

BEFORE THE FAST-TRACK EXPERT PANEL

IN THE MATTER of the Fast-track Approvals Act 2024 (“FTAA”)

AND

IN THE MATTER of Ashbourne (FTAA-2507-1087)

JOINT STATEMENT OF EXPERT WITNESSES:

PLANNING – CONDITIONS

1 & 2 April 2026

INTRODUCTION

1. Expert conferencing on the topic of draft conditions took place online via Microsoft Teams from 9.00am-5.30pm on 1 April 2026 and 9:00am-12:30pm on 2 April 2026.
2. The conference was attended by the following experts:
 - (a) Fraser McNutt (“FM”) (Applicant);
 - (b) Steph Wilson (“SW”) (Applicant);
 - (c) Sheryl Roa (“SR”) (Waikato Regional Council);
 - (d) Marius Rademeyer (“MR”) (Matamata-Piako District Council);
 - (e) Nathan Sutherland (“NS”) (Matamata-Piako District Council); and
 - (f) Susannah Tait (“ST”) (appointed by the Expert Panel).
3. Steve Mutch (ChanceryGreen) acted as independent facilitator.
4. Caitlin Todd (ChanceryGreen) assisted the experts to draft the Joint Witness Statement (“JWS”).

CODE OF CONDUCT

5. The experts confirm that they have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and referred to in the Fast-track Approvals Act 2024: Panel Conveners’ Practice and Procedure Guidance 25 July 2025, and agree to comply with it. The experts confirm that the issues addressed in this JWS are within their area of expertise, unless stated otherwise.

SCOPE OF JWS

6. The experts agreed on an agenda to guide discussions during conferencing. That agenda forms the basis for the structure of this JWS.
7. In this JWS, we report the outcome of our discussions in relation to each item (below), including by reference to points of agreement, disagreement, and unresolved matters or uncertainties. Where we are not agreed in relation to any issue, we have set out the nature and basis of that disagreement.

AGENDA ITEMS

Separation of land use consent conditions (district and regional) for solar farms and residential

8. FM and SW (in relation to the district and regional consents) and SR (in relation to the regional consents) consider that the Panel can issue individual consents with appropriate conditions that cover both regional and district requirements for the consents in (a)-(s) below.
9. MR and NS (in relation to the district consents) consider that, if the Panel is minded to issue separate consents, they are comfortable with that. If so, all experts agree the following consents should be issued:
 - (a) MPDC - LUC - residential
 - (b) MPDC - LUC – NSF (northern solar farm)
 - (c) MPDC - LUC – SSF (southern solar farm)
 - (d) MPDC - SUB - Stage 0
 - (e) MPDC - SUB - residential
 - (f) WRC - land disturbance (temp) - residential (including temporary discharge to water)
 - (g) WRC - drilling (temp) - residential
 - (h) WRC - drilling (temp) - SSF
 - (i) WRC - drilling (temp) - NSF
 - (j) WRC - dewatering (temp) - residential
 - (k) WRC - dewatering (temp) - SSF
 - (l) WRC - dewatering (temp) - NSF
 - (m) WRC - SW (permanent) - residential
 - (n) WRC - D&D (permanent) - residential
 - (o) WRC - D&D (permanent) – SSF
 - (p) WRC – discharge structure in waterbody (permanent) - residential
10. The residential land use which incorporates the commercial is concurrent with the staged subdivision as referenced in paragraph (a) above.

11. FM, SW, MR, and NS agree that a single subdivision consent can be issued for Stage 0 with a 5-year lapse date.
12. FM, SW, MR, and NS agree that a single subdivision consent can be issued for Stages 1-8 with a 10-year lapse date.
13. FM, SW, NS, and MR agree that a lapse date of 5 years for the residential development and 10 years for the solar farms, and a duration of 35/40 years for the solar farms is appropriate.

Deemed certification conditions

14. FM, SW, MR, NS, and SR agree that the conditions below should replace the deemed certification conditions as issued in the draft conditions:

1. Conditions [X] to [X] apply to all Management Plans and Ecological Implementation Plans required to be prepared in accordance with this consent.

2. The certification process for Management Plans required by the conditions of this consent shall be confined to confirming that the Plans give effect to their objectives, consent condition requirements, and contain the required information.

3. Management Plans may be submitted in parts or in stages to address particular activities or to reflect a staged implementation of the Project. When a Management Plan is provided in part or for a stage it shall be submitted at least twenty (20) working days prior to commencement of Construction Works for that part or stage unless otherwise specified in the conditions. Management Plans submitted to Council shall clearly show the linkage with Management Plans for adjacent stages and any interrelated activities or other Management Plans.

4. Within twenty (20) working days of receiving a Management Plan that is required by these conditions to be provided for certification, the Consent Authority shall notify the Consent Holder whether the Management Plan is

certified or if not, the reasons why certification has not been provided and the matters that must be addressed until certification occurs.

5. At all times during construction and enabling works the Consent Holder shall ensure that a copy of the latest version of all Management Plans are kept on site and all key personnel are made aware of their contents.

6. The Consent Holder shall implement all certified Management Plans for the duration of the works to which the Plan relates.

7. Any changes and/or updates to a certified Management Plan shall be made in accordance with the methodology and approved procedures in the Plan and submitted to the Consent Authority for certification in accordance with Conditions [X] to [X]. No change shall have effect until certified by the Consent Authority.

Consent notices / title legal instruments

15. SR did not participate in discussions on consent notices. Therefore, “all experts” in this section refers to FM, SW, NS, MR, and ST.
16. FM, SW, NS and MR agree that a consent notice referring to the land use consent and its conditions is acceptable, with particular reference to development controls.
17. ST considers that a single consent notice is appropriate as above except for where management plans are required to be implemented. These issues should be subject to separate consent notices.
18. The experts attach **Appendix 1** for the Panel to reference in their decision-making. **Appendix 1** clarifies the positions of the experts on all relevant title legal instruments.

‘Hold’ condition

19. All experts agree that condition precedent (a) is appropriate and includes a requirement to submit all final plans that accord with conditions of consent.
20. MR, NS, and SR consider conditions precedent (b) and (c) are necessary because they will inform the final engineering design. Similarly, the fault hazard desktop study (as required by draft Condition 24) is needed because it will potentially inform the final engineering and subdivision design and layout.

21. FM and SW agree with the condition *requirements* of conditions precedent (b) and (c), but do not consider that it should be a condition precedent.
22. With regards to condition precedent (d), acknowledging previous responses from the Applicant, FM and SW accept a condition requiring a PDA to be agreed before the proposal can proceed. However, they take the view that at the Applicant's own risk, it can pursue work to prepare for the development while the PDA is in the process of being agreed to between parties, and do not consider a complete 'hold' on the consent is appropriate.
23. With regards to condition precedent (d), MR and NS consider that agreement on the PDA should be a condition precedent in accordance with the Applicant's position in paragraph 11 of the Memorandum of Counsel on behalf of the Applicant (dated 19 January 2026).

Engineering conditions

24. All experts agree to the transfer of the relevant engineering conditions from the current land use consent to the subdivision consent. For the commercial development, all experts agree to the duplication of the relevant engineering conditions in both the land use and subdivision consents.

Management plans

Sequencing of certification

25. MR, NS and SR consider that it would be helpful if a consent condition required the consent holder to provide an anticipated timing for lodgment of all management plans required under the conditions of the consent so as to assist the councils in managing their resourcing.
26. FM and SW consider that it is difficult to predict the timing and order for management plan submission. They do not agree to such a condition and seek to retain the Applicant's proposed management conditions for councils to process such certifications.

Solar farm management plans

27. With regards to the solar farm management plans, all experts agree the following are necessary:
 - (a) Construction Management Plan

- (b) Construction Traffic Management Plan
- (c) Construction Noise and Vibration Management Plan
- (d) Contaminated Soil Management Plan
- (e) Long-tail Bat Management Plan
- (f) Bird Management Plan
- (g) Emergency Response Plan
- (h) Solar Farm Planting Management Plan
- (i) Stormwater Management Plan
- (j) Erosion and Sediment Control Management Plan (including the Acid Sulphate Soil Management Plan)

28. FM and SW note that, in relation to the Stormwater Management Plan, the site must retain suitable access to the WRC managed drain adjoining the site (e.g. through an easement on Stage 0). All landscaping and structures must be set back 10m from the edge of the WRC managed drain. Updated plans should be submitted to MPDC for certification along with evidence that engagement with WRC has occurred, including evidence that any concerns raised by WRC have been addressed or provide reasons why they have not been addressed.

Long-tail Bat Management Plan

29. ST proposed revised wording of the LBMP condition (attached as **Appendix 2**), that considered comments from both DOC, the Applicant, and MPDC.
30. MR generally supports the proposed LBMP condition amendment as proposed by ST but if the Panel requires longer maintenance and monitoring provisions as per DOC's request, the MPDC would seek an alternative funding arrangement or the establishment of a homeowner's association to manage that responsibility.
31. FM proposed some tracked changes to the wording proposed by ST (following discussions with the Applicant's ecologist) which is included in **Appendix 2**, and addresses the following:
- (a) FM wants to ensure the Applicant is not held to implementing the bat roost protocols for every tree greater than 15cm dbh. They need to also contain bat roost features.
 - (b) Erecting artificial bat roosts within the Greenway may not be possible because there are no mature trees. FM suggests changing this to the Waitoa R. Esplanade Reserve

Ecological Restoration Management Plan

32. There was insufficient time for the experts to discuss this matter. ST requested that experts please provide comments on ST's proposed wording for the Ecological Restoration Management Plan condition (which was circulated to the other experts) outside of this conferencing process.

Consent assignment condition

33. FM proposed the ability to attach the consent to the Applicant with such wording as follows: *"This consent does not attach to the land and is personal to Matamata Development Limited and Unity Management Limited. This consent shall not be used by any other person or party without the express written approval of either Matamata Development Limited or Unity Management limited."*
34. MR and NS question whether this matter is appropriate to be conditioned in a resource consent and, if so, whether it serves a resource management purpose. The proposed condition above could be cumbersome as it would require all future lot owners to seek the Applicant's approval. They also raise questions around the implementation and monitoring of such a condition.
35. FM and SW acknowledge MR and NSs' comments and agree.

Specific condition wording

36. See **Appendix 3** for a table showing certain draft conditions of the MPDC land use consent proposed by the Panel from its draft decision, along with proposed amendments and comments (with areas of agreement or disagreement identified and explained). The experts have addressed what they consider were the key conditions for discussion and record the outcomes of conferencing in the table.

SIGNATURES OF EXPERTS



Fraser McNutt



Steph Wilson

S. S. Roa

Sheryl Roa

Marius Rademeyer

Marius Rademeyer

Nathan Sutherland

Nathan Sutherland

Susannah Tait

Susannah Tait

APPENDIX 1 – TITLE LEGAL INSTRUMENT TABLE

Purpose	Instrument wording	Legal instrument (if applicable)	Necessary?
Stormwater over highly productive land			Based on the stormwater plan (C400-6 Rev E), all experts agree <u>not necessary</u>
Balance land			All experts agree <u>not necessary</u>
Building line restriction			The views expressed in paragraphs 16 and 17 of the JWS reflect their respective positions.
Buffer planting	<p>ST's proposed wording:</p> <p><i>That the 4m strip of buffer planting planted and maintained for a period of 3 years along the rear or side boundary of the property (whichever is relevant) by the Developer will be maintained in perpetuity by the landowner. Any dead or unhealthy plants within the buffer area are to be replaced during the next available planting season to maintain the visual buffer. The buffer planting is to be maintained in accordance with the Buffer Planting Management Plan which forms part of LUCXXXXX.</i></p>		The views expressed in paragraphs 16 and 17 of the JWS reflect their respective positions.
Reverse sensitivity effects	<p>The Consent Holder must make available the opportunity for the owners of 72 Hinuera Road to have the following covenant registered against their Record of Title at the Consent Holder's expense:</p> <p><i>That no sprays or treatments may be used on the property that do not comply with organic farming practices undertaken on 72 Hinuera Road, Matamata (legally described as Part Lot 1 Deposited Plan South Auckland 5900)."</i></p>	Covenant	All experts agree this is <u>necessary</u>
No complaints	<p>The Consent Holder must make available the opportunity for the owners of 72 Hinuera Road, Matamata to have the following covenant registered against their Records of Title at the Consent Holder's expense:</p> <p><i>"That the lot owner shall make no complaint, submission, appeal, or objection in relation to the lawful farming practices on 72 Hinuera Road, Matamata (legally described as Part Lot 1 Deposited Plan South Auckland 5900)."</i></p>	Covenant	All experts agree this is <u>necessary</u>
Height limit			The views expressed in paragraphs 16 and 17 of the JWS reflect their respective positions.

Landscaping near Basin A			All experts agree <u>not necessary</u>
Construction on lots 65-68	<i>That the construction of dwellings on Lots 65 – 68 must occur no earlier than as part of Stage 3 of the Ashbourne development.</i>	Consent notice	All experts agree this is <u>necessary</u>
Servicing balance lot	MPDC's wording to attach to the Stage 0 subdivision: <i>At the time of subdivision the said lots did not have operational domestic water supplies/ farming water supplies/ power connections/ telecommunications connections/ vehicle entrances. Supplies/ connections/ complying vehicle entrances, when required, must be installed entirely at the cost in all matters of the then owner.</i>	Consent notice	NS and MR consider that this is <u>necessary</u> as its own consent notice. FM and SW consider it is <u>not necessary</u> .
Onsite stormwater devices	MPDC's proposed wording: <i>That the owners/occupiers shall, at the time of building construction, install the onsite stormwater management devices in accordance with the requirements of the SMP (see MPDC Landuse Consent 102.2025.13180) and thereafter maintain the onsite stormwater management devices, in perpetuity, in accordance with the On-lot Devices Management Plan which forms part of WRCXXXXX.</i>	Consent notice	All experts agree this is <u>necessary</u> and the wording appropriate.
Permeable fences			All experts agree this should be changed to a development control to be captured by the overarching land use consent notice
Two onsite carparks			All experts agree this should be changed to a development control to be captured by the overarching land use consent notice
Reverse manoeuvring			All experts agree this is not a consent notice matter.
Liability for fencing	Condition wording: <i>That a fencing covenant as defined in Section 2 of the Fencing Act 1978 that protects the Council from liability to contribute towards any work and/or cost on the fence along the common boundary be registered on the Record of Title of all lots adjoining Local Purpose Reserves (stormwater/ wastewater and recreation) to be vested in Council.</i>	Covenant	All experts consider that a covenant is <u>necessary</u> .
Non-complying vehicle entrances			All experts agree this should be changed to a development control to be captured by the

			overarching land use consent notice
Other matters			
Deed of Assignment			<p>Citing s83 of the FTAA, FM considers that this is a private property matter. Both parties (adjoining landowners) accept that there will be access for service provision (wastewater). Therefore, FM considers a condition or consent notice is <u>not necessary</u>. This is based on the understanding that the wastewater pump sits outside the Eldonwood landholding (noting the wastewater pipe sits within the Eldonwood landholding).</p> <p>The experts agree that the conditions should make provision for an alternative wastewater arrangement if necessary.</p>
Bonds	<p><u>MPDC proposed civil bond condition:</u></p> <p>That the Consent Holder shall be responsible for the maintenance of all civil asset to be vested in Council for a period of 12 months. In this regard, the Consent Holder shall be required to enter into a bond for the 12-month maintenance period for assets, excluding landscaping which are covered separately. The Consent Holder shall submit a schedule of costings which detail the value of the assets to vest in Council. These costings shall provide the basis for calculating the value of the bond. The value of the bond shall be 150% of 2.5% of the assessed value of the assets to vest in Council. The bond document will be drafted by Council's Legal Team at the Consent Holder's expense. The bond shall be signed and the bond funds deposited with Council prior to release of the Section 224 certificate.</p> <p><u>MPDC proposed landscaping bond condition:</u></p> <p>That prior to the issue of the certificate under section 224(c) of the Resource Management Act 1991, and in general accordance with section 108(2)(b) of the Act, the Consent Holder shall provide to MPDC a refundable</p>		<p>All experts agree that the proposed civil bond and landscaping bond conditions by MPDC are <u>necessary</u>. This wording reflects the standard MPDC wording for bond conditions.</p> <p>ST also notes her recommendation that buffer planting be maintained for 3 years and a bond imposed for a further 5 years.</p>

	<p>maintenance bond for the landscaping works required by the conditions of this consent. The maintenance bond shall be held for a period of two (2) years for landscaping of street, drainage reserves and parks, calculated as follows:</p> <ul style="list-style-type: none">(a) Where the required landscaping works are completed prior to the issue of the certificate under section 224(c), the bond shall be held for two (2) years from the date of issue of the section 224(c) certificate; or(b) Where the required landscaping works are secured by a separate landscaping works bond at the time of 224 (c), the maintenance bond shall be held for two (2) years from the date of release of the landscaping works bond.(c) The Consent Holder shall submit a schedule of costings which details the value of the assets to vest in Council. These costings shall provide the basis for calculating the value of the bond. The value of the bond shall be 150% of 2.5% of the assessed value of the assets to vest in Council. The bond document will be drafted by Council's Legal Team or Solicitor at the Consent Holder's expense. The bond shall be signed and the bond funds deposited with Council prior to release of the Section 224 certificate.		
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APPENDIX 2: PROPOSED REVISED WORDING FOR THE LONG-TAILED BAT MANAGEMENT PLAN

ST PROPOSED WORDING:

The Consent Holder must submit a LBMP for certification. The objective of the LBMP is to avoid injury to, or mortality of, long-tailed bats during construction and minimise disturbance to long-tailed bats caused by the loss of habitat and artificial light. The LBMP must be updated as required to meet the objective. The LBMP must include, but is not limited to:

- a. A response to the conditions of this consent.
- b. Evidence that engagement with DOC has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.
- c. Consideration of all potential effects on longtail bat populations, having regard to the Department of Conservation's *'Protocols for minimising the risk of felling occupied bat roosts'* produced by the NZ DOC Bat Recovery Group 2024, or any update to that document including:
 - i. A map identifying all trees (alive and standing dead) that are ≥ 15 cm Diameter at Breast Height (DBH).
 - ii. A pre-felling survey method for trees identified in (i) above.
 - iii. If bats are found injured or dead during felling, the Consent Holder must notify DOC and prepare a report documenting the protocols followed.
- d. Requirements for bat roosts (artificial or natural) to offset the removal of habitat (after the completion of tree felling) within the Greenway, including:
 - i. Installation at a ratio of three roosts for every one actual roost discovered.
 - ii. The use of either kent bat boxes, or artificial crevices/cavities in existing trees.
 - iii. The GPS coordinates of the artificial roosts.
 - iv. Predator fitted bands applied to all artificial roosts
- e. Bat friendly outdoor lighting will include:
 - i. Within the Waitoa River corridor and the greenway:
 - A. Ensure that illuminance from fixed artificial light does not exceed 0.3 lux (horizontal and vertical) at any height
 - ii. Within 200m of the Waitoa River:
 - A. Ensure that illuminance from fixed artificial light does not exceed 0.3 lux (horizontal and vertical) at any height.
 - B. Ensure that all outdoor lighting be fully downward, baffled and angled with zero upward light output and have a nominal colour temperature no more than 2700K.

- C. Ensure any security lighting is controlled by timers to activate for less than five (5) minutes.
- iii. In spaces to be vested (recreation reserve, roadways and local purpose reserves) within 40m of the greenway:
 - A. Ensure that illuminance from fixed artificial lighting does not exceed 0.3 lux (horizontal and vertical) at any height.
 - B. Ensure that all outdoor lighting be fully downward, baffled and angled with zero upward light output and have a nominal colour temperature no more than 2700K.
 - C. Ensure any security lighting is controlled by timers to activate for less than five (5) minutes.
- f. Monitoring and maintenance must include, but is not limited to, checking:
 - i. Artificial bat roosts (ken box) every year for a period of five (5) years to remove any accumulated debris and repair or replace if damaged or missing.
 - ii. Artificial roost crevices and cavities every year for a period of five (5) years to remove any sap deposits or bark growth that may prevent bats from accessing crevices or cavities.
 - iii. Metal bands every year for a period of five (5) years to maintain or replace as required.
- g. Measures to ensure the long-term protection of riparian margins, indigenous vegetation and other vegetated corridors which provide habitat to long-tailed bats.
- h. Appropriate monitoring and reporting requirements to the Council and DOC for the first five (5) years, including, but not limited to submitting an annual report detailing the results of the roost checks carried out under condition [X] prepared by a SQEP person within two (2) months of the completion of the maintenance checks.

FM PROPOSED AMENDMENTS:

- c. Consideration of all potential effects on longtail bat populations, having regard to the Department of Conservation's 'Protocols for minimising the risk of felling occupied bat roosts' produced by the NZ DOC Bat Recovery Group 2024, or any update to that document including:
 - i. A map identifying all trees (alive and standing dead) that are ≥ 15 cm Diameter at Breast Height (DBH) and have at least one bat roost feature.
 - ii. A pre-felling survey method following the DOC Bat Roost Protocols for trees identified in (i) above.
 - iii. If bats are found injured or dead during felling, the Consent Holder must notify DOC and prepare a report documenting the protocols followed.
- d. Requirements for artificial bat roosts ~~(artificial or natural)~~ within the Waitoa River Esplanade Reserve, to offset the removal of habitat (after the completion of tree felling) ~~within the Greenway,~~ including:
 - i. Installation at a ratio of three artificial roosts for every one ~~actual confirmed bat~~ roost discovered/removed.
 - ii. The use of either kent bat boxes, or artificial crevices/cavities in existing trees.
 - iii. The GPS coordinates of the artificial roosts.
 - iv. Fitted pP ~~fitted~~ predator bands applied to all artificial roost trees
- e. Bat friendly outdoor lighting will include:
 - i. Within the Waitoa River corridor and the greenway.

**APPENDIX 3: PROPOSED AMENDMENTS AND COMMENTS ON PANEL'S DRAFT
MPDC LAND USE CONSENT CONDITIONS**

1.0 MPDC LUC

#	Panel Wording	Agreed Condition Wording	Conferencing Comments
General conditions			
15	The Consent Holder will increase the size of all lots adjoining a Rural or Rural Residential Zone (outside the Site) to 1,500m2 (net).		<p>FM and SW note the impending land use change to Solar, roading and greenway to the west of the Residential development. We note the ownership status of the land adjacent (being the applicant). Notwithstanding our response to the Panel (Memorandum of Counsel 30/03/2026), we consider that the properties (Lots 158, 160-167, 303, 306, 307, 308, 316, 317, 318,) are exempt from the lot size, setbacks, and landscaping conditions. We note the draft decision moves away from the RMA zoning and a decision is being made under the FTAA. IT's our view as planners that the lots are of a sufficient size to integrate with the (draft consented environment) and can accommodate the proposed typology houses proposed. Suitable bulk and location parameters have also been proposed to manage side and rear yards in our view.</p> <p>MR considers there are two aspects (i) the need to retain the integrity of the underlying zone at the zone interface and to ensure an enduring buffer against the rural zone for mitigation of reverse sensitivity; and (ii) consideration that the owner is deemed to have granted approval for any reverse sensitivity effect. Having considered those two aspects, MR considers that preservation of the integrity of the underlying zone should be awarded more weighting and a carve out should not be allowed.</p>

		<p>However, if the Panel is minded to provide an exception for lots sizes on the internal boundary, all experts agree the following wording would be appropriate: "Except that Lots XXXX will have a minimum lot size of 550m²"</p>
<p>Stormwater</p>		
		<p>New condition proposed by MPDC in comments and supported by WRC:</p> <p>The SMP must be <u>formulated updated as required</u> to meet the <u>above objective and -must be informed by:</u></p> <ul style="list-style-type: none"> • <u>A groundwater contour plan derived from the analytical groundwater model, overlaid by finished ground level (at 200mm intervals).</u> • <u>The updated groundwater level synthetic hydrograph and peak recharge analysis (i.e. intensity and recurrence intervals) for the site, that informed detail design.</u> • <u>Up-to-date groundwater monitoring results from all monitoring sites as outlined in Condition X [i.e. the condition that follows condition 1].</u> • <u>Drawing C401 "Proposed Overall S/W Catchment Plan" (Rev B), updated to reflect the up-to-date results from all groundwater monitoring sites.</u> • <u>Assessment of the "whole of life costs" of the proposed stormwater system and shall demonstrate how "whole of life costs" have been factored into the SMP.</u> <p>MR, NS, and SR support the proposed condition above. As it represents the outcome of advice from their stormwater experts and is understood to not be contrary to the stormwater JWS.</p> <p>FM and SW seek that the Panel uphold the stormwater/groundwater JWS that was agreed with experts. They note that the synthetic hydrograph as already presented and agreed replaces the need for the recharge analysis as discussed in the first JWS (Dec 2025). They note no experts on stormwater were present for the conferencing on this condition.</p>

			<p>Condition proposed by FM and SW:</p> <ul style="list-style-type: none"> • A groundwater contour plan derived from the analytical groundwater model, overlaid by finished ground level (at 200mm intervals). • The groundwater level synthetic hydrograph for the site, that informed detail design. • Up-to-date groundwater monitoring results from all monitoring sites as outlined in Condition X [i.e. the condition that follows condition 1]. • Drawing C401 “Proposed Overall S/W Catchment Plan” (Rev B), updated to reflect the up-to-date results from all groundwater monitoring sites.
Transport network			
74	<p>The Consent Holder must complete the following external transport network upgrades to service the development of the Site:</p> <p>a. Prior to commencing construction on the Site (including Site enabling works), EITHER:</p> <p>i. Construct a collector road to Firth Street consistent with the Eldonwood South Structure Plan (Matamata-Piako District Plan).</p> <p>OR</p> <p>ii. Upgrade pedestrian facilities on Hampton Terrace, Peakedale Drive and Jellicoe Road to meet the DM 2010 and install a roundabout at the intersection of Jellicoe Road and Hampton Terrace.</p> <p>b. As part of constructing Road 1 through Stage 8, the Consent Holder must upgrade Chestnut Lane (off Station Road and currently held in Record of Title Lot 3 Deposited Plan 404835) and combine with Road 1. Provide vehicle</p>		<p>In relation to Condition 74(a), all experts agree that the current condition is to be deleted and replaced with a condition requiring that a haul road to Station Road from commencement of constructions works is appropriate.</p> <p>In relation to Condition 74(b), all experts agree to group Chestnut Lane options together to ensure that the Consent Holder is able to deliver Road 1.</p> <p>In relation to conditions 74(c), (d), (e) and 75, the experts agree that the table of stages and timing (and requirement for ITAs) set out by the transport engineers can be adopted.</p>

crossings to #135, #129A and #129B Station Road, including driveways to tie in with the existing driveways.

c. Widening and urbanisation of Station Road to collector road standard (consistent with the DM 2010 for collector roads) along the southern side (only) from where these facilities end (at approximately 86 Station Road) to Road 1. The upgrade must include:

- i. A 3m wide (where possible) sealed shared path from the Road 1/Station Road intersection to the existing footpath.
- ii. A pedestrian refuge island on Station Road (just east of Sheffield St) providing access across Station Road for pedestrians walking to/from Smith St.

Advice note: See Maven plans:

- “Typical Road Cross Section” (Ref: C340-8, Rev C, dated January 2026)
- “Proposed Rooding Plan Station Road” (Ref: C300-30, Rev B, dated January 2026)

d. When construction of the retirement village commences, extend the widening and urbanisation of Station Road to the retirement village access road, including the 3m wide (where possible) sealed shared path. The path must be complete prior to occupation of any units.

e. Construct a pedestrian refuge island on the Smith Street approach to the Smith Road/Station Road intersection to manage the speed of turning vehicles and improve safety for pedestrians.

f. Further network upgrades (such as traffic calming, pedestrian crossing improvements, no-stopping restrictions, changes to intersection form/ priority, pavements, parking provisions, etc.) on the following routes and intersections:

	<ul style="list-style-type: none"> i. State Highway 27/Station Road ii. State Highway 27/Jellicoe Road iii. Station Road/Hampton Terrace iv. Jellicoe Road/Hampton Terrace v. Archford Street/Hampton Terrace vi. Archford Street/Peakedale Drive vii. Station Road/Smith Street viii. Station Road ix. Smith Street x. Jellicoe Road 		
77	<p>That the following transport infrastructure requirements are met for the residential and commercial development:</p> <p><i>Advice note: The following describes the water infrastructure that will vest in the Council. Requirements for the retirement village are addressed below.</i></p> <ul style="list-style-type: none"> a. Road 1 must be formed and connected to Station Road (including a right-turn bay) by the earlier of: <ul style="list-style-type: none"> i. 400 residential lots being constructed, OR ii. 1,850m² of commercial activities being operational. b. Construction of the southern solar farm must not commence unless construction access can be obtained via Station Road (Road 1) or via the collector road to Firth Street. c. If Road 1 is not combined with Chestnut Lane (off Station Road) (Condition [73(b)]), the Consent Holder must realign the intersection of Road 1 with Station Road to achieve compliance with the DM 2010. d. Construct a pedestrian refuge island on the Road 1 approach to the Road 1/Station Road intersection to manage the speed of turning vehicles and improve safety for pedestrians. 		<p>FM and SW consider that Condition 77(h) and (i) are unnecessary but will check with their transport expert.</p> <p>In relation to Condition (k)i., FM and SW understand that AS/NZS 1158 – Lighting for roads and public spaces is for public spaces. V4-V5 reflects minor roads connecting to residential or business areas. Street lighting, unless managed by a body corporate or incorporated society will be extremely difficult to operate and maintain in perpetuity. They fundamentally disagree with the concept that this proposal would require similar lighting for the JOALS proposed (noting only 3 JOALS over 5 units). They disagree with MR and NS and note no example has been given where such lighting conditions have been proposed on local fee simple subdivisions of this nature. FM adds that, in his experience as a tier one Planning Manager at Hamilton City Council that, for the reasons above, such lighting was not proposed in these circumstances while FM made decisions on thousands of resource consents. They therefore seek the removal of such a condition. They seek consistency with small subdivisional approvals in MPDC.</p>

<p>e. Provide a 3m wide shared path on one side of Road 1 and a 1.5m pedestrian path on the other side of Road 1.</p> <p>f. Provide roundabouts and pedestrian facilities at the following intersections:</p> <ul style="list-style-type: none"> i. Road 1/Road 13/Peakedale Drive ii. Road 1/Road 10 (to access the commercial node and address insufficient sight distance) iii. Road 10/Road 14 (to access the commercial node) iv. Road 1/Road 3 v. Road 1/Road 2 (south) or alternatively realign the western portion of Road 2 to avoid a crossroads intersection). vi. Road 1/Road 9 <p>g. Provide pedestrian crossing facilities (e.g. kerb build-outs and/or refuge islands) along Road 1 to safely provide for pedestrian movements, for example, at the Road 1/Road 10 and Road 1/Road 7 intersections adjacent to the commercial node.</p> <p>h. Amend the design of all internal roads on the Site to provide 0.3 on-street parking spaces per dwelling.</p> <p>i. Ensure facilities for buses are possible throughout Site (along Road 1). These will only need to be constructed if a public bus service is operational in Matamata prior to the completion of works on the Site.</p> <p><i>Advice note: Bus facilities will need to be shown on plans but bus pull-ins etc can be used for on-street car parking (over and above the on-street car parking requirement specified in Condition [76(h)]).</i></p> <ul style="list-style-type: none"> j. Identify where no-stopping restrictions are required along curves to maintain two-way traffic. k. In the jointly-owned access lots (JOALs), provide: 		<p>They also note the proposed fee simple tenure proposed would have no body corporate to administer this.</p> <p>MR and NS consider that Condition 77(k)i. is potentially unusual but having checked with their development engineer expert, support the engineer’s advice that: <i>“Yes we would follow our development manual and anything that was a right of way we don’t require street lighting. So that is 6 or less lots. If there is more than 6 lots we should be asking for streetlighting that meets the standards.</i></p> <p><i>AS/NZS 1158 – Lighting for Roads and Public Spaces</i></p> <p><i>We would ask for V5 standards which appropriate for lower speed and lower traffic use, but still the V standard.</i></p> <p><i>There is a P standard for pedestrian activity and amenity but this is not appropriate as there are vehicles on the JOAL.”</i></p> <p>FM/SW note the standard referred to does not state JOAL and only states Roads and Public Spaces.</p> <p>FM and SW are opposed to the connection of Roads 10 and 17 to the southern boundary of the Site as required by condition 77(l). Road 13 provides a connection to the southern boundary. FM/SW note the strong opposition from MPDC experts in relation to subdivision and development on highly productive land. Taking a consistent approach to its strict protection and management in the context of Ashbourne, they do not consider that fully</p>
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<p>i. Street lighting consistent with public street lighting requirements.</p> <p>ii. Vehicle calming measures, for example chicanes, variations in surface finish or texture or speed limits (20km/hr or less).</p> <p>l. Extend Roads 10 and 17 to the southern Site boundary.</p>		<p>formed and connected roads should be required as a condition when adjacent to the farmland to the south.</p> <p>MR has reservations about this and thinks providing for connectivity is important for the future.</p>
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Development Controls

119	<p>That all dwellings and associated buildings constructed on the residential lots must comply with the following:</p>		<p>All experts agree to retain 3m front yard setback for lots less than 450m² and that the suggested amendment by MPDC to have a 5m setback for garages, or for dwellings that do not contain a garage is not required.</p> <p>The experts agree that a front yard setback in JOALs serving 5+ lots is only necessary for those that obtain access from the JOAL.</p> <p>All experts agree that, from a planning perspective, having a 3m blanket JOAL front yard, irrespective of the lot size is appropriate and suitable in our view. All experts agree to a 3m front setback provision should the Panel see fit to impose this.</p>																
<table border="1"> <thead> <tr> <th data-bbox="271 564 456 743">Control</th> <th data-bbox="456 564 629 743">Lots less than 450m²</th> <th data-bbox="629 564 775 743">Lots 450m² – 1200m²</th> <th data-bbox="775 564 916 743">Lots over 1200m²</th> </tr> </thead> <tbody> <tr> <td data-bbox="271 743 456 812">Density</td> <td colspan="3" data-bbox="456 743 916 812">Maximum one (1) dwelling per lot.</td> </tr> <tr> <td data-bbox="271 812 456 956">Building coverage (maximum)</td> <td data-bbox="456 812 629 956">55% of net lot area.</td> <td data-bbox="629 812 775 956">45% of net lot area.</td> <td data-bbox="775 812 916 956">25% of net lot area.</td> </tr> <tr> <td data-bbox="271 956 456 1350">Front yard setback For the purposes of this rule, a front yard setback is also required along any</td> <td data-bbox="456 956 629 1350">3m.</td> <td colspan="2" data-bbox="629 956 916 1350">5m (on a corner site, one front yard may be reduced to 3m).</td> </tr> </tbody> </table>		Control	Lots less than 450m ²	Lots 450m ² – 1200m ²	Lots over 1200m ²	Density	Maximum one (1) dwelling per lot.			Building coverage (maximum)	55% of net lot area.	45% of net lot area.	25% of net lot area.	Front yard setback For the purposes of this rule, a front yard setback is also required along any	3m.	5m (on a corner site, one front yard may be reduced to 3m).			
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JOAL.				
All other setbacks	<ul style="list-style-type: none"> Any building on a lot adjoining a Rural or Rural Residential Zoned property (not including the Site) will provide a rear yard of 8m and side yards of 3m. <p><i>Note: these setbacks do not apply to 'internal' boundaries of these same lots.</i></p> <ul style="list-style-type: none"> Buildings on all other lots require rear and side yards of 1.5m, except that: <ul style="list-style-type: none"> For Lots 138-145, 211-224, 227-250 and 282-300, one side boundary setback may be reduced to 0m, provided that: <ul style="list-style-type: none"> A duplex typology is constructed in conjunction with the adjoining lot; and The setback from the opposite side boundary is at least 2m; and Legal provision is made to enable access and ongoing maintenance; 			<p>MR considers that the 8m rear yard and 3m side yard should continue to apply to the lots adjoining the western internal boundary for the same reasons as recorded under Condition 15 above.</p> <p>FM and SW agree with the intent of the rule but propose a redrafting as follows (noting that in line with their comments above on Condition 15, that they do not consider these should apply to internal boundaries):</p> <ul style="list-style-type: none"> “Any building on Lots [xxxx] will provide a rear yard setback of 8m. Any building on Lots [xxxx] will provide a side yard setback of 3m.”

	<p>and</p> <ul style="list-style-type: none"> • The 0m setback occurs along a common/party wall. • <i>A duplex means two residential dwellings attached via a shared wall, including where the connection occurs through an attached garage.</i> 		
Garage doors	<ul style="list-style-type: none"> • Garage doors must be set back a minimum 0.5m from the front building line of the dwelling. This control does not apply to the secondary frontage of a corner lot. • The width of a garage door must not extend to more than 50% of the width of the building. This control does not apply to the secondary frontage of a corner lot. 		
Height (maximum)	<ul style="list-style-type: none"> • Lots adjoining the southern boundary of the Site are limited to a maximum height of 6m / single storey. • All other lots – 8m except that 50% of a building's roof in elevation, measured vertically 		<p>FM and SW note that previously there were 36 units/lots originally proposed adjoining the southern boundary. Now there are 12 (dramatically reducing the potential effect on the southern boundary with relation to urban intensity). In their view, the lots are now of a sufficient size, shape and variation in their opinion to cater for additional height and not be restricted to 6m. In their opinion as planners, they</p>

	from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more.				
Height in relation to boundary	3m + 45°. This does not apply to road frontage.				
Permeability – overall (minimum)	20% of net lot area.	30% of net lot area.			
Permeability – front yard setback (minimum)	<ul style="list-style-type: none"> At least 50% of the area of the front setback must be landscaped. At least one specimen tree in the front yard setback of each lot accessed by a JOAL. 				
Outdoor living area	50m ² and capable of containing a 4m diameter circle and free from any required landscape	60m ² and capable of containing a 6m diameter circle and free from any required landscape buffers			

oppose the imposition of a 6m height restriction and seek a height limit equivalent to the rural residential zone at 10m

MR and NS continue to support the existing height rule which is 8m + 1m for all residential lots.

All experts agree that a specimen tree is appropriate where a lot requirements/has a front yard in a JOAL.

	buffers			
Landscaping buffer (minimum)	Any lot adjoining a Rural or Rural Residential Zoned property (not including the Site) must provide a 4m landscaping buffer in the rear or side setback (whichever adjoins the Rural or Rural Residential Zoned property) and a solid 1.5m high fence in rear or side setback (whichever adjoins the Rural or Rural Residential Zoned property).			Regarding width of buffer, MR and NS support the 4m width as per draft conditions (and recommended by Ian Munro). FM and SW rely on the expert opinion provided by Greenwoods clarifying that a 3m wide buffer was suitable. They rely upon the landscape expert that has provided his opinion and are unclear on the expert landscape advice that has been provided to the Panel and/or from MPDC experts. It has been demonstrated in this evidence that a 3m wide buffer will have the same or similar effect to a 4m wide buffer. They support a 3m wide buffer.
Service area	9m ² and with a minimum width of 1.5m	10m ² and with a minimum width of 1.5m		Regarding the fencing, FM and SW support the option of a post and rail fence around the entire perimeter. MR and NS agree with this.
Fences and walls	<p>The maximum height of a fence along the street boundary is 0.9m with a minimum 50% visual permeability, except:</p> <ul style="list-style-type: none"> The maximum height of a retaining wall along a street boundary is 1m; and <p>Where the outdoor living area is adjacent to a street boundary, the maximum fence height may be increased to 1.5m and with a</p>			In relation to the fence and wall treatment, all experts agree that the amendments to the draft conditions as proposed by MPDC are appropriate.

	<p>minimum 50% visual permeability for no more than 50% of the street frontage.</p>		
		<p>MR proposes that for on-site manoeuvring on Lots adjoining shared paths, provision should be made for passenger vehicles to manoeuvre on-site so as to exit the lot in a forward direction. NS supports this.</p> <p>FM and SW do not consider that a reverse manoeuvring provision is necessary or required and support the proposal as put to the Panel in the application.</p>	
		<p>MPDC proposed in its comments: On-site stormwater management devices (soakage/ detention) as detailed in the SMP must be installed at the time of building and thereafter maintained for the duration of this resource consent.</p> <p>On reflection, all experts agree that the condition proposed by MPDC regarding on-site stormwater management</p>	

			devices is not necessary and this matter will be dealt with by way of a consent notice on the titles.
122	<p>With respect to retaining walls:</p> <p>a. That retaining walls constructed within or on the boundaries of the Site must have a retained height of less than 1.5m and must be specifically designed by an appropriately qualified and experienced engineer in accordance with accepted engineering practice to ensure adequate support including a reasonable allowance for surcharge loadings likely to occur during the life of the structure, with appropriate provision for drainage.</p> <p>b. That retaining walls must not be located within easements, unless those easements relate to the retaining wall.</p> <p>c. That fences erected on retaining walls must not exceed a height of 2.5m as measured from the finished ground level at the “toe” (bottom) of the retaining wall to the top (highest point) of the fence erected on the retaining wall.</p>		<p>In its comments, MPDC proposed an addition: <i>“Retaining walls must not be located within Zones of Influence from stormwater or wastewater pipes. Where retaining walls adjoin roads and public reserves, the entire wall structure including footings must be placed outside the road/ reserve boundaries.”</i></p> <p>MR provided the definition of “Zone of Influence”: shall mean a zone defined by a line extending at an angle of 45° on both sides, from the invert of a sewer or stormwater pipe to ground level.</p> <p>FM and SW seek consistency with the Building Code requirements and advice from a suitability qualified person on this proposed rule. They would support this if SQEP and BC - RITS aligns with this proposal.</p>
124	No less than 5% of all dwellings constructed in the Site must be sold as ‘affordable housing’ being dwellings with a value corresponding to no more than 30% of the average District (Matamata-Piako) Mean Household Income.		<p>All experts agree that a condition around affordable housing is appropriate, and that the condition needs to be more robustly defined. FM and SW consider that expert input was required, and have consulted with an economist who provided the following proposed condition wording:</p> <p><i>No less than 5% of dwellings constructed in the Site must be sold as ‘affordable housing’. In this context, affordable housing is defined as the sales price that is equivalent to the mortgage that can be afforded by a household on the mean income (Matamata-Piako). For illustrative purposes, the mortgage is based on a 20% deposit, 30 year term and at</i></p>

			<p>5.32% interest rate and returns a sales price of \$653,000 (in 2025).</p> <p>FM and SW support this proposed wording above.</p> <p>ST and MR appreciate the input from the Applicant's economist and notes what is meant by 'affordable housing' is not their area of expertise to comment.</p>
Decommissioning			
166	<p>A Decommissioning and Rehabilitation Management Plan (DRMP) must be prepared and provided to the Council for certification at least twenty (20) working days prior to the solar farms ceasing to operate. The DRMP must provide details of:</p> <ul style="list-style-type: none"> a. The duration and nature of the decommissioning works. b. The measures to manage the decommissioning works, including measures to minimise negative impacts on flora and fauna. c. Any rock column ground improvements as part of the substation platform foundations greater than 0.8m below surface level need not be removed. d. Details of how the solar farm components are being sustainably disposed of or recycled. 		<p>FM and SW support the following condition proposed in the memorandum of counsel on behalf of the Application (dated 30 March 2026) and consider it fair and reasonable and a bond would be too onerous:</p> <p><i>The consent will commence in accordance with section 116 of the Resource Management Act 1991 (RMA) and provides for the operation of the solar farm for a period of 33 years from its commercial operating (being the first date that the project is commercially exporting power to the National Grid, excluding operations under test conditions) after construction has concluded. The consent will expire and cease to authorise the activities 2 years after the cessation of generation, to enable the decommissioning of the solar farm.</i></p> <p>MR and NS consider a bond is required. They attach proposed wording for a decommissioning bond condition as Appendix 4 to this JWS.</p>

			<p>FM notes MPDC (NS) has not required a Bond on Solar Farm consents to date and this would be the first occurrence. FM and SW note that the Matamata Piako District Plan provides for solar farms on rural zoned land as a permitted activity, thereby creating a permitted baseline for the solar farms. They therefore consider that a decommissioning bond is inappropriate given this baseline. They are unaware of this being a requirement. They do not support a decommissioning bond and do not consider one is required.</p> <p>NS notes that solar farms in rural zones are permitted (at a certain scale, and the Ashbourne solar farm, in his view, is beyond this scale, making the solar farm component of the Ashbourne application a discretionary activity).</p> <p>FM notes there is no area or size parameters in the MPDP community scale renewable energy generation definition.</p>
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**APPENDIX 4: MPDC PROPOSED DECOMMISSIONING BOND CONDITION WORDING
(refer to Condition 166 in Appendix 3 above)**

- 1) Prior to the placement and installation of the solar panels, the Consent Holder must provide and maintain until the completion of rehabilitation of the solar farm, in favour of the Matamata Piako District Council(Council), a bond to enable:
 - a) Compliance with all the conditions of this consent relating to the rehabilitation of the site and to enable any adverse effects on the environment that become apparent during or after the expiry of consent relating to the solar farm activities to be avoided, remedied, or mitigated.
 - b) Remediation of the site in accordance with the Solar Farm Rehabilitation Management Plan[or however it is described in conditions] as outlined in condition X.
- 2) The bond must be in a form approved by the Council.
- 3) Unless the bond is a cash bond, the performance of all the conditions of the bond must be guaranteed by a guarantor acceptable to the Council. The guarantor must bind itself to pay for the carrying out and completion of any condition of the bond in the event of any default of the Consent Holder, or any occurrence of any adverse environmental effect requiring remedy referred to in condition X.
- 4) The bond amount must be fixed prior to [is it earthworks or the activities specified in 1) above or some other trigger?] and every fifth anniversary thereafter by the Council or more frequently if otherwise agreed between the Consent Holder and the Council. The amount of the rehabilitation bond must be advised in writing to the Consent Holder at least one month prior to the review date.
- 5) If the Consent Holder does not agree with the amount of the bond fixed by the Council, then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration is to be commenced by written notice by the Consent Holder to the Council advising that the amount of the rehabilitation bond is disputed, with such notice to be given by the Consent Holder within two weeks of notification of the amount of the rehabilitation bond. If the parties cannot agree upon an arbitrator within a week of receiving the notice from the Consent Holder, then an arbitrator is to be appointed by the Chief Executive Officer of the Institution of Professional Engineers of New Zealand. Such arbitrator must give an award in writing within 30 days after his or her appointment, unless the Consent Holder and the Council agree that time is to be extended. The parties must bear their own costs in connection with the arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration, the existing bond must continue in force. That sum is to be adjusted in accordance with the arbitration determination.
- 6) If the decision of the arbitrator is not made available by the 30th day referred to above, then the amount of the bond is to be the sum fixed by the Council, until such time as the arbitrator does make his/her decision. At that stage the new amount is to apply. The Consent Holder must not exercise this consent if the variation of the existing bond or new bond is not provided in accordance with this condition.
- 7) If the amount of the bond to be provided by the Consent Holder is greater than the sum secured by the current bond, then within one month of the Consent Holder being given written notice of the new amount to be secured by the bond, the Consent Holder and the guarantor must execute and lodge with the Council a variation of the existing bond or a new bond for the amount fixed on review by the Council. Activities

authorised by the consent must not be undertaken if the variation of the existing bond or new bond is not provided in accordance with this condition.

- 8) The bond may be varied, cancelled or renewed at any time by agreement between the consent holder and the Council.
- 9) The bond shall be released on completion of closure of each site, as defined above.