

Section 42A Hearing Report

To: Independent Hearing Commissioners

From: Laura Galt, Senior Planner, Urban & Spatial Planning Unit, Hamilton City Council

Subject: **Hamilton City Council Alteration to Designation A67 - Notice of Requirement – Water Reservoir (Ruakiwi Road)**

Prepared by Laura Galt, Senior Planner
Urban & Spatial Planning Unit, Hamilton City Council

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Reviewed by Ben Petch, Contractor
Urban & Spatial Planning Unit, Hamilton City Council

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Approved by Juliana Reu Junqueira, Unit Director
Urban & Spatial Planning Unit, Hamilton City Council

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Contents

1.0	Terms and Abbreviations	1
2.0	Executive Summary	2
2.1	The Requirement.....	2
2.2	Purpose of this report	2
2.3	Key findings	2
2.4	Alteration of Designation lapse period.....	2
2.5	Recommendations	2
3.0	Introduction	3
3.1	Purpose of report	3
3.2	Scope of report.....	3
3.3	Relevant documents.....	3
3.4	Author’s qualifications and experience.....	4
3.5	Code of Conduct.....	4
3.6	Site visit	5
4.0	Site Description.....	5
4.1	Surrounding Uses and Activities.....	5
4.2	Topography.....	5
4.3	Transport Corridors	5
4.4	Zoning and Overlays	5
4.5	Reserve Status	6
4.6	Description of the Requirement.....	6
4.7	Purpose	6
4.8	Project and Designation Description.....	7
4.9	Objectives.....	7
4.10	Conditions	7
4.11	Outline Plan of Works.....	8
4.12	Resource consents.....	8
5.0	Submissions	9
5.1	Introduction.....	9
5.2	Nature of submissions.....	9
5.3	Issues raised and relief sought in submissions.....	10
5.4	Consultation	11

Alteration to Designation A67 - Notice of Requirement – Ruakiwi Reservoir - s42A Hearing Report

5.5	Landscape and Visual	13
5.6	Construction, Noise and Vibration	14
5.7	Traffic.....	15
5.8	Ecology	16
5.9	Heritage	18
5.10	Planning and Costs	19
5.11	General.....	20
5.12	Late submissions	21
5.13	Out of scope matters.....	21
6.0	Statutory Assessment	21
6.1	Introduction.....	21
6.2	Assessment of Environmental Effects	21
6.3	Statutory considerations	22
6.4	RMA Section 6 – Matters of National Importance	24
6.5	RMA Section 7 – Other Matters	26
6.6	RMA Section 8 – Treaty of Waitangi.....	28
6.7	RMA Section 5 – Purpose of the RMA.....	29
7.0	Conclusions.....	29
8.0	Recommendations.....	29

Appendix A	Recommended Designation Conditions
Appendix B	Matters that a territorial authority must consider
Appendix C	Specialist’s Assessment – Construction and Operation Noise and Vibration
Appendix D	Specialist’s Assessment – Civil Engineering and Stormwater Management
Appendix E	Specialist’s Assessment – Ecology
Appendix F	Specialist’s Assessment – Geotechnical Engineering
Appendix G	Specialist’s Assessment – Built Heritage
Appendix H	Specialist’s Assessment – Landscape and Visual
Appendix I	Specialist’s Assessment – Lighting
Appendix J	Specialist’s Assessment – Structural Engineering
Appendix K	Specialist’s Assessment – Traffic
Appendix L	Designation Areas and Zoning Maps

1.0 Terms and Abbreviations

Table 1: Terms and acronyms used in this report

Term or Acronym	Definition
Alteration to Designation	The proposed Alteration to Designation A67 that is the subject of the NoR
NoR	Hamilton City Council Alteration to Designation A67 - Notice of Requirement – Water Reservoir (Ruakiwi Road)
HCC ODP	Hamilton City Council Operative District Plan
Project	Means all the physical works, measures, and processes that are necessary to give effect to the NoR, including the measures to avoid, remedy, mitigate, minimise, offset, or compensate for, its actual or potential adverse environmental effects
RMA	Resource Management Act 1991
Requirement	The requirement for the Alteration to Designation that is set out in the NoR
Hamilton City Council	Territorial Authority
Specialists	The subject matter experts who have provided technical evaluations to inform this s42A Report. These specialists are listed in Table 2 and their evaluations are attached as Appendices C through J to this report

2.0 Executive Summary

2.1 The Requirement

Hamilton City Council has sought the Alteration of Designation A67 Water Reservoir (Ruakiwi Road) to allow for the construction, operation and maintenance of two additional reservoir tanks and associated valve chamber. Following the commissioning of Reservoir 1 the existing heritage water tower will be decommissioned but will remain in situ.

The alteration does not meet the requirements of s181(3) to process as alteration. Resultantly, this report sets out and assesses the alteration as through it is a Requirement for a new designation, as provided for in s181(2) of the RMA.

2.2 Purpose of this report

Hamilton City Council has appointed independent commissioners to hear the Requirement and submissions on it and make decisions on them on behalf of the Territorial Authority.

This report, which is informed by Specialists' technical assessments, is to assist the commissioners to fulfil the relevant requirements of the RMA when they perform this function.

2.3 Key findings

The Project's disruption during construction will have adverse effects on landscape, character, amenity, traffic, noise and vibration that are no more than minor and can be managed by appropriate designation conditions.

The recommended conditions listed in **Appendix A** have been reviewed and agreed with by HCC, with the exception the final wording of the proposed Architectural and Landscaping conditions.

The Requirement is in general accordance with the relevant planning instruments that the NoR considers.

2.4 Alteration of Designation lapse period

The NoR seeks a 10-year lapse period for the designation, which is required under s184 of the RMA for a designation that has not been given effect to. As this is an alteration to an existing designation, a lapse date is not required, as the existing designation has already been given effect to.

2.5 Recommendations

In accordance with RMA s168A (4) (a) and (c), it is recommended that the Requirement is confirmed subject to the conditions listed in **Appendix A**.

3.0 Introduction

3.1 Purpose of report

This report is to provide an assessment and make recommendations on the proposed conditions to assist the Independent Hearings Panel in its consideration of Hamilton City Council's request for an Alteration to Designation A67.

Under s181(3) an Alteration to Designation may be processed as such, however, it must meet the requisites of that section.

For a designation to be altered pursuant to s181(3), the alteration must:

- either involve no more than a minor change to the effect on the environment or
- only involve minor changes or adjustments to the boundaries of the designation.

In respect of this alteration, it is considered that neither requisite can be met, therefore s181(2) states the alteration must be assessed as if it was a requirement for a new designation.

3.2 Scope of report

This report evaluates and makes recommendations about the matters that the territorial authority must consider when assessing the Requirement, submissions received, and the effects on the environment of allowing the Requirement. These matters are set out in s168A(3) of the RMA – see **Appendix B**.

The report makes recommendations regarding the territorial authority's decision on the Requirement. RMA Section 168A (4) enables the territorial authority to decide to:

- a. Confirm the requirement,
- b. Modify the requirement,
- c. Impose conditions, or
- d. Withdraw the requirement.

3.3 Relevant documents

This report responds to information contained in the following documents:

- a. The Notice of Requirement, which includes all its appendices,
- b. Submissions, and
- c. Specialists' Reports.

3.3.1 Specialists' reports

Specialists have assessed the relevant matters to be considered, on behalf of Hamilton City Council. Their assessments are appended to this report as listed in **Table 2**.

Table 2: Specialists whose assessments have informed this report

Specialty	Specialists	Company	Appendix of this report containing the expert's assessment
Acoustic and Vibration	Peter McGregor	HCC	Appendix C
Civil Engineering & Stormwater Management	Paul Avery	Beca	Appendix D
Ecology	Emily Lion-Cachet		Appendix E
Geotechnical Engineering	Kenneth Read		Appendix F
Landscape Architecture	Will Gumbley		Appendix H
Lighting	Martin Granese		Appendix I
Structural Engineering	Simon Edmonds		Appendix J
Traffic	Yrish Estoce		Appendix K
Heritage	Carolyn O'Neil		The Heritage Studio

3.4 Author's qualifications and experience

My name is Laura Galt. I am a Senior Planner in the Urban and Spatial Planning Unit of Hamilton City Council, a position I've held since July 2023. Prior to this I was an Intermediate Planner with HCC; a role I held since 2016. I have 19 years' experience in policy planning.

I hold the qualifications of Master of Environmental Planning from the University of Waikato (2011), and Bachelor of Social Science with Honors from the University of Waikato (Resource and Environmental Planning, 2006). I am an Intermediate member of the New Zealand Planning Institute.

I have processed a number of new NoR's, alterations and removals to designations without hearings.

I prepared and presented s42A reports in relation to the last Hamilton City District Plan Review, and Plan changes, further I have prepared and presented proponent evidence at the hearings of Council's Plan Changes 9 – Significant Natural Areas, Notable Trees, Built Heritage (2023 & 2024) and 12 – Historic Heritage Areas (2024).

3.5 Code of Conduct

I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this memorandum are within my area of expertise except where I state that I have relied on the advice of other people. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

3.6 Site visit

I visited the site on 19 June 2025 with project team representatives (Planning, Landscape, Arboriculture) and the corresponding technical experts that support this report. We were shown by the applicant the extent of the two reservoirs which had been surveyed and marked with boundary pegs.

A second site visit occurred on 4 August 2025 with project team (Ecology, Transport, Landscape) and with corresponding technical specialists supporting this report.

4.0 Site Description

The site is located at 18 Ruakiwi Road (the site). Within the site, that is subject to designation A67, is the existing Water Reservoir, a Built Heritage A Ranked Heritage Item. It is within the northeastern part of the Hamilton Lake Domain Reserve (Domain), opposite the Clarence Street/ Ruakiwi Road intersection, and approximately 700m to the south-west of Hamilton's central city, as shown in **Figure 1 Appendix L**.

4.1 Surrounding Uses and Activities

To the west of the site lies Hamilton Lake (Lake Rotoroa), which is surrounded by open parkland, sports fields, and recreational facilities including public playgrounds. To the east the site is bordered by Ruakiwi Road, and the land opposite the site is zoned for a higher density residential use which is reflected in the existing built form. Further east, past Pembroke Street land use transitions into commercial zones (Business Zone 4), and north of Thackeray Street lies the Central City Zone – Precinct 2 (City Living).

The immediate surroundings of the site include grassed open space with mature macrocarpa trees and younger plantings.

4.2 Topography

The Project area features gradually rolling hilltop terrain, descending towards the lake, and more steeply near the margin of Lake Rotoroa. The southwestern portion of the site features steep slopes, predominantly vegetated with native species.

4.3 Transport Corridors

Key transport corridors in the area include Ruakiwi Road and Clarence Street. Ruakiwi Road functions as a minor arterial road. These roads connect the Domain to surrounding residential and commercial precincts and provide access to the site.

4.4 Zoning and Overlays

The site is zoned Destination Open Space as shown in **Figure 2 Appendix L**. The current designation¹ for water storage and supply is located in the Destination Open Space Zone of the ODP, specifically situated in the Domain. This open space area contains the existing water reservoir, which has a current capacity of 15 Megalitres (15ML) and services the Ruakiwi Water Supply Zone (RWSZ) including the central city area.

¹ Hamilton City Council Operative District Plan, Designations (Schedule 26.3 – Volume 1), Reference No: A67 Lot 2 DP 16167

The site is also subject to several overlays, including Significant Natural Area (SNA C31²), Built Heritage A Ranked Heritage Item under Schedule 8A of the ODP³, Peat Lake Catchment and Notable tree and associated Protected root zone.

The proposed Significant Natural Area (SNA, C31) includes the entire treeland area of the site. It is recognised for its value as fauna habitat, specifically for long-tailed bats, which are classified by the Department of Conservation (DOC) under the New Zealand Threat Classification System (NZTCS) as threatened – Nationally Critical.

4.5 Reserve Status

The site forms part of a larger Reserve area classified under the Reserves Act 1977. In particular, parts of the Hamilton Lake Domain, including the area surrounding the existing reservoir, are classified as recreation reserve.

The central city reservoir project identified that the proposed reservoir development will also require reclassification of some park land under the Reserves Act to enable the construction and operation of the new infrastructure. This reclassification process is necessary to align the legal status of the land with its intended use for essential public infrastructure.

HCC approved the reserve reclassification proposal which progressed through public submissions in September and October 2025 and ran in parallel with the NoR.

Twenty-two submissions were received for the Reserve Reclassification. Fifteen submitters support the Reserve Reclassification, one is neutral and six are in opposition.

A hearing and subsequent decision are expected for early 2026.

While the central city reservoir project requires both processes to be undertaken and the public submission periods ran in parallel, both processes are subject to separate legislation (Reserves Reclassification is subject to the Reserves Act 1977 and the designation process is subject to the RMA). Therefore, I consider that there are no implications of approving the alteration to designation should the Reserves Reclassification not be approved. If the reserves reclassification does not occur, it may prevent the implementation of the reservoir project which is a risk the central city reservoir project team would need to address separately to this RMA process.

4.6 Description of the Requirement

4.7 Purpose

The purpose of the alteration to the existing designation is to enable the construction, operation and maintenance of critical water infrastructure, which includes two 25 mega litres per day (MLD) capacity concrete reservoirs, along with a valve chamber and ancillary pipelines. The reservoirs will be constructed in two stages. Reservoir One will be constructed first in accordance with this designation. The second reservoir will progress separately as a future project subject to its own Outline Plan.

² Hamilton City Council Operative District Plan, Natural Environments (Schedule 9C – Volume 2), C31

³ Hamilton City Council Operative District Plan, Historic Heritage (Schedule 8A – Volume 2), H27

Following the completion of Reservoir One, the existing historic reservoir is planned to be decommissioned.

4.8 Project and Designation Description

The project comprises the following key components:

1. **Reservoirs:** Two concrete water reservoirs with a capacity of 25 megalitres to be located at the site. The development will be staged, with the Reservoir One to be delivered by 2028 and the Reservoir Two to be delivered around 2040.
2. **Valve chamber:** A 420 m² valve chamber located between the reservoirs on the site, designed to support the operation of the reservoirs.
3. **Ancillary pipelines:** Infrastructure includes a clean water scour/stormwater discharge pipeline to Lake Rotoroa, as well as connections to the public three water systems from the site.
4. **Booster pump station:** A booster pump station at 139 Clarence Street. A separate land use consent has been sought for this aspect of the project, thus, it is not subject to the NoR application.

The new designation boundary being sought and the construction footprint boundary is shown in **Figure 1**.

The extent of the existing designation area is 5,296m². The application seeks to permanently expand the existing designation by an additional 2 hectares.

4.9 Objectives

The Project objectives are to:

- Construct a treated water storage reservoir and pumping station, to enable new housing development (4,140 new dwellings) within the Hamilton Central city area by 30 June 2028.
- Ensure existing infrastructure (reservoir and pipe infrastructure) and cultural values are protected.
- Identify suitable locations for future treated water infrastructure to meet projected water demand.

The Project objectives are further expanded with reference to the Project outcomes which are set out in s5.1 of the NoR.

In accordance with s168A3(b) the Territorial Authority is not required to assess alternative sites as the Requiring Authority has sufficient interest in the site.

4.10 Conditions

The proposed draft conditions are set out in **Appendix L** of the NoR. The agreed recommended conditions are set out in **Appendix A** of this report.

4.11 Outline Plan of Works

Section 176A(1) of the RMA obliges the Requiring Authority to submit an Outline Plan of Works to the territorial authority before commencing construction of the designated works.

Section 176A of the RMA provides for a Requiring Authority to request a waiver of the requirement to submit an Outline Plan if the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation; or the territorial authority waives the requirement for an outline plan.

HCC as the Requiring Authority has sought a waiver of the requirement to submit an Outline Plan for Reservoir One in accordance with s176A(2)(c).

HCC's Planning Guidance Unit has delegated authority to waive an Outline Plan However an Outline Plan Waiver cannot be issued until the decision of the Alteration to Designation has been made. To address this, an Advisory Note has been written into the designation conditions, such that: following the issue of the Alteration to Designation decision and pursuant to section 176(A)(2) (b) of the RMA, Council will issue a waiver of the requirement for an Outline Plan of Works under Section 176 (3) on the basis that the details of proposed Reservoir 1 are already incorporated into the designation.

In relation to the second reservoir, a future Outline Plan of Works is required, therefore conditions have been recommended that require an Outline Plan of Works, further geotechnical work and updated or new management plans, will need to be submitted by the Requiring Authority prior to the construction of the second reservoir.

4.12 Resource consents

Table 3 lists the consents the Territorial Authority will need to obtain before construction of the Project commences.

Table 4 lists the consents the Territorial Authority has sought outside of the designation site.

Table 3: Consents the Territorial Authority has sought for the Project

Consenting Authority	Statutory document that requires the consent to be obtained	Activities to be consented	Status
Waikato Regional Council	Waikato Regional Plan ⁴	Soil disturbance, erosion and sediment control and vegetation removal in a High-Risk Erosion Area.	Processing
		Discharge of stormwater and clean scour water to Hamilton Lake.	Processing
		Construct and operate a stormwater outfall device in the bed of the Hamilton Lake.	Processing
		Discharge of clean dechlorinated scour water to the lake (a Permitted Activity providing conditions under Rule 3.5.4.4 a-d can be met.	Processing

Table 4: Associated Consents the Territorial Authority has sought outside of the designated site

Consenting Authority	Statutory document that requires the consent to be obtained	Activities consented	Status
Hamilton City Council	Operative District Plan ⁵	Booster Pump Station (BPS) located at 139 Clarence Street.	Granted on 7 November 2025.

5.0 Submissions

5.1 Introduction

The NoR was publicly notified on 23 September 2025, and submissions closed on 22 October 2025. Six submissions were received.

Full copies of the submissions are provided on the Water Reservoir (Ruakiwi Road) webpage:

<https://hamilton.govt.nz/property-rates-and-building/district-plan/notices-of-requirements/notice-of-requirement-alteration-to-ruakiwi-road-reservoir-designation>

5.2 Nature of submissions

Two submitters support the NoR, one supports in part and three submitters are in opposition as shown in **Table 5**.

⁴ NoR, s9.1, p24

⁵ NoR, s8.1, p24

Table 5: Nature of submissions

Submitter No.	Submitters	Support or oppose
1	Ernestt Ross Needham	Oppose
2	Department of Conservation (DOC)	Support in part, subject to appropriate conditions
3	Phil Evans	Support
4	Lyll Duffus	Support
5	Glenda Morrissey	Oppose
6	James and Jill McCulloch	Oppose

A map showing the location of submitters is provided in **Figure 1 Appendix L**.

5.3 Issues raised and relief sought in submissions

Table 6 outlines the submission categories.

Two submissions seek the application is rejected. One submission seeks one of the alternative sites at the Peacocke Reserve is pursued instead. Two support the NoR. One of these does not seek a decision and the other notes that the submission period should have occurred prior to the design stage. A final submission supports in part the NoR subject to appropriate conditions.

Table 6: Submission categories

Submitter Name(s)	Sub No.	Topic	Support/ Oppose
Ernestt Ross Needham	1.1	Consultation	Oppose
	1.2	Landscape and Visual	
	1.3	Noise	
	1.4	Traffic	
	1.5	Vibration	
	1.6	Construction Management Plan	
	1.7	Peer Review	
	1.8	Order of Reservoir Construction	
Department of Conversation (DOC)	2.1	Long -tailed Bats and Identification of Bat Habitat	Support in part
	2.2	Permanent loss of potential and actual habitat for threatened fauna	
	2.3	Effect on bats during vegetation clearance	

Alteration to Designation A67 - Notice of Requirement – Ruakiwi Reservoir - s42A Hearing Report

Submitter Name(s)	Sub No.	Topic	Support/ Oppose
	2.4	Lighting effects on bats	
	2.5	Proposed Compensation – Planting	
	2.6	Proposed Compensation – Artificial bat boxes and roost features	
	2.7	Proposed Compensation – Predator control	
	2.8	Proposed compensation – Monitoring	
Phil Evans (Biking Hamilton)	3.1	General	Support
Lyall Duffus	4.1	General	Support
Glenda Morrissey	5.1	Location and Zoning Concerns	Oppose
	5.2	Construction and Noise Effects	
	5.3	Ecological and Environmental Impacts	
	5.4	Site Assessment and Alternative Options	
	5.5	Community Engagement and Communication	
	5.6	Heritage Considerations	
	5.7	Future Planning and Sustainability	
	5.8	Alignment with Council Strategies	
	5.9	Cost and Resource Efficiency	
James and Jill McCulloch	6.1	General	Oppose

The following tables in sections 6.4 to 6.11 address each of the submission topics.

5.4 Consultation

Description of issue
<p>Issues</p> <ul style="list-style-type: none"> a. Perceived inadequate consultation with nearby residents. b. The report that summarised public feedback is perceived to have understated strong concern about the project from nearby residents. c. Site selection already occurred prior to community consultation, which is considered to not have facilitated genuine consultation and eroded public confidence in the public engagement process. d. Lack of Elected Member presence during the public consultation process. <p>Relief sought</p> <ul style="list-style-type: none"> e. Reject the application until these matters can be addressed. f. Not proceed with the construction of new water reservoirs at the proposed location

<p>and pursue Peacocke Reserve as an alternative site.</p> <p>g. Further consultation should occur to mitigate these issues.</p>
<p>Submission points</p>
<p>1.1, 5.5</p>
<p>Discussion/Analysis of issue</p>
<p>The lodged NoR states: <i>‘Council as the applicant has taken its responsibility to proactively engage with local residents, the wider community and key stakeholders seriously.’</i></p> <p>The Project was first put out to local residents in February 2025 with a post on the Council website inviting comments and feedback from residents. Phase one of the community feedback ran from 18 February to 18 March 2025 with community drop-in sessions held at the Verandah Café in the Lake Domain on 4 March and 8 March.</p> <p>A further workshop was held at the Verandah on 27 May 2025 for key local residents, those who lived on Ruakiwi Road close to the proposed site.</p> <p>Phase two of the community feedback occurred between 26 June and 13 July 2025, with a public drop-in session held on 9 July.</p> <p>In person engagement focused on residents directly across from Ruakiwi Road from the proposed site, followed by in-home visits with those residents who were interested. Information was also provided to residents on the statutory RMA process that the Notice of Requirement would follow post lodgment including opportunities for them to make a formal submission should they want to.</p> <p>HCC as the applicant undertook a comprehensive assessment of alternative sites using Multi Criteria Analysis (MCA). The Ruakiwi Road site was determined as per the concept plan the most appropriate way to achieve the Project Objectives. The Peacocke site was rejected in this process due to a combination of engineering and planning reasons, resulting in the Ruakiwi Road site being preferred. A summary of these conclusions is outlined in section 5.2 or the NoR. The alternatives analysis was undertaken by WSP in conjunction with the HCC as outlined in the NoR.</p> <p>It is considered that the central city reservoir project team has engaged and consulted with the affected community appropriately prior to the formal lodgment of the NoR.</p> <p>Regarding the Elected members presence at open days, the project is an operational and now statutory matter for the Council. Elected Member involvement would be inappropriate.</p>
<p>Recommendation</p>
<p>I do not recommend any amendments to conditions in response to issues relating to consultation.</p>

5.5 Landscape and Visual

Description of issue
<p>Issues</p> <ul style="list-style-type: none"> a. Concerns that a limited number of addresses (viewpoints) were included in the Visual Impact Assessment, excluding others with the visual impact not being truly representative. b. Concerns with changes in outlook, character, and amenity from the submitter’s property. Additionally, the scale and size of the Corten steel structures is understated and not consistent with existing natural environment. Further, it does not represent the scale and character of the existing heritage water tower. c. Perceived lack of demonstration of how the effects will be meaningfully mitigated. d. Perceived unclear justification for the reserve reclassification. e. The proposed Ruakiwi Road site is perceived unsuitable for large-scale infrastructure. f. The reserve reclassification is perceived as being inconsistent with the Hamilton Lake Domain Management Plan. g. The proposed removal of trees including 30 and 30a is considered inconsistent with HCC’s Strategies that emphasise tree retention and the city’s climate resilience and biodiversity goals. h. Concerns around the loss of views of nearby residents if construction occurs. <p>Relief sought</p> <ul style="list-style-type: none"> i. Retain trees 30 and 30a. j. Reject the application, until these matters can be addressed. k. Not proceed with the construction of the new reservoirs at this location, and pursue Peacocke Reserve as an alternative site.
Submission points
1.2, 5.1, 5.2, 5.3
Discussion/Analysis of issue
<p>The Landscape and Visual Assessment (LVIA) prepared by Adrian Morton Landscape Architects, submissions relating to landscape and visual effects, and other relevant documentation listed in Appendix H, were reviewed by Will Gumbley from Beca.</p> <p>Mr Gumbley states that the concerns of the submitter from their property at 1/17 Ruakiwi Road regarding changes to outlook, character, amenity and open space are valid based on the new visual simulation provided. It should be noted the permitted reservoir design within the current designation may result in more adverse visual effects than the current proposal. Mr Gumbley concludes that the concerns raised in the submissions are valid and have been appropriately address in the LVIA. However, it is considered that the proposed alteration to the designation while a change in the environment is likely to result in improvements to the landscape, character and amenity. Further if a new reservoir was to be provided within the existing designation, the permitted design may result in more adverse visual effects than that of the alteration proposal.</p> <p>In respect of the proposed removal of trees 30 and 30a, these are trees that currently screen features of the existing heritage water tower as such this has been considered by heritage specialist Carolyn O’Neil and landscape architecture by Will Gumbley.</p>

Ms O’Neil states that the removal of the trees has the potential to enhance sight lines and reinforce the visual qualities of the historic structure, and does not consider that the requirement to retain the two trees on heritage grounds can be justified. Several replacement trees are proposed to be planted as part of the landscaping works at the base of the water tower near the locations of trees 30 and 30a. This in addition to the proposed Heritage Management Plan, may provide the opportunity to provide the screening that the submitter seeks to retain.

Ms O’Neil also acknowledges that the construction of the two new reservoirs will result in a marked change to the immediate setting of the scheduled water tower, however, does not consider that the new structures will have a detrimental impact on the heritage values or character of the water tower.

From a landscaping perspective, it is unclear why these two trees are being removed as they are outside the footprint of the proposed reservoirs and tree 30 is of “average health” and further justification is sought to support the removal.

A submitter also considers that the alteration will potentially conflict with some of HCC’s own strategies. However, while it may conflict with some strategies, that needs to be weighed against, and consideration given to the anticipated growth of the central city. The intensification and growth of the central city has been given effect to through Plan Change 12 and the central city reservoir project is responding to this. Furthermore, compensation measures requiring transplanting, new planting and a “no mow’ area have been proposed and included in the agreed conditions.

Recommendation

Mr Gumbley has recommended several designation condition amendments to address the submission points raised which I support. The amended conditions have been incorporated into the conditions listed in **Appendix A**.

I do not recommended any changes to conditions in respect of trees 30 and 30a.

5.6 Construction, Noise and Vibration

Description of issue
<p>Issues</p> <ul style="list-style-type: none"> a. Concerns construction noise will be in excess of current perceived liberal construction noise levels. b. Concerns the construction phase will generate noise and vibration which will negatively impact local residents, visitors and dog walkers. c. Perceived understatement of construction effects in the Assessment of Environmental Effects (AEE), with disruptions likely to be more significant than stated. d. Concerns vibration from construction will impact amenity and nearby resident home’s structural integrity. Queries the monitoring and compensation mitigation that will be put in place. e. Concerns that required Construction Management Plans will be created with no resident involvement, resulting in lack of confidence that the plan will be enforced. f. Query of why construction of the second reservoir cannot occur first to provide buffering from adjacent residential properties. g. Perceived unclear need for the second reservoir. h. Concerns that the contractor will operate beyond HCC’s ODP requirements due to time pressure to deliver the Project, as Council is also the enforcer.

<p>Relief sought</p> <ul style="list-style-type: none"> i. Reject the application until these matters can be addressed. j. Not proceed with the construction of new water reservoirs and pursue Peacocke Reserve as an alternative site. k. Further conversations occur to mitigate these issues.
<p>Submission points</p> <p>1.3, 1.5, 1.6, 1.8, 5.2</p>
<p>Discussion/Analysis of issue</p> <p>The Assessment of Acoustic Effects, submissions related to noise effects and other relevant documentation listed in Appendix C was reviewed by Peter McGregor, HCC’s Principal Environmental Health Advisor.</p> <p>Mr McGregor concluded that the submitters concerns around construction noise levels are considered to be adequately addressed through the proposed conditions. A Construction Noise and Vibration Management Plan (CNVMP) is included within the conditions, which includes adopting the best practicable option to minimise noise from construction activities.</p> <p>The submitters’ concerns around vibration and potentially compromising the structural integrity of their home are raised. Mr McGregor also concluded that the vibration levels associated with piling are predicted to comply with the required cosmetic and structural limits in the German Standard DIN 4150-3:1999 Structural Vibration – Effects of Vibration on Structures, and to be under the recommended amenity limit. However, to address the submitters’ concerns it is considered appropriate to include a condition requiring a pre and post building condition assessment.</p> <p>Another submitter’s concerns around operational noise and vibration are concluded to be adequately addressed through the proposed conditions.</p>
<p>Recommendation</p> <p>Mr McGregor recommends that designation condition amendments are made to provide clarity of the notified conditions in relation to the submitters’ points, and an additional condition has been proposed to address the vibration concerns of the submitters. I have reviewed and support the recommended changes which have been incorporated into the agreed conditions listed in Appendix A.</p>

5.7 Traffic

<p>Description of issue</p> <p>Issues</p> <ul style="list-style-type: none"> a. Concerns that construction traffic levels will be excessive and uncontrolled. b. Concerns that heavy vehicles and construction worker trips will cause significant traffic disruption. c. Concerns around pedestrian safety including Hamilton West students who pass the site. d. Concerns that traffic disruption will negatively impact visitors, dog walkers, and nearby residents.

<p>Relief sought</p> <ul style="list-style-type: none"> e. Reject the application until these matters can be addressed. f. Not proceed with the construction of new water reservoirs and pursue Peacocke Reserve as an alternative site.
<p>Submission points</p> <p>1.4, 5.2</p>
<p>Discussion/Analysis of issue</p> <p>The Construction Traffic Assessment, submissions related to traffic, and other relevant documentation listed in Appendix K were reviewed by Yrish Estoce.</p> <p>A submitter raised concerns around traffic effects and construction traffic. Ms Estoce considered and addressed these by recommending amendments to designation conditions related to the Construction Traffic Management Plan to require workplace travel plans, and identification of heavy vehicle routes.</p> <p>Ms Estoce addressed the submitters concerns around pedestrian safety by recommending strengthening a condition to protect pedestrian movements associated with Hamilton West School through the Construction Traffic Management Plan. The recommended condition prohibits heavy vehicle arrivals/ departures during agreed school start/ finish windows on school days.</p> <p>In addition, recommendations are made for a complaints/ incidents register to be maintained by the Requiring Authority, with a community liaison contact available during working hours. Several other amendments to the designation conditions are recommended as listed in Appendix K.</p> <p>Another submitter’s concerns around construction duration, hours of operation during construction and heavy vehicle movements are addressed by recommended amended conditions related to construction hours for heavy vehicles as listed in Appendix K.</p>
<p>Recommendation</p> <p>In response to the submitters Ms Estoce recommended several comprehensive designation condition amendments, which I supported in general. The recommended conditions have been reviewed and subsequently amended. Ms Estoce has reviewed and supports the reviewed conditions that have been incorporated into the agreed conditions listed in Appendix A.</p>

5.8 Ecology

<p>Description of issue</p> <p>Issues</p> <ul style="list-style-type: none"> a. Concerns that the bat habitat for the site has been undervalued and mitigation for the loss of grassland has not been considered. b. Lighting from the new water tanks and walkways has potential to light ingress into areas of bat habitat. c. Compensation measures are considered to not sufficiently manage the effects of
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vegetation removal from part of the SNA.

- d. Proposed artificial bat roosts are perceived to have no evidence to date that they are an effective mitigation for loss of natural bat roosts.
- e. Concerns around the lack of information in relation to what pests are being targeted, target levels, how this will be measured and the duration of pest control.
- f. Concerns that the conditions do not currently provide for monitoring of compensation measures.

Relief sought

- g. Supports replacement trees but suggests typology and new planting is carried out in accordance with Bat Recovery Group Advice Note to ensure appropriate species for bat roosts.
- h. Supports inclusion of Bat Management Plan (BPM) condition, however, suggests some amendments to the condition.
- i. Retain mature trees for public enjoyment and ecological benefit.
- j. If artificial bat roosts are considered appropriate, amend the conditions to include requirements to fit predator control bands.
- k. Conditions require a monitoring report for compensation measures prepared by a suitably qualified person. Further, the report should be provided to the consent authority.
- l. If consent is granted, the conditions are appropriate, and Management Plans follow best practice.
- m. Compensation for biodiversity effects follow the effects management hierarchy and there is robust monitoring and compliance measures.
- n. Potential measures could include:
 - i. Compensation for the loss of all potential bat roosts and foraging areas
 - ii. Clear objectives in management plans
 - iii. Defined lighting controls within the Light Management Plan
 - iv. Consideration of unmanaged residual effects on LTB and their habitat
 - v. Clear predator control measures, including targeted species, control thresholds, and duration
 - vi. Robust monitoring and compliance measures to ensure the compensation package is effectively delivered.

Submission points

2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8

Discussion/Analysis of issue

The Ecological Impact Assessment (EclA), submissions related to ecological matters, and other relevant documentation listed in **Appendix E** were reviewed by Emily Lion-Cachet from Beca.

A submitter’s concerns around the potential roosting habitat for long-tailed bats (LTB) are agreed by Ms Lion-Cachet as having moderate ecological value for bat roosting, but it is noted that clarification of the ecological value of foraging within the site is needed. Ms Lion-Cachet also agrees that the proposed avifauna management plan (AMP) will minimise potential injury/ mortality of nesting birds.

Ms Lion-Cachet supports the proposed compensation measures for loss of foraging habitat but agrees with the submitter’s position that suitable foraging grassland habitat should be

included in the Biodiversity Compensation Model (BCM).

While Ms Lion-Cachet has addressed the issues and relief sought by the submitter, there are a few consequential recommendations including an Incidental Discovery Protocol for lizards, information to include in the Ecological, Cultural and Landscape Management Plan and recommendations for the Lighting Design listed in **Appendix E**.

It is noted that ongoing discussions are occurring with the submitter and that further amendments may occur in relation to the matters raised in their submission.

Recommendation

Ms Lion-Cachet has recommended several designation condition amendments to address the submission points raised which I support. The amended conditions have been incorporated into the agreed conditions listed in **Appendix A**.

5.9 Heritage

Description of issue

Issues

- a) The change in outlook is not in keeping with the park environment and does not represent the scale and character of the existing heritage water tower.
- b) The proposed new reservoirs are considered to diminish the heritage values and landmark prominence of the existing water tower, a Built Heritage A Ranked Heritage Item under the HCCODP.

Relief sought

- c) Reject the application until these matters can be addressed.
- d) Not proceed with the construction of the new reservoirs and pursue Peacocke Reserve as an alternative site.
- e) Further conversations occur to mitigate these issues.

Submission points

1.2, 5.6

Discussion/Analysis of issue

The Heritage Impact Assessment, the submissions related to built heritage, and other relevant documentation listed in **Appendix G** was reviewed by Carolyn O’Neil from The Heritage Studio.

The submitters’ concerns that the construction of the two new reservoirs will result in a marked change to the immediate setting of the scheduled water tower are acknowledged. Ms O’Neil considers the new structures will not have a detrimental impact on the heritage values or character of the water tower.

The submitters’ concerns around the removal of trees no. 30 and 30a are addressed in the broader tree removal strategy in other technical assessments. Tree number 30a may provide some screening to a non-original element of the tower, but the removal of the trees has potential to enhance sight lines and reinforce visual qualities of the historic structure. Ms O’Neil does not consider the requirement to retain the trees to be justified.

Another submitter considers that the proposed reservoirs would dominate the site visually,

diminishing the heritage value of the existing tower. Ms O’Neil acknowledges the two large-scale reservoirs will alter the immediate setting but does not agree they will diminish the heritage values of the historic water tower. This is because the new reservoirs would be located on lower ground, positioned and designed to maintain sufficient distance and relative height to neither dominate the existing water tower, nor diminish its heritage values.

Recommendation

Ms O’Neil supports the draft designation conditions, and I agree that the draft conditions related to Heritage and the requirement for a Heritage Management Plan addresses the submitters concerns. The draft conditions have been incorporated into the agreed conditions in **Appendix A**.

5.10 Planning and Costs

Description of issue

Issues

- a. Site selection following the Multi Criteria Analysis (MCA) is considered to prioritise perceived engineering convenience over environmental and community outcomes.
- b. A submitter considers future planning should maximise use of existing designated infrastructure areas.
- c. Perceived inconsistency with key Council documents including; 2024-25 Infrastructure Strategy, LTP 2024/25 and PC12 as they emphasise protection and enhancement of green spaces and preservation of the health and wellbeing of Lake Rotoroa and the Waikato River.
- d. A submitter considers the reserve reclassification a contradiction of objectives by reducing green space and access to recreational land.
- e. An alternative location and upgrading infrastructure are considered to deliver greater cost efficiency and avoid unnecessary loss of public reserve land.

Relief sought

- f. Not proceed with the construction of the new reservoirs and pursue Peacocke Reserve as an alternative site.
- g. Further conversations occur to mitigate these issues.

Submission points

5.4, 5.7, 5.8, 5.9

Discussion/Analysis of issue

An alternatives analysis was undertaken by WSP in conjunction with the HCC Capital Projects team. The first part of the WSP alternatives assessment involved determining the best site to locate the new water reservoirs within Hamilton City.

Potential sites across Hamilton were selected comprising 30 open greenspace areas at varying distances and elevations in relation to the Central City, the Water Treatment Plant, and the existing Ruakiwi reservoir site.

A fatal flaws assessment was carried out, resulting in nine sites being shortlisted for the final Multi Criteria Analysis (MCA). A summary of the MCA conclusion is set out in Table No. 4 in section 5.1 of the NoR.

<p>A combination of engineering and planning reasons resulted in the conclusion that the Ruakiwi Road site is the preferred site. The Peacocke site was ranked lower than the Ruakiwi Road site due to its lower energy efficiency and the infrastructure needed to connect it to the Central City.</p> <p>The alternative site assessment provided by the Requiring Authority is considered sufficient and there are no significant other effects that would require the Territorial Authority to assess this. Further, s168A(3)(b) does not require the Territorial Authority to assess alternative sites if the Requiring Authority has sufficient interest in the land, which in respect of this designation is met.</p>
<p>Recommendation</p> <p>I do not recommend any amendments to conditions in response to issues relating to planning and costs.</p>

5.11 General

<p>Description of issue</p> <p>Issues</p> <ul style="list-style-type: none"> a. Perceived lack of peer reviewing of supplementary reports. b. Support the Notice of Requirement; however, it is noted the submission period should have occurred before the design stages. c. A submitter considers the reserve reclassification will impact the surrounding area and the residents during perceived lengthy construction period of the reservoirs. <p>Relief sought</p> <ul style="list-style-type: none"> d. Reject the application until these matters can be addressed. e. Approve the proposal. f. Retain the status quo and reject the reserve reclassification.
<p>Submission points</p> <p>1.7, 3.1, 4.1, 6.1</p>
<p>Discussion/Analysis of issue</p> <p>Specialists independent of the territorial authority have assessed the relevant supplementary reports. Their assessments are appended to this report as summarised in Table 2.</p> <p>As outlined in response to submissions on Consultation (section 6.4) open days and opportunities for feedback were undertaken prior to the formal NoR submission process. Consultation has exceeded the statutory requirements under the RMA. Also, it is noted that the NoR could have proceeded without detailed design for Reservoir 1 and instead be subject to an Outline Plan of Works, but it would be processed without any public consultation.</p> <p>In the above sections responding to other submissions, a number of revised conditions have been recommended by the specialists and included in the agreed conditions in Appendix A to address any impacts on the surrounding area.</p>
<p>Recommendation</p> <p>I do not recommend any further amendments to conditions in response to the general issues discussed above.</p>

5.12 Late submissions

There were no late submissions received.

5.13 Out of scope matters

There are no out of scope matters to address.

6.0 Statutory Assessment

6.1 Introduction

This section addresses the requirements of s168A (3) of the RMA (see **Appendix A**) which sets out the matters that the territorial authority must consider when considering the Requirement, submissions received, and the effects on the environment of allowing the Requirement.

6.2 Assessment of Environmental Effects

The lodged documentation included specialists' reports, which the specialists reviewing the alteration to the designation application have relied on. Except for where set out in **Appendices C to K** the specialists agree with the assessment of the Project's environmental effects in the NoR when the recommended Management Plans and avoidance and mitigation measures are implemented.

The Specialists have reviewed the NoR assessments of environmental effects and reported their findings in their memoranda, which are provided in **Appendices C to K** of this report. The Specialists' conclusions about the Project's adverse environmental effects are summarised in **Table 7**.

Based on the Specialist's assessment, the Requirement's environmental effects are no more than minor.

Table 7: Specialists' assessment of the Project's environmental effects

Specialist's Name	Environmental effects evaluated	The Specialist's conclusions about the Project's adverse environmental effects when managed by appropriate designation conditions
Will Gumbley	Landscape and visual	Acceptable with the recommended amended designation conditions, integrated design measures, and consideration of permitted baseline comparisons.
Carolyn O'Neil	Heritage	No more than minor and have been managed by appropriate designation conditions.
Peter McGregor	Construction and Operation Noise and Vibration	Generally no more than minor that can be managed by appropriate designation conditions.
Emily Lion – Cachet	Ecology, i.e., on terrestrial vegetation, bat, bird, and lizard	Low or very low level that can be managed through appropriate

Specialist's Name	Environmental effects evaluated	The Specialist's conclusions about the Project's adverse environmental effects when managed by appropriate designation conditions
	habitat, and on fauna injury or mortality	designation conditions, reducing adverse impacts on ecological features and values.
Yrish Estoce	Transportation	No more than minor effects that can be managed by appropriate designation conditions.
Paul Avery	Civil Engineering and Stormwater Management	No more than minor effects that can be managed by appropriate designation conditions.
Ken Read	Geotechnical	Generally no more than minor effects. Some aspects of the proposed works can be managed by appropriate conditions.
Martin Granese	Lighting	No more than minor effects that can be managed by appropriate conditions.
Simon Edmonds	Structural Engineering	No more than minor effects that can be managed by appropriate conditions.

6.3 Statutory considerations

Section 9 of the NoR sets out the assessment of the Requirement against relevant statutory requirements and other relevant matters.

The Specialists have reviewed that assessment and reported their findings in their memoranda. These are summarised in **Table 8**.

Based on the Specialist's assessment of relevant statutory requirements and other relevant matters, the Requirement is in general accordance with relevant statutory documentation.

Table 8: Specialists' evaluation of the Requirement's consistency with statutory requirements

Specialist's Name	Speciality	The Specialist's Conclusions
Will Gumbley	Landscape and Visual	The proposal demonstrates alignment with some statutory and policy requirements, including aspects of the Hamilton Lake Domain Management Plan, and responds positively to heritage context and urban design principles. However, it is not fully consistent with the Hamilton City District Plan. With the recommended amended designation conditions, integrated design measures, and consideration of permitted baseline comparisons, the effects on landscape and visual amenity are assessed as acceptable and broadly aligned

Alteration to Designation A67 - Notice of Requirement – Ruakiwi Reservoir - s42A Hearing Report

Specialist's Name	Speciality	The Specialist's Conclusions
		with statutory and policy requirements.
Carolyn O'Neil	Heritage	The Requirement is consistent with the provisions in the statutory documentation relating to built heritage listed in Appendix G .
Peter McGregor	Construction and Operation Noise and Vibration	The proposed works for the designation comply with statutory requirements related to construction noise and vibration listed in Appendix C .
Emily Lion-Cachet	Ecology, i.e., on terrestrial vegetation, bat, bird, and lizard habitat, and on fauna injury or mortality	The Requirement is consistent with the provisions in the statutory documentation relating to ecology listed in Appendix E .
Yrish Estoce	Transportation	The Requirement is consistent with the provisions in the statutory documentation related to transport listed in Appendix K . No higher-order statutory documents directly related to this traffic review have been identified.
Paul Avery	Civil Engineering and Stormwater Management	The Requirement is consistent with the provisions related to Civil Engineering and Stormwater Discharge in the statutory documentation listed in Appendix D .
Ken Read	Geotechnical	The proposed works comply with the statutory requirements related to geotechnical risks listed in Appendix F .
Martin Granese	Lighting	The Requirement is consistent with the relevant statutory documentation listed in Appendix I .
Simon Edmonds	Structural Engineering	The proposed works comply with the statutory requirements related to structural engineering listed in Appendix J .

I have reviewed the NoR assessment of the Project against the relevant rules, objectives and policies as listed in the NoR. I conclude their assessment has covered the relevant planning documents and the Project is consistent with the relevant statutory documentation.

I have also reviewed the NoR assessment of the Project against the ODP and while I agree with their assessment, I consider the following objectives and policies are also relevant:

- a) Objective 15.2.2, Policy 15.2.2b & 15.2.2c
- b) Objective 15.2.3, Policy 15.2.3a-c
- c) Objective 15.2.4, Policy 15.2.4a & b
- d) Objective 15.2.9, Policy 15.2.9a

However, while not specifically addressed in the NoR, their inclusion would not result in any change of the conclusion reached in their assessment of the ODP.

6.4 RMA Section 6 – Matters of National Importance

In my opinion, the matters of national importance relevant to the Project are:

- a. The protection of (...) significant habitats of indigenous fauna (RMA s6 (c)),
- b. The maintenance and enhancement of public access to and along (...) lakes (RMA s6 (d)),
- c. The relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (RMA s6 (e)), and
- d. The protection of historic heritage (RMA s6 (f))

6.4.1 Protection of significant habitat of indigenous fauna

The NoR is supported by an Ecological Impact Assessment⁶ provided by Tonkin and Taylor, which has been reviewed by Emily Lion-Cachet from Beca.

The site contains a proposed Significant Natural Area (SNA C31), providing habitat for long-tail bats which are classified as Threatened – Nationally Critical. The Project proposes to minimise impacts on this habitat by avoiding key roost trees, staged vegetation removal with arboricultural oversight, and implementation of a planting programme to enhance habitat values post-construction.

The most notable residual ecological effect of permanent loss of habitat for threatened fauna remains moderate. It cannot be fully avoided, minimised, remedied, or mitigated through standard measures. To address this, Tonkin and Taylor have proposed compensation measures. These include planting, pest mammal control, artificial roost boxes and artificial roost features.

Tonkin and Taylor consider that if these measures are implemented the effects on most terrestrial values can be managed to be low to very low. Ms Lion-Cachet concluded that the effects can be managed to overall low to very low levels by appropriate designation conditions. No concerns were raised with the compensation measures, which have been written into the conditions.

As addressed in response to submissions in section 6.8, Ms Lion-Cachet supported the approach that grassland providing the foraging habitat should have been considered in the BCM to establish the level of compensation to address loss of bat habitat. Ms Lion-Cachet supported and recommended amendments to the draft conditions to address these matters.

Provided the compensation measures listed in the recommended conditions are adopted and implemented, I consider that the NoR will recognise and provide for significant habitat of indigenous fauna and therefore satisfy RMA s6 (c).

6.4.2 Maintenance and enhancement of public access to and along lakes

The NoR is supported by a Landscape and Visual Impact Assessment⁷ (LVIA) provided by Adrian Morton Landscape Architects, which has been reviewed by Will Gumbley from Beca.

⁶ NoR Appendix G

⁷ NoR Appendix O1

The landscape design of the Project includes terraced seating, elevated walkways, native planting, and interpretive signage, contributing to the ecological function, visual quality and cultural expression of the site.

Mr Gumbley has reviewed the Landscape and Visual matters. To ensure that maintenance and enhancement of public access is appropriate, a condition requiring the enhancement of links with existing footpaths, new footpath access around the new reservoirs and connections to the Lake Domain pathway network has been proposed by Mr Gumbley. These recommended conditions have been included in the conditions in **Appendix A**.

Therefore, provided the recommended condition or similar is adopted, I consider that the requirements of RMA s7 (c) are met.

6.4.3 The relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

The project team has engaged with Mana Whenua about the Project and received two Cultural Impact Assessments in relation to the Requirement from Te Haa o Te Whenua o Kirikiriroa (THaWK) and Ngaati Wairere.

The NoR states:

Both THaWK and Ngaati Wairere support the designation and development of the Ruakiwi Reservoir and Pump Station, subject to the implementation of their recommendations.

Both reports are included as Appendices to the NoR⁸ and together they document Mana Whenua's interests and recommend measures to protect or advance those interests.

The NoR proposed a designation condition that would require it to include evidence of consultation with Ngaati Wairere and ThawK upon submitting an Ecological and Landscape Plan (ELMP) for certification with Hamilton City Council's Chief Executive or nominee.

Post the notification of the NoR, the project team has been consulting with Mana Whenua (Ngaati Wairere and ThawK) and Waikato Tainui regarding the designation conditions related to cultural matters. The consultation is ongoing at the date of this report. This has resulted in revised and specific Cultural Effects Management Plan conditions which are included in the agreed conditions set out in **Appendix A**.

In my opinion, provided the designation conditions requiring engagement and consultation with Mana Whenua and Waikato Tainui is adopted and implemented, the Project will appropriately recognise and provide for the relationship of Maaori with their ancestral landscape and thereby satisfy the requirements of RMA s6 e.

6.4.4 The protection of historic heritage

The NoR is supported by a Heritage Impact Assessment, provided by Archifact Architecture and Conservation Ltd, which has been reviewed by Carolyn O'Neil from The Heritage Studio. The Requiring Authority also received a support letter from Heritage New Zealand Pouhere Taonga (HNZPT) dated 4 September 2025.

⁸ NoR Appendix N1- N2

Alteration to Designation A67 - Notice of Requirement – Ruakiwi Reservoir - s42A Hearing Report

The designation area includes the existing Ruakiwi water tower. The historic and cultural significance of the tower is recognised through scheduling as a Built Heritage A Ranked Heritage Item under the ODP. It is also recognised as a listed Category 2 Historic Place on the New Zealand Heritage List/Rārangi Kōrero – Water Tower No. 4210.

HNZPT state:

HNZPT would like to commend the applicant's' design team on a well-considered and thoroughly researched proposal which reactivates the site, champions heritage, and ensures sustainable future outcomes for water quality.

HNZPT have provided a letter of support which suggested several conditions that where appropriate have been incorporated into the agreed recommended Heritage Management Plan conditions listed in **Appendix A**.

The NoR states, the Project has been designed to retain and protect the existing water tower, with new infrastructure situated to avoid physical impacts or visual dominance. Designation conditions including the requirement of a Heritage Management Plan have been proposed by the Requiring Authority. Ms O'Neil has not raised any concerns, and considers the effects are no more than minor and to have been managed by appropriate designation conditions.

Provided the protection measures listed in the conditions are adopted and implemented, I consider that the NoR will recognise and provide for the protection of historic heritage and therefore satisfy RMA s6 (f).

6.5 RMA Section 7 – Other Matters

In my opinion, the relevant other matters to which the commissioners must have particular regard are:

- a. Kaitiakitanga,
- b. The efficient use and development of natural and physical resources,
- c. The maintenance and enhancement of amenity values,
- d. Intrinsic values of ecosystems,
- e. Maintenance and enhancement of the quality of the environment, and
- f. The effects of climate change.

6.5.1 Kaitiakitanga

This matter is discussed below in section 7.6.

6.5.2 The efficient use and development of natural and physical resources

The designation will secure land to enable the construction, operation and maintenance of critical water infrastructure for enabling new housing development. One of the Project's objectives is to ensure existing infrastructure (reservoir and pipe infrastructure) and cultural values are protected. In addition, the designation will provide an increased level of resilience

and reliability of waters infrastructure in central Hamilton.

The reservoir and pump station have been designed to optimise hydraulic performance and energy efficiency. The infrastructure layout and site selection minimise additional pumping and long-distance pipes, reducing environmental footprint and operational costs.

Additionally, the reuse of the existing designation site represents efficient land use, achieving the efficient use and development of natural and physical resources, and meeting the requirements of RMA s7 (b).

6.5.3 The maintenance and enhancement of amenity values

Enhancing public amenity through architectural and landscape design and tree planting are provided for within the proposed alteration to the existing designation. The Project will deliver new seating, pathways, and recreational features, improving access and usability of the Domain. The proposal will significantly transform a portion of the Hamilton Lake Domain which is a valued and well-used public open space.

Will Gumbley has reviewed the Landscape and Visual Impact Assessment (LVIA) and considers the Project responds positively to heritage context and urban design principles. To ensure the design that has been assessed is incorporated into the final design a series of Landscape conditions have been proposed by Mr Gumbley and included in the conditions in **Appendix A**.

Therefore, provided the recommended designation conditions or similar are adopted and implemented, the requirements of RMA s7 (c) will be met.

6.5.4 Intrinsic values of ecosystems

The NoR is supported by an Ecological Impact Assessment, which has been reviewed by Emily Lion-Cachet from Beca.

Ms Lion-Cachet has not raised any concerns and considers the effects can be managed to overall low to very low levels by appropriate designation conditions.

The NoR proposes that a series of management plans will be prepared to manage the Project's effects on ecological values, including an Ecological and Landscape Management Plan.

Based on the advice of Ms Lion-Cachet, provided the proposed conditions are adopted and implemented, I consider that the Project will:

- a. Recognise and provide for significant habitat of indigenous fauna and therefore satisfy RMA s6 (c), and
- b. Have appropriate regard to the intrinsic values of ecosystems and therefore satisfy RMA s7 (d).

6.5.5 Maintenance and enhancement of the quality of the environment

Preparation and implementation of the management plans required by the recommended designation conditions outlined in **Appendix A**, including best practice erosion and sediment control measures, stormwater treatment and dechlorination protocols will contribute to maintaining or enhancing the quality of the environment, particularly Lake Rotoroa.

Therefore, provided the recommended designation conditions or similar are adopted and implemented, the requirements of RMA s7 (e) will be met.

6.5.6 The effects of climate change

One of the project objectives is to provide an increased level of resilience and reliability of waters infrastructure in central Hamilton. The stormwater capacity component of the NoR has been reviewed by Paul Avery from Beca.

The NoR states:

Stormwater generated at the site will originate from several sources, including clean water scoured from above the sludge line during maintenance or emergency events, rainfall runoff from impervious surfaces such as reservoir roofs and trafficable hardstand areas, overflow events from the reservoirs, and continuous sampling water from monitoring equipment.

Clean scour water may reach up to 240 litres per second under certain conditions. These flows exceed the standard HCC stormwater network level of service, which is based on a 10% AEP event, and therefore a higher design standard has been adopted to ensure resilience and reduce the risk of uncontrolled overland flow.

The NoR concludes that the proposed stormwater management system is expected to have negligible effects on stormwater quantity, quality, downstream flooding and ecological values.

Mr Avery concluded that the proposed works can be managed by appropriate designation conditions, and will have no more than minor adverse effects.

The reservoir has been designed to provide gravity-fed water supply of 70% of the central city. Using gravity-fed supply enhances resilience during power outages or extreme weather events, supporting climate adaptation and reducing reliance on energy-intensive infrastructure.

Therefore, provided the recommended designation conditions or similar are adopted and implemented, the requirements of RMA s7 (i) will be met.

6.6 RMA Section 8 – Treaty of Waitangi

Through the Project, tangata whenua are acknowledged as kaitiaki of the Waikato River and surrounding environment. The NoR states that engagement with iwi has occurred from early project stages and will continue for the Project lifecycle. By acknowledging Mana Whenua's kaitiaki roles, engagement, and commissioning the Cultural Impact Assessment reports provided in **Appendix N1 and N2** of the NoR, it is therefore considered the Treaty Principle of kaitiakitanga are addressed.

The NoR states:

The project aims to empower local iwi and community members to take an active role in the care and interpretation of the site, with provisions for cultural monitoring, site blessings, and the integration of mātauranga Māori into landscape and stormwater design.

The preparation and implementation of the Cultural Effects Management Plan would give effect to the Treaty Principle of kaitiakitanga and in my opinion, meets the requirements of RMA s7 (a) and RMA s8.

6.7 RMA Section 5 – Purpose of the RMA

The designation will secure land for the construction, operation and maintenance of critical water infrastructure for enabling new housing development. This will enable people and communities to provide for their social, economic and cultural well-being.

The Specialists have confirmed that it will be possible, via application of appropriate designation conditions, to manage the adverse effects of the Project so that they are no more than minor.

7.0 Conclusions

Provided the construction and operation of the Designation are managed by appropriate designation conditions, the Project will have:

- a) Adverse environmental effects that are no more than minor, and
- b) Positive environmental, social and cultural effects.

The Requirement is in general accordance with the relevant planning instruments that the NoR considers, and the effects can be managed by appropriate designation conditions.

The recommended conditions listed in **Appendix A** have been reviewed and agreed with by HCC, with the exception the final wording of the proposed Architectural and Landscaping conditions.

8.0 Recommendations

In accordance with RMA s168A (4) (a) and (c), it is recommended that the Requirement is confirmed subject to the recommended conditions listed in **Appendix A**.