

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of resource consent applications by
Sanderson Group Ltd to Waikato
District Council for resource
consents for expand the Tamahere
Country Club retirement village at
56, 70, 82 and 92 Tamahere Drive.
(LUC0188/24; LUC0189/24;
LUC0597/21.04; and VAR0002/24)

SECTION 113 RESOURCE MANAGEMENT ACT 1991

DECISION ON APPLICATION

1. For the reasons outlined in this decision notice and pursuant to sections 104D and 104B of the Resource Management Act 1991 ("**RMA**"), consents are granted.

Introduction

2. This decision records a summary of the public hearing held on the application in Ngaruawahia, 2 May 2024, the decision made, and the principal reasons for this.
3. A site visit was undertaken to the site and surrounds on 2 May 2024.
4. As the application had been subject to the RMA's pre-circulation requirements, the application material, written submissions, Council's s.42A report, and expert evidence on behalf of the Applicant had been read before the hearing.
5. On behalf of the Council in its capacity as a Consent Authority the following were in attendance:

- a. Ms. Michelle Carmine (planner)
 - b. Mr. James Templeton (engineer)
 - c. Ms. Ella Makin (team leader)
 - d. Ms. Kirsty Ridling (solicitor)
 - e. Mr. Vinish Prakash (traffic engineer) (on-line attendance)
 - f. Ms. Jessica Thomas (hearing administrator)
6. On behalf of the Applicant the following were in attendance:
- a. Ms. Vanessa Hamm (counsel)
 - b. Ms. Jo Soanes (landscape architect)
 - c. Mr. Mark Apeldoorn (traffic engineer)
 - d. Mr. Nathan Sanderson (applicant)
 - e. Mr. Brendan Russo (applicant employee)
 - f. Ms. Kathryn Drew (planner)
7. On behalf of the submitters the following was in attendance:
- a. Mr. Mark Smith, on behalf of himself and Mrs. Debbie Smith.
8. The hearing was adjourned on the basis that I asked the Applicant and Ms. Carmine to further collaborate regarding potential conditions of consent (should consent be granted). On receipt of this information, and then having determined that I had sufficient information to progress to a decision on the application, I closed the hearing on 13 May 2024.

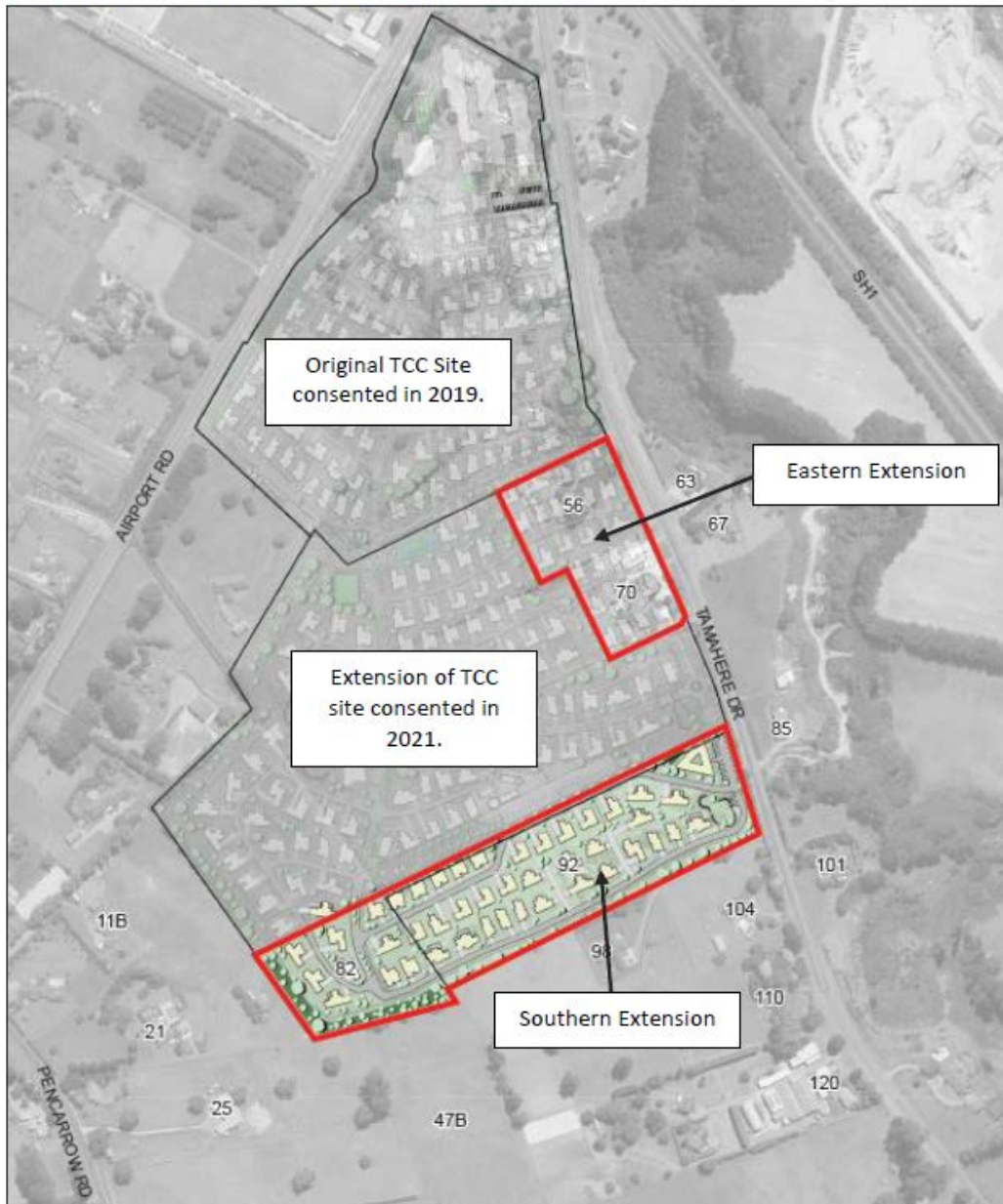
Background

9. I have been appointed by the Waikato District Council under s.34A of the RMA to hear the evidence and submissions, and to make a decision on the application.
10. The application, site and its environment have been comprehensively explained in the application documents and also in the evidence of Ms. Soanes and Ms. Drew on behalf of the Applicant. There was no disagreement regarding the site context and description. Based on my site visit I also agree with the descriptions provided to me. I adopt sections 3 (background) and 4 (site description) of the Applicant's comprehensive Assessment of Environmental Effects ("**AEE**"), November 2023. Of key note is that the proposal is to extend an existing retirement village activity onto land adjoining it in two spatially separate locations referred to in the papers as an

eastern extension and a southern extension. These are depicted helpfully on Figure 6 of the Applicant's AEE, reproduced below:

Figure 1 – Figure 6 from the Applicant's AEE, November 2023 (no scale)

Figure 6: Location of Southern and Eastern Extensions⁶



11. By way of a brief summary, I have reproduced sections 4.3.1 and 4.3.2 from the Applicant's AEE below:

"4.3.1 Eastern Extension

The eastern extension is a 1.9ha pocket of land encapsulated by the TCC village on three sides.

56 Tamahere Drive is a 1.1ha title which contains a single dwelling located to the northern edge of the site with a number of established tree species surrounding it. Approximately 60% of the site is lawns and gardens with the balance in paddocks where a small number of Alpacas are currently grazed.

70 Tamahere Drive is an 8000m² title. The site is known as 'The Compound' and the northern portion of the site currently operates as the depot (i.e. a building and a gravel parking area) for Red Lid Bins & Bags. The site operates under a resource consent for this activity. The site also features two access points to Tamahere Drive, two single storey residential dwellings to the south and a paddock in the north western corner. There is no primary production currently occurring on this property.

The ground levels for the site grade westwards towards the existing TCC boundary, with a change of level of approximately 1.5m from Tamahere Drive to the western boundary (i.e. from RL49.2 to RPL 47.7).

4.3.2 Southern Extension

The southern extension is a 5.25ha pocket of land directly adjacent to the TCC's existing southern boundary comprising 82 and 92 Tamahere Drive.

82 Tamahere Drive is a 1.71ha title that is currently being used as the construction office and site yard for Sanderson's construction activities. The site is highly modified with the majority of it disturbed and either used for relocatable site offices, parking or the storage of equipment for civil infrastructure works. There are no primary production activities on this property.

92 Tamahere Drive is a 3.54ha title that is a former Christmas Tree farm, with a single dwelling and associated sheds centrally located. Approximately 1ha of the site was utilised for the Christmas Tree farm, a further 1.5ha being unimproved non-utilised pasture and the balance (1ha) occupied by the existing dwelling and gardens. There is no evidence of primary production on this property.

The ground levels for the site grade northwards with a 0.6m elevation change (i.e. from RL48.2 to RL47.6)."

12. For more detail on the proposal, I refer to the application documents and the description provided by Ms. Carmine in her s.42A report. There was no disagreement on the proposal or its characteristics. I have repeated Ms. Carmine's helpful s.42A report summary in full below:

“Consent is required under both the Proposed District Plan Appeals Version (PDP) 2022 and the Operative District Plan (Waikato Section) 2013 (ODP) to extend the existing Tamahere Country Club Retirement Village to the east and south through the provision of additional residential units.

The eastern extension and southern extension have been applied for under two separate consents. Accompanying these applications is an application to vary the existing consent under section 127 and an application to cancel a consent notice under section 221. Consent is also required within both extension areas under the NES Contaminated Land (NESCS).

The Eastern Extension seeks consent for 25 new residential units and a small arts and craft building across two existing sites. Infrastructure and Roading will be integrated with the existing village that operates under LUC0597/21.03. A Landscaping Master Plan is provided. Cancellation of the Consent Notice is associated with a historic no build covenant within a portion of one of the sites and is required if Land Use is granted for the Eastern Extension.

The Southern Extension seeks consent to establish 42 new residential units across two existing sites and a 750m² health spa. Infrastructure and Roading will be integrated with the existing village that operates under LUC0597/21.03. A Landscaping Master Plan is also provided.

The accompanying section 127 application seeks to establish two additional residential units mostly in the footprint of the existing land use consent site. If the Southern extension is granted the two additional villas will seek to fill a gap that was previously an open space setback on the Southern edge of the Village. This application goes hand and hand with the Southern extension.”

Consents required

13. The proposal is zoned Rural in the ODP and General Rural in the PDP.
14. Mr. Drew and Ms. Carmine have each identified the consents required. There was broad agreement between the two planners as to the consents required, including that overall consent is required as a discretionary activity under the ODP and a non complying activity under the PDP. It was common ground between the Applicant and the Council that based on the overlap of planning intent between the two Plans (as it relates to the Site) and the advanced state of the PDP, it was appropriate for me to focus on the PDP and that if the proposal ultimately merited the granting of consent under the PDP, it would also merit the granting of consent under the ODP.

15. Consent is also required as a controlled activity under the National Environmental Standards for Managing Contaminants in Soil to Protect Human Health (“**NES-CS**”).
16. I adopt and refer to the analysis of consents required as set out in section 6 of the Applicant’s AEE.

Statutory and planning considerations

17. Section 113 of the RMA outlines requirements for decisions on applications that were notified and this decision has been prepared in accordance with these requirements.
18. In making this decision, the following provisions of the RMA have been particularly considered:
 - a. Sections 113, 104, 104B, 104D, and 108.
 - b. Part 2 in its entirety.
19. In summary, s.104D of the RMA requires that before I am permitted to consider the merits of a non complying activity application, it must pass through at least one of two specified gateway tests. One is for any adverse effects on the environment to be no more than minor; the second is that the proposal must not be contrary to the objectives and policies of the relevant Plan and Proposed Plan. If neither gateway test is passed, then the application must be refused consent.
20. In making this decision, the following RMA planning instruments have been considered:
 - a. National Policy Statements
 - i. Highly Productive Land 2022 (“**NPSHPL**”);
 - ii. Urban Development 2022 (“**NPSUD**”); and
 - iii. Freshwater 2020 (“**NPSFW**”)
 - b. National Environmental Standards
 - i. NESCS
 - c. Waikato Regional Policy Statement (and Change 1)
 - d. Proposed Waikato District Plan (Appeals Version)
 - e. Operative Waikato District Plan

- f. Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010
21. In terms of s.104(1)(c) of the RMA, I have also considered the non-statutory Futureproof sub-regional growth strategy 2022; Waikato-Tainui Environment Plan; and Ngati Haua Environmental Management Plan.
22. Ms. Carmine additionally proposed I consider the question of precedent and district plan integrity as a s.104(1)(c) RMA matter. I find that this can and should be considered directly as a part of my consideration of the proposal's effects and planning-fit under sections 104(1)(a) and (b), and 104B of the RMA – assuming for the time being that the application passed at least one of the two s.104D RMA gateway tests for non complying activities.

Notification, submissions and late submissions

23. The application attracted one submission in opposition, from Mr. Mike and Mrs. Debbie Smith. The Smiths reside at Summerfield Lane, a road accessed from Tamahere Drive and along which the Smiths regularly see and experience the existing Tamahere Country Club. The Smith's submission identified particular concerns with rural character, traffic, and plan-compliance matters. The Smiths seek that consents be declined.
24. There were no late submissions.

Summary of evidence given at the hearing

25. The following is a brief summary of the evidence presented at the hearing. For full accounts, I refer to the s.42A report, pre-circulated evidence, written submissions, information given at the hearing, and the minutes of the hearing kept by the Council.
26. Because there was only one submitter and that the materials had been pre-circulated, I invited Mr. Smith and the Applicant to consider whether the Hearing should proceed in the usual manner of the Applicant's case followed by the submitter's; or whether in this instance it might be appropriate to hear from the submitter first and then the Applicant. This would be to allow the submitter to be free to then either remain at the hearing or attend to other business.
27. Mr. Smith confirmed that he would prefer to speak first and then leave the hearing. The Applicant confirmed that it was happy to accommodate this.

Submitter

28. Mr. Smith addressed me with a written document prepared by he and Mrs. Smith. The Smiths' objections centred on:
- a. integrity of the District Plan;
 - b. concerns with the way the application was notified;
 - c. concerns with the proposal's effects on rural character;
 - d. concerns with the proposal's transportation effects; and
 - e. in the event that consent was granted, a request for requirements in relation to right-hand turning bays at both entrances to the village from Tamahere Drive, intersection lighting at each entrance; and a landscaped 25m frontage along Tamahere Drive.
29. I asked several questions of Mr. Smith to clarify his concerns. Amongst his responses he confirmed to me that in his view the character of Tamahere Drive changed from a rural one to an urban one (travelling from south to north) at the point of the existing retirement village café visible from Tamahere Drive.
30. I also asked the Council to investigate and confirm, at the appropriate time, whether the public notification of the application had proceeded in accordance with the Council's usual process for that.
31. Mr. Smith at this point was excused from the hearing and departed with my thanks for his and his wife's most helpful input.

Applicant

32. The Applicant's case proceeded with legal submissions from Ms. Hamm. She submitted that the consents should be granted and that the Council's officers' concerns with the southern extension were overstated.
33. Ms. Carmine's principal concerns arose in relation to the proposed southern extension's adverse effects on rural character (and the planning implications of that). Ms. Hamm encouraged me to prefer the subject matter expertise of her landscape character witness Ms. Soanes. More specifically, Ms. Hamm drew me to what she said was the key difference between the Applicant's view and Ms. Carmine's – the scale of the "environment" that rural character outcomes were being assessed against. In Ms. Hamm's view Ms. Carmine had been overly narrow (largely being confined to the Site).

34. Another key matter of contention related to Proposed District Plan General Rural zone policy 15. This concerns alterations and additions to existing retirement villages. Although the PDP defined the terms “additions” and “alterations” as each being in relation to existing buildings, the term “retirement village” is also defined and applies to a complex and what could reasonably be a number of separate buildings. In Ms. Hamm’s submission it was necessary and appropriate to read the policy as allowing additions and alterations to existing retirement villages to include additional buildings and an altered overall site shape such as has been proposed.
35. In response to my questions, Ms. Hamm confirmed that if the application satisfies the framework of the PDP, it would also satisfy that for the ODP. She also confirmed that, in the event I was not persuaded that GRUZ-P15 applied, this would complicate but not be fatal to the Applicant’s case.
36. Mr. Sanderson briefly answered my questions. I was interested in understanding the scale of the proposal and, in light of Ms. Carmine’s support of the eastern extension, whether there was any particular significance to the overall scale of additional development proposed. Mr. Sanderson explained in response that he has a particular interest in an expanded care facility on the Site but that these facilities had particularly challenging financial feasibility issues. He explained that he had currently secured funding for 34 beds but that to cater to what he saw as the needs of the wider community, this needed to be 80 beds. The additional retirement units proposed in the Eastern and Southern areas would be sufficient to secure that funding. Mr. Sanderson’s appraisal of this issue was the only such information I received, and it was not challenged by any other party.
37. Ms. Soanes summarised her written evidence and also took me through a number of the proposed site plans. In her opinion the proposal, once understood in its appropriate receiving environment, would not have more than minor rural-character related adverse effects. She disagreed with Ms. Carmine’s conclusions and considered them to have been analytically incorrectly arrived at.
38. I asked Ms. Soanes to explain to me how she decides for any given project what the scale and extent of the receiving environment should be. In response she explained the analytical process she followed of starting at the regional scale (including questions of regional significance), and including any relevant Outstanding Natural Landscape or Outstanding Natural Features. She then moved to the local context and in this instance drew to my attention Tahamere, the existing retirement village, roads including Airport Road, and adjacent land. As part of her answer, Ms. Soane spoke to the parts of the environment that she had visited and the experiences she took from that.

39. Ms. Soanes discussed with me matters of urban and rural character, and confirmed that the proposal would have in and of itself an urban character. It was in Ms. Soane's opinion the village design and layout, provision of setbacks, landscaping, and fences that would provide rural characteristics sufficient to integrate the proposal into its neighbourhood.
40. Reflecting on the larger-scale receiving environment that Ms. Soanes had relied on compared to Ms. Carmine, I put to Ms. Soanes a hypothetical 'trap' whereby if every application was assessed in a 'big enough' surrounding landscape, it may be that nothing - even of the scale of a whole new town - might ever have a rural character effect warranting refusal of consent. Ms. Soanes emphasised to me that although there are rarely any definitive 'black and white lines', each landscape assessment needed to be undertaken on its own merits and subject to its own appropriate limits. In her opinion, it is always possible for a proposal to be inappropriate.
41. Ms. Soanes remained of the view expressed in her written evidence that consent should be granted.
42. Mr. Apeldoorn briefly summarised his evidence and verbally offered a specific response to the transport concerns of Mr. Smith. This included that the proposal did include provision for carriageway widening in Tamahere Drive and that the speed limit along the road adjacent to the village was now 60km/h (Mr. Apeldoorn advised me that at the time of the original village consent the speed limit was 80km/h). That was relevant, I was told, to the likelihood and likely severity of potential crashes.
43. Mr. Apeldoorn also explained to me the Southern Links transportation project, which would be located south of the Site. Although currently occupants in Summerfield Lane including the Smiths must use Tamahere Drive, in the future they would enjoy enhanced access including means to not use Tamahere Drive if they preferred.
44. Mr. Apeldoorn remained of the view expressed in his written evidence that consent should be granted.
45. Ms. Drew summarised her planning evidence. She explained why in her opinion the proposal was not contrary to the relevant planning framework as Ms. Carmine had concluded. This included reference to the strategic district plan and regional planning framework.
46. I discussed with Ms. Drew the scenario of me agreeing with Ms. Carmine that the proposal was contrary to the District Plan framework. Ms. Drew confirmed her opinion that the proposal would still pass one of the s.104D RMA gateways for non complying activities and on merit was consentable. Significantly, that the proposal was to extend

an existing retirement village rather than establishing a new one was in Ms. Drew's opinion a highly relevant matter.

47. Other relevant matters identified by Ms. Drew related to the Applicant's demand analysis for the area and that no demands would be placed on the Council for infrastructure or services.
48. Ms. Drew remained of the opinion expressed in her written evidence that consent should be granted.

Council officers

49. Mr. Prakash identified amendments to proposed conditions of consent that would in his opinion be desirable. But overall he made no argument for the consent applications to be declined.
50. Ms. Carmine followed Mr Prakash by clarifying a question I had asked relating to customer traffic to the café. Ms. Carmine stated that the existing café was intended for village resident use only, not the general public, and that the Council was undertaking a compliance exercise in this regard.
51. In Ms. Carmine's opinion the Regional Policy Statement does not contemplate any additional growth occurring in Tamahere. I put several questions to her seeking to better understand how she had undertaken her assessment of effects on the environment and interpreted the District Plan. This included potential conditions of consent.
52. I had a specific interest in how Ms. Carmine had evaluated rural character effects, specifically because it was not clear to me how she concluded in support of the eastern extension but not the southern one. In her response Ms. Carmine referred to the overall scale of the combined extension compared to the scale of the existing village, the outcomes that the Plan seeks to maintain in the rural zone, and that her finding that effects would be more than minor would be in terms of effects occurring on the Site itself (i.e., an urban character eventuating not a rural one).
53. Responding to one of Mr. Smith's concerns, Ms. Carmine also confirmed that in her opinion the notification of the application proceeded in accordance with the Council's standard practice although on-line details as part of the Council's website were "*...more difficult to find than normal*". On this basis, I confirm that I see no ability for me to take that aspect of the Smiths' concerns further.
54. Mr. Templeton then briefly responded to the matters canvassed at the hearing including the origin and ownership of a metal stockpile on Tamahere Drive opposite

the Site, how in a transportation sense urban and rural road outcomes have distinctive characteristics to one another, and how conditions of consent relating to seal widening might be improved. But overall, Mr. Templeton was not opposed to the granting of consent.

Discussion of next steps

55. At this time I initiated a discussion of the overall state of the information before me. The s.42A report did not include a complete set of potential conditions of consent (for the Southern extension) and neither did the Applicant's pre-circulated evidence. Although I did receive updated conditions of consent, I was concerned that I lacked any expert evidence formally introducing those or confirming that they were suitable, enforceable and otherwise appropriate.
56. I signalled a preference that Ms. Carmine and Ms. Drew continue to refine the conditions to reach as much practical agreement as was possible. A timetable for this, including a brief Expert Conference and Joint Witness Statement, was agreed to.
57. A written right of reply was then provided for after that.

Verbal summary of Applicant submission

58. Ms. Hamm presented a brief verbal summary of the Applicant's position on the matters discussed at the hearing. She reiterated that in her opinion consent should be granted.

Hearing adjourned and additional information received from the planners

59. The hearing was adjourned on the afternoon of 2 May 2024.
60. On 8 May 2024 I received in writing a Joint Witness Statement and conditions of consent that had been almost entirely agreed by Ms. Drew and Ms. Carmine.

Applicant's right of reply

61. Ms. Hamm submitted a right of reply in writing on 9 May 2024. Ms. Hamm walked through the key issues that had arisen at the hearing.
62. Ms. Hamm reiterated why in her view Ms. Carmine's approach and conclusions should not be preferred, and why the Applicant's approach was both technically and legally correct.
63. Specific commentary for PDP policy GRUZ-P15 was provided, along with a brief list of key merits considerations (i.e., post-s.104D RMA) that would be highly relevant to me if that scenario were arrived at. Lastly, Ms. Hamm addressed the proposed conditions

of consent and the interplay between the new consents sitting alongside an existing consent proposed to be varied.

Principal issues in contention

64. The information and evidence before me raised the following principal issues in contention, in the order that I have elected to consider them:
- a. Transportation effects
 - b. Eastern Extension
 - c. Southern Extension and Rural Character Effects
 - d. Contrariness to the Planning Framework
 - e. S.104D findings
 - f. Planning fitness under s.104(1) RMA
 - g. Effects consideration under s.104(1) RMA
 - h. Precedent and Plan Integrity
 - i. Conditions of consent
65. In respect of all other matters not listed above, including other adverse environmental effects than those listed here, and concerns identified by Mr. and Mrs. Smith, I find that there are no pathways that would lead to the refusal of consent, and that conditions of consent such as were proposed by the Applicant and Council staff could appropriately avoid, remedy or mitigate adverse environmental effects. This includes the consent required under the NESCS.

Findings on principal issues in contention

Transportation effects

66. There was no disagreement between the Council and Applicant as to the proposal's acceptability in traffic and transportation terms. Mr. Smith outlined concerns with the safety and appropriateness of the proposal including night-time lighting / visibility; queuing and turning movements; and concerns arising from the use of the road reserve opposite the Site as a metal stockpile. These were responded to by both Mr. Apeldoorn and Mr. Templeton at the hearing.
67. Mr. Apeldoorn in particular took me to the Integrated Traffic Assessment included within the application documents and recommendations (which had been translated into conditions of consent) that would require appropriate carriageway widening at the southern entrance in accordance with the relevant engineering standards. I am

satisfied that he has properly and evenly considered potential traffic effects including the Smiths' concerns.

68. Having reviewed the documents and evidence, I am persuaded to accept that the proposal will be appropriate, will not have adverse effects that are more than minor, and can be otherwise properly managed by way of conditions of consent.

Eastern Extension (including Consent Notice cancellation)

69. There was no disagreement between the Council and Applicant as to the suitability of the eastern extension area. This area presents as something of a 'gap' in the road frontage, with the existing village visible immediately north and south of that area.
70. Ms. Soanes confirmed that vegetation was intended to remain at the road frontage as a means of maintaining a ruralness of character.
71. Although the Smiths opposed the entirety of the proposal, Mr. Smith's verbal confirmation to me that he felt an urban character existed and commenced (south to north) from the existing café, was significant in my evaluation of the proposal. Taking also into account the landscaping proposed along the road frontage, I find that the additional villas will have a minimal effect on the environment, any sense of rural character, or the general amenity of the road. I do not agree with the Smiths that additional landscape buffering along the road frontage is required.
72. I accept the Applicant's evidence and Ms. Carmine's s.42A recommendation that this aspect of the proposal will be acceptable. I find that in light of the extent of existing retirement village wrapping around the extension area, adding it into the village will not materially change the existing character of the Site or the wider rural zone to any concerning extent.

Southern Extension and Rural Character Effects (including Consent Variation)

73. The Smiths and Ms. Carmine opposed the grant of consent to the southern extension area.
74. I have disregarded any effects on those persons that have provided written approval to the application. These are the owners and occupiers of 63, 67, 85, 98, 101, and 104 Tamahere Drive, and 21 and 47B Pencarrow Road. These account for all properties adjoining the proposed extension areas and across Tamahere Drive, except for 25 Pencarrow Road. That adjoins the south-western corner of the southern extension area.

75. I find that in terms of persons using or occupying 25 Pencarrow Road the proposal will have at most minor adverse effects on the basis of development setbacks, scale and the proposed landscaping and bund proposed on the Site. In this respect I accept the conclusions of Ms. Soanes and Ms. Drew.
76. The central disagreement between Ms. Carmine and Ms. Soanes / Ms. Drew was the appropriate scale of “environment” that the proposal’s effects should be assessed within. Ms. Carmine effectively focussed on the Site itself. Ms. Soanes and Ms. Drew (who relied on Ms. Soanes) preferred a receiving environment that was larger, based on the area of land within which the proposal might be seen or experienced within.
77. I agree with Ms. Carmine that the proposal will present with something of an urban character and Ms. Soanes, to her credit, agreed with this. In Ms. Soanes’ view it was the combination of the scale and intensity of buildings proposed, landscaping, setbacks and screening, and overall design that presented a compatible ruralness of character such that the resultant effects of that on the receiving environment would be at most minor.
78. When I considered Ms. Carmine’s analysis, it seemed to me that she may have conflated considerations of whether the proposal achieved the outcomes sought by the Plan on the Site (maintaining a rural character) with adverse effects on the environment resulting from that. I disagree that the act of simply proposing a non-rural outcome on a site inherently means a concerning adverse effect will also necessarily result, or that not maintaining an outcome specified in a Plan would also necessarily result in an adverse effect.
79. I pursued this with her at the hearing, asking for more explanation on exactly what it was about the proposal that led to an unacceptable (and more than minor) adverse rural character effect. Her response focused on the urban nature of the proposal within the Site, the overall scale and intensity of the village as a whole (a 1/3rd overall increase in unit yield is proposed (or 67 units)), and associated cumulative effects. My difficulty with this response was that I could not differentiate why those might only occur in relation to the southern extension area but not the eastern one, which she supported despite it - to my eye - proposing a very similar generally urban-type character to the southern area. I wish to observe here that no criticism of Ms. Carmine is intended or should be read from this paragraph; the issues raised by the proposal are in many respects finely balanced and although I have not agreed with Ms. Carmine on this point I very much understand the issues she was grappling with through her evaluation. In summary, the village was already an urban development, it has grown by way of additional resource consents, is proposed to grow again now,

and could well seek to grow further in the future – all the while increasing an urban character outcome where the Plan sought to retain rural outcomes.

80. But I find that the question of whether the proposal achieves a satisfactory rural character on the Site as per the objectives and policies of the District Plan is a question of planning merit to be separately considered (i.e., s.104D(1)(b) and/or s.104(1)(b)). It is the effects of that proposal on its environment that is of concern at this juncture and although the receiving environment does include the Site and proposed changes to it, I prefer and accept the approach of Ms. Soanes and Ms. Drew. The environment includes the land beyond the Site from within which the proposal's effects could be readily discerned and experienced at a more than just negligible level. It just so happens that in this instance much of the receiving environment is subject to affected party approvals, meaning that although the overall number of dwellings within the village might be proposed to increase (a change of overall village unit numbers of 21% being attributable to the southern extension), the resultant effects of that – where I am permitted to consider those effects – will be considerably less than that.
81. I find that on the basis of Ms. Soanes and Ms. Drew's evidence, the proposal will have adverse effects on rural character that will be at worst minor and I refer to their respective statements of evidence, the conclusions of which I adopt. These effects will fall largely to persons south of the Site and for those persons and users of Tamahere Drive the proposal will become visible slightly further south than is currently the case, and will occupy slightly more of Tamahere Drive frontage than is currently the case. This will not significantly change the character of the environment or Tamahere Drive.

Contrariness to the District Planning Framework

82. I accept the planning advice of Ms. Carmine and Ms. Drew that the proposal's merit will stand or fall on the basis of the PRP rural zone, with the ODP not being in any conflict with that.
83. I generally prefer and agree with Ms. Carmine's reading of the PDP. I find that the proposal will be contrary to the rural outcomes sought for the land. My reasons are:
- a. The proposal has a plainly urban character and although I accept Ms. Soanes opinion that the inclusion of landscaped setbacks and post-and-rail fences help provide a means of integrating the proposal into its rural environment, these do not convincingly contribute to a rural character on the Site. On this basis the proposal fails GRUZ-03 and GRUZ-01(clause (4)). I also find that GRUZ-P14

and GRUZ-P16 are also failed on the basis that the part of the rural zone comprised of the Site will not maintain an open and spacious rural character.

- b. The PDP does provide for additions and alterations to existing retirement villages and this, at policy GRUZ-P15, is a key provision. After considering the issues raised in evidence and discussed by Ms. Hamm, I find that the policy is not unworkably ambiguous or unclear. The Plan defines the terms “additions” and “alterations” as each referring to existing buildings. Having been so defined, it is not necessary for the reference to existing buildings to be repeated throughout the Plan and including in Policy 15. I agree with Ms. Hamm that “retirement villages” means facilities including multiple buildings, but having approached the policy after reading all of the relevant Plan definitions I am satisfied that a reasonable person would read and understand the policy as providing for additions and alterations to existing buildings at existing retirement villages. On this basis GRUZ-P15 is not relevant to the proposal.
- c. For completeness I find the proposal would be either neutral or at most inconsistent with, but not contrary to, any other specific PDP GRUZ objectives or policies. In terms of some of Ms. Carmine’s s.42A conclusions, I record the following:
 1. In terms of the strategic objective UFD-O1, I find the proposal is inconsistent but not contrary. The proposal will efficiently adjoin an existing village and provide a connected, liveable linkage with the existing residents and many non-residential activities provided for within the retirement village. The concentration of development into the village site, even though at a much higher density than the zone provides for residential units, will enable a compact, connected social outcome *better than* a mandated low-density spread across the rural zone would.
 2. In terms of GRUZ-O1(1), I disagree with Ms. Carmine that there is a contrariness. The clause requires the zone to enable farming activities, which it does through the zone activities. The proposal does not change that, and the clause does not go so far as to require that each Site only be used in a way that could also accommodate potential farming activities. Ultimately the clause speaks to the architecture of the Plan itself, not the assessment of resource consent applications.
 3. Similarly, GRUZ-O1(3) specifies activities that the zone must “provide for”, which I find means must be provided for through the zone

provisions, and this does occur via the zone activity table. The clause does not specify that those activities are the only ones that may occur in the zone or that on each Site provision for all of them must be made (which I find absurd). On that basis the proposal cannot be contrary to the clause.

4. In terms of GRUZ-O1(5), I find that there is an ambiguity relevant to the proposal. Retirement villages in general do not usually have a functional need to locate within the rural zone and in that respect I agree with Ms. Carmine. But in this case the proposal is to extend an existing village. It is only possible to accommodate any extension of that village on rural zoned land as that is all that exists around the existing village. GRUZ-P15 provides for additions and alterations to existing retirement villages. But even if an extension was to be undertaken by way of additions and alterations to existing buildings within the existing village Site, that Site is also still within the Rural zone and is still subject to GRUZ-O1. In other words, there must be some reasonable ability for existing retirement village activities within the rural zone to grow without falling foul of GRUZ-O1. For this reason, I find that there is an inconsistency, but not a contrariness.
5. In terms of GRUZ-P3, I find that the proposal is neutral. This is because the policy only requires me to “recognise” that rural character varies across the zone, which I have done as part of evaluation of the information and evidence before me. The policy does not of itself seek any particular outcome to be achieved or avoided, and it does not help me determine the application.

- d. In consideration of those provisions that I have found the proposal will be contrary to (GRUZ-O1(4) and GRUZ-O3, and GRUZ-P14 and GRUZ-P16), they are sufficiently important and relevant to the application and its context that the proposal’s departure from these is sufficient for me to conclude, in agreement with Ms. Carmine, that the proposal and its urban character is more than inconsistent with the key rural character outcomes sought by the Plan. It is contrary to the PDP.

84. Ms. Carmine did not identify any objectives or policies of the ODP that the proposal might be contrary to. I accept the analysis provided within the Applicant’s AEE that there is no contrariness in terms of that Plan.

S.104D findings

85. In light of the above, I am satisfied that any adverse effects on the environment of the activity would be minor or less than minor, and in this respect the s.104D(1)(a) gateway has been passed. For the avoidance of any doubt, this finding expressly includes that a quality of rural amenity, spaciousness, openness, and character will be maintained on the receiving environment as a whole (taking into account the urban character proposed on the Site itself) such that any adverse rural character effects would be minor.
86. In light of the above, in terms of the s.104D(1)(b) gateway, I find that the proposal's urban character is contrary to the specific outcomes sought within the PDP rural zone on the basis that the Site is itself part of, and is subject to, those zone provisions.
87. Because one of the s.104D gateways has been passed, I am permitted to consider overall consent merit.

Planning fitness under s.104(1) RMA

88. I find that the proposal raises no concerns with respect to the relevant National Policy Statements, and for completeness I adopt the reasons provided by Ms. Drew and including those also expressed in the Applicant's AEE. As noted earlier, there are no issues associated with the grant of consent under the NESCS.
89. I find that the Regional Policy Statement is not so directive or specific as to be determinative of the proposal one way or the other, and it added nothing that materially added to or changed the framework of issues I had identified from the PDP and ODP.
90. Notwithstanding my earlier finding that the proposal is contrary to the PDP insofar as it relates to the outcomes proposed on the Site itself, I find that the proposal is overall appropriate. My particular reasons are:
- a. The proposal will not give rise to concerning adverse environmental effects, and will have positive effects (see below).
 - b. It follows that the *significance* of the proposed District Plan contrariness will be low, including because it is unlikely to become a precedent (see below). Specifically, the proposal relies on the presence of a pre-existing retirement village; includes numerous mitigating features and characteristics; has been supported by independent and suitably experienced expert evidence; and is supported by numerous (all but one adjoining neighbours) written approvals.

- c. Notwithstanding the wording of the PDP relating to existing retirement villages, adopting a pragmatic footing, the Tamahere Country Club is a well-established facility that creates an unmistakable semi-urban character near the intersection of Airport Road and Tamahere Drive. It is directly at the edge of urban Hamilton and I find it is appropriate to recognise that context. This also relates to PDP UFD-O1 and its desire for a compact, connected urban form.
- d. Although the proposal is contrary to the Proposed District Plan's specific provisions for maintaining a rural character on the Site, the fact remains that the Plan does contemplate and acknowledge that some retirement villages may exist within the rural environment. This is distinguishable from a plan context where retirement villages were just flat-out not recognised at all, and it colours GRUZ-O1, GRUZ-P15, but also GRUZ-P14, P16, and even P5.
- e. I discussed at the Hearing with Ms. Carmine a hypothetical proposal to expand the overall site of the Tamahere Country Club to include all of the land that is the subject of the current applications, but then provide for the overall scale of development proposed by way of literal additions and alterations to existing village buildings. Ms. Carmine did not consider that this was at all realistic and my attention was drawn to the various building intensity rules of the zone (such as building coverage). Ms. Hamm in her right of reply proposed that it was appropriate to consider that hypothetical from the point of view, whatever its specific wording, of policy GRUZ-P15 - that the Plan clearly recognises existing retirement villages and seeks to provide for their ongoing expansion. I accept Ms. Hamm's submissions on this point. Although the proposal is not for a type of retirement village expansion as provided for in the Plan, the relevant matter of context is that the Plan nonetheless does anticipate some intensification of existing retirement villages and it could well be that an overall scale of village in a cumulative sense of intensity - which was a concern of Ms. Carmine - could well be possible using policy GRUZ-P15. I do not see policy GRUZ-P14 inherently countermanding that.
- f. I see little to no prospect of the expansion sites being used for productive rural activities given the existing Tamahere Country Club and dwellings on the sites adjacent to that, and I accept that the proposal raises no concerns in terms of productive soils and the soil resource. Although Ms. Carmine suggested that this may be an issue, I find that the proposal will not give rise to any measurable adverse effect on or loss of the District's overall productive soil or land resources.

- g. The proposal will not jeopardize any strategic outcome sought by the District or Regional planning documents, and will not undermine the RPS growth strategy for the reasons outlined by Ms. Drew, which I adopt.
- h. The proposal will contribute to important planning outcomes for the community including housing choice and opportunity. I find that based on the evidence of Ms. Soanes and Ms. Drew, the proposal can be considered broadly aligned with GRUZ-P5 in this respect, which states:

Enable activities that provide for the rural community's social, cultural, and recreational needs, subject to such activities being of a scale, intensity, and location that are in keeping with rural character and amenity values.

- 91. In light of the above, I find that refusal of consent on the basis that the Site itself was not being put to a rural-character use would in this instance be a disproportionate and unwarranted response. In this respect I just cannot differentiate why the eastern extension could be seen to be acceptable but the southern extension would not (in planning terms).

Effects consideration under s.104(1) RMA

- 92. I do not need to repeat my reasons for finding that the proposal will not have more than minor adverse effects. But that alone is not sufficient to confirm that the granting of consent has been merited.
- 93. I am satisfied that the proposal has appropriately avoided, remedied or mitigated its potential and actual adverse effects on the environment including by way of the proposed conditions of consent, which I will separately discuss later. This includes effects in terms of traffic and transportation, rural character and amenity, and effects related to rural soils and productivity.
- 94. I do not agree with Ms. Carmine that additional buffering or long-term 'barriers' are warranted along the southern Site boundary, and I prefer and accept the evidence of Ms. Soanes as it relates to mitigating visual or other landscape effects of the proposal.
- 95. I accept Mr. Sanderson's evidence that there is a direct relationship between the overall village scale and his ability to secure funding for an 80-bed care facility compared to the 34 bed facility he could currently develop. I accept that an additional 46 bed capacity at the hospital, if provided, would form a positive benefit, including for the local rural community but I am reluctant to definitively count that a positive effect of the proposal because it does not form part of the applications I am considering. I

have treated it as a potential positive effect that the granting of consent would enable, and as such I have not given the weighting that the Applicant has.

96. But I am satisfied, and I accept, that the additional dwellings sought within these applications will enable more of the local rural community to remain in their community as they age and that this is an important social benefit for the rural community. I regard this as a positive effect and as noted earlier, the District Plan does seek socially beneficial housing outcomes such as this and this is likely one reason why, although in a limited way, the Plan does recognise that retirement villages within the rural environment may be appropriate.
97. I otherwise generally accept Ms. Carmine's and Ms. Drew's analysis of positive effects.
98. Overall, the proposal's actual and potential effects are appropriate, reasonable, and can be managed, and do not present a situation in which the refusal of consent would be warranted.

Precedent and Plan Integrity

99. I am not persuaded that the proposal presents any plan integrity or precedent issues of concern. Specifically:
 - a. I am unaware of any specific candidate future development proposals that might be affected by the grant of these current applications; it is an entirely hypothetical problem I have been presented with.
 - b. The proposal is tied to the pre-existing retirement village being in place. It is not a stand alone urban-type development that could be expected to become more permissively looked at generally across the District's rural zone.
 - c. The Applicant has been able to secure the written approval of several parties and this has been very relevant to my findings as to the proposal's scale and severity of adverse effects. In a future hypothetical exercise and in addition to being found to be contrary to the relevant district plan objectives and policies, it could well be that future applications also fail the no-more-than-minor adverse effects gateway for non complying activities also. It should not be assumed that applicants will always be able to secure written approvals to the extent that the Applicant in this case has.

- d. The current application relies on several site and location specific factors including in terms of rural character, traffic, and rural productivity. It is not a given that hypothetical future applications would share these.
- e. I can find no basis to the principle that the grant of a resource consent should be perpetually held in place and not be subject to the prospect of additional or future resource consents as and when circumstances change. It may be that future additional expansions to the Tamahere Country Club over and above the current applications are eventually sought. Those might prove consentable, or they may not. I see nothing about the prospect of granting these current applications that might predetermine or signal what might or might not be appropriate in the future.
- f. I do not accept that granting consent to a non complying activity is of itself a precedent of any relevant kind and should not be seen as signalling any resource management authorisation beyond the confines of the Site of the proposal and its receiving environment.

Conditions of consent

- 100. The conditions of consent that would apply have been worked on by both planners and I am grateful for the brief Joint Witness Statement they prepared to accompany the conditions of consent they provided me with. These were mostly agreed.
- 101. Disagreement was in terms of condition 18(a) of the southern extension area. I prefer the Applicant's version. Ms. Carmine's concerns were at least partially driven by an effort to 'draw a line' around the village and limit future expansion but I do not agree that this is a valid matter in this instance. There is no serious suggestion that any future expansion is currently planned and if it were to occur and I see no resource management basis to try to second guess that through this decision. I furthermore find that no additional landscape screening or setbacks are required to acceptably mitigate potential rural character effects arising from the development.
- 102. Having reviewed the conditions put to me from the planners and in light of the above, I am satisfied that they are appropriate and I have identified no need for any additional or different ones.

Part 2 of the RMA

- 103. I have also considered the proposal in terms of Part 2 of the RMA. I find that the rural zone is not intended to remain an open pastoral idyll but has an important role to play in the District community's well-being. Provision for urban-type activities has been

highly limited and as I have found, the proposal is contrary to the Proposed District Plan. But as I have also found, the proposal presents a contrariness that will present little real-world consequence.

104. I disagree that the promotion of resource management can be so easily reduced to an automatic and binary 'fit within the scheme of a Plan or else' framework (although had the relevant contrariness arisen in the context of firmly worded "avoid" type policy language, that may well have been the case here). In this instance the proposal has been sized to be of a scale, and is designed in such a way, that it will not have problematic adverse effects on its environment. There is already a retirement village and the expansion proposed will not materially change its overall intensity of character, or its relationship or 'fit' within this part of the District insofar as it is experienced by members of the public or persons outside the Site.
105. Although finely balanced, I find that the community's ability to provide for its wellbeing will not be undermined by the granting of consent, and will if anything be served by the provision of additional retirement village housing.
106. I also record that having considered the entirety of Part 2 of the RMA, there are no provisions that would be undermined by the granting of consent. In particular, adverse effects have been appropriately avoided, remedied, or mitigated, and the rural character of the environment (within which an urban-type retirement village will sit) will be maintained such that to most casual visitors using Tamahere Drive the 'before' and 'after' experience would present little real-world difference. In this respect the maintenance of amenity values and the quality of the environment has been provided for.
107. For all of these reasons, my evaluation of Part 2 of the Act has strengthened my inclination to grant consent.

Overall conclusions on matters in contention and other matters not in contention

108. I have concluded that the proposal will be contrary to the PDP based on what is proposed on the Site itself having an urban, rather than a rural, character. But despite that contrariness, a lack of concerning adverse effects arising on the receiving environment as a whole, the presence of positive effects, and the overall scale and context of the proposal mean that the granting of consent is warranted.
109. I recognise the concerns of Mr. and Mrs. Smith but find that the Applicant has presented a properly substantiated and suitably sensitive way of expanding its existing retirement village.

110. I also recognise Ms. Carmine's concerns in relation to the southern expansion area and confirm that I do accept their validity, including the fundamental problem she grappled with of a rural zoned area of land being put to a plainly quite urban use. I confirm that had the proposal been of a greater scale; been materially more prominent in the rural environment; not have the benefit of as many affected party approvals as it did; or not incorporate the landscape and visual amenity mitigating characteristics that it does for immediate neighbouring properties, it is highly likely that I would have agreed with her and refused the application.
111. Having acknowledged that, and although my decision has been a finely balanced one, I confirm that there is no ambiguity in my mind about the granting of consent ultimately being merited. Simply put, and despite the sensitive nature of the rural zone context, the Applicant has plainly considered the relevant matters very carefully, engaged very experienced expert advisors, and advanced a proposal that can be absorbed within its environment without creating concerning adverse effects.
112. All relevant adverse effects can be managed and conditions of consent, which have been almost entirely agreed between the Applicant and the Council, are available to ensure that the proposal can be constructed and operated in an appropriate fashion.
113. In respect of all other matters including s.104(1)(c) of the RMA, there is nothing that could affect or change the decision I have arrived at, and no matters that the proposal is inconsistent with.

Section 104B analysis

114. Having completed my evaluation of the proposal under s.104, I have proceeded to make my decision under s.104B of the Act. In so doing I have also considered the written submissions and the concerns of the submitters.
115. I find that consent should be granted, subject to the conditions agreed by the two planners except for condition 18(a) for the southern expansion, wherefor Ms. Drew's version is preferred.

Decision

116. Under sections 104D and 104B of the Resource Management Act 1991, the resource consent applications by Sanderson Group Ltd to Waikato District Council for resource consents to expand the Tamahere Country Club retirement village at 56, 70, 82 and 92 Tamahere Drive (LUC0188/24; LUC0189/24; LUC0597/21.04; and VAR0002/24) are granted subject to the conditions attached to this notice as **Attachment 1**. The reasons for this decision are:

- a. Pursuant to s.104D of the RMA, the proposal will have no more than minor adverse effects on the environment. This passes one of the two gateways applying to non complying activities and permits the applications' merits to be considered under sections 104 and 104B of the RMA. For completeness, the proposal is contrary to the objectives and policies of the PDP on the basis that the proposal amounts to an urban character development on land (the Site) required to reflect a rural character of development.
- b. Pursuant to s.104(1)(a) of the RMA, the proposal's adverse effects have been avoided, remedied or mitigated including by way of the conditions of consent that have been imposed. The proposal's overall adverse effects are acceptable. In particular, although the proposal will not provide a rural character on the Site itself, the resultant effects of this on the receiving environment will not be widely visually obvious once those parties that have provided written approval to the proposal have been accounted for (and effects on them disregarded).
- c. Pursuant to s.104(1)(b) of the RMA, the proposal is not in any conflict with the NPSHPL, NPSUD, and NPSFW. It is also neutral in terms of the Regional Policy Statement and the Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010.
- d. Also pursuant to s.104(1)(b) of the RMA, and although the Site itself is proposed to be used in a manner contrary to the unambiguous rural character outcomes specified by the PDP at GRUZ-O1(4), GRUZ-O3, GRUZ-P14, and GRUZP-16, the proposal is by the same token neutral with or even in line with other aspects of the Plan framework including in terms of providing social benefits to the rural community. Based on what I find to be a low significance of contrariness, and in the overall framework of the matters that my decision must be based on, refusing consent based on this identified plan contrariness would not be a proportionate or reasonable outcome.
- e. Lastly in terms of s.104(1)(b) of the RMA, there is nothing in the ODP that would change my evaluation of the PDP and the valid social and economic wellbeing outcomes promoted that the proposal would contribute to.
- f. Pursuant to s.104(1)(c) of the RMA, the proposal is neutral in terms of the non-statutory Futureproof sub-regional growth strategy 2022; Waikato-Tainui Environment Plan; and Ngati Haua Environmental Management Plan.

- g. In terms of an overall s.104 RMA consideration and my s.104B RMA discretion, the application raises issues that are finely balanced. But it is ultimately the combined context of an existing and well-established retirement village; its location; limited visual prominence; internal design, scale, and mitigating features that give rise to no concerning adverse effects on the receiving environment; and extent of affected party approvals as a part of that together that present an acceptably low precedent-risk and what is overall a consentable outcome. I acknowledge that even a slight change in any one of the above factors could have resulted in consent being refused given what is otherwise a quite non-rural use of land.
- h. In terms of Part 2 of the Act, the granting of consent will best promote sustainable management and a consideration of these fundamental principles of resource management if anything strengthened my view that the granting of consent is warranted.

A handwritten signature in black ink, appearing to read 'Ian Munro', with a stylized, flowing script.

Ian Munro

Independent Commissioner

03 June 2024.

ATTACHMENT 1

Decision on applications made by Sanderson Group Ltd to Waikato District Council for resource consents to expand the Tamahere Country Club retirement village at 56, 70, 82 and 92 Tamahere Drive (LUC0188/24; LUC0189/24; LUC0597/21.04; and VAR0002/24

CONDITIONS OF CONSENT LUC0188/24

General Conditions

- 1 The Tamahere Country Club retirement village eastern extension shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0188/24 except as amended by the conditions below.

Copies of the Waikato District Council approved plans referenced below are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of the consent must prevail.

The following Architectural Plan Set produced by Sanderson Group:

Plan / Drawing Title	Drawing number
Concept Design for Tamahere Country Club Stage 7 Extension: undated	01 Design Statement 02 Proposed Site Plan 03 Site Areas 04 Site Location Plan 05 Typology A Floor Plan and Elevations 06 Typology B Floor Plan and Elevations 07 Typology C Floor Plan and Elevation

The following Infrastructure and Engineering Plan Set: East Precinct Tamahere Drive, Tamahere, Dated June 2023 produced by Kotare Consultants:

Drawing numbers	
1011.04-10-EA-101:	EARTHWORKS - EXISTING LAYOUT
1011.04-10-EA-111:	EARTHWORKS - CUT FILL CONTOURS
1011.04-10-EA-121:	EARTHWORKS - DESIGN CONTOURS
1011.04-20-RD-231:	ROADING - LONGSECTION SHEET 1
1011.04-20-RD-232:	ROADING - LONGSECTION SHEET 2
1011.04-40-SW-401:	STORMWATER - PLAN LAYOUT
1011.04-40-SW-421:	STORMWATER - LONGSECTION SHEET 1
1011.04-40-SW-422:	STORMWATER - LONGSECTION SHEET 2
1011.04-40-SW-423:	STORMWATER - LONGSECTION SHEET 3
1011.04-40-SW-491:	STORMWATER - CATCHMENT PLAN
1011.04-50-WW-501:	WASTEWATER - PLAN LAYOUT
1011.04-50-WW-521:	WASTEWATER - LONGSECTION SHEET 1
1011.04-50-WW-522:	WASTEWATER - LONGSECTION SHEET 2
1011.04-50-WW-523:	WASTEWATER - LONGSECTION SHEET 3
1011.04-60-PW-601:	WATER – POTABLE LAYOUT
1011.04-60-PW-602:	WATER – FIREFIGHTING AND IRRIGATION LAYOUT

Advice Note: These Plans are found in Doc Set ID: 4350583 Version 2 Version Date: 28/03/2024

The following Landscape Master Plan produced by Boffa Miskell

Plan / Drawing Title	Dated	Version Number
Boffa Miskell, 2023. TAMAHERE COUNTRY CLUB, STAGE 6 AND EXTENSION MASTERPLAN. Report by Boffa Miskell Limited for Sanderson Group.	July 2023	Version 2

- 2 The retirement village activity must be operated in conjunction with LUC0156/20.02 and LUC0597/21.03 or any subsequent variation to these consents.
- 3 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder must pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.

Bulk and Location Conditions

- 4 The number of units within this extension must not exceed 25 stand-alone villas.
- 5 All buildings must be setback at least 12m from Tamahere Drive.
- 6 The overall building coverage must not exceed 29.2% of the underlying site area.

Developer's Representative

- 7 Prior to the commencement of engineering design or construction works, the Consent Holder must appoint a Developer's Representative who must supervise and provide certification of the engineering work.

Notification of Intention to Start Works

- 8 The Consent Holder must notify the Monitoring Officer Waikato District Council, in writing, of their intention to commence any of the physical works associated with this consent, a minimum of 10 working days prior to commencing. Notification must include the following details:
- (a) Names and telephone number/s of the Developer's Representative/s
 - (b) Site Address to which the consent relates
 - (c) The Waikato District Council reference number
 - (d) A description of work to be undertaken
 - (e) Expected duration of the works
 - (f) Documentation required by other conditions of this consent.

Advice Note: The preferred means of notification is via email to monitoring@waidc.govt.nz

- 9 At least 10 working days, prior to bulk earthwork commencing, the Consent Holder must provide Ngāti Haua with the opportunity to undertake a karakia on the site.

Advice Note: This condition will be deemed to be satisfied where a written invite has been provided and Ngāti Haua does not take up that opportunity.

Remediation Works – NESCS

- 10 Prior to any soil disturbance works commencing the consent holder must submit, to the Contaminated Land Specialist - Waikato District Council, a Site Management Plan (SMP) prepared by a suitably qualified and experienced practitioner in accordance with the current edition of the Ministry for Environment Contaminated Land Management Guidelines No.1 – *Reporting on Contaminated Sites in New Zealand*. The SMP must detail the procedures, controls and contingency measures that must be implemented for the duration of the works in order to protect human health from identified soil contaminants by ensuring exposure pathways are minimised for the duration of the soil disturbance works and must include, but not be limited to:
- (a) Erosion and sediment controls
 - (b) Unexpected contamination discovery protocols
 - (c) Transport and disposal of any material transported off-site.
- 11 Soil disturbance works must be undertaken in accordance with the approved SMP. The procedures, controls and contingency measures outlined in the SMP must be implemented for the duration of the soil disturbance works to ensure minimal adverse effects on human health and the environment, to the satisfaction of the Contaminated Land Specialist - Waikato District Council.
- 12 All material removed from the site in the course of the soil disturbance works must be disposed to a suitably licensed facility authorised for receipt of material of that kind. Evidence of this shall be provided to Contaminated Land Specialist - Waikato District Council on request.
- 13 Within two months of soil disturbance works being completed the consent holder must provide a Works Completion Report to the Contaminated Land Specialist - Waikato District Council, to confirm that the methods outlined in the SMP were enforced for the period required, and that the measures were successful in ensuring the potential risks were adequately managed. The Works Completion Report must include, but not be limited to:
- (a) Confirmation that the methods described in the SMP were followed;
 - (b) A summary of the works undertaken including:
 - (i) summary of the earthworks methodology followed;

- (ii) volume of soil removed (if any) from the site;
- (c) Details of any unexpected contamination encountered during the works and actions taken in respect of this;
- (d) Copies of disposal receipts for any material removed from the site.

Prior to Construction

Construction Management Plan (CMP)

- 14 The consent holder must prepare and submit a Construction Management Plan (CMP) to the Monitoring Officer – Waikato District Council, for certification, a minimum of 15 working days prior to the commencement of activities associated with this consent.
- (a) The staging of works planned and the description of works including site plans;
 - (b) An erosion & sediment control plan;
 - (c) Detailed management procedures for fill placement (all imported material must be cleanfill), treatment and/or stockpiling;
 - (d) Details of the location of the Temporary Construction Depot and how the storage of Building and Construction materials will be managed;
 - (e) Dust control plan including measures to mitigate dust effects;
 - (f) Noise management including:
 - (i) A description of machinery to be used on-site; and
 - (ii) Details of the hours of work;
 - (g) A Communications Plan with a specific focus on engagement with existing Tamahere Country Club Village residents;
 - (h) Clarification of the number of persons to be engaged in site works;
 - (i) A Health and Safety Plan;
 - (j) Construction access arrangement including how off-site construction movements will be minimised.
 - (k) Temporary traffic management controls (if any);
 - (l) Appropriate guidance for Contractors on accidental discovery protocols;
 - (m) Complaints procedure including contact details of key staff responsible for complaints; and
 - (n) Evidence of the archaeological authority obtained from Heritage NZ.

The CMP must be implemented and maintained throughout the entire construction period and must be updated when necessary with the certification by the Monitoring Officer – Waikato District Council.

Detailed Engineering Plans

- 15 At least 20 working days prior to construction starting, detailed engineering plans must be submitted for certification (Engineering Plan Approval) by, the Waikato District Council's Senior Land Development Engineer for:
- (a) Earthworks Plans in general accordance with the approved plans.
 - (b) Internal road network layout, including tracking for design vehicles, closure of vehicle crossing to Tamahere Drive, kerb and channels, cesspits, footpaths, and parking spaces in general accordance with the approved plans. The plans shall also incorporate the following recommendations from the ITA review by Gray Matter dated 8 September 2023:
 - (i) Three additional cycle parking spaces;
 - (ii) Designing intersections of footpaths and private lanes to be as close to 90 degrees as practicable;
 - (iii) Provision for cut-down kerbs where the path crosses private lanes;
 - (c) Internal layout of the wastewater network in general accordance with the approved plans.

- (d) Internal layout of the stormwater network, run-offs treatment and soakage disposal management system in general accordance with the approved plans and the restrictions and recommendations of the following documents:
 - Tamahere Country Club Stormwater Design Report (Final Version) by Te Miro Water Consultants Ltd and dated 4 June 2021;
 - Development Infrastructure Report, Tamahere CC Stage 3 Extension by Kotare Consultants May 2023 Rev 2, dated 27 March 2024, including Appendix B Te Miro SW Report dated 09 June 2023 and
 - Te Miro s92 response dated 12 October 2023.
- (e) Internal water supply network in general accordance with the approved plans and supported by hydraulic flow and pressure test report. Design pressures must include the requirements of SNZ PAS4509:2008.

Designs must be in accordance with the Proposed District Plan Appeals Version and the Regional Infrastructure Technical Specifications (RITS)/ NZS:4404 and are to take into consideration any recommendations from the Geotechnical Assessment Report by HD Geo May 2023. Design plans and accompanying reports are to be provided to the Senior Land Development Engineer, Waikato District Council for certification.

Landscaping

- 16 Prior to the issuing of the first building consent, a detailed LVAMPP (Landscape, Visual Amenity and Mitigation Planting Plan) must be submitted for approval in a technical certification capacity by the Team Leader Monitoring, Waikato District Council or nominee. The LVAMPP must be in general accordance with the Tamahere Country Club, Stage 6 and Extension Masterplan, prepared by Boffa Miskell Ltd, Version 2 dated July 2023, and include (but not limited to), an implementation and maintenance programme prepared by a suitably qualified landscape architect.

The objectives of the LVAMPP are to:

- (a) Expand and further develop the Tamahere Country Club (TCC) Concept Masterplan to provide details of the proposed landscape treatment and planting around the buildings including; independent villas and the arts and craft building, which must be context sensitive, and integrate with the existing village;
- (b) Enhance the visual amenity of the development for the residents living in adjoining properties;
- (c) Ensure sufficient mitigation strategies are implemented to minimise the dominance and density of the independent villas when viewed from Tamahere Drive; and
- (d) Ensure recognition of the traditional cultural narrative, the 'whakapapa' of the area through development in partnership with mana whenua.

The LVAMPP design must include:

- (a) Park like tree, shrub planting along the Eastern site boundary and within the site around the communal spaces;
- (b) Use of planting and/or fencing around the service areas associated with the residential units and any refuse location(s) to provide screening from public spaces;
- (c) Locations and planting of low impact stormwater management devices such as rain gardens and swales;
- (d) Detailed landscape and planting plans for the development including; individual villas, roads (laneways), communal spaces, boundary treatment and integration with the existing village;
- (e) Detailed design and treatments for roads, footpaths, fencing, letter boxes and refuse collection locations;

- (f) Swales to provide low impact stormwater management / soakage to ground;
- (g) Amenity planting throughout the site, including alongside internal accessways, and communal spaces, incorporates species found in the surrounding
- (h) Consideration of the relationship of landscaping/planting near the intersection of footpaths and vehicle carriageways to allow clear visibility as recommended ITA Review by Gray Matter dated 8 September 2023.
- (i) Use of taller trees (including a range of trees with a bag size of 150L (minimum height of 2.5m) to assist in reducing the density of independent villas when viewed from Tamahere Drive;
- (j) A schedule of the species to be planted, including the name (including botanical name), numbers, location, spacing and size of plant species at time of planting, planting density, average height of each after 10 years of planting and at maturity, details on the timing of plantings and details of the existing planting to be retained; Incorporating native plant species in landscaping designs.
- (k) Native plants that provide habitat and food sources for taonga species are preferred;
- (l) Measures to minimise clearing or storing of existing topsoil to preserve soil quality for planting; while taking into account the certified site management plan for remedial works for contaminated land;
- (m) Measures for the appropriate disposal and clearance of invasive/noxious weeds;
- (n) Proposed site preparation and plant establishment;
- (o) Ongoing vegetation maintenance and monitoring requirements;
- (p) Inclusion of interpretive signage or other material communicating the history and cultural significance of the place, developed in partnership with mana whenua; and
- (q) Integrate communal art installations and design elements that reflect the cultural heritage of the land. This could include sculptures, murals, or architectural features inspired by the cultural practices of the local community.
- (r) Incorporate green spaces and community gardens. These areas can pay homage to the previous orchards and market gardens, allowing residents to engage in sustainable gardening practices while fostering a sense of community and connection to the land; and
- (s) All native planting is to be eco-sourced from the Waikato Region. Use of native cultivars is to be limited to private gardens.

Advice Note: Mana whenua will be provided the first opportunity to be engaged to supply and install native plants.

Erosion & Sediment Controls

- 17 Prior to undertaking any earthworks activities on the site; erosion and sediment control measures must be installed in accordance with the approved Engineering Design Plans, Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009 to the satisfaction of the Monitoring Officer, Waikato District Council.

Advice Note: The Consent Holder will need to consult with the Waikato Regional Council to determine whether or not the earthworks require consent under the Waikato Regional Plan.

During Construction

- 18 Erosion and Sediment Control measures must continue to be operated and maintained for the duration of soil disturbing activities to the satisfaction of the Monitoring Officer, Waikato District Council.

CMP Implementation

- 19 The activities associated with this consent must be undertaken in accordance with the certified CMP. Specifically, earthworks must be carried out in accordance with the approved CMP and Engineering Plans under the supervision of a Geo-professional to the satisfaction of the Monitoring Officer, Waikato District Council. In the case of inconsistency between the CMP and the conditions of this consent, the conditions of consent must prevail.

LVAMPP Implementation

- 20 The certified LVAMPP must be implemented:
- (a) As soon as areas become available for planting due to the progress of the works; and/or
 - (b) Within the first planting season for the relevant stage being issued with a Certificate of Practical Completion in accordance with NZS 3910:1998 Conditions of Contract for Building and Civil Engineering Construction.

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- 21 All construction works, including maintenance and demolition work, must be designed and conducted to ensure that noise from the site is in accordance with the provisions of NZS6803:1999 Acoustics – Construction Noise. Sound levels must be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise, NZS6801:2008 Acoustics - Measurement of environmental sound and NZS6802:2008 Environmental Noise.

Construction Hours

- 22 During construction works (including earthworks), the hours of operation must be limited to the days of Monday to Saturday between the hours of 7.00am – 6.00pm and Saturday 7.30am and 1pm. No works must be undertaken on Public Holidays or Sundays unless mitigation measures have been put in place in accordance with the certified CMP.

Archaeological Discovery

- 23 In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking activities associated with this consent, the works in the area of the discovery must cease immediately, and Ngāti Haua, Waikato-Tainui, Heritage NZ and the Waikato District Council must be notified within 48 hours. Works must only recommence with the written approval of the Monitoring Officer, Waikato District Council. Such approval must be given after the Waikato District Council has considered:
- (a) Tangata Whenua interests and values;
 - (b) The Consent Holder's interests;
 - (c) any archaeological or scientific evidence.

Advice Note: An authority to modify, damage or destroy archaeological features/deposits is required to be obtained from Heritage New Zealand in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.

Dust

- 24 During earthworks, the site must be managed in such a way that dust emissions do not cause an objectionable effect beyond the boundaries of the site to the satisfaction of the Monitoring Officer, Waikato District Council.

Advice Note:

For the purposes of this condition, the Waikato District Council Monitoring Department will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council determines so after having regard to:

- (a) *The frequency, intensity, duration, location and effect of dust emission(s); and/or,*
- (b) *Receipt of complaints from neighbours or the public; and/or,*
- (c) *Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been received.*

Debris Tracking/Spillage

- 25 During earthworks, earthworks must be managed in such a way that no material is tracked or spilled beyond the boundaries of the site onto any legal or private road to the satisfaction of Waikato District Council's Team Leader Monitoring. In the event of this occurring, the Consent Holder must remove this material as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by the Monitoring Officer, Waikato District Council.
- 26 The Consent Holder, upon becoming aware of the need to clean up the roadway, must advise the Monitoring Officer, Waikato District Council of the need for the road to be cleaned up, and what actions are being taken to do so. The cost of the clean-up of the roadway and associated drainage facilities, together with any required temporary traffic control, must be met by the Consent Holder. Should the clean-up of the roadway and associated drainage facilities be undertaken by the Waikato District Council, the consent holder must pay the actual and reasonable costs of the clean-up.
- 27 In the event that damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset occurs as a result of the earthworks activity, the costs of rectifying and restoring the asset/s must be met by the Consent Holder, to the satisfaction of the Monitoring Officer – Waikato District Council.

Internal Road Network

- 28 The Consent Holder must establish internal road network, including kerb and channel, cesspits, footpaths, vehicle crossing closures and parking spaces as per approved engineering plans to the satisfaction of the Monitoring Officer, Waikato District Council.

On-Site Wastewater System

- 29 The Consent Holder must establish and connect to the internal wastewater network as per approved engineering plans to the satisfaction of the Monitoring Officer, Waikato District Council

Advice Note: The Consent Holder is advised to provide a copy of its Discharge Consent from WRC to the Monitoring Officer – Waikato District Council prior to connecting to the existing on-site wastewater treatment and effluent disposal fields.

On-Site Stormwater Management

- 30 The Consent Holder must establish and connect to the internal stormwater pipe network, outlets, treatment, and disposal system in accordance with the approved engineering plans to the satisfaction of the Monitoring Officer – Waikato District Council.

Water Supply

- 31 The Consent Holder must establish and connect to the internal potable water supply networks in accordance with the approved engineering plans to the satisfaction of the Monitoring Officer – Waikato District Council.

At Completion of Earthworks

- 32 All areas of earthworks (excluding any area covered by buildings and retaining walls) must be revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced to the satisfaction of the Monitoring Officer – Waikato District Council.

Statement of Professional Opinion

- 33 At completion of the earthworks and prior to undertaking any building works, the Consent Holder must, to the satisfaction of the Monitoring Officer – Waikato District Council, provide a 'Statement of Professional Opinion on Suitability of Land for Building Consent', certificate by a Geoprofessional to confirm that the earthworks within the site are suitable for a development.

Advice Note: An acceptable format can be found in the 'Section 2 - Earthworks and Geotechnical Requirements' of Regional Infrastructure Technical Specifications (RITS) - Appendix 2A: Schedule 2A (NZS 4404:2010) - "Statement of Professional Opinion on Suitability of Land for Building Consent".

Contractor's Certificate – construction (Schedule 1B)

- 34 Prior to occupation of any residential unit on site, A 'Contractors Certificate – construction', for each work undertaken by contractor as part of the consented works must be provided to the satisfaction of the Monitoring Officer – Waikato District Council.

Advice Note: An acceptable format for certification upon completion of works can be found in the NZS4404-2010 Schedule 1B (Contractor's certificate upon completion of land development).

Prior to Occupation

Phone & Power

- 35 The Consent Holder must provide written confirmation from network utility operators for telecommunications and energy supply confirming that the networks have capacity to service the development and to confirm that connections and reticulations have been placed to the boundary of the site and the services are available for supply for each villa, to the satisfaction of the Monitoring Officer – Waikato District Council.

At time of Building Consent

- 36 At the time of application for building consent for each residential unit, the consent holder must confirm the parking and vehicle access for the unit complies with vehicle tracking for each design vehicle, to and from the internal road network.

Ongoing Conditions

- 37 All landscaping must be maintained in accordance with the approved LVMP to the satisfaction of the Monitoring Officer – Waikato District Council. If any of the landscaping dies and/or becomes diseased, the dead and/or diseased landscaping must be replaced in the same or similar location within the next planting season (generally between May and October) by a same or similar species of landscaping.

Ongoing Management of Contamination

- 38 The consent holder must implement any approved ongoing site management plan and manage identified soil in accordance with the plan, to the satisfaction of the Monitoring Officer – Waikato District Council.

Advisory Notes

Lapse Date

- 1 This Resource Consent for land use lapses five years after the commencement of the consent, unless:
 - (a) The Resource Consent is given effect to prior to that date; or
 - (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

Other consents/permits may be required

- 2 To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Regional Council Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits must be obtained prior to development.

Enforcement Action

- 3 Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act (1991).

Corridor Access Request

- 4 Prior to undertaking any works within the Council road reserve, a Corridor Access Request (CAR) for the works to be carried out in the road reserve and submitted to the Waikato District Council for approval not less than fifteen (15) working days before starting these works.

CANCELLATION OF CONSENT NOTICE VAR0002/24

1. That Consent Notice B513181.3 held on Record of Title SA64C/250 shall be cancelled in full.

CONDITIONS OF CONSENT LUC0188/24

General Conditions

- 1 The Tamahere Country Club retirement village southern extension shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0189/24 except as amended by the conditions below.

Copies of the Waikato District Council approved plans referenced below are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of the consent must prevail.

The following Architectural Plan Set produced by Sanderson Group:

Plan / Drawing Title	Drawing number
Concept Design for Tamahere Country Club Stage 6 Extension: undated	01 Design Statement
	02 Proposed Site Plan
	03 Site Areas
	04 Site Location Plan
	05 Typology A Floor Plan and Elevations
	06 Typology B Floor Plan and Elevations
	07 Typology C Floor Plan and Elevations
	08 Health Spa Plan & Elevations

The following Infrastructure and Engineering Plan Set: South Precinct Tamahere Drive, Tamahere, Dated October 2023 produced by Kotare Consultants:

Drawing numbers
1011.03-10-EA-101: EARTHWORKS - EXISTING LAYOUT
1011.03-10-EA-111: EARTHWORKS - CUT FILL CONTOURS
1011.03-10-EA-121: EARTHWORKS - DESIGN CONTOURS
1011.03-20-RD-231: ROADING - LONGSECTION SHEET 1
1011.03-20-RD-232: ROADING - LONGSECTION SHEET 2
1011.03-20-RD-233: ROADING - LONGSECTION SHEET 3
1011.03-40-SW-401: STORMWATER - PLAN LAYOUT
1011.03-40-SW-421: STORMWATER - LONGSECTION SHEET 1
1011.03-40-SW-422: STORMWATER - LONGSECTION SHEET 2
1011.03-40-SW-423: STORMWATER - LONGSECTION SHEET 3
1011.03-40-SW-424: STORMWATER - LONGSECTION SHEET 4
1011.03-40-SW-491: STORMWATER - CATCHMENT PLAN
1011.03-50-WW-501: WASTEWATER - PLAN LAYOUT
1011.03-50-WW-521: WASTEWATER - LONGSECTION SHEET 1
1011.03-50-WW-522: WASTEWATER - LONGSECTION SHEET 2
1011.03-50-WW-523: WASTEWATER - LONGSECTION SHEET 3

1011.03-50-WW-524: WASTEWATER - LONGSECTION SHEET 4
1011.03-60-PW-601: WATER – POTABLE LAYOUT
1011.03-60-PW-602: WATER – FIREFIGHTING AND IRRIGATION LAYOUT

Advice Note: These Plans are found in Doc Set ID: 4350583 Version 2 Version Date: 28/03/2024

The following Landscape Master Plan produced by Boffa Miskell

Plan / Drawing Title	Dated	Version Number
Boffa Miskell, 2023. TAMAHERE COUNTRY CLUB, STAGE 6 AND EXTENSION MASTERPLAN. Report by Boffa Miskell Limited for Sanderson Group.	July 2023	Version 2

- 2 The retirement village activity must be operated in conjunction with LUC0156/20.02 and LUC0597/21.03 or any subsequent variation to these consents.
- 3 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder must pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.

Bulk and Location Conditions

- 4 The number of units within this extension must not exceed 42 stand-alone villas.
- 5 All buildings must be setback at least 12m from Tamahere Drive and 25m from all property boundaries, excluding the northern property boundary adjoining the existing Tamahere Country Club site.
- 6 The overall building coverage must not exceed 19% of the underlying site area.
- 7 The Health Spa Facility building must be limited to a maximum of 750m² in gross floor area.

Health Spa Facility

- 8 The Health Spa facility must be for the exclusive use of the Retirement Village Residents and will not be open or available for either membership or casual use by the general public.

Developer's Representative

- 9 Prior to the commencement of engineering design or construction works, the Consent Holder must appoint a Developer's Representative who must supervise and provide certification of the engineering works.

Notification of Intention to Start Works

- 10 The Consent Holder must notify the Monitoring Officer, Waikato District Council, in writing, of their intention to commence any of the physical works associated with this consent, a minimum of 10 working days prior to commencing. Notification must include the following details:
 - (a) Names and telephone number/s of the Developer's Representative/s
 - (b) Site Address to which the consent relates
 - (c) The Waikato District Council reference number
 - (d) A description of work to be undertaken
 - (e) Expected duration of the works
 - (f) Documentation required by other conditions of this consent.

Advice Note: The preferred means of notification is via email to monitoring@waidc.govt.nz

- 11 At least 10 working days, prior to bulk earthwork commencing, the Consent Holder must provide Ngāti Haua with the opportunity to undertake a karakia on the site.

Advice Note: This condition will be deemed to be satisfied where a written invite has been provided and Ngāti Haua does not take up that opportunity.

Remediation Works – NESCS

- 12 Prior to any soil disturbance works commencing at 92 Tamahere Drive, and any further soil disturbance at 82 Tamahere Drive, the consent holder must submit, to the Contaminated Land Specialist – Waikato District Council, a Site Management Plan (SMP) for the contaminated sites, prepared by a suitably qualified and experienced practitioner in accordance with the current edition of the Ministry for Environment Contaminated Land Management Guidelines No.1 – *Reporting on Contaminated Sites in New Zealand*. The SMP must detail the procedures, controls and contingency measures that must be implemented for the duration of the works in order to protect human health from identified soil contaminants by ensuring exposure pathways are minimised for the duration of the soil disturbance works and must include, but not be limited to:
- (a) Erosion and sediment controls
 - (b) Unexpected contamination discovery protocols
 - (c) Transport and disposal of any material transported off-site.
- 13 Soil disturbance works must be undertaken in accordance with the approved SMP. The procedures, controls and contingency measures outlined in the SMP must be implemented for the duration of the soil disturbance works to ensure minimal adverse effects on human health and the environment, to the satisfaction of the Contaminated Land Specialist - Waikato District Council
- 14 All material removed from the site in the course of the soil disturbance works must be disposed to a suitably licensed facility authorised for receipt of material of that kind. Evidence of this must be provided to Contaminated Land Specialist - Waikato District Council on request.
- 15 Within two months of soil disturbance works being completed the consent holder must provide a Works Completion Report to the Contaminated Land Specialist - Waikato District Council, to confirm that the methods outlined in the SMP were enforced for the period required, and that the measures were successful in ensuring the potential risks were adequately managed. The Works Completion Report must include, but not be limited to:
- (a) Confirmation that the methods described in the SMP were followed;
 - (b) A summary of the works undertaken including:
 - (c) summary of the earthworks methodology followed;
 - (d) volume of soil removed (if any) from the site;
 - (e) Details of any unexpected contamination encountered during the works and actions taken in respect of this;
 - (f) Copies of disposal receipts for any material removed from the site.

Prior to Construction

- Construction Management Plan (CMP)
- 16 The consent holder must prepare and submit a Construction Management Plan (CMP) to the Monitoring Officer – Waikato District Council, for certification, a minimum of 15 working days prior to the commencement of activities associated with this consent.

- (a) The staging of works planned and the description of works including site plans;
- (b) An erosion & sediment control plan;
- (c) Detailed management procedures for fill placement (all imported material must be cleanfill), treatment and/or stockpiling;
- (d) Details of the location of the Temporary Construction Depot and how the storage of Building and Construction materials will be managed;
- (e) Dust control plan including measures to mitigate dust effects;
- (f) Noise management including:
 - (i) A description of machinery to be used on-site; and
 - (ii) Details of the hours of work;
- (g) A Communications Plan with a specific focus on engagement with existing Tamahere Country Club Village residents;
- (h) Clarification of the number of persons to be engaged in site works;
- (i) A Health and Safety Plan;
- (j) Construction access arrangement including how off-site construction movements will be minimised.
- (k) Temporary traffic management controls (if any);
- (l) Appropriate guidance for Contractors on accidental discovery protocols;
- (m) Complaints procedure including contact details of key staff responsible for complaints;
- (n) Details of temporary hoardings and protection measures to be implemented around the root zone of the Protected Horse Tail She Oak, prior to any soil disturbance occurring on site.

The CMP must be implemented and maintained throughout the entire construction period and must be updated when necessary with the certification by the Monitoring Officer – Waikato District Council.

Detailed Engineering Plans

17 At least 20 working days prior to construction starting, detailed engineering plans must be submitted for certification (Engineering Plan Approval) by, the Waikato District Council's Senior Land Development Engineer for:

- (a) Earthworks Plans in general accordance with the approved plans.
- (b) Internal road network layout, including tracking for design vehicles, closure of vehicle crossing to Tamahere Drive, kerb and channels, cesspits, footpaths, and parking spaces in general accordance with the approved plans. The plans shall also incorporate the following recommendations from the ITA review by Gray Matter dated 8 September 2023:
 - (i) Four additional cycle parking spaces;
 - (ii) Provision for cut-down kerbs where the path crosses private lanes;
- (c) Internal layout of the wastewater network in general accordance with the approved plans.
- (d) Internal layout of the stormwater network, run-offs treatment and soakage disposal management system in general accordance with the approved plans and the restrictions and recommendations of the following documents:
- (e) Tamahere Country Club Stormwater Design Report (Final Version) by Te Miro Water Consultants Ltd and dated 4 June 2021;
- (f) Development Infrastructure Report, Tamahere CC Stage 3 Extension by Kotare Consultants May 2023 Rev 2, dated 27 March 2024, including Appendix B Te Miro SW Report dated 09 June 2023 and
- (g) Te Miro s92 response dated 12 October 2023.
- (h) Internal water supply network in general accordance with the approved plans and supported by hydraulic flow and pressure test report. Design pressures must include the requirements of SNZ PAS4509:2008.

Designs must be in accordance with the Proposed District Plan Appeals Version and the Regional Infrastructure Technical Specifications (RITS)/ NZS:4404 and are to take into consideration any recommendations from the Geotechnical Assessment Report by HD Geo May 2023. Design plans and accompanying reports are to be provided to the Senior Land Development Engineer, Waikato District Council for certification.

Landscaping

- 18 Prior to the issuing of the first building consent, a detailed LVAMPP (Landscape, Visual Amenity and Mitigation Planting Plan) must be submitted for approval in a technical certification capacity by the Team Leader Monitoring, Waikato District Council or nominee. The LVAMPP must be in general accordance with the Tamahere Country Club, Stage 6 and Extension Masterplan, prepared by Boffa Miskell Ltd, Version 2 dated July 2023, and include (but not limited to), an implementation and maintenance programme prepared by a suitably qualified landscape architect.

The objectives of the LVAMPP are to:

- (a) Expand and further develop the Tamahere Country Club (TCC) Concept Masterplan to provide details of the proposed landscape treatment and planting around the buildings including; independent villas and health spa building, which must be context sensitive, and integrate with the existing village;
- (b) Enhance the visual amenity of the development for the residents living in adjoining properties;
- (c) Ensure sufficient mitigation strategies are implemented to minimise the dominance and density of the independent villas when viewed from Tamahere Drive, and adjacent rural properties and land; and
- (d) Ensure recognition of the traditional cultural narrative, the 'whakapapa' of the area through development in partnership with mana whenua.

The LVAMPP design must include:

- (a) Planting outcomes around the edge of the Southern Extension as shown in cross-sections C-C, D-D and E-E of the Tamahere Country Club, Stage 6 and Extension Masterplan prepared by Boffa Miskell, Version 2, dated July 2023
- (b) Park like tree, shrub planting within the site around the communal spaces;
- (c) Use of planting and/or fencing around the service areas associated with the residential units and any refuse location(s) to provide screening from public spaces;
- (d) Locations and planting of low impact stormwater management devices such as rain gardens and swales;
- (e) Detailed landscape and planting plans for the development to integrate with the existing village and surrounding environment including; individual villas, roads (Laneways), communal spaces, boundary treatments (see clause (a) above), and carparking areas.
- (f) Detailed design and treatments for roads, footpaths, fencing, letter boxes and refuse collection locations;
- (g) Swales to provide low impact stormwater management / soakage to ground;
- (h) Amenity planting throughout the site, including alongside internal accessways, and communal spaces, incorporates species found in the surrounding environment;
- (i) A 3m high planted earth bund along the western boundary of the site.
- (j) Consideration of the relationship of landscaping/planting near the intersection of footpaths and vehicle carriageways to allow clear visibility as recommended ITA Review by Gray Matter dated 8 September 2023.

- (k) Use of taller trees (including a range of trees with a bag size of 150L (minimum height of 2.5m) to assist in reducing the density of independent villas when viewed from Tamahere Drive;
- (l) A schedule of the species to be planted, including the name (including botanical name), numbers, location, spacing and size of plant species at time of planting, planting density, average height of each after 10 years of planting and at maturity, details on the timing of plantings and details of the existing planting to be retained;
- (m) Incorporating native plant species in landscaping designs. Native plants that provide habitat and food sources for taonga species are preferred;
- (n) Measures to minimise clearing or storing of existing topsoil to preserve soil quality for planting; while taking into account the certified site management plan for remedial works for contaminated land;
- (o) Measures for the appropriate disposal and clearance of invasive/noxious weeds;
- (p) Proposed site preparation and plant establishment;
- (q) Ongoing vegetation maintenance and monitoring requirements;
- (r) Inclusion of interpretive signage or other material communicating the history and cultural significance of the place, developed in partnership with mana whenua; and
- (s) Integrate communal art installations and design elements that reflect the cultural heritage of the land. This could include sculptures, murals, or architectural features inspired by the cultural practices of the local community.
- (t) Incorporate green spaces and community gardens. These areas can pay homage to the previous orchards and market gardens, allowing residents to engage in sustainable gardening practices while fostering a sense of community and connection to the land; and
- (u) All native planting is to be eco-sourced from the Waikato Region.

Advice Note: Mana whenua will be provided the first opportunity to be engaged to supply and install native plants.

Erosion & Sediment Controls

- 19 Prior to undertaking any earthworks activities on the site; erosion and sediment control measures must be installed in accordance with the approved Engineering Design Plans, Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009 to the satisfaction of the Monitoring Officer, Waikato District Council.

Advice Note: The Consent Holder will need to consult with the Waikato Regional Council to determine whether or not the earthworks require consent under the Waikato Regional Plan.

During Construction

- 20 Erosion and Sediment Control measures must continue to be operated and maintained for the duration of soil disturbing activities to the satisfaction of the Monitoring Officer, Waikato District Council.

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- 21 The activities associated with this consent must be undertaken in accordance with the certified CMP. Specifically, earthworks must be carried out in accordance with the approved CMP and Engineering Plans under the supervision of a Geo-professional to the satisfaction of the Monitoring Officer, Waikato District Council. In the case of inconsistency between the CMP and the conditions of this consent, the conditions of consent must prevail.

LVAMPP Implementation

- 22 The certified LVAMPP must be implemented:
- (a) As soon as areas become available for planting due to the progress of the works; and/or
 - (b) Within the first planting season for the relevant stage being issued with a Certificate of Practical Completion in accordance with NZS 3910:1998 Conditions of Contract for Building and Civil Engineering Construction.

Construction Noise

- 23 All construction works, including maintenance and demolition work, must be designed and conducted to ensure that noise from the site is in accordance with the provisions of NZS6803:1999 Acoustics – Construction Noise. Sound levels must be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise, NZS6801:2008 Acoustics - Measurement of environmental sound and NZS6802:2008 Environmental Noise.

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- 24 During construction works (including earthworks), the hours of operation must be limited to the days of Monday to Saturday between the hours of 7.00am – 6.00pm and Saturday 7.30am and 1pm. No works must be undertaken on Public Holidays or Sundays unless mitigation measures have been put in place in accordance with the certified CMP.

Archaeological Discovery

- 25 In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking activities associated with this consent, the works in the area of the discovery must cease immediately, and Ngāti Haua, Waikato-Tainui, Heritage NZ and the Monitoring Officer, Waikato District Council must be notified within 48 hours. Works must only recommence with the written approval of the Waikato District Council Team Leader Monitoring. Such approval must be given after the Waikato District Council has considered:

- (a) Tangata Whenua interests and values;
- (b) The Consent Holder's interests;
- (c) any archaeological or scientific evidence.

Advice Note: An authority to modify, damage or destroy archaeological features/deposits is required to be obtained from Heritage New Zealand in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.

Dust

- 26 During earthworks, the site must be managed in such a way that dust emissions do not cause an objectionable effect beyond the boundaries of the site to the satisfaction of the Monitoring Officer, Waikato District Council.

Advice Note:

For the purposes of this condition, the Waikato District Council Monitoring Department will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council determines so after having regard to:

- (a) *The frequency, intensity, duration, location and effect of dust emission(s); and/or,*
- (b) *Receipt of complaints from neighbours or the public; and/or,*
- (c) *Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been received.*

Debris Tracking/Spillage

- 27 During earthworks, earthworks must be managed in such a way that no material is tracked or spilled beyond the boundaries of the site onto any legal or private road to the satisfaction of Waikato District Council's Team Leader Monitoring. In the event of this occurring, the Consent Holder must remove this material as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by the Monitoring Officer, Waikato District Council.
- 28 The Consent Holder, upon becoming aware of the need to clean up the roadway, must advise the Monitoring Officer, Waikato District Council of the need for the road to be cleaned up, and what actions are being taken to do so. The cost of the clean-up of the roadway and associated drainage facilities, together with any required temporary traffic control, must be met by the Consent Holder. Should the clean-up of the roadway and associated drainage facilities be undertaken by the Waikato District Council, the consent holder must pay the actual and reasonable costs of the clean-up.
- 29 In the event that damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset occurs as a result of the earthworks activity, the costs of rectifying and restoring the asset/s must be met by the Consent Holder, to the satisfaction of the Monitoring Officer – Waikato District Council.

Internal Road Network

- 30 The Consent Holder must establish internal road network, including kerb and channel, cesspits, footpaths, vehicle crossing closures and parking spaces as per approved engineering plans to the satisfaction of the Monitoring Officer, Waikato District Council.

On-Site Wastewater System

- 31 The Consent Holder must establish and connect to the internal wastewater network as per approved engineering plans to the satisfaction of the Monitoring Officer – Waikato District Council.

Advice Note: The Consent Holder is advised to provide a copy of its Discharge Consent from WRC to the Monitoring Officer – Waikato District Council prior to connecting to the existing on-site wastewater treatment and effluent disposal fields.

On-Site Stormwater Management

- 32 The Consent Holder must establish and connect to the internal stormwater pipe network, outlets, treatment, and disposal system in accordance with the approved engineering plans to the satisfaction of the Monitoring Officer – Waikato District Council.

Water Supply

- 33 The Consent Holder must establish and connect to the internal potable water supply networks in accordance with the approved engineering plans to the satisfaction of the Monitoring Officer – Waikato District Council.

At Completion of Earthworks

- 34 All areas of earthworks (excluding any area covered by buildings and retaining walls) must be revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced to the satisfaction of the Monitoring Officer - Waikato District Council.

Statement of Professional Opinion

- 35 At completion of the earthworks and prior to undertaking any building works, the Consent Holder must, to the satisfaction of Consents Monitoring Officer, provide a 'Statement of Professional Opinion on Suitability of Land for Building Consent', certificate by a Geoprofessional to confirm that the earthworks within the site are suitable for a development.

Advice Note: An acceptable format can be found in the 'Section 2 - Earthworks and Geotechnical Requirements' of Regional Infrastructure Technical Specifications (RITS) - Appendix 2A: Schedule 2A (NZS 4404:2010) - "Statement of Professional Opinion on Suitability of Land for Building Consent".

Contractor's Certificate – construction (Schedule 1B)

- 36 Prior to occupation of any residential unit on site, A 'Contractors Certificate – construction', for each work undertaken by contractor as part of the consented works must be provided to the satisfaction of the Monitoring Officer – Waikato District Council.

Advice Note: An acceptable format for certification upon completion of works can be found in the NZS4404-2010 Schedule 1B (Contractor's certificate upon completion of land development).

Prior to Occupation

Phone & Power

- 37 The Consent Holder must provide written confirmation from network utility operators for telecommunications and energy supply confirming that the networks have capacity to service the development and to confirm that connections and reticulations have been placed to the boundary of the site and the services are available for supply for each villa, to the satisfaction of the Monitoring Officer – Waikato District Council.

At time of Building Consent

- 38 At the time of building consent for each residential unit, the consent holder must confirm the parking and vehicle access for the unit complies with vehicle tracking for each design vehicle to and from the internal road network.

Ongoing Conditions

- 39 All landscaping must be maintained in accordance with the approved LVMPP to the satisfaction of the Monitoring Officer – Waikato District Council. If any of the landscaping dies and/or becomes diseased, the dead and/or diseased landscaping must be replaced in the same or similar location within the next planting season (generally between May and October) by a same or similar species of landscaping.

Ongoing Management of Contamination

- 40 The consent holder must implement any approved ongoing site management plan and manage identified soil in accordance with the plan, to the satisfaction of the Monitoring Officer – Waikato District Council.

Light spill

- 41 Light spill from artificial lighting shall not exceed 10 lux measured vertically at any other site.

Maintenance of Parking Spaces

- 42 During the operation of the retirement village all parking and manoeuvring spaces shall be maintained on site.

Advisory Notes

Lapse Date

- 1 This Resource Consent for land use lapses five years after the commencement of the consent, unless:
- (a) The Resource Consent is given effect to prior to that date; or
 - (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

Other consents/permits may be required

- 2 To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Regional Council Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits must be obtained prior to development.

Enforcement Action

- 3 Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act (1991).

Corridor Access Request

- 4 Prior to undertaking any works within the Council road reserve, a Corridor Access Request (CAR) for the works to be carried out in the road reserve and submitted to the Waikato District Council for approval not less than fifteen (15) working days before starting these works.

S127 VARIATION LUC0597/21.04

Changes shown in *italics*. Deletions shown as “deleted”. The changes relate to conditions 1 and 44 only.

General Conditions

- 1 The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0597/21 and officially received by Council on June 2021 and the further s127 applications officially received by Council on the 31st March 2022, 12th September 2022 ~~and the 22nd December 2022, and 22nd November 2023~~ except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of the consent shall prevail.
- 2 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.

Developer's Representative

Prior to the commencement of engineering design or construction works, the Consent Holder shall appoint a Developer's Representative who shall supervise and provide certification of the engineering works.

Notification of Intention to Start Works

The Consent Holder shall notify the Waikato District Council, in writing, of their intention to commence any of the physical works associated with this consent, a minimum of 10 working days prior to commencing. Notification shall include the following details:

- (a) Names and telephone number/s of the Developer's Representative/s
- (b) Site Address to which the consent relates
- (c) The Waikato District Council reference number
- (d) A description of work to be undertaken
- (e) Expected duration of the works
- (f) Documentation required by other conditions of this consent.

Advice Note:

The preferred means of notification is via email to monitoring@waidc.govt.nz

- 4A The covered outdoor area of the Country Club House shall be located no closer than 21.195m from the northern boundary as shown on the approved plan titled Site Plan, Dated 30-11-2021, Sheet L02.

Remediation Works

- 3 Prior to any soil disturbance works commencing the consent holder shall submit a site management plan (SMP) prepared by a suitably qualified and experienced practitioner in accordance with the current edition of the Ministry for Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand. The plan shall detail the procedures, controls and contingency measures that must be implemented for the duration of the works in order to protect human health by ensuring exposure pathways are minimized for the duration of the soil disturbance works and shall include, but not be limited to:
 - (a) Erosion and sediment controls
 - (b) Environmental controls for stockpiling
 - (c) Procedures to minimise on-site contaminant dispersal

- (d) Unexpected contamination discovery protocols
 - (e) Transport and disposal of any material transported off-site
 - (f) Proposals for further delineation and/or post removal soil sampling (if any) as identified in the report 'Preliminary and detailed site investigations – Rev A, Lot 1 DPS 83644, Tamahere, Cambridge' (the DSI) prepared by HAIL Environmental and dated 23 June 2021, including:
 - (i) areas around the shed and demolition rubble identified in the DSI;
 - (ii) any additional sampling and analysis for arsenic to better define zones that exceed WRC cleanfill criteria.
- 4 Soil disturbance works shall be undertaken in accordance with the approved SMP. The procedures, controls and contingency measures outlined in the Plan must be implemented for the duration of the soil disturbance works to ensure minimal adverse effects on human health and the environment.
- 5 All material removed from the site in the course of the soil disturbance works shall be disposed to a suitably licensed facility authorised for receipt of material of that kind.
- 6 Within two months of soil disturbance works being completed the consent holder shall provide a works completion report to confirm that the methods outlined in the Site Management Plan were enforced for the period required, and that the measures were successful in ensuring the potential risks were adequately managed. The works completion report shall be completed by a suitably qualified and experienced practitioner and shall include, but not be limited to:
- (a) Confirmation that the methods described in the SMP were followed;
 - (b) A summary of the works undertaken including:
 - (i) summary of the earthworks methodology followed;
 - (ii) volume of soil removed (if any) from the site;
 - (c) Details of all soil samples taken, tabulated analytical results and interpretation of results;
 - (d) Details of any unexpected contamination encountered during the works and actions taken in respect of this;
 - (e) Copies of disposal receipts for any material removed from the site.

Prior to Construction

- Construction Management Plan
- 7 The Consent Holder shall submit a Construction Management Plan (CMP) to the Waikato District Council Team Leader Monitoring a minimum of 10 working days prior to the commencement of activities associated with this consent. The CMP shall include, but not be limited to, the following:
- (a) The staging of works planned and the description of works including site plans;
 - (b) An erosion & sediment control plan;
 - (c) Detailed management procedures for fill placement (all imported material shall be cleanfill), treatment and/or stockpiling;
 - (d) Dust control plan;
 - (e) Machinery to be used on site;
 - (f) Communications Plan
 - (g) Clarification of number of persons to be engaged in site works;
 - (h) Health and Safety Plan;
 - (i) Hours of work;
 - (j) Noise management within a Construction Noise and Vibration Management Plan (including specific provision to manage construction noise near adjacent properties);
 - (k) Existing transport environment;

- (l) Construction access;
- (m) Mitigation/minimisation of off-site construction movements;
- (n) Temporary traffic management controls;
- (o) Appropriate guidance for Contractors on accidental discovery protocols.

Detailed Engineering Plans

- 8 Prior to any construction, detailed engineering plans must be submitted for certification (Engineering Plan Approval) for:
- (a) Earthworks Plans in accordance with the approved development concept plans of Tamahere County Club Extension at 70 Tamahere Road, TAMAHERE.
 - (b) The high- volume rural volume vehicle crossing adopting WAKA Kotahi Diagram E layout and crossing place safety controls in accordance with the restrictions and recommendations of STANTEC Group Ltd via S92 Response - Traffic with Ref. No. 310204819 and dated 24 August 2021.
 - (c) Internal road network layout including northern extension to existing Tamahere Country Club development, kerb and channels, cesspits, footpaths, and parking spaces as demonstrated on the approved Tamahere Country Club development concept plans.
 - (d) Upgrade of the existing on-site wastewater treatment and effluent disposal fields, and internal lay-out of sewer network that will cater for the additional volume of wastewater discharges from the Tamahere Country Club retirement village expansion in accordance with Waikato Regional Council Rule 3.5.7.7 Discretionary Activity Rule - Other than On-Site Sewage Discharges.
 - (e) Internal lay-out of stormwater network, run-offs treatment and soakage disposal management system in accordance with the restrictions and recommendations of Tamahere Country Club Stormwater Design Report (Final Version) by Te Miro Water Consultants Ltd and dated 4/06/2021.
 - (f) Internal water supply network to proposed Tamahere Country Club extension supported by hydraulic flow and pressure test report. Design pressures must include the requirements of SNZ PAS4509:2008.

Designs must be in accordance with the Waikato District Plan (Waikato Section) and the Regional Infrastructure Technical Specifications (RITS)/ NZS:4404 and are to take into consideration any recommendations from the Geotechnical Assessment Report. Design plans and accompanying reports are to be provided to the Senior Land Development Engineer, Waikato District Council for certification.

Landscaping

- 9 Prior to commencement of any earthworks on the site, a detailed LVAMPP (Landscape, Visual Amenity and Mitigation Planting Plan) shall be submitted for approval in a technical certification capacity by the Team Leader Monitoring or nominee. The LVAMPP shall be in general accordance with the Tamahere Country Club Concept Masterplan, prepared by Boffa Miskell Ltd, Dated June 2021, and include (but not limited to), an implementation and maintenance programme prepared by a suitably qualified landscape architect.

The objectives of the LVAMPP are to:

- (a) Expand and further develop the Tamahere Country Club (TCC) Concept Masterplan to provide detail of the proposed landscape treatment and planting around the buildings including; independent villas, clubhouse and lake house which shall be context sensitive, and acknowledging the rural character;
- (b) Enhance the visual amenity of the development for the residents living in adjoining properties;

- (c) Ensure sufficient mitigation strategies are implemented to minimise the dominance and density of the independent villas for adjacent rural properties and land; and
- (d) Ensure recognition of the traditional cultural narrative, the 'whakapapa' of the area through development in partnership with mana whenua.

The LVAMPP design shall include:

- (a) Park like tree, shrub planting is provided along the southern site boundary and within the site around the communal spaces;
- (b) Use of planting and/or fencing around the service areas associated with the residential units and any refuse location(s) to provide screening from public spaces and adjacent residential and rural properties;
- (c) Locations and planting of low impact stormwater management devices such as rain gardens and swales;
- (d) Detailed landscape and planting plans for the development including; individual villas, roads, communal spaces, club house, lake house, boundary treatment and car parking (in particular the parking areas at the Tamahere Drive road frontage and along the southern property boundary (campervan parking) which should be screened from public spaces and adjacent residential and rural properties).;
- (e) Detailed design and treatments for roads, footpaths, entrance feature, fencing, letter boxes and refuse collection locations;
- (f) A 1.3 m high locally sourced Hinuera stone entrance wall and black powder coated steel gate with amenity planting. The entry gate will be open during the day and closed at night, with keypad entry;
- (g) 1.3 m high visually permeable post and rail perimeter fence, stained black, will be located around all of the site boundaries (unless specified below were acoustic fence is proposed) referencing similar rural fencing throughout Tamahere;
- (h) A 1.3 - 1.5 m wide informal pedestrian pathway around the majority of the site, linking with roads to provide a variety of walking routes for residents;
- (i) Planted median with flowering cherry trees along the main entrance road and continuation of spine road through the site;
- (j) Swales to provide low impact stormwater management / soakage to ground;
- (k) Amenity planting throughout the site, including alongside internal accessways, and communal spaces, incorporates species found in the surrounding environment;
- (l) Communal rose garden located adjacent to the clubhouse entrance at Tamahere Drive;
- (m) Communal orchard garden located in the open space along the southern boundary, this will also reinforce the rural character and amenity of the site;
- (n) Croquet lawn, putting green and tennis court;
- (o) 3m high planted earth bund (also used for wastewater disposal) along 11B and 21 Pencarrow Road boundaries, similar to the bund along the eastern boundary of the existing Tamahere Country Club site. Planted with natives including Kowhai trees.
- (p) 1.8m high painted (black or similar) timber paling acoustic fence along 576A and 576B Airport Road boundaries.
- (q) Use of taller trees (including a range of trees with a bag size of 150L (minimum height of 2.5m) to assist in reducing the density of independent villas when viewed from the rural landscape and surrounding roads;
- (r) A schedule of the species to be planted, including the name (including botanical name), numbers, location, spacing and size of plant species at time of planting, planting density, average height of each after 10 years of planting and at maturity, details on the timing of plantings and details of the existing planting to be retained;

- (s) Measures to minimise clearing or storing of existing topsoil to preserve soil quality for planting;
- (t) Measures for the appropriate disposal and clearance of invasive/noxious weeds;
- (u) Proposed site preparation and plant establishment;
- (v) Ongoing vegetation maintenance and monitoring requirements;
- (w) Inclusion of interpretive signage or other material communicating the history and cultural significance of the place, developed in partnership with mana whenua; and
- (x) All native planting is to be eco-sourced from the Waikato Region. Use of native cultivars is to be limited to private gardens.

Advice Note: Mana whenua will be provided the first opportunity to be engaged to supply and install native plants.

Erosion & Sediment Controls

- 10 Prior to undertaking any earthworks activities on the site; erosion and sediment control measures shall be installed in accordance with the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009 to the satisfaction of a Monitoring Officer from the Waikato District Council.

Advice Note: The Consent holder will need to consult with the Waikato Regional Council to determine whether or not the earthworks require consent under the Waikato Regional Plan.

During Construction

- 11 All access for construction, fencing, planting and maintenance shall be gained via Tamahere Drive. No access to the site shall be via State Highway 21.
- 12 Erosion and Sediment Control measures shall continue to be operated and maintained for the duration of soil disturbing activities to the satisfaction of Councils Team Leader Monitoring.
- 13 Prior to bulk earthworks or the construction of any infrastructure/buildings, an acoustic fence along the common boundary of the subject site and those properties at 576A and 576B Airport Road shall be constructed to a minimum height of 1.8m and be of close boarded construction in accordance with the approved LVAMPP.
- 14 Prior to the construction of any infrastructure/buildings the bund as shown in the Approved Plan along the common boundary of the subject site and those properties at 11B and 21 Pencarrow Road shall be constructed in accordance with the approved LVAMPP.

CMP Implementation

- 15 The activities associated with this consent shall be undertaken in accordance with the CMP. Specifically, earthworks shall be carried out in accordance with the approved CMP and Engineering Plans under the supervision of a Geo-professional to the satisfaction of Waikato District Council's Team Leader Monitoring. In the case of inconsistency between the CMP and the condition of this consent, the conditions of consent shall prevail.

LVAMPP Implementation

16 The certified LVAMPP shall be implemented:

- (a) Wherever practicable prior to construction works for the relevant stage commencing; or
- (b) As soon as areas become available for planting due to the progress of the works; and/or
- (c) Within the first planting season for the relevant stage being issued with a Certificate of Practical Completion in accordance with NZS 3910:1998 Conditions of Contract for Building and Civil Engineering Construction.

Construction Noise

17 All construction works, including maintenance and demolition work, shall be designed and conducted to ensure that noise from the site is in accordance with the provisions of NZS6803:1999 Acoustics – Construction Noise. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise, NZS6801:2008 Acoustics - Measurement of environmental sound and NZS6802:2008 Environmental Noise.

Construction Hours

18 During construction works (including earthworks), the hours of operation shall be limited to the days of Monday to Saturday between the hours of 7.00am – 6.00pm and Saturday 7.30am and 1pm. No works shall be undertaken on Public Holidays or Sundays unless mitigation measures have been put in place in accordance with the Approved CMP.

Archaeological Discovery

19 In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking activities associated with this consent, the works in the area of the discovery shall cease immediately, and Ngati Haua, Waikato-Tainui, NZ Heritage and the Waikato District Council shall be notified within 48 hours. Works shall only recommence with the written approval of the Waikato District Council Team Leader Monitoring. Such approval shall be given after the Waikato District Council has considered:

- (a) Tangata Whenua interests and values;
- (b) The Consent Holder's interests;
- (c) any archaeological or scientific evidence.

Advice Note:

An authority to modify, damage or destroy archaeological features/deposits is required to be obtained from Heritage New Zealand in accordance with the Historic Places Trust Act 1993.

Dust

20 During earthworks, the site shall be managed in such a way that dust emissions do not cause an objectionable effect beyond the boundaries of the site to the satisfaction of Waikato District Council's Team Leader Monitoring.

Advice Note:

For the purposes of this condition, the Waikato District Council Monitoring Department will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council determines so after having regard to:

- (a) The frequency, intensity, duration, location and effect of dust emission(s); and/or,
- (b) Receipt of complaints from neighbours or the public; and/or,

- (c) Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been received.

Debris Tracking/Spillage

- 21 During earthworks, earthworks shall be managed in such a way that no material is tracked or spilled beyond the boundaries of the site onto any legal or private road to the satisfaction of Waikato District Council's Team Leader Monitoring. In the event of this occurring, the Consent Holder shall remove this material as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by a Waikato District Council Monitoring Officer.

The Consent Holder, upon becoming aware of the need to clean up the roadway, shall advise the Waikato District Council Monitoring Team of the need for the road to be cleaned up, and what actions are being taken to do so. The cost of the clean-up of the roadway and associated drainage facilities, together with any required temporary traffic control, shall be met by the Consent Holder. Should the clean-up of the roadway and associated drainage facilities be undertaken by the Waikato District Council, the consent holder shall pay the actual and reasonable costs of the clean-up.

In the event that damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset occurs as a result of the earthworks activity, the costs of rectifying and restoring the asset/s shall be met by the Consent Holder.

Advice Note:

A traffic management plan may be required to be obtained from Waikato District Council for undertaking any works within the boundaries of the legal road. Please contact Council on 07 824 8633 to enquire about this.

High Volume Rural Vehicle Crossing

- 22 The Consent Holder must establish the high-volume rural vehicle crossing with crossing place safety controls in accordance with the approved engineering plans to the satisfaction of the Consents Monitoring Officer, Waikato District Council.

Internal Road Network

- 23 The Consent Holder must establish internal road network, including kerb and channel, cesspits, footpaths, and parking spaces as per approved engineering plans to the satisfaction of the Consents Monitoring Officer, Waikato District Council.

On-Site Wastewater System

- 24 The Consent Holder must upgrade the existing on-site wastewater treatment and effluent disposal fields and establish internal sewer network as per approved engineering plans to the satisfaction of Consents Monitoring Officer – Waikato District Council.

Advice Note:

The Consent Holder is advised to provide a copy of its Discharge Consent from WRC to Consents Monitoring Officer – Waikato District Council prior to undertaking any upgrade of existing on-site wastewater treatment and effluent disposal fields.

On-Site Stormwater Management

- 25 The Consent Holder must establish internal stormwater pipe network, outlets, treatment, and disposal system in accordance with the approved engineering plans to the satisfaction of Consents Monitoring Officer – Waikato District Council.

- Firefighting Water Supply
- 26 45,000 litres of firefighting water supply shall be stored onsite and shall be independent from the potable water supply.

- Bulk and Location Conditions
- 27 All buildings shall be setback at least 25m from all property boundaries excluding the northern property boundary adjoining the existing Tamahere Country Club.

- 28 The overall building coverage on the site (excluding the area for parking) shall not exceed 18.5%.

At Completion of Earthworks

- 29 At completion of each stage of earthworks, installed erosion and sediment controls must be maintained and remain in place until the Consents Monitoring Team Leader, Waikato District Council (or delegated officer) is satisfied that the risk from erosion and instability has been reduced to a less than minor risk. In the case where permanent controls are necessary while waiting for the next stage to be completed, the prior certification of the design is required including a maintenance plan. Acceptance of the earthworks plan does not constitute compliance with the Waikato Regional Council regional plan requirements.

- 30 All areas of earthworks (excluding any area covered by buildings and retaining walls) shall be revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced to the satisfaction of a Monitoring Officer of the Waikato District Council.

- Statement of Professional Opinion
- 31 At completion of the earthworks for each stage of development and prior to undertaking any building works, the Consent Holder must provide a 'Statement of Professional Opinion on Suitability of Land for Building Consent', certificate by a Geoprofessional to confirm that the earthworks within the site is suitable for a development and must be submitted to the satisfaction of Consents Monitoring Officer - Waikato District Council.

Advice Note:

An acceptable format can be found in the 'Section 2 - Earthworks and Geotechnical Requirements' of Regional Infrastructure Technical Specifications (RITS) - Appendix 2A: Schedule 2A (NZS 4404:2010) - "Statement of Professional Opinion on Suitability of Land for Building Consent".

At completion of Construction

- Producer Statement - On-Site Wastewater Treatment
- 32 After completion of the upgrade of the on-site domestic wastewater treatment system and effluent disposal fields for the Tamahere Country Club retirement village expansion, the Consent Holder must provide a Producer Statement construction; PS4, by a suitably qualified Engineer, to the satisfaction of Consents Monitoring Officer - Waikato District Council.

Certification

Contractor's Certificate – construction (Schedule 1B)

- 33 Prior to occupation of any dwelling on site, A 'Contractors Certificate – construction', for each work undertaken by contractor as part of the consented works must be provided to the satisfaction of Waikato District Council Consents Monitoring Officer. Advice Note: An acceptable format for certification upon completion of works can be found in the NZS4404-2010 Schedule 1B (Contractor's certificate upon completion of land development/subdivision).

Prior to Operation

Phone & Power

- 34 The Consent Holder shall provide written confirmation from network utility operators for telecommunications and energy supply confirming that the networks have capacity to service the development and to confirm that connections and reticulations have been placed to the boundary of the site and the services are available for supply.

At time of Building Consent

- 35 At time of building consent the Consent Holder vehicle turning tracking shall be confirmed for each design vehicle and its associated travel path requirement to, from, within and around the site.

Ongoing Conditions

- 36 There shall be no vehicle access from the proposed development onto State Highway 21.

- 37 All landscaping shall be maintained in accordance with the approved LVMPP to the satisfaction of Council. If any of the landscaping dies and/or becomes diseased, the dead and/or diseased landscaping shall be replaced in the same or similar location within the next planting season (generally between May and October) by a same or similar species of landscaping.

Noise

- 38 Noise associated with the consented activity measured at the notional boundary of any other site shall not exceed: (a) 50dBA (L10), 7am to 7 pm any day, and (b) 45dBA (L10), 7pm to 10pm any day, and (c) 40dBA (L10), and 65dBA (Lmax) at all other times. Noise shall be measured and assessed in accordance with the Waikato District Plan.

Deliveries

- 39 There shall be no unloading or loading of vehicles or the receiving of deliveries associated with the activity before 7.30am or after 7.00pm on any given day.

Signage

- 40 Signage associated with the proposal shall be in general accordance with the application. The consent holder shall ensure that all signs associated with the activity are maintained to a high standard that contributes positively to its surrounds at all times by ensuring that signage does not fall into a state of disrepair to the satisfaction of Waikato District Council.

Light spill

- 41 Light spill from artificial lighting shall not exceed 10 lux measured vertically at any other site.

Vehicle movements
42 Vehicle movements to and from the site shall not exceed 211 movements per day.

Advice Note:

This is in addition to the consented numbers of traffic to the existing Tamahere Country Club (as authorised by LUC0156/20.02), and excludes additional traffic movements consented under LUC0188/24 and LUC0189/24 that access through this site and are operated in conjunction with this consent.

Maintenance of Parking Spaces
43 During the operation of the retirement village all parking and manoeuvring spaces shall be maintained on site.

Ongoing Management of Contamination
44 The consent holder shall implement any approved ongoing site management plan and manage identified soil in accordance with the plan.

Review Condition
45 Pursuant to section 128 to 131 of the Resource Management Act 1991, the Waikato District Council may review any or all of the conditions of this consent at any time from the commencement of this consent.

The Council shall serve notice on the Consent Holder of its intention to review any or all of the conditions of this consent for any of the following purposes:

- (a) To review the effectiveness of the conditions of this consent in avoiding, remedying, or mitigating any adverse effect on the environment that may arise from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to amenity, noise, traffic and shuttle service and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;
- (b) To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints
- (c) To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent.

The Council will undertake the review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review pursuant to section 36 of the Resource Management Act 1991.

Advisory Notes

Lapse Date
1 This Resource Consent for land use lapses five years after the commencement of the consent, unless:
(a) the Consent is given effect to prior to that date.
or
(b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
(i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
(ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
(iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

Other consents/permits may be required

- 2 To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Regional Council Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

Enforcement Action

- 3 Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act (1991).

Corridor Access Request

- 4 Prior to undertaking any works within the Council- road reserve, a Corridor Access Request (CAR) for the works to be carried out in the road reserve and submitted to the Waikato District Council for approval not less than fifteen (15) working days before starting these works.

Debris & Tracking

- 5 The Consent Holder is to be advised that any debris tracking/ spillage onto any public road as a result of the exercise of this consent is to be removed as soon as practicable, and within a maximum of 24 hours after the occurrence, or as otherwise directed by the Waikato District Council Alliance, to the satisfaction of the Waikato District Council.

The Consent Holder, upon becoming aware of the need to clean up the roadway, must advise Waikato District Alliance of the need for the road to be cleaned up, and what actions are being taken to do so.

The cost of the clean-up of the roadway and associated drainage facilities, together with all temporary traffic control, must be the responsibility of the Consent Holder