Technical Specifications-RITS to provide a permanent and sustainable means for the management of stormwater runoff from the site, (and managed from the upstream catchment where necessary) and the Stormwater Discharge Report referenced in condition 1.</p>	<p>The HCC amendments inadvertently requires treatment of upstream catchments. This is not required under the PC7 – SC-ICMP nor should it be required as each catchment provides its own treatment device as it develops. Note this just relates to treatment – runoff volumes have been allowed for. PC7's SC-ICMP approach to stormwater treatment was not disputed through that hearing's process.</p>

HCC Condition (HCC reference #)	Applicant Version	Reason for change
<p><u>67. (b) JOALS</u></p> <ul style="list-style-type: none"> i. <u>All JOALs to be designed for a slow speed environment with provision for pedestrian use within the JOAL</u> ii. <u>All JOALs serving more than nine lots shall provide LED lighting of the JOAL to AS/NZS 1158.1.1 Category P4 standard, at no cost to Council.</u> iii. <u>No pressurised water or wastewater lines are to be located within any JOAL.</u> iv. <u>The design of the private stormwater system in the JOAL must take into consideration long term pavement design to ensure no saturated pavements.</u> v. <u>The pavement design of the JOAL's must be the same as that of a vested local road pavement where serving more than nine lots.</u> <p>67. (j) Jointly owned access lots:</p> <ul style="list-style-type: none"> i. <u>pavement design to a local road standard;</u> ii. <u>where/if necessary, any lighting LED lighting for JOALs serving more than nine lots to AS/NZS 1158.1.1 Category P4 standard</u> iii. A specific entrance threshold is to be provided for each rear lane JOAL entry so that from the outside they look as private driveways leaving the road. iv. Any speed reduction mechanisms 	<p>61. (j) Jointly owned access lots:</p> <ul style="list-style-type: none"> i. pavement design <u>of the JOAL's must be the same as that of a vested local road pavement where serving more than 9 lots;</u> ii. where/if necessary, any lighting LED lighting for JOALs serving more than nine lots to AS/NZS 1158.1.1 Category P4 standard iii. A specific entrance threshold is to be provided for each rear lane JOAL entry so that from the outside they look as private driveways leaving the road. iv. Any speed reduction mechanisms <u>Speed management measures to ensure a design speed of 20 km/ph.</u> v. <u>No pressurised water or wastewater lines to be located within any JOALS</u> vi. <u>Stormwater system must take into account long term pavement design to ensure no saturated pavements</u> 	<p>As the HCC edits to (b) and (j) are virtually the same, the amendments made incorporate both comments. Edits to (j)(i) reflect the wording from HCC in the (b)v. version at is considered that this more accurately reflects the intention of the condition.</p> <p>HCC (b)i. has not been carried over as this is accounted for the (j)iv, speed management condition. The JOALs are not intended as main pedestrian thoroughfares, as the majority of dwellings have street frontage and pedestrian are encourages to utilise the main street based and off road pedestrian network. The JOAL is a rear lane. It is a utilitarian space which provides vehicle access to the rear of the lots so that the streetscape and pedestrian footpath on the street is uninterrupted by multiple crossings.</p> <p>Where JOAL's have a pedestrian function a specific pedestrian footpath, separated from the JOAL carriage has been provided.</p>

HCC Condition (HCC reference #)	Applicant Version	Reason for change
<p><u>Speed management measures</u> to ensure a design speed of 20 km/ph.</p> <p>v. <u>No pressurised water or wastewater lines to be located within any JOALs</u></p> <p>vi. <u>Stormwater system must take into account long term pavement design to ensure no saturated pavements</u></p>		
<p><u>71. Prior to the Engineering Plan submission for Stage 1A, the consent holder shall undertake hydraulic water modelling following Hamilton City Councils' Modelling Process, to confirm that the proposed interim reticulation to service up to 314 Lots meets the required RITS standards, level of service and requirements of the amended PDA. The results of the modelling shall be provided with the Engineering Plan submission for Stage 1A. Any required works and upgrades of the water infrastructure must be undertaken by and at the cost of the consent holder prior to s224 certification for Stage 1A and any subsequent stages.</u></p> <p><u>Note: BBO email dated 8/06/2022 to HCC confirmed that all Water and Wastewater Infrastructure assessments provided in the Consent Application are based on 285 vacant residential lots and 11 superlots (creating additional 29 Lots) bringing the total to 314 Lots.</u></p>	<p><u>66. Prior to the Engineering Plan submission for any stage that will exceed 150 lots, the consent holder shall undertake hydraulic water modelling following Hamilton City Councils' Modelling Process, to confirm that the proposed interim reticulation to service up to 314 Lots meets the required RITS standards, level of service. The results of the modelling shall be provided with the Engineering Plan submission</u></p>	<p>Refer to comments made in Table 12 in relation to water supply/provisions (reference 14.1-14.3)</p> <p>The edits to the HCC text have largely been accepted as they reflect the original condition put forward. However, changes shown reflect the applicant position that this work is not needed until after 150 lots.</p> <p>The advice note is not required as the application documentation (AEE) clearly outlines the total number of lots and the theoretical yield should the superlots develop.</p>

HCC Condition (HCC reference #)	Applicant Version	Reason for change
<p><u>73. Any barrier intended to function as a noise barrier shall be installed at the locations and to the extent shown in the relevant plan in Appendix C of 'Rotokauri North Development - Acoustics - Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022). The barrier shall have a mass of at least 10kg/m2 and shall be installed prior to works clearance application.</u></p>	<p>Relocated and modified text:</p> <p><u>80. The bund shall be installed at the locations and to the extent shown in the relevant engineering plans prepared by BBO and dated April 2022 (as referenced in condition 1). The bund/barrier shall have a mass of at least 10kg/m² and shall be installed prior to works clearance application.</u></p>	<p>The condition is not a pre-works condition so has been relocated to the "Development in Progress" conditions.</p> <p>The amendments reflect that the bund is intended as a barrier and its construction and location is shown on the BBO drawings.</p>
<p>105. A defect liability period of 24 months for all planted <u>stormwater</u> treatment and detention devices (centralised planted stormwater device and stormwater storage) <u>with the defects period commencing at the completion of final stage of land development serviced by the device</u> and 12 months for all other infrastructure assets vested in Council as per the Waikato Regional Infrastructure Technical Specifications from the date of issue of the section 224(c) Certificate ("Defects Liability Period").</p>	<p>A defect liability period of 24 months for all planted <u>stormwater</u> treatment and detention devices (centralised planted stormwater device and stormwater storage) <u>with the defects period commencing at the completion of final stage of land development serviced by the device (excluding the realigned ohote tributary and associated riparian margins which shall have the defects liability commenced at the vesting of Stage 1A)</u> and 12 months for all other infrastructure assets vested in Council as per the Waikato Regional Infrastructure Technical Specifications from the date of issue of the section 224(c) Certificate ("Defects Liability Period").</p>	<p>The wording proposed by HCC would leave the commencement of the defects liability period on the main stormwater channel until all future development of the ohote catchment had been completed – this would include land falling outside of the applicants control – this is would place an unnecessary burden on the applicant and would not meet the fair or reasonable test for conditions under section 108 of the RMA. The outcome sought by the amendment does not reasonably relate to the works being consented and the maintenance obligations associated with these.</p>
<p><u>111. All habitable rooms in buildings on Lots to shall be protected from traffic noise from State Highway 39A by ensuring they are designed and constructed to meet an indoor design sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in other rooms. Where the indoor design</u></p>	<p><u>109. All habitable rooms in buildings on Lots 19-39, 42, 80-92, 169-171, and 203-220 (being within 80m of State Highway 39A) shall be protected from traffic noise from State Highway 39A by ensuring they are designed and constructed to meet an indoor design sound level of 35dBA Leq(24hr) in bedrooms</u></p>	<p>The modification include insertion of the relevant lots.</p> <p>The modifications to clauses ii) and iii) reflect that the bund must be installed as per earlier changes, so wording around "if a barrier is installed" are redundant.</p>

HCC Condition (HCC reference #)	Applicant Version	Reason for change
<p><u>sound levels can only be achieved with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 - Ventilation of the New Zealand Building Code 2011.</u></p> <p>i) <u>Habitable room means any room that is part of a building, apart from those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.</u></p> <p>ii) <u>If a noise barrier is installed in accordance with condition 72, then this condition would apply to habitable rooms on second floors of buildings or to any other habitable room with a clear line of sight to State Highway 39A.</u></p> <p><u>Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots To Requiring the glazing / façade performance requirements and ventilation strategy for habitable rooms outlined in Table 6 of section 5.2 of 'Rotokauri North Development - Acoustics - Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022) to be incorporated into the design and construction of the buildings. The applicable requirements and strategy can be determined by reference to the noise contours in the relevant plan in Appendix C of the report;</u></p>	<p><u>and 40dBA Leq(24hr) in other rooms. Where the indoor design sound levels can only be achieved with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 - Ventilation of the New Zealand Building Code 2011.</u></p> <p>i) <u>Habitable room means any room that is part of a building, apart from those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.</u></p> <p>ii) <u>For Lots which directly adjoin the bund within Lots 600-602, this condition would apply to habitable rooms on second floors of buildings;</u></p> <p>iii) <u>This condition would also apply to any other habitable room within 80m of the Stage Highway 39A and with a clear line of sight to State Highway 39A.</u></p> <p>Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots To Requiring the glazing / façade performance requirements and ventilation strategy for habitable rooms outlined in Table 6 of section 5.2 of 'Rotokauri North Development - Acoustics - Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022) to be incorporated into the design and construction of the buildings. The applicable requirements and</p>	<p>The modifications also reflect the response from Agile Engineering Consultants (Acoustic Engineers) that the conditions apply only to upper floors AND/OR any other building which might have line of sight, and that the requirement only applies within 80m of the State Highway.</p>

HCC Condition (HCC reference #)	Applicant Version	Reason for change
<p><u>Or alternatively;</u> <u>If the glazing / façade performance requirements and ventilation strategy for habitable rooms are not undertaken in accordance with Table 6 of section 5.2 of 'Rotokauri North Development - Acoustics - Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022) the indoor design sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in other rooms must be met. Where the indoor design sound levels can only be achieved with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 - Ventilation of the New Zealand Building Code 2011.</u> <u>An acoustic design certificate, prepared by a suitably qualified and experienced person in building acoustics, shall be provided to Council's Planning Guidance Manager at or before the time of application for building consent. The certificate shall show how the noise standards and the ventilation requirement will meet the sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in other rooms.</u></p> <p>i) <u>Habitable room means any room that is part of a building, apart from those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.</u></p>	<p>strategy can be determined by reference to the noise contours in the relevant plan in Appendix C of the report;</p> <p><u>Or alternatively;</u> <u>If the glazing / façade performance requirements and ventilation strategy for habitable rooms are not undertaken in accordance with Table 6 of section 5.2 of 'Rotokauri North Development - Acoustics - Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022) the indoor design sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in other rooms must be met. Where the indoor design sound levels can only be achieved with windows and doors closed, an alternative ventilation system shall be installed that complies with the requirements of Section G4 - Ventilation of the New Zealand Building Code 2011.</u> <u>An acoustic design certificate, prepared by a suitably qualified and experienced person in building acoustics, shall be provided to Council's Planning Guidance Manager at or before the time of application for building consent. The certificate shall show how the noise standards and the ventilation requirement will meet the sound level of 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) in other rooms.</u></p> <p>i) <u>Habitable room means any room that is part of a building, apart from those rooms used solely for the purposes of an</u></p>	

HCC Condition (HCC reference #)	Applicant Version	Reason for change
<p>ii) <u>If a noise barrier is installed in accordance with condition 72, then this condition would apply to habitable rooms on second floors of buildings or to any other habitable room with a clear line of sight to State Highway 39A.</u></p>	<p><u>entrance, passageway, toilet, bathroom, laundry, garage or storeroom.</u></p> <p>ii) <u>For Lots which directly adjoin the bund within Lots 600-602, this condition would apply to habitable rooms on second floors of buildings;</u></p> <p>iii) <u>This condition would also apply to any other habitable room within 80m of the Stage Highway 39A and with a clear line of sight to State Highway 39A.</u></p> <p><u>Pursuant to Section 221 of the Resource Management act 1991, a consent notice shall be registered against the Computer Freehold Register of Lots To Requiring the glazing / façade performance requirements and ventilation strategy for habitable rooms outlined in Table 6 of section 5.2 of 'Rotokauri North Development - Acoustics - Road Traffic Noise Assessment' (Agile Engineering Consultants, April 2022) to be incorporated into the design and construction of the buildings. The applicable requirements and strategy can be determined by reference to the noise contours in the relevant plan in Appendix C of the report;</u></p>	
<p><u>117. Wastewater gravity connections to each Lot off a JOAL must be via the road frontage unless topographical restraints hinder that option, consideration by HCC will be given to a vested /public WW gravity system in a JOAL to the satisfaction of General Manager</u></p>	<p>Relocated only</p>	<p>The HCC placement of this condition falls under a section of the consent for 223 matters. This is an engineering plan approval matter, and while it is considered this was already covered in 61.j (and 67j of the HCC conditions), the condition has been retained</p>

HCC Condition (HCC reference #)	Applicant Version	Reason for change
<p><u>Development (or nominee) at engineering plan certification stage. Except in this circumstance all other infrastructure within the JOALs will not vest in HCC.</u></p>		<p>but relocated under the pre development conditions section.</p>
<p><u>114. Prior to s223, the consent holder and the General Manager Development (HCC) must agree on an appropriate arrangement for either the collection of rubbish/recycling and unimpeded access through the JOAL or from vested roadside collection. If from the JOAL, the consent holder shall indemnify Council or its contractors rubbish/recycling vehicles driving across the JOAL and this indemnification shall be passed on the Residents Association and the Owner of each Lot from which rubbish and/or recycling is collected via the JOAL</u></p>	<p><u>114. Prior to s223, the consent holder and the General Manager Development (HCC) must agree on an appropriate arrangement for either the collection of rubbish/recycling and unimpeded access through the JOAL or from vested roadside collection. If from the JOAL, the consent holder shall indemnify Council or its contractors rubbish/recycling vehicles driving across the JOAL and this indemnification shall be passed on the <u>owners of the JOAL.</u></u></p>	<p>Changes reflect the applicant's position on JOAL ownership.</p> <p>Note this change has also updated the 223 conditions on relevant stages where JOALs may have a rubbish truck to include reference to a right to way in favour of HCC where this is agreed.</p>
<p><u>125. The stormwater treatment wetlands shown on Lots 2000 and 2001 must be constructed and commissioned prior to application for works clearance for Stage 1A.</u></p> <p><u>126. The wastewater infrastructure including the pump station and new rising main must be connected to the Hamilton City Council Far Western Interceptor prior to application for works clearance for Stage 1A</u></p>	<p><u>131. The following works specifically must be completed prior to application for works clearance for Stage 1A.</u></p> <p><u>(a) The stormwater treatment wetlands required to treat Stage 1A within Lots 2000 and 2001 must be constructed and commissioned</u></p> <p><u>(b) The wastewater infrastructure including the pump station and new rising main must be connected to the Hamilton City Council Far Western Interceptor.</u></p> <p><u>(c) The consent holder must provide water to the site <u>in accordance with the plans</u></u></p>	<p>While these conditions are not considered necessary, as the condition 130 (142 of the HCC version) addresses the requirement to provide the infrastructure for each stage, the applicant has also taken in board feedback from Waka Kotahi and the revised conditions include these specific items – however in a relocated to position as they related to 224 completion of works.</p> <p>Minors changes are proposed, to relet that the stormwater allotments include provision for "future" stormwater devices and these will not</p>

HCC Condition (HCC reference #)	Applicant Version	Reason for change
	<u>submitted by BBO and referenced in Condition 1.</u> <u>(d) The roundabout intersection with State Highway 39 shall be completed and operational.</u>	be constructed for Stage 1A, and to reflect the applicant's position on the PDA.
<u>170. The rear side boundary between Lots 167 and 168 be adjusted to remove the narrow dogleg within Lot 166</u>	Not included	The change has been made to the updated scheme plans, thus a condition is no longer required.
<u>176. The stormwater treatment wetlands shown on Lot 2004 must be constructed and commissioned prior to application for works clearance for Stage 1D</u>	Not included	The wetland in Lot 2004 is not servicing Stage 1D – it has been shown as “future” as it reflects a future stage of development not covered in this consent.
199. That a right of way easement be registered over the access of Lot 351 to enable vehicular access for Lots 350 and 352 <u>and 353</u> . This shall be shown on the memorandum of easements on the survey plan and be duly granted and reserved	Not included	There is no reason to require Lot 353 to be serviced via the right of way. The Commute transport assessment submitted with the application has not required this to mitigate effects on pedestrian and/or cyclist safety.
<u>Advice note 8:</u> <u>The Consent Holder is advised that any further development/ subdivision will require a secondary road access to provide resilience of access to the development in the event of the proposed access roundabout being blocked</u>	Not included	This is not a matter that was raised in PC7 by any party as a trigger matter for transportation effects. This is not a recommendation of the work undertaken by Mr Hills /Commute and is not supported by any technical assessment.