

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 16: Te Kauwhata Lakeside

17 January 2022

Commissioners

Mr Paul Cooney (Deputy Chair)

Councillor Janet Gibb

Mr Weo Maag

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Glossary of terms

Council	Waikato District Council
KiwiRail Holdings Limited	KiwiRail
LDL	Lakeside Developments 2017 Limited
Panel	The Waikato District Plan Hearings Panel
PDP	Proposed Waikato District Plan
PPC20	Private Plan Change 20

1. Introduction

- 1.1 Hearing 11 related to all the submissions received by the Waikato District Council (Council) on the provisions of the Te Kauwhata Lakeside Precinct within the Proposed Waikato District Plan (PDP). The provisions relating to Te Kauwhata Lakeside Precinct are contained in Chapter 16.5 Residential Zone, Chapter 17.5 Business Zone and Chapter 22.8 Rural Zone of the PDP.

2. Hearings Arrangement and Evidence Presented

- 1.2 There was no hearing held for this topic. All of the relevant information pertaining to the subject matter of Hearing 11 (i.e., Section 42A report, legal submissions and evidence) is contained on the Waikato District Council website.
- 1.3 The following parties submitted evidence to the Waikato District Plan Hearings Panel (Panel) on the Te Kauwhata Lakeside Precinct provisions:

Council	Alan Matheson (author of Section 42A Report)
Lakeside Developments 2017 Limited	John Duthie, Director
Terra Firma Resources Limited	Lucy Smith, Director
KiwiRail Holdings Limited	Pam Butler, Senior RMA Advisor
Ministry of Education	Alec Duncan, Planner

3. Overview of Issues Raised in Submissions

- 1.4 In the section 42A report, Mr Matheson provided background information to the Te Kauwhata Lakeside Precinct provisions. In brief, he stated that:¹
- a) The Te Kauwhata Lakeside Precinct provisions apply to approximately 194ha of land, south of the Te Kauwhata township.
 - b) The Te Kauwhata Lakeside Precinct area was rezoned as a result of the approval of a Private Plan Change Request (PPC20), which became operative on 13 July 2018.
 - c) The purpose of PPC20 was to enable high and medium density residential development, with provision of a community hub in the business zoned area. PPC20 contained bespoke planning provisions to enable the development to occur in a cohesive manner, through the requirement for large portions of the land to be consented one at a time. The operative PPC20 was reformatted and incorporated into the PDP.

¹ Paragraphs 15 to 18 of the Section 42A Report, dated 11 February 2020.

- 1.5 In the section 42A report, Mr Matheson set out the full list of submissions on the Te Kauwhata Lakeside Precinct provisions. He stated that Council received 18 submissions and 8 further submissions on this topic.² Mr Matheson summarised the amendments sought as follows:
- a) Majority of the submissions sought to ensure that PPC20 provisions were correctly translated into the PDP.
 - b) Submissions seeking to amend the Te Kauwhata Lakeside Precinct provisions in relation to boulevard layout and the relocation of the walkway onto Lakeside Land.
- 1.6 Mr John Duthie provided planning evidence on behalf of Lakeside Developments 2017 Limited (LDL). Mr Duthie confirmed that he was in agreement with the full package of Te Kauwhata Lakeside Precinct provisions as recommended by Mr Matheson in his rebuttal evidence. In brief, Mr Duthie stated that:
- a) LDL's submission sought to roll over the PPC20 provisions into the PDP, in particular, correct drafting errors and omitted provisions.
 - b) Under PPC20, five neighbourhood parks were shown within the development. The feedback from Council was that the ongoing costs of maintaining five parks was disproportionate to the size of the neighbourhood. Consequently, LDL sought to reduce the number of parks to four, but stated that if Council confirmed that it was happy with maintaining five public parks, then LDL would agree to that approach.³ Mr Matheson confirmed that the Council is committed to the development of all five parks.
 - c) LDL sought to remove the Significant Natural Area overlay from the lake edge and stop bank. Through the PPC20 hearing, it was clear that with issues of koi carp and alligator weed as well as problems with the integrity of the existing stop bank, there needed to be a new engineering solution to the stop bank along this lake frontage. Mr Duthie stated that the Significant Natural Area classification should be lifted from this area. Alternatively, he supported a restricted discretionary activity status for modifications to the stop bank. He stated that this would be appropriately integrated with the "comprehensive land development consent" process.⁴ Mr Matheson supported the restricted discretionary activity approach.
 - d) LDL sought amendments to the Precinct Plans to simplify the primary road network and in particular, to create direct view corridors from the community hub to the iwi reserve. The urban design analysis of the development has identified the benefit of setting up the view corridor from the community hub, which is elevated, down the alignment of the road, across the iwi reserve and out to the lake.⁵ Mr Matheson supported this amendment.
 - e) LDL sought flexibility in the "comprehensive land development consent" rule for the location of the walkways. Currently, the walkways need to be within 10m of that shown in the diagrams in the PDP. LDL sought to set a 30m flexibility.⁶ The

² Paragraph 25 of the Section 42A Report, dated 11 February 2020.

³ Paragraph 21 of Statement of Evidence of Mr Duthie, dated 26 February 2020.

⁴ Paragraph 31 of Statement of Evidence of Mr Duthie, dated 26 February 2020.

⁵ Paragraph 34 of Statement of Evidence of Mr Duthie, dated 26 February 2020.

⁶ Paragraph 40 of Statement of Evidence of Mr Duthie, dated 26 February 2020.

discretionary activity flexibility would correspondingly allow for the walkway within 30m to 50m of the location shown on the Precinct Plan. Mr Matheson supported this amendment.

- f) LDC sought to delete inappropriate uses which are generally suitable in the general Rural Zone, but not suitable in the Te Kauwhata Lakeside Precinct itself. These included forestry activities, farming practices and ancillary activities.⁷ Mr Matheson supported the amendments as sought.

1.7 In the section 42A report, Mr Matheson made recommendations on submissions seeking detailed technical amendments to the Te Kauwhata Lakeside Precinct provisions (such as building height, building setbacks, daylight admission, living court areas etc.). Mr Matheson recognised that one of the primary purposes of the Te Kauwhata Lakeside Precinct is to implement PPC20. He then noted that the detailed consideration of appropriate standards to apply to building bulk and location matters was part of that private plan change process. Therefore, Mr Matheson's overall recommendation was to retain the standards as set out in PPC20 provisions as these are unique to the Te Kauwhata Lakeside Precinct and reflect the agreed outcomes anticipated in the Precinct. In brief, Mr Matheson recommended that:

- a) Submissions seeking to introduce new rules relating to outdoor living courts on a balcony be rejected, as he agreed with Mr Duthie that this provision has been specifically developed for the Te Kauwhata Lakeside Precinct, which adopts comprehensive approach to development.⁸
- b) Submissions seeking to reduce building height from 8m to 7.5m be rejected, as the proposed 8m building height was considered and confirmed as part of PPC20.
- c) Reject submissions seeking to amend the development standards relating to daylight admission, as the notified provisions reflect the high density nature of the Precinct, and this matter was considered as part of PPC20.
- d) Reject submissions seeking a variable building setback from different roads or that there be a minimum 6m setback, as the proposed setback of 3m from the road boundary is considered to be consistent with medium and high-density outcomes to use land as efficiently as possible.

1.8 Ms Pam Butler submitted planning evidence on behalf of KiwiRail Holdings Ltd (KiwiRail). In its submission, KiwiRail supported the inclusion of building setbacks from the rail corridor boundary and noise and vibration controls for sensitive uses in proximity to the railway corridor developed as part of PPC20. Ms Butler confirmed that PPC20 rules have been included in the Te Kauwhata Lakeside Precinct provisions, as permitted activity standards which includes a setback from the rail corridor boundary as well as noise and vibration controls for sensitive uses seeking to establish in proximity to the corridor. Resource consent is required for a restricted discretionary activity where the standard is not met.⁹

⁷ Paragraph 67 of Statement of Evidence of Mr Duthie, dated 26 February 2020.

⁸ Paragraph 20 of Rebuttal Evidence of Mr Matheson, dated 12 March 2020.

⁹ Paragraph 2.2 of Ms Butler's Statement of Evidence, dated 28 February 2020.

- 1.9 Ms Alec Duncan submitted planning evidence on behalf of the Ministry of Education. Ministry of Education sought to change the activity status of educational facilities in the Rural Zone within the Te Kauwhata Lakeside Precinct, from discretionary to restricted discretionary activity. Ms Duncan stated that a restricted discretionary activity status is appropriate as educational facilities are considered an essential social infrastructure in rural areas. Ms Duncan also stated that the restricted discretionary activity status would enable Council to have the discretion over the effects educational activities may generate.
- 1.10 Ms Lucy Smith, on behalf of Terra Firma Resources Limited, tabled evidence requesting their submission be formally addressed as part of the Hearing 11 process. Mr Matheson confirmed the submission matter relating to the commercial activity definition for a proposed Puketirini rezoning would be addressed in Hearing 25 (zone extents).¹⁰ As we have zoned the Puketirini block as Future Urban Zone in Decision Report 28G (rather than a live zone), the need for an expanded commercial activity definition in respect of this land does not arise.

4. Panel's Decision and Reasons

- 1.11 We acknowledge that the Te Kauwhata Lakeside Precinct area has been subject to a comprehensive structure planning and plan change process, with extensive community involvement. We were informed that the Precinct is to provide approximately 1,600 new homes,¹¹ in a range of housing typologies. We also visited the Te Kauwhata Lakeside Precinct area to view the development currently being undertaken in this area.
- 1.12 Given the level of planning work that has been completed to date and the recent nature of this work (PPC20 become operative on 13 July 2018), we consider it important to ensure that the Te Kauwhata Lakeside Precinct is in general alignment with operative PPC20 provisions. We accept that bespoke provisions, in the form of Te Kauwhata Lakeside Precinct, are necessary to implement the comprehensive outcomes imbedded in PPC20.
- 1.13 We acknowledge the willingness of LDL and Council to work together to reach an agreed package of provisions for the Te Kauwhata Lakeside Precinct. We accept the evidence of Mr Matheson and Mr Duthie, that the agreed package of provisions largely enable PPC20 provisions to be rolled over into the PDP. We have included the agreed package of provisions between LDL and Council into the PDP.
- 1.14 We also accept the recommendations of Mr Matheson on submissions which sought detailed technical amendments to the Te Kauwhata Lakeside Precinct provisions (such as building height, building setbacks, daylight admission, living courts, earthworks etc.). We accept the evidence of Mr Matheson that the intent of the Te Kauwhata Lakeside Precinct provisions is to enable intensification and its provisions were designed to deliver this outcome. Amending the provisions as sought by these submitters has the potential

¹⁰ Paragraph 10 of the Section 42A Report, Rebuttal Evidence dated 12 March 2020.

¹¹ Paragraph 7 of Statement of Evidence of Mr Duthie, dated 26 February 2020

to undermine the urban design approach and the planning outcomes anticipated by PPC20.

- 1.15 Ms Alec Duncan submitted planning evidence on behalf of the Ministry of Education. Ministry of Education sought to change the activity status of educational facilities in the Rural Zone within the Te Kauwhata Lakeside Precinct, from discretionary to restricted discretionary activity.
- 1.16 With respect to the submission from Ministry of Education, we accept the evidence of Mr Matheson that activity status of educational facilities should be a discretionary activity in the Rural Zone within the Te Kauwhata Lakeside Precinct.

5. Conclusion

- 1.17 We accept the section 42A report and accept and/or reject the evidence filed by the submitters, collectively forming the section 32AA assessment informing this Decision. The few changes which have been made to the Te Kauwhata Lakeside Precinct provisions since notification have been evaluated in the rebuttal evidence of Mr Matheson and we accept his recommendations on the final provisions, which are set out below in this Decision.
- 1.18 Overall, we are satisfied that the final provisions of the Te Kauwhata Lakeside Precinct as set out in this Decision, will provide for the continued development of this master-planned community in line with the extensive planning completed to date, providing important lifestyle and affordable housing options to this part of the Waikato District community.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

Rules for Te Kauwhata Lakeside Precinct

Chapter 16: Residential

16.5 Lakeside Te Kauwhata Lakeside Precinct

16.5.1 Application of rules

- (1) The rules that apply to a permitted activity in Rule 16.5.2 within the Lakeside Te Kauwhata Lakeside Precinct as identified on the planning maps are as follows:
- (i) Rule 156.2 (Land Use – Effects) except:
- A. Rule 16.2.4.1 (Earthworks – general) and Rule 16.2.4.2 (Earthworks – Maaori Sites and Maaori Areas of Significance) does not apply and Rule 16.5.7.2 applies instead
 - B. Rule 16.2.2 (Servicing hours of operation – Bankart Street and Wainui Road Business Overlay Area)
 - C. Rule 16.2.6 Notable trees
 - D. Rule 16.2.8 Indigenous vegetation clearance inside a Significant Natural Area
 - E. Rule 16.5.7.1 Noise and Vibration – North Island Main Trunk Line (NIMT)
 - F. Rule 16.3 (Land Use – Building) does not apply, Rule 16.5.8 (Land Use – Building) applies instead.
- (2) The rules that apply to subdivision within the Lakeside Te Kauwhata Lakeside Precinct are:
- (i) Rule 16.4 (Subdivision) except:
- A. Rule 16.4.1 (Subdivision General) does not apply and Rule 16.5.9.1 (Subdivision Lakeside - General) applies instead
 - B. Rule 16.4.2 (Subdivision – Te Kauwhata Ecological Residential Area) does not apply
 - ~~C. Rule 16.4.3 (Subdivision – Te Kauwhata West Residential Area) does not apply~~
 - ~~D. Rule 16.4.4 (Subdivision – Multi-unit development) does not apply~~
 - E. Rule 16.4.6 (Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold) does not apply
 - F. Rule 16.4.9 (Title boundaries – Maaori Sites and Maaori Areas of Significance) does not apply
 - G. Rule 16.4.10 (Subdivision of land containing heritage items) does not apply
 - H. Rule 16.4.11 (Subdivision – road frontage) does not apply
 - I. Rule 16.4.12 (Subdivision – Building platform) does not apply
 - J. Rule 16.4.15 (Subdivision of land containing mapped off-road walkways) does not apply
 - K. Rule 16.4.16 (Subdivision of land containing an Environmental Protection Area) does not apply
- (ii) Rule 16.5.9.2 (Lakeside Comprehensive Subdivision Consent)
- (iii) Rule 16.5.9.3 (Subdivisions less than 5ha)
- (3) The following precinct plans apply in the ~~Residential Zone~~ GRZ - General residential zone within the Lakeside Te Kauwhata Lakeside Precinct:

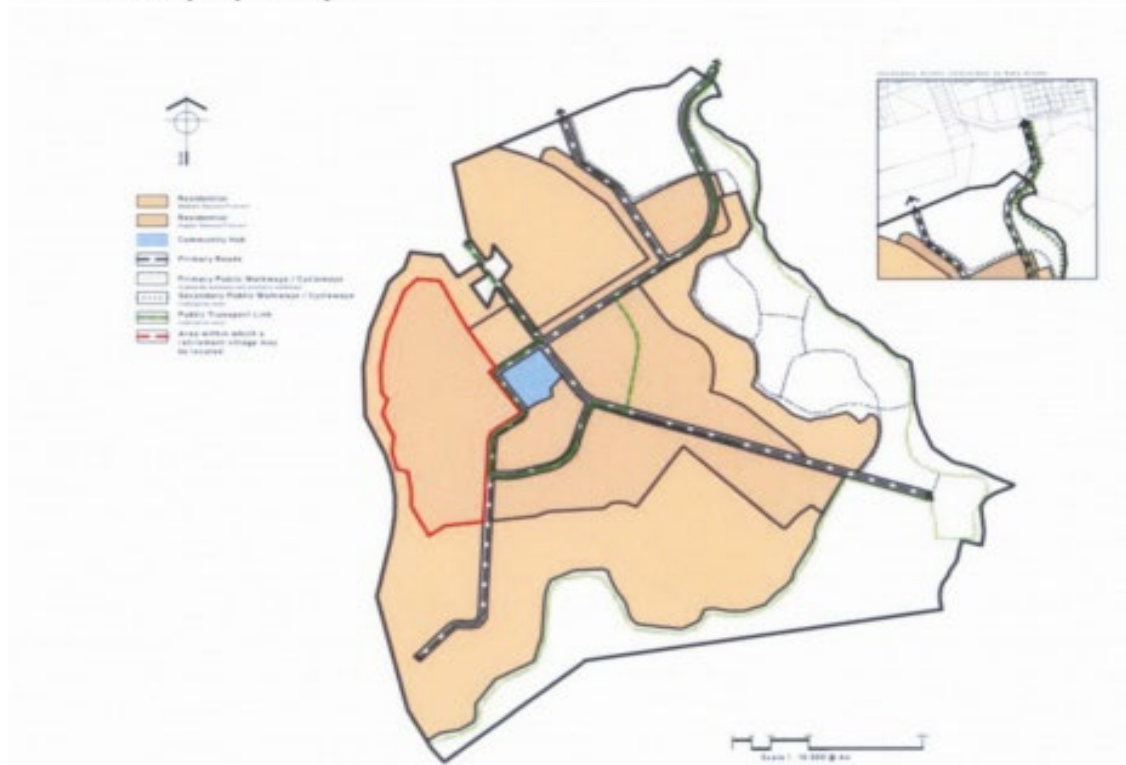
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(a) Plan 1 Lakeside Precinct Plan: Precinct Areas



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(b) Plan 2 Lakeside Precinct Plan: Public Transport, Primary Road Network and Walkways/cycle ways



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(a) Plan 3 Lakeside Precinct Plan: Overlays and Open Space



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16.5.2 Permitted Activities

- (a) The following activities are permitted activities if they meet all the following:
- (i) Land Use – Effects rules in [Rule 16.2](#) and [Rule 16.5.7](#) (unless the activity rule and/or activity specific ~~conditions~~ standards identify ~~condition~~ standard(s) that does not apply);
 - (ii) Activity-specific ~~conditions~~ standards.

Activity		Activity-specific conditions <u>standards</u>
P1	Any activity listed in Rule 16.5.2 P2 (Residential Activity), P3 (Retirement Village) or P7 (Community Activity) below.	<p>(a) Secondary Access Control:</p> <ul style="list-style-type: none"> (i) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 16.5.1(3)(a)) (b) must be opened for traffic before the number of dwellings <u>residential units</u> including independent living units within a retirement village, in the Lakeside Precinct Plan Area exceeds 400. (ii) For the purpose of this rule, exceedance of 400 dwellings <u>residential units</u> shall occur at the time of issue of building consent for a dwelling <u>residential unit</u> including an independent living unit within a retirement village.
P2	Residential activity	Complies with Rule 16.5.2 P1 (a)(i) and (ii) (Secondary Access Control)
P3	A new retirement village or alterations to an existing retirement village .	<ul style="list-style-type: none"> (a) Rule 16.5.2 P1 (a)(i) and (ii) (Secondary Access Control); (b) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 2ha; (c) The site is either serviced by or within 400m walking distance of an existing or future public transport route, or is within the location shown in Precinct Plan 16.5.1(3)(b); (d) The site is connected to public water and wastewater infrastructure; (e) Minimum living court outdoor living space or balcony area and dimensions: <ul style="list-style-type: none"> (i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m; (f) Minimum service court is either: <ul style="list-style-type: none"> (i) Apartment – Communal outdoor space (ie no individual service courts required); or (ii) All other units – 10m² for each unit; (g) Building height, measured from the natural ground level immediately below the structure, does not exceed 8m, except for 15% of the total site building coverage, where buildings may be up to 10m high; (h) The following Land Use – Effects rule in Rule 16.2 does not apply: <ul style="list-style-type: none"> (i) Rule 16.2.7 (Signs);

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		<ul style="list-style-type: none"> (i) The following rules in Rule 16.5 do not apply: <ul style="list-style-type: none"> (i) Rule 16.5.8.1 (Dwelling Residential unit); (ii) Rule 16.5.8.2 (Building Height); (iii) Rule 16.5.8.6 (Living Court Outdoor living space); (j) The following Infrastructure and Energy Rule does not apply: <ul style="list-style-type: none"> (i) Rule 14.12.1 P4 (Traffic generation).
P4	Home occupation business	<ul style="list-style-type: none"> (a) It is wholly contained within a building; <ul style="list-style-type: none"> (i) The storage of materials or machinery associated with the home occupation business are wholly contained within a building; (ii) No more than 2 people who are not permanent residents of the site are employed at any one time; (iii) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; (iv) Machinery may be operated between 7:30am and 9pm on any day.
P5	Temporary event	<ul style="list-style-type: none"> (a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each temporary event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (i) Erected no more than 2 days before the temporary event occurs; (ii) Removed no more than 3 days after the end of the event; (iii) The site is returned to its previous condition no more than 3 days after the end of the temporary event; (iv) There is no direct site access from a national route or regional arterial road.
P6	Home stay	<ul style="list-style-type: none"> (a) No more than 4 temporary residents; (b) It is wholly contained within a building; (c) The storage of materials or machinery associated with the home occupation business are wholly contained within a building; (d) No more than two people who are not permanent residents of the site are employed at any one time.
P7	Community activity	<ul style="list-style-type: none"> (a) Complies with Rule 16.5.2 P1 (a)(i) and (ii) Secondary Access Control; (b) The gross floor area does not exceed 2,000m² within the whole of the Te Kauwhata Lakeside Precinct Plan Area.
P8	Neighbourhood Park	Nil
P9	Grazing and pastoral farming	(a) The site must be more than 5ha.
P10	Neighbourhood centre	(a) Must be within an area identified in a Council approved Structure Plan or Master Plan
P11	<u>Construction, demolition, addition, and alteration of a building or structure</u>	Nil.

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16.5.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose ~~conditions~~ standards is restricted to the matters of discretion set out in the following table.

Activity	Council's discretion shall be restricted to the following matters:
<p>RD1</p> <p>(a) A comprehensive land development consent (CLDC) that meets all of the following conditions <u>standards</u>:</p> <ol style="list-style-type: none"> (i) is in accordance with the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1.(3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1 (3)(b); and the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and (ii) A CLDC is in accordance with the Lakeside Precinct Plans identified above if: <ol style="list-style-type: none"> A. Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1 (3)(b); B. The bus route is either on the alignment shown on Precinct Plan Rule 16.5.1 (3)(b) or a continuous alignment that achieves the same circulation; C. The external boundary of the high density area within the Residential Zone GRZ - General residential zone is within 10m of the location shown on Precinct Plan Rule 16.5.1.(3)(a); D. Indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan 16.5.1.(3)(b) provided connections are retained between the Lakeside Walkway and the residential development; E. Lakeside Walkway is within 40 30m of the location shown on Precinct Plan Rule 16.5.1.(3)(c); F. Retirement village boundaries are within 50m of the location shown on Precinct Plan Rule 16.5.1.(3)(a); G. Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5.1.(3)(c); <p>(b) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan Rule 16.5.1(3)(b)) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <ol style="list-style-type: none"> (i) each independent living unit in a retirement village shall count as one allotment; (ii) for the purpose of this rule, exceedance of 400 residential allotments shall occur at the time of issue 	<p>(a) Discretion is reserved over:</p> <ol style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plans in Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c), (ii) matters identified in the assessment criteria in X, (iii) managing the effects of wastewater and stormwater, (iv) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard, (v) protection, restoration or enhancement of ecological features, (vi) provision and location of existing and future utilities and connections, (vii) location of roads and their connections, (viii) provision for public access to Lake Waikare, (ix) provision of open space, including linkages between

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	<p>of 224C certificate under the Resource Management Act, and exceedance of independent living unit shall occur at the time of issue of building consent for that unit.</p> <p>(c) The following infrastructure requirements are met:</p> <p>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</p> <p>(ii) Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one allotment; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14; and</p> <p>(iv) Prior to the issue of any building consent for a dwelling residential unit or retirement village, the infrastructure requirements detailed in (c)(i)(iii) above shall be implemented and operational.</p> <p>(d) A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(e) Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(f) CLDC approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>	<p>residential areas, open space and Lake Waikare,</p> <p>(x) effects of natural hazards (including flooding), geotechnical and land contamination,</p> <p>(xi) provision of the historic Iwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c).</p>
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16.5.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	<p>(a) A CLDC that does not comply with Rule 16.5.3 RD1 and meets all of the following conditions standards and conditions standards 16.5.3 RD1 (b) and (c) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(b); (ii) Bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; (iii) The external boundary of the high density area within the Residential Zone GRZ - General residential zone is within 10m-20m of the location shown on Precinct Plan 16.5.1(3)(a); (iv) Indicative walkways/cycle ways are within 100m-200m of the location shown on Precinct Plan 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; (v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 16.5.1(3)(c); (vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a); (vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c). <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
D2	Any activity that does not comply with one or more of the activity specific conditions-standards for a permitted activity under Rule 16.1.2 applies under the or Land Use – Effects Rule 16.2 or Land Use Buildings Rule 16.3 .

16.5.6 Non-complying Activities

(I) The activities listed below are non-complying activities.

NC1	A CLDC that does not meet the requirements of Rule 16.5.3 RD1 (b) and (c) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.
NC2	A CLDC that does not meet any of the parameters for a discretionary activity outlined in 16.5.4 DI(a) to (g) is a non-complying activity.
NC3	Any activity that is not listed as a Permitted, Restricted Discretionary or Discretionary activity.

16.5.7 Land Use – Effects Rule

16.5.7.1 Noise and vibration – North Island Main Trunk Line (NIMT)

PI	<p>(a) Construction or alteration of a building must comply with the following conditions standards:</p> <ul style="list-style-type: none"> (i) a non-habitable accessory building or attached non-habitable garage and is set back at least 5m from any boundary which adjoins the NIMT, or (ii) a building other than that specified in (a) above and is set back at least 10m from any boundary which adjoins the NIMT and. (iii) If located within 100m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure that the following internal design noise limits shall not be exceeded with all external doors and windows closed. <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Receiving Environment</td><td style="width: 50%;">LAeq, 1 hour</td></tr> <tr> <td>Residential – bedrooms</td><td>35 dB</td></tr> <tr> <td>Residential – other habitable spaces</td><td>40 dB</td></tr> </table>	Receiving Environment	LAeq, 1 hour	Residential – bedrooms	35 dB	Residential – other habitable spaces	40 dB
Receiving Environment	LAeq, 1 hour						
Residential – bedrooms	35 dB						
Residential – other habitable spaces	40 dB						

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	<p>Teaching spaces 40 dB</p> <p>All other sensitive activity building spaces To comply</p> <p>e.g. with satisfactory</p> <ul style="list-style-type: none"> - Hospital and Dementia sound levels Care Spaces AS/NZS - Commercial Spaces 2107:2000 (nearest specified equivalent) <p>(iv) For the purpose of this rule, the noise levels generated by rail operations on the NIMT shall be as determined by a qualified acoustic specialist, using methods consistent with New Zealand Standards, within five years prior to the date of the design certificate referred to at the end of this clause b)</p> <p>(v) This rule only applies to habitable rooms, teaching spaces and sensitive activity building spaces identified in the table above where those habitable rooms or spaces fall within or partly within the specified 100m distance.</p> <p>(vi) Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided.</p> <p>(vii) The ventilation system installed shall comply with the following:</p> <ul style="list-style-type: none"> A. Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40dB L_{Aeq}(30s) in the largest habitable room (excluding bedrooms) and 35dB L_{Aeq}(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or B. A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room (excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms; C. The noise level generated by the system must not exceed 40dB L_{Aeq}(30s) in the largest habitable room (excluding bedrooms) and 35dB L_{Aeq}(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; D. The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation; E. Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting. <p>(viii) Compliance with this rule shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist, at the time of building consent application; and</p> <p>(ix) If located within 40m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</p> <table border="0"> <tr> <td>Receiving Environment</td><td>Maximum weighted velocity, V^w95</td></tr> <tr> <td>Sensitive activities/ buildings</td><td>0.3mm/s</td></tr> <tr> <td>Or</td><td></td></tr> </table> <p>(x) if located within 20m of the centre line of the nearest rail track within the NIMT is designed and constructed to ensure that the level of vibration from trains shall not exceed the criteria set out in the British Standard BS 7385-2:1993.</p> <p>(xi) Compliance with clauses (d) and (e) shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified vibration specialist, at the time of building consent application. Vibration generated by rail operations on the NIMT shall be as determined by a qualified vibration specialist, using methods consistent with New Zealand standards, within five years prior to the date of the design certificate.</p>	Receiving Environment	Maximum weighted velocity, V^w95	Sensitive activities/ buildings	0.3mm/s	Or	
Receiving Environment	Maximum weighted velocity, V^w95						
Sensitive activities/ buildings	0.3mm/s						
Or							

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RDI	<p>(a) Construction or alteration of a building that does not comply with Rule 16.5.7.1PI.</p> <p>(b) Any restricted discretionary activity will be limited notified to the operator of the rail network (currently KiwiRail).</p> <p>(c) Council's discretion shall be restricted to the following matters:</p> <p>(i) reverse sensitivity issues related to NIMT;</p> <p>(ii) Noise sensitive activities within 100m of a rail track:</p> <p style="padding-left: 40px;">A. The degree of noise attenuation achieved at the noise sensitive activity;</p> <p style="padding-left: 40px;">B. The effects of reverse sensitivity on the operation of the rail network, and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the rail network;</p> <p style="padding-left: 40px;">C. A reverse sensitivity covenant.</p> <p>(iii) Vibration sensitive activities within 40m of a rail track:</p> <p style="padding-left: 40px;">A. The size, nature and location of the building on the site;</p> <p style="padding-left: 40px;">B. Special topographical, building features or ground conditions which will mitigate vibration impacts;</p> <p style="padding-left: 40px;">C. Any characteristics of the proposed use which make compliance with the standard unnecessary;</p> <p style="padding-left: 40px;">D. A reverse sensitivity covenant.</p>
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16.5.7.2 Earthworks - general

P1	<p>(a) Earthworks (excluding the importation of fill, within a flood risk area, or a CLDC), including earthworks necessary for the construction and maintenance of existing public roads or for construction of new roads in accordance with the Te Kauwhata Lakeside Precinct Plan, must meet all the following conditions standards:</p> <p>(i) do not disturb or move more than 200m³ within an individual site in a single calendar year except where the maximum area at any one time shall not exceed 400m², and</p> <p>(ii) in relation to the height of any cut or batter face do not exceed 2m, or</p> <p>(iii) are necessary for building works authorised by a building consent and:</p> <p style="padding-left: 40px;">A. the area of earthworks is no more than 150% of the area of those building works, or</p> <p style="padding-left: 40px;">B. the earthworks occur on land with an average gradient no steeper than 1:8, or</p> <p style="padding-left: 40px;">C. any trenching for network utilities, or on or offsite utilities within the Te Kauwhata Lakeside Precinct Plan Area are backfilled or reinstated to original ground level, or</p> <p style="padding-left: 40px;">D. traffic associated with the works is managed in accordance with a Construction Traffic Management Plan approved by the Waikato District Council as the road controlling authority;</p> <p style="padding-left: 40px;">E. Including any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced; and</p> <p style="padding-left: 40px;">F. Retain sediment within the construction area through the implementation and maintenance of sediment controls.</p> <p>Note: The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas</p> <p><i>[s42A Report – Section 10 – Rule 16.5.7.2 Earthworks - general]</i></p>
P2	<p>(a) Earthworks involving imported fill material (other than earthworks approved as part of a CLDC) meets all of the following conditions standards:</p> <p>(i) all material for filling is clean fill, and</p> <p>(ii) filling that is not part of building work, or construction of roads, or installation of infrastructure:</p> <p style="padding-left: 40px;">A. does not exceed a volume of 20m³ and a depth of 1m, and</p>

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	<p>B. does not include a building platform, and</p> <p>C. does not include placing fill into an area of significant indigenous vegetation or habitat, or</p> <p>(iii) is for minor upgrading of existing electricity lines and does not exceed 50m³, and</p> <p>(iv) where traffic associated with the work uses public roads, is managed in accordance with an approved Construction Traffic Management Plan or authorised in writing by Waikato District Council as the road controlling authority.</p> <p>Note: The Waikato Pest Management Plan addresses the management of identified pest species, including alligator weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p>
P3	<p>(a) Earthworks in a Flood Risk Area (other than earthworks approved as part of a CLDC) shall meet the following conditions:</p> <p>(i) filling is no more than is necessary to:</p> <p>A. provide a foundation for building approved by a building consent, and access to that building, or</p> <p>B. enable minor upgrading of existing electricity lines and does not exceed 50m³.</p> <p>Note 1: The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p> <p>Note 2: Regional earthworks consents may also be needed for works in a high risk erosion area.</p>
CI	<p>(a) Earthworks that do not comply with Rule 16.5.7.2 P1 are a controlled activity provided it meets the following conditions standards:</p> <p>(i) do not exceed 5000m² in total area at any one time except a retirement village where the maximum area at any one time shall not exceed 1ha;</p> <p>(ii) does not involve contaminated land unless that land has been remediated;</p> <p>(iii) have erosion and sediment controls in place which will retain sediment on the site;</p> <p>(iv) any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, or in the cases where the filled area is to be (in part or whole) within a building platform or hard surface area, the base course has been laid and compacted within 12 months of the earthworks being commenced;</p> <p>(v) any surplus material is disposed of within the Te Kauwhata Lakeside Precinct Plan Area in 16.5.1(3)(a), and</p> <p>(vi) does not adversely affect other land through changes to natural water flows or established drainage paths.</p>
RD1	<p>(a) Earthworks that do not comply with 16.5.7.2 CI.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) effects on amenity values;</p> <p>(ii) visual effects;</p> <p>(iii) mitigation measures including sediment control;</p> <p>(iv) effects on land utilization;</p> <p>(v) effects on erosion;</p> <p>(vi) effects on cultural values;</p> <p>(vii) effects on heritage values;</p> <p>(viii) effects on the Lake Waikare flood plain.</p>
RD2	<p>(a) Earthworks that do not comply with Rule 16.5.7.2 P2.</p> <p>(b) Council discretion shall be restricted to the following matters:</p> <p>(i) effects on amenity values;</p>

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	<ul style="list-style-type: none"> (ii) visual effects; (iii) effects on indigenous vegetation and habitat; (iv) mitigation measures including replacement planting where vegetation removal is involved; (v) effects on cultural values; (vi) effects on heritage values.
D1	Earthworks that do not comply with Rule 16.5.7.2 P3.

16.5.8 Land Use – Building Rules

16.5.8.1 Dwelling Residential unit

PI	One dwelling residential unit within a site.
RDI	<p>(a) Construction of more than one dwelling residential unit on land contained in a certificate of title must comply with all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) semi-detached or terrace houses meet the following density requirements: <ul style="list-style-type: none"> A. Medium Density Precinct one dwelling residential unit per 300m²; B. Higher Density Precinct one dwelling residential unit per 225 m²; or C. Part of a retirement village. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Design and location of buildings; (ii) Amenity values of the locality; (iii) Privacy on other sites; (iv) Matters referred to in Appendix B (Engineering Standards); (v) Consistency with the Te Kauwhata Lakeside Precinct Plan in Rule 16.5.1(3)(a), 16.5.1(3)(b), and 16.5.1(3)(c).
DI	Construction of more than one dwelling residential unit on land contained in a record of title that does not comply with Rule 16.5.8.1 RDI.

16.5.8.2 Height

PI	The maximum height of any building or structure, measured from the natural ground level immediately below the structure, must not exceed 8.0m.
RDI	<p>(a) Any building or structure that does not comply with Rule 16.5.8.2 PI.</p> <p>(b) The Council's discretion shall be restricted to the following:</p> <ul style="list-style-type: none"> (i) design and location of building; (ii) building dominance effects; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other sites; (v) amenity values of the locality.

16.5.8.3 Building coverage

PI	The total building coverage on a site must not exceed 40% in the Medium Density precinct identified on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).
P2	The total building coverage on a site must not exceed 65% in the higher density precinct identified on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).
RDI	(a) Total building coverage on a site that does not exceed the maximum building coverage control by more than an additional 10%.

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	(b) Council's discretion shall be restricted to the following matters: (i) design and location of building ; (ii) effect of the scale of the building on adjoining sites and the streetscape.
DI	Total building coverage that does not comply with Rule 16.5.8.3 PI, P2 or RDI .

16.5.8.4 Daylight admission Height in relation to boundary

PI	Any building or structure within the Medium Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a height control plane rising at an angle of 45° commencing at an elevation of 2.5m above ground level at every point of the site boundary, except that this standard does not apply to party walls located along site boundaries.
P2	Any building or structure within the High Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a height control plane rising at an angle of 45° commencing at an elevation of 3.5m above ground level at every point of the site boundary within 20m of a street frontage, and 2.5m above ground level at every point on the site boundary greater than 20m from the street frontage; except that this standard does not apply to party walls located along site boundaries.
RDI	(a) Any building which does not comply with Rule 16.5.8.4 PI or P2 . (b) Council's discretion shall be restricted to: (i) height of building ; (ii) design and location of building ; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other sites ; (v) amenity values of the locality.

16.5.8.5 Non-residential building

PI	A non-residential building provided that the gross floor area does not exceed 300m ² .
DI	A non-residential building which does not comply with Rule 16.5.8.5 PI .

16.5.8.6 Living court

PI	(a) An living court outdoor living space must be provided for each dwelling residential unit in the Medium Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets all of the following conditions standards : (i) the living court outdoor living space is readily accessible from a living area of the dwelling residential unit ; and either (ii) on the ground floor the living court outdoor living space has a minimum area of 60m ² capable of containing a circle of 6m diameter, and has a minimum width of 2.5m; or (iii) if the dwelling residential unit does not have a habitable room on the ground floor, a balcony is provided that meets the following: A. has an area of 10m ² with a diameter of at least 2.0m for 1 bedroom dwelling residential units ; or B. has an area of 15m ² with a minimum diameter 2.4m for 2 or more bedroom dwelling residential units ; and C. where the balcony is more than 1.5m above ground level and located along any side or rear boundary, a minimum separation distance of 5m is required from those boundaries.
P2	(a) A living court outdoor living space must be provided for each dwelling residential unit in the High Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule

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	<p>16.5.1(3)(a) which meets either Rule (a)(v) or condition standard (a) (ii):</p> <ul style="list-style-type: none"> (i) it complies with the living court outdoor living space rules for the medium density precinct, except that the ground floor living court outdoor living space must have a minimum area of 50m²; or (ii) Communal open space is provided and: <p>(b) the communal open space is accessible from all dwelling residential units subject to this provision, and</p> <ul style="list-style-type: none"> (i) each dwelling residential unit has a legal right to use and enjoy the communal open space, and (ii) an on-site private open space is provided where either: <ul style="list-style-type: none"> A. on the ground floor the living court outdoor living space has a minimum area of 30m² capable of containing a circle of 4m diameter, and has a minimum width of 2.5m; or B. if the dwelling residential unit does not have a habitable room on the ground floor, a balcony is provided containing at least 10m² and a circle with a diameter of at least 2.0m. and C. where the balcony is more than 1.5m above ground level and located along any side or rear boundary, a minimum separation distance of 5m is required from those boundaries.
RDI	<p>(a) Construction or alteration of a dwelling residential unit which does not comply with Rule 16.5.8.6 PI or P2.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Outdoor amenity; (ii) Functionality of balcony space; (iii) Integration of balconies within building design; (iv) Privacy and overlooking.

16.5.8.7 Building setbacks – All boundaries

PI	<p>(a) A building must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 3m from the road boundary; (ii) 1m from the side boundary excluding duplexes or terrace houses; (iii) 1.5m from the rear boundary. <p>PI does not apply to a structure which is not a building.</p>
RDI	<p>(a) A building that does not comply with Rule 16.5.8.7 PI.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) amenity of neighbouring properties including shadowing, building dominance and privacy; (ii) streetscape quality; (iii) road network safety and efficiency.

16.5.8.8 Fences

PI	<p>(a) Fences and walls between the applicable building setbacks under Rule 16.5.8.7 on a site and any road and road reserve boundaries must comply with all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) be no higher than 1.2m if solid; (ii) be no higher than 2 1.8m if: <ul style="list-style-type: none"> A. visually permeable for the full 1.8m height of the fence; or B. solid up to 1.2m and visually permeable between 1.2m and 1.8m.
RDI	<p>a) A fence or wall which does not comply with 16.5.8.8 PI.</p> <p>b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) building materials and design (ii) height

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	(iii) effects on amenity (iv) visibility of public space.
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16.5.8.9 Overlooking of public spaces

PI	(a) Any dwelling residential unit or independent living unit within a retirement village located on a site which fronts a street or public open space must comply with all of the following conditions standards : (i) at least one habitable room with glazing overlooks the street or public open space, and (ii) the area of glazing shall be a minimum of 25% of that part of the wall area of the habitable room which faces the street or public open space.
RDI	(a) Any dwelling residential unit or independent living unit within a retirement village which does not comply with 16.5.8.9 PI . (b) Council's discretion shall be restricted to the following matters: (i) visibility of public open space; (ii) public safety.

(a) 16.5.9 Subdivision

16.5.9.1 Subdivision Lakeside - general

CI	(a) Subdivision must comply with all of the following conditions standards : (i) Subdivision is for an existing or approved housing development. (ii) every allotment , other than a utility allotment or access allotment , has a net site area of at least: A. Medium Density Precinct – a minimum site size of 300m ² with an average site size of 450m ² , subject to (B) below; B. Higher Density Precinct – a minimum site size of 225m ² , with a minimum average site size of 250m ² . Where a site has legal access to private communal open space, then the percentage of that open space related to the number of properties with legal rights to use the private communal open space, will count towards the average site size (but not minimum site size); or C. 2500m ² in the case of any new allotment that is not connected to a reticulated wastewater system. For the avoidance of doubt this rule does not apply to any allotment created prior to 1 January 2017. (iii) No allotment adjoining Lot 2 DPS 83606 included in SA66B/985 and/or Lot 4 DPS 83606 included in SA66B/987 shall be smaller than 450m ² net site area. (iv) every allotment with a road boundary , other than an access allotment , access leg or utility allotment , has a width along the road boundary of at least: A. 12m in the Medium Density Precinct shown on Plan Rule 16.5.1(3)(a) or B. 9m in the Higher Density Precinct shown on Plan Rule 16.5.1(3)(a) or (v) every allotment , other than a utility or access allotment , is capable of containing a building platform : A. Upon which a dwelling residential unit and living court outdoor living space could be sited as a permitted activity or, in the Higher Density Precinct, outdoor living space meets the communal open space Rule 16.5.8.6 , or B. In the case of vacant sites with no associated building proposal: C. A rectangle of at least 200m ² with a minimum dimension of 12m exclusive of yards, and D. No part of the rectangle is located in an area identified as a stream or flood plain. (vi) every allotment other than a utility, access or open space allotment meets the infrastructure requirements as below:
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	<p>A. Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</p> <p>B. Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (a) above; and</p> <p>C. Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14.</p> <p>(vii) any allotment that creates a walkway or cycle way or any walkway or cycle way forming part of a subdivision is:</p> <p>A. at least 3 metres wide;</p> <p>B. designed for shared pedestrian and cycle use;</p> <p>C. for connections between roads, has unimpeded visibility along the entire length;</p> <p>D. generally in accordance with the walkway route shown on Precinct Plan Rule 16.5.1(3)(c) (recognising that the detailed alignment is indicative only).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) subdivision layout;</p> <p>(ii) shape and orientation of allotments;</p> <p>(iii) ability of allotments to accommodate a practical building platform;</p> <p>(iv) variation in allotment size;</p> <p>(v) likely location of future buildings and their potential effects on the environment;</p> <p>(vi) avoidance or mitigation of natural hazards geotechnical suitability for building;</p> <p>(vii) road efficiency and safety;</p> <p>(viii) vehicle and pedestrian networks;</p> <p>(ix) connection to open spaces;</p> <p>(x) amenity and streetscape;</p> <p>(xi) drainage;</p> <p>(xii) land stability;</p> <p>(xiii) amenity matters including batter slopes;</p> <p>(xiv) health and safety;</p> <p>(xv) easements to facilitate development beyond the site.</p>
RDI	<p>(a) Subdivision that does not comply with conditions standards in Rule 16.5.9.1 CI.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <p>(i) subdivision layout;</p> <p>(ii) shape and orientation of allotments;</p> <p>(iii) ability of allotments to accommodate a practical building platform;</p> <p>(iv) variation in allotment size;</p> <p>(v) likely location of future buildings and their potential effects on the environment;</p> <p>(vi) avoidance or mitigation of natural hazards</p> <p>(vii) geotechnical suitability for building;</p> <p>(viii) road efficiency and safety;</p> <p>(ix) vehicle and pedestrian networks;</p> <p>(x) connection to open spaces;</p> <p>(xi) amenity and streetscape;</p> <p>(xii) drainage;</p> <p>(xiii) land stability;</p>

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	<p>(xiv) amenity matters including batter slopes;</p> <p>(xv) health and safety;</p> <p>(xvi) easements to facilitate development beyond the site.</p>
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16.5.9.2 Lakeside Comprehensive Subdivision Consent (CS)

RDI	<p>(a) A Comprehensive Subdivision Consent (CS) that meets all of the following conditions standards:</p> <p>(i) is in accordance with Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1(3)(b); and the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and</p> <p>(ii) A CS is in accordance with the Lakeside Precinct Plans identified above if:</p> <p>A. Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b);</p> <p>B. Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation;</p> <p>C. The external boundary of the high density area within the Residential Zone GRZ - General residential zone is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(a);</p> <p>(i) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development;</p> <p>A. The Lakeside Walkway is within 40 30m of the location shown on Precinct Plan Rule 16.5.1(3)(c);</p> <p>B. Retirement village boundaries are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and</p> <p>C. Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5.1(3)(c);</p> <p>D. A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan Rule 16.5.1(3)(b)) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <p>A. each independent living unit in a retirement village shall count as one allotment;</p> <p>B. for the purpose of this rule, exceedance of 400 residential allotments shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of independent living unit shall occur at the time of issue of building consent for that unit.</p> <p>E. The following infrastructure requirements are met:</p> <p>A. Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</p> <p>B. Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one allotment; and</p> <p>C. Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>D. Every allotment other than a utility allotment, access allotment or open space</p>
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	<p>allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14;</p> <p>E. and prior to the issue of any 224C approval, the infrastructure requirements detailed in (viii) A-D above shall be implemented and operational.</p> <p>F. Individual site sizes shall not be less than the following for the identified areas on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).</p> <p>A. Medium Density– a minimum site size of 300m² with a minimum average site size of 450m², subject to E below.</p> <p>B. Higher Density – a minimum site size of 225m² with a minimum average site size of 250m². Where a site has legal access to private communal open space, the percentage of that-open space related to the number of properties with legal rights to use the private communal open space, will count towards average site size (but not minimum site size).</p> <p>C. Retirement village – Medium Density precinct – a minimum exclusive area for an independent dwelling residential unit of 120m².</p> <p>D. Retirement village – Higher Density precinct – no density limit.</p> <p>E. No allotment adjoining Lot 2 DPS 83606 included in SA66B/985 and/or Lot 4 DPS 83606 included in SA66B/987 shall be smaller than 450m² net site area.</p> <p>F. Where the averaging rule applies in A and B above this shall be calculated as the average of all sites zoned Residential GRZ - General residential, intended for residential purposes, and less than 2000m². Any allotment greater than 2000m² or any allotment primarily intended for roading or public infrastructure shall not be included within the average calculation.</p> <p>G. A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>B. Council's discretion shall be restricted to the following matters:</p> <p>(i) consistency with the Te Kauwhata Lakeside Precinct Plan in Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c),</p> <p>(ii) matters identified in the assessment criteria in X;</p> <p>(iii) managing the effects of wastewater and stormwater;</p> <p>(iv) extent of any non-compliance with site density control;</p> <p>(v) roading network (including the Te Kauwhata Road level crossing safety);</p> <p>(vi) compliance with a Council approved roading standard;</p> <p>(vii) protection, restoration or enhancement of ecological features;</p> <p>(viii) provision and location of existing and future utilities and connections;</p> <p>(ix) location of roads and their connections;</p> <p>(x) provision for public access to Lake Waikare;</p> <p>(xi) provision of open space, including linkages between residential areas, open space and Lake Waikare;</p> <p>(xii) effects of natural hazards (including flooding), geotechnical and land contamination;</p> <p>(xiii) provision of the historic lwi overlay area shown on Precinct Plan Rule 3/7 16.5.1(3)(c).</p> <p>C. Applications for approval of a Comprehensive Subdivision Consent as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>Note 1 CS approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>
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DI	<p>(a) A CS that does not comply with Rule 16.5.9.2 RD1 and meets all of the following conditions standards and conditions standards 16.5.9.2 RD1 (i) and (ii) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m-100m of the location shown on Precinct Plan Rule 16.5.1(3)(b); (ii) Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; (iii) The external boundary of the high density area within the Residential Zone GRZ - General residential zone is within 10m-20m of the location shown on Precinct Plan Rule 16.5.1(3)(a); (iv) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan Rule 15.5.2.3 provided that connections are retained between the Lakeside Walkway and the residential development; (v) Lakeside Walkway is within 10m-20m 30m – 50m of the location shown on Precinct Plan Rule 16.5.1(3)(c); (vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a); (vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c). <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NC1	A CS that does not meet the requirements of Rule 16.5.9.2 RD1 (vii) and (viii) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.
NC2	A CS that does not meet any of the parameters for a discretionary activity outlined in Rule 16.5.9.2 DI (i) to (vii) is a non-complying activity.

16.5.9.3 Subdivision – Sites less than 5ha

RDI	<p>(a) Subdivision on sites less than 5 ha that complies with the conditions standards as set out below:</p> <ul style="list-style-type: none"> (i) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); (ii) environmental improvements required by the Te Kauwhata Lakeside Precinct Plan (including, but not limited to landscaping and provision of walkways and cycleways shown on the Precinct Plan Rule 16.5.1(3)(c) have been implemented to the extent required; or (iii) the requisite environmental improvements in (ii) above are proposed to be implemented as a condition standard of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plans Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); (ii) matters identified in the assessment criteria in X; (iii) managing the effects of wastewater and stormwater; (iv) extent of any non-compliance with site density control; (v) roading network and compliance with a Council approved roading standard; (vi) provision and location of existing and future utilities and connections; (vii) location of roads and their connections; (viii) effects of natural hazards (including flooding), geotechnical and land contamination.
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Chapter 22: Rural

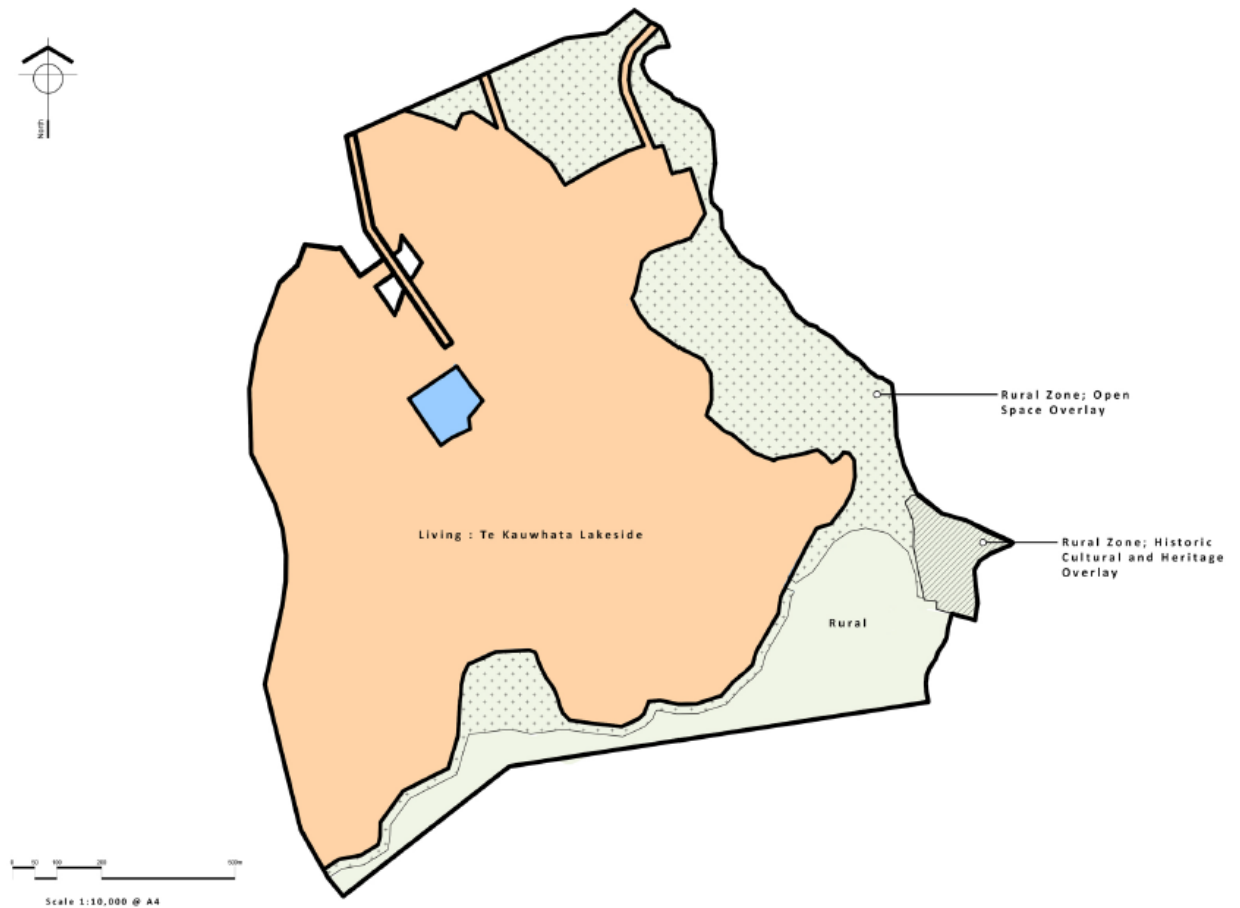
22.8 ~~Lakeside~~ Te Kauwhata Lakeside Precinct

22.8.1 Application of rules

- (1) Rules 22.8.2, 22.8.3, 22.8.4 and 22.8.5 apply in the ~~Lakeside~~ Te Kauwhata Lakeside Precinct.
- (2) The rules that apply to a permitted activity in Rule 22.8.2 P1 – P23 within the Te Kauwhata Lakeside Precinct are as follows:
 - (a) Rule 22.2 (Land Use – Effects), except:
 - (i) Rule 22.2.7.1 (Earthworks – General) does not apply where earthworks consent has been obtained under Rule 22.8.8 (Comprehensive Land Development Consent);
 - (b) Rule 22.3 (Land Use – Building), only the following rules apply:
 - (i) Rule 22.3.4 (Height);
 - (ii) Rule 22.3.5 (Height in relation to boundary);
 - (iii) Rule 22.3.6 (Building coverage); and
 - (iv) Rule 22.3.7 Building setbacks).
- (3) Rule 22.8.6 and Rule 22.8.7 apply to subdivision in the Te Kauwhata Precinct in addition to:
 - (a) Rule 22.4.1.7 Subdivision creating Reserves, and
 - (b) Rule 22.4.7 (Esplanade reserves and Esplanade strips).
- ~~(4) , in addition to the activity rules in:~~
 - ~~(i) 22.1.2 (Permitted Activities);~~
 - ~~(ii) 22.1.3 (Restricted Discretionary Activities);~~
 - ~~(iii) 22.1.4 (Discretionary Activities); and~~
 - ~~(iv) 22.1.5 (Non-complying Activities).~~
- (4) The following precinct plan applies to the GRUZ - General Rural Zone in the ~~Lakeside~~ Te Kauwhata Lakeside Precinct as identified on the planning maps:

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Lakeside Open Space and Lakeside Cultural and Heritage Overlay



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22.8.2 Permitted Activities

- (a) The rules that apply to a permitted activity listed in Rule 22.8.2 P1-P23 within the Lakeside Te Kauwhata Lakeside Precinct as identified on the planning maps are as follows:
- (i) Rule 22.2 (Land Use – Effects), except:
 - A. Rule 22.2.7.1 (Earthworks – General) does not apply where earthworks consent has been obtained under Rule 22.8.8 (Comprehensive Land Development Consent); and
 - (ii) Rule 22.3 (Land Use – Building), only the following rules apply:
 - A. Rule 22.3.4 (Height)
 - B. Rule 22.3.5 (~~Daylight admission~~ Height in relation to boundary)
 - C. Rule 22.3.6 (Building coverage)
 - D. Rule 22.3.7 (Building setbacks) applies.

Activity		Activity specific conditions standards
P1	A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	The provisions notified under this rule have been addressed in Decision Report 6: Tangata Whenua.
P2	A temporary event	<ul style="list-style-type: none"> (a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (i) erected no more than 2 days before the event occurs; (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event; (f) There is no direct site access from a national route or regional arterial road.
P3	Cultural event on Maaori Freehold Land containing a Marae Complex	The provisions notified under this rule have been addressed in Decision Report 6: Tangata Whenua.
P4	A home occupation	<ul style="list-style-type: none"> (a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation is wholly contained within a building; (c) No more than 2 people who are not permanent residents of the site are employed at any one time; (d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:30am and before 7:00pm on any day; (e) Machinery may be operated after 7:30am and up to 9pm on any day.
P5	Afforestation	Nil
P6	Pastoral Farming	(a) Is excluded from Lake Waikare and the natural waterway shown on Precinct Plan 4.

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P7	Forestry	Nil
P8	Produce stall	Nil
P9	Home stay	Nil
P10	Equestrian Centre	Nil
P11	Horse Training Centre	Nil
P12	Walkways and cycleways	Nil
P13	Informal recreation	Nil
P14	Active recreation	Nil
P15	Information signage	Nil
P16	Public art	Nil
P17	Planting and landscaping	Nil
P18	Horticulture	Nil
P19	Gardens, landscaping and planting including communal areas	Nil
P20	Shelters	(a) not exceeding 4m in height; and (b) 50m ² gross roof area.
P21	Information kiosk	(a) Provided it is entered located within the cultural and heritage overlay shown on Precinct Plan 4.
P22	Structures providing information on culture, history or environment of the Lake Waikare and Te Kauwhata area	(a) Provided it is entered located within the cultural and heritage overlay shown on Precinct Plan 4.
P23	Memorials recognising the culture and history of the Lake Waikare and Te Kauwhata area	(a) Provided it is entered located within the cultural and heritage overlay shown on Precinct Plan 4.
P24	Construction, demolition, addition, and alteration of a building or structure	Nil.

22.8.3 Restricted Discretionary Activities

(I) The activities listed below are restricted discretionary activities.

Activity		Matters of Discretion
RD1	<p>(a) A Comprehensive Land Development Consent that meets all of the following conditions standards:</p> <p>(i) is in accordance with the:</p> <p>A. the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a);</p> <p>B. the roading network, walkways and cycle ways shown on Precinct Plan Rule 16.5.1(3)(v); and</p>	<p>(a) Council's discretion is reserved over the following matters:</p> <p>(vi) consistency with the Te Kauwhata Lakeside Precinct Plans in Rule 16.5.1(3)(a), Rule 16.5.1(3)(b) and Rule 16.5.1(3)(c);</p>

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	<p>C. <u>the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and</u></p> <p>(ii) <u>A Comprehensive Land Development Consent is in accordance with the Lakeside Precinct Plans identified below if:</u></p> <p>A. <u>Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and</u></p> <p>B. <u>Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and</u></p> <p>C. <u>Subject to E below, the indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(b) provided that connections are retained between the Lakeside Walkway and the residential development; and</u></p> <p>D. <u>Subject to E below, the Lakeside Walkway is within 30m of the location shown on Precinct Plan 16.5.1(3)(b); and</u></p> <p>E. <u>Any walkway/cycle way or the Lakeside Walkway that needs to be aligned so as to avoid an area of infested alligator weed as identified within in alligator weed management plan may be relocated from the alignment shown on Rule 16.5.1(3)(b) to the extent necessary to avoid the infested area.</u></p> <p>(iii) <u>A Comprehensive Land Development Consent can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the COMZ - Commercial and GRZ - General residential zones, provided that an individual stage is 5ha or more.</u></p> <p>(iv) <u>Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</u></p> <p>(v) <u>LDC approval does not constitute authorization by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</u></p>	<p>(vii) <u>managing the effects of wastewater and stormwater;</u></p> <p>(viii) <u>roading network and compliance with a Council-approved roading standard;</u></p> <p>(ix) <u>provision and location of existing and future utilities and connections;</u></p> <p>(x) <u>location of roads and their connections;</u></p> <p>(xi) <u>protection, restoration or enhancement of ecological features;</u></p> <p>(xii) <u>provision of open space, including linkages between residential areas, open space and Lake Waikare;</u></p> <p>(xiii) <u>effects of natural hazards (including flooding), geotechnical suitability and land contamination; and</u></p> <p>(xiv) <u>provision of the historic iwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c).</u></p>
RD1	<p>(b) <u>Intensive farming that meets all of the following conditions:</u></p> <p>(i) <u>Land Use Effects in Rule 22.2</u></p> <p>(ii) <u>Land Use Building in Rule 22.3, except:</u></p> <p>A. <u>Building coverage does not exceed 3% of the site and:</u></p> <p>B. <u>Rule 22.3.9 (Building Coverage) does not apply;</u></p> <p>C. <u>Building height does not exceed 15m and Rule 22.3.4 (Building Height) does not apply;</u></p>	<p>(b) <u>Council's discretion is restricted to the following:</u></p> <p>(i) <u>Traffic effects;</u></p> <p>(ii) <u>Effects on amenity values, including odour, visual impact, landscaping;</u></p> <p>(iii) <u>Location, type and scale of development; and</u></p> <p>(iv) <u>Noise effects.</u></p>

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	<p>(c) It is not located in:</p> <ul style="list-style-type: none"> (i) An Outstanding Natural Feature; (ii) An Outstanding Natural Landscape; (iii) A Significant Amenity Landscape; (iv) An Outstanding Natural Character Area; or (v) A High Natural Character Area <p>(d) For pig farming, buildings and adjacent yard areas are set back at least:</p> <ul style="list-style-type: none"> (i) 300 metres from any site boundary; (ii) From any boundary of a Residential, Village, Country Living or Paa Zone: <ul style="list-style-type: none"> A. 1200 metres (500 or less pigs); or B. 2000 metres (more than 500 pigs); <p>(e) For freerange poultry farming, the buildings and outdoor enclosures are set back at least:</p> <ul style="list-style-type: none"> (i) 100 metres from any site boundary; and (ii) 500 metres from any boundary of a Residential, Village, Country Living. <p>(f) For housed poultry and all other intensive farming, the buildings and adjacent yard areas are set back at least:</p> <ul style="list-style-type: none"> (i) 300 metres from any site boundary; and (ii) 500 metres from any boundary of a Residential, Village, Country Living Zone. 	
RD2	Rural Industry	<p>(a) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on rural character and amenity; (ii) Location, type and scale of development; (iii) Waste disposal; (iv) Nuisance effects including light spill and glare, odour, dust, noise; (v) Traffic effects.

22.8.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any activity that does not comply with Rule 22.2 – Land use effects, Rule 22.3 – Land use building unless the activity status is specified as controlled, restricted discretionary, discretionary or non-comply activity.
D2	Any activity that does not complying with (Rule 22.8.3 RD1 or RD2)
D3	Any permitted activity that does not comply with an 'Activity Specific Condition Standard' in Rule 22.8.2.
D4	A waste management facility
D5	Hazardous waste storage, processing or disposal.
D6	An educational facility
D5	
D7	A correctional facility
D8	An extractive industry
D9	Commercial activity, excluding a produce stall.

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D10	Industrial activity
D11	Travellers' accommodation for more than 5 people.
D12	Transport depot
D13	Place of Assembly
D14	Boarding, breeding or animal training establishments

22.8.5 Non-Complying Activities

(I) The activities listed below are non-complying activities.

NC1	Construction of a building located on an indicative road.
NC2	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.

22.8.6 Earthworks – General

P1	<p>(a) Earthworks in a Flood Risk Area (other than earthworks approved as part of a CLDC) shall meet the following conditions:</p> <p>(i) filling is no more than is necessary to:</p> <p>A. provide a foundation for building approved by a building consent, and access to that building; or</p> <p>B. enable minor upgrading of existing electricity lines and does not exceed 50m³.</p> <p>(b) The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p> <p>(c) Regional earthworks consents may also be needed for works in a high risk erosion area.</p>
RD1	<p>(a) Earthworks that do not comply with Rule 22.8.6 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) effects on amenity values;</p> <p>(ii) visual effects;</p> <p>(iii) mitigation measures including sediment control;</p> <p>(iv) effects on land utilisation;</p> <p>(v) effects on erosion;</p> <p>(vi) effects on cultural values;</p> <p>(vii) effects on heritage values;</p> <p>(viii) effects on the Lake Waikare flood plain.</p>

22.8.7 Subdivision Lakeside General

- (I) Rules 22.8.7.1 and 22.8.7.2 apply to subdivision within the Lakeside Te Kauwhata Lakeside Precinct in addition to:
- (b) Rule 22.4.1.7 Subdivision creating Reserves, and
- (c) Rule 22.4.7 (Esplanade reserves and Esplanade strips).

CI	<p>(a) Subdivision must comply with all of the following conditions standards:</p> <p>(i) it relates to the creation of lots in accordance with the precinct boundaries, and</p>
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	<ul style="list-style-type: none"> (ii) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); and (iii) it creates titles necessary to vest public open space in the Council or an iwi authority, or (iv) it creates titles necessary to provide long-term lease or ownership for informal or active recreational uses within the Te Kauwhata Structure Plan Area, or (v) it creates titles appropriate for the long term management of land or part of land identified as open space overlay on Te Kauwhata Lakeside Precinct Plan 22.8.2.1, or (vi) it creates a title for the GRUZ – General Rural zoned land outside the open space overlays. (vii) primary roads are within 50m of the location shown on Precinct Plan 16.5.1(3)(b); and (viii) bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and (ix) subject to v) below Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; and (x) subject to v) below Lakeside Walkway is within 40m 30m of the location shown on Precinct Plan 16.5.1(3)(c); and (xi) Any walkway/cycleway or the Lakeside Walkway that needs to be aligned so as to avoid an area of infested alligator weed as identified within any alligator weed management plan may be relocated from the alignment shown on 16.5.1(3)(c) to the extent necessary to avoid the infested area.
RDI	<ul style="list-style-type: none"> (a) Subdivision that does not comply with conditions standards (a) to (k) in Rule 22.8.7 C1. (b) Discretion restricted to: <ul style="list-style-type: none"> (i) extent to which the proposal accords with the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.2.1(3)(c); (ii) amenity, (iii) pedestrian and cycle networks, (iv) access roads, (v) access to Lake Waikare.

22.8.8 Lakeside Comprehensive Subdivision Consent

RDI	<ul style="list-style-type: none"> (a) A Comprehensive Subdivision Consent (CS) that meets all of the following conditions standards: <ul style="list-style-type: none"> (i) is in accordance with Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1(3)(b); and the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and (ii) A Comprehensive Subdivision Consent (CS) is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> A. Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and B. Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and C. Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; and D. Lakeside Walkway is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(c). (b) A Comprehensive Subdivision Consent (CS) can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.
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	<p>(c) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plan in Rule 16.5.1(3)(a), Rule 16.5.1(3)(b) and Rule 16.5.1(3)(c), (ii) matters identified in the assessment criteria in X, (iii) managing the effects of wastewater and stormwater, (iv) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard, (v) protection, restoration or enhancement of ecological features, (vi) provision and location of existing and future utilities and connections, (vii) location of roads and their connections, (viii) provision for public access to Lake Waikare, (ix) provision of open space, including linkages between residential areas, open space and Lake Waikare, (x) effects of natural hazards (including flooding), geotechnical and land contamination, (xi) provision of the historic Iwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c). <p>(d) Applications for approval of a Comprehensive Subdivision Consent (CS) as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(e) Comprehensive Subdivision Consent (CS) approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>
DI	<p>(a) A Comprehensive Subdivision Consent (CS) that does not comply with Rule 21.8.7 RDI and does not exceed conditions standards (i) to (iv) below:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m-100m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and (ii) Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and (iii) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; and (iv) Lakeside Walkway is within 10m-20m 30m-50m of the location shown on Precinct Plan Rule 16.5.1(3)(b). <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NCI	<p>A Comprehensive Subdivision Consent (CS) that does not meet the requirements of Rule 22.8.8 DI.</p>

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17.5 Specific Area: ~~Lakeside~~ Te Kauwhata Lakeside Precinct

17.5.1 Application of rules

(1) Rules 17.5.2, 17.5.3 and 17.5.4 apply in the ~~Lakeside~~ Te Kauwhata Lakeside Precinct in addition to the activity rules in 17.1.2 (Permitted Activities), 17.1.3 (Restricted Discretionary Activities), 17.1.4 (Discretionary Activities) and 17.1.5 (Non-Complying Activities).

(2) The rules that apply to a permitted activity in Rule ~~17.5.2 PI-PI7~~ 17.1.2 PI-PI8 within the ~~Lakeside~~ Te Kauwhata Lakeside Precinct as identified on the planning maps are as follows:

(a) Rule 17.2 (Land use – Effects), except:

(i) Rule 17.2.5.1 (Earthworks - General) does not apply where earthworks consent has been obtained under Rule 17.5.2 (Comprehensive Land Development Consent);

(b) Rule 17.3 (Land use – Building), except:

(i) Rule 17.3.2 (~~Daylight admission~~ Height in relation to boundary) does not apply and Rule 17.5.5 applies instead.

(ii) Rule 17.3.4 (Building setbacks) does not apply and Rule 17.5.8 applies instead.

(c) Rule 17.5.6 (Gross floor area);

~~(d) Rule 17.5.7 (Gross leasable floor area).~~

(3) Rule 17.5.9 applies in addition to Rule 17.4 (Subdivision) for subdivision within the ~~Lakeside~~ Te Kauwhata Lakeside Precinct.

(4) Precinct Plans 1-3 are contained in Rule 16.5.1(3).

17.5.2 Restricted Discretionary Activities

Activity	Council's discretion shall be restricted to the following matters:
<p>RD1</p> <p>(a) A comprehensive land development consent (CLDC) that meets all of the following conditions <u>standards</u>:</p> <p>(i) is in accordance with Te Kauwhata Lakeside Precinct Plan <u>Rule</u> 16.5.1 (3)(a); the roading network, walkways and cycleways shown on Precinct Plan <u>Rule</u> 16.5.1 (3)(b); and the open space shown on Precinct Plan <u>Rule</u> 16.5.1 (3)(c) as set out in the precinct parameters below; and</p> <p>(b) A CLDC <u>comprehensive land development consent</u> is in accordance with the Lakeside Precinct Plans identified above if:</p> <p>(i) Primary roads are within 50m of the location shown on Precinct Plan <u>Rule</u> 16.5.1 (3)(b); and</p> <p>(ii) Bus route is either on the alignment shown on Precinct Plan <u>Rule</u> 16.5(3)(b) or a continuous alignment that achieves the same circulation; and</p> <p>(iii) Indicative areas of open space are within 200m of the location shown on Precinct Plan <u>Rule</u> 16.5 (3)(b)</p> <p>c) The following infrastructure requirements are met:</p> <p>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</p>	<p>(a) Council's discretion is reserved over:</p> <p>(i) consistency with the Te Kauwhata Lakeside Precinct Plans in <u>Rule</u> 16.5.1 (3)(a), <u>Rule</u> 16.5.1 (3)(b) and <u>Rule</u> 16.5.1 (3)(c);</p> <p>(ii) matters identified in the assessment criteria in X;</p> <p>(iii) managing the effects of wastewater and stormwater;</p> <p>(iv) roading network and compliance with a Council-approved roading standard;</p> <p>(v) provision and location of existing and future utilities and connections;</p> <p>(vi) location of roads and their connections;</p> <p>(vii) provision of open space, including linkages between residential areas, open space and Lake Waikare;</p> <p>(viii) effects of natural hazards (including flooding), geotechnical suitability and land contamination.</p>

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	<p>(ii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal, either through a reticulated network or in accordance with Chapter 14.</p> <p>(d) A CLDC <u>comprehensive land development consent</u> can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the business <u>COMZ – Commercial zone</u>, provided that an individual stage is 5ha or more.</p> <p>(e) Applications for approval of a CLDC <u>comprehensive land development consent</u> as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(f) LDC approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>	
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17.5.3 Discretionary Activities

D1	<p>(a) A CLDC <u>comprehensive land development consent</u> that does not comply with Rule 17.5.2 RD1 and meets all of the following conditions <u>standards</u>:</p> <p>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan <u>Rule</u> 16.5.1 (3)(b); and</p> <p>(ii) Bus route is either on the alignment shown on Precinct Plan <u>Rule</u> 16.5.3.1 (3)(b) or a continuous alignment that achieves the same circulation; and</p> <p>(iii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan <u>Rule</u> 16.5.1 (3)(c).</p> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
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17.5.4 Non-complying Activities

NC1	A CLDC <u>comprehensive land development consent</u> that does not meet the requirements of Rule 17.5.2 RD1 (b) <u>(c)</u> relating to Infrastructure requirements.
NC2	A CLDC <u>comprehensive land development consent</u> that does not meet the conditions <u>standards</u> for a discretionary activity outlined in Rule 17.5.3 D1.

17.5.5 Daylight admission Height in relation to boundary

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P1	Any building <u>or structure</u> shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3.5m above ground level at every point of the site boundary where it adjoins a residential zone.
RD1	(a) Any building that does not comply with Rule 17.5.5 P1 (b) Council's Discretion is restricted to: (i) height of building; (ii) design and location of the building; (iii) level of shading on an adjoining site; (iv) privacy on other site; (v) amenity values of the locality.

17.5.6 Gross floor area

P1	Construction or alteration of a building provided that the total gross floor area of all buildings in the zone does not exceed 4000m ² .
RD1	(a) Any building which does not comply with Rule 17.5.6.2 P1. (b) Council's discretion is limited to the following matters: (i) height of building; (ii) design and location of building; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other sites; (v) amenity values of the locality,

~~17.5.7 Gross leasable floor area~~

P1	(a) Construction or alteration of a building that complies with the following conditions: (i) individual leasable retail units have a gross leasable floor area between 70m² and 650m²; (ii) there are no more than two individual leasable units with a gross leasable floor area between 400m² and 650m².
RD1	(a) Construction or alteration of a building that does not comply with Rule 17.5.7 P1. (b) The Council's discretion is limited to the following matters: (i) impact on Te Kauwhata town centre; (ii) design and location of building.

17.5.8 Building setbacks

P1	(a) Construction or alteration of a building that complies with the following condition <u>standard</u> : (i) the building is set back at least 10m from the centerline of an indicative or legal road. P1 does not apply to a structure which is not a building.
RD1	a) Construction or alteration of a building that does not comply with <u>Rule</u> 17.5.8 P1. (b) The Council's discretion shall be restricted to the following matters: (i) streetscape and amenity; (ii) traffic capacity of the road network.

17.5.9 Subdivision

RD1	(a) A Comprehensive Subdivision Consent (CS) that meets all of the following conditions <u>standards</u> :
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	<p>(i) is in accordance with Te Kauwhata Lakeside Precinct Plan <u>Rule 16.5.1(3)(a)</u>; the roading network, walkways and cycleways shown on Precinct Plan <u>Rule 16.5.1(3)(b)</u>; and the open space shown on Precinct Plan Rule 15.5.2.3 <u>16.5.1(3)(c)</u>, as set out in the precinct parameters below; and</p> <p>(ii) A <u>CS Comprehensive Subdivision Consent</u> is in accordance with the Lakeside Precinct Plans identified above if:</p> <p>A. Primary roads are within 50m of the location shown on Precinct Plan <u>Rule 16.5.1(3)(b)</u>; and</p> <p>B. Bus route is either on the alignment shown on Precinct Plan <u>Rule 16.5.1(3)(b)</u> or a continuous alignment that achieves the same circulation; and</p> <p>C. Indicative areas of open space are within 200m of the location shown on Precinct Plan <u>Rule 16.5.1(3)(b)-(c)</u>.</p> <p>(b) The following infrastructure requirements are met:</p> <p>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements;</p> <p>(ii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14.</p> <p>(c) A <u>CS Comprehensive Subdivision Consent</u> can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the business zone, provided that an individual stage is 5ha or more.</p> <p>(d) Applications for approval of a CLDC comprehensive land development consent as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(e) CLDC Comprehensive land development consent approval does not constitute authorisation by Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from Waikato District Council prior to any works commencing that affect public roads.</p> <p>(f) Council's discretion is limited to the following matters:</p> <p>(i) consistency with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a),(b) and (c);</p> <p>(ii) matters identified in the assessment criteria in X;</p> <p>(iii) managing the effects of wastewater and stormwater;</p> <p>(iv) roading network and compliance with a Council approved roading standard;</p> <p>(v) provision and location of existing and future utilities and connections;</p> <p>(vi) location of roads and their connections;</p> <p>(vii) provision of open space, including linkages between residential areas, open space and Lake Waikare;</p> <p>(viii) effects of natural hazards (including flooding), geotechnical suitability and land contamination;</p> <p>(ix) provision of the historic Iwi overlay area shown on Precinct Plan <u>Rule 16.5.1.3(b)</u> (c).</p> <p>(g) Applications for approval of a <u>CS Comprehensive Subdivision Consent</u> as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(h) <u>CS Comprehensive Subdivision Consent</u> approval does not constitute authorisation by Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from Waikato District Council prior to any works commencing that affect public roads.</p>
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D1	<p>(a) A CS <u>Comprehensive Subdivision Consent</u> that does not comply with Rule 17.5.9 RD1 and meets all of the following conditions <u>standards</u> and condition <u>standard</u> Rule 17.5.9 RD1 (c) <u>(b)</u> relating to infrastructure:</p> <p>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan <u>Rule</u> 16.5.1 (3)(b);</p> <p>(ii) Bus route is either on the alignment shown on Precinct Plan <u>Rule</u> 16.5.1 (3)(b) or a continuous alignment that achieves the same circulation;</p> <p>(iii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan <u>Rule</u> 16.5.1(3)(b).</p> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NC1	<p>A CS <u>Comprehensive Subdivision Consent</u> that does not meet the requirements of Rule 17.5.9 RD1 (c) <u>(b)</u> relating to Infrastructure Requirements, shall be a non-complying activity.</p>
NC2	<p>A CS <u>Comprehensive Subdivision Consent</u> that does not meet any of the parameters the <u>standards</u> for a discretionary activity outlined in 17.5.9 D1.</p>