

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 28H: Zoning - Kimihia Lakes

17 January 2022

Commissioners

Dr. Phil Mitchell (Chair)

Mr. Paul Cooney (Deputy Chair)

Mr. Dynes Fulton

Ms. Linda Te Aho

Mr. Weo Maag

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Glossary of Terms

AFL	Allen Fabrics Limited
Council	Waikato District Council
PDP	Proposed Waikato District Plan
Waka Kotahi	Waka Kotahi NZ Transport Agency
WRC	Waikato Regional Council

1 Introduction

- 1.1 This Decision report addresses the request received by Waikato District Council (Council) to rezone Kimihia Lakes as part of the Proposed Waikato District Plan (PDP) as well as the related provisions. This report should be read along with Decision Report 28: Zoning Overview, which sets out the statutory matters and key principles relating to all rezoning submission requests.
- 1.2 The site subject to the Kimihia Lakes rezoning request has a combined total land area of approximately 164 ha and lies to the east of the Huntly (the site). The site is bounded by the Waikato Expressway and rural land;¹ refer to Figure 1 below for the extent of the site.
- 1.3 Circa 1940, prior to mining, a large proportion of the site was part of the natural Kimihia Lake. In 1944, the New Zealand State Coal Mines constructed a stop bank across Kimihia Lake, then pumped water out of the southern portion to allow opencast mining of the lakebed. Kimihia Lake was reduced from 318 ha to 58 ha. After the coal was recovered from the open pit, the mine was changed to an underground operation which ceased in 2015.² Pumping from the open pit then ceased in 2017 and the mine pit has since been filling with rainwater and groundwater inflows.³

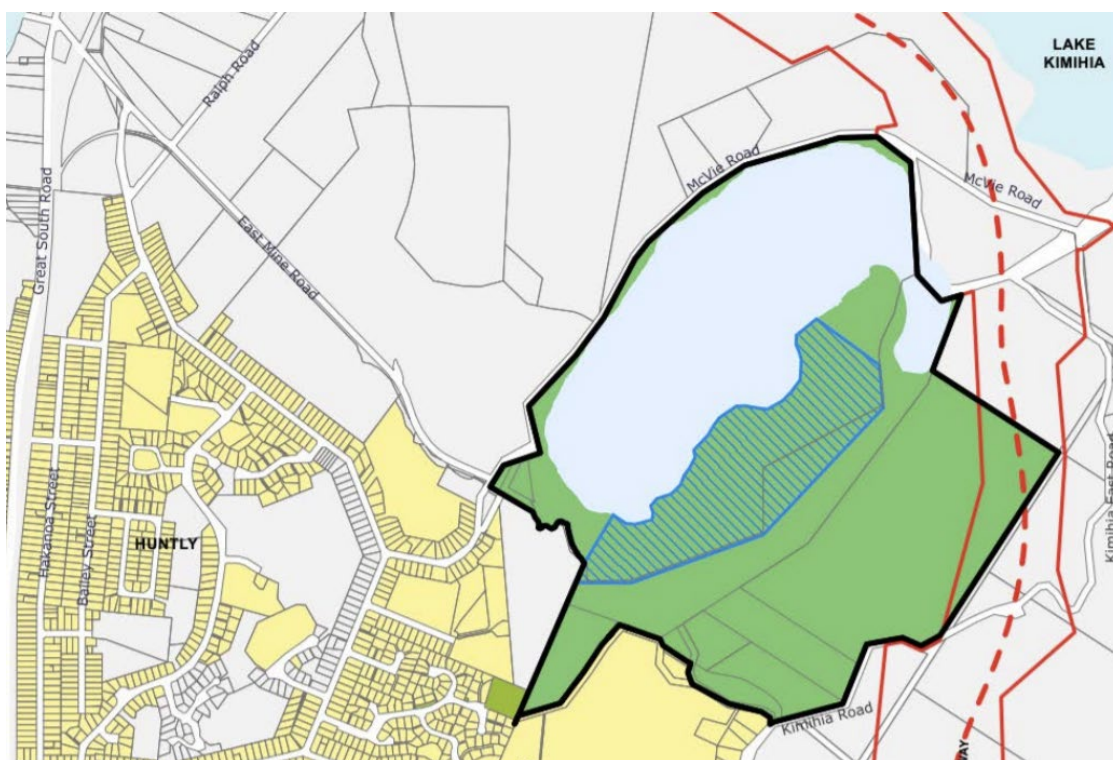


Figure 1 Proposed special purpose Kimihia Lakes zone (green) and development precinct (hatched blue lines).

¹ Paragraph 12 of the Hearing 25: Zone Extents Kimihia Lakes Special Zone Section 42A Report, dated 16 April 2021.

² Page 19, Kimihia Lakes Development Masterplan, Boffa Miskell, February 2021.

³ Page 20, Kimihia Lakes Development Masterplan, Boffa Miskell, February 2021.

- 1.4 Allen Fabrics Limited (AFL) purchased the site in 2017 with the vision of developing it into a destination multi-purpose recreation, education and natural park facility based around the future freshwater lake.⁴
- 1.5 AFL submitted on the notified PDP and specifically sought to rezone the site with a special purpose zone and development precinct to provide for the following activities:
- a) Environmental rehabilitation of the site, including establishing an on-site nursery, native planting, pest plant removal and wetland restoration;
 - b) Water-based recreation within the future lake, including swimming, kayaking, and waka ama;
 - c) Informal land-based recreational uses, including walking, cycling trails, nature trails and open space;
 - d) Cultural interpretation facilities to be developed in partnership with mana whenua; and
 - e) A lakeside hub which is expected to include:
 - i) A multi-purpose, lakeside community centre;
 - ii) An aquatic activity hub, providing training and equipment hire facilities;
 - iii) Overnight accommodation for schools, groups and independent visitors, including motel and dormitory units and campsites;
 - iv) A coalfields museum, providing education on the area's mining heritage dating back to the 1890s;
 - v) Café and ancillary retail tenancies; and
 - vi) Destination playground.⁵

2 Hearings Arrangement and Evidence Presented

- 2.1 The specific hearing for Kimihia Lakes was held on 3 June 2021 via Zoom. All of the relevant information pertaining to the subject matter of this hearing (i.e., Section 42A report and evidence) is contained on Council's website.
- 2.2 The following parties submitted evidence to us on the Kimihia Lakes rezoning request and provisions:

Council	Rob van Duivenboden (author of the section 42A report)
Allen Fabrics (Proponent)	Allen Fabrics, Andrew Cumberpatch and Charlie Young.
Waka Kotahi NZ Transport Agency (Tabled)	Mike Wood
Waikato Regional Council (Tabled)	Marie-Louise (Miffy) Foley

⁴ Paragraph 4.7, Evidence in Chief of Andrew Cumberpatch on behalf Allen Fabrics Limited, dated 17 February 2021.

⁵ Paragraph 5.2, Evidence in Chief of Andrew Cumberpatch on behalf Allen Fabrics Limited, dated 17 February 2021.

3 Overview of issues raised in Submissions

- 3.1 In the section 42A report, Mr Rob van Duivenboden provided background information on the Kimihia Lakes rezoning request. In brief, he stated that:⁶
- a) The site is currently zoned:
 - i) Rural in the Operative Waikato District Plan. It is also subject to the Coal Mining Policy Area and an Area of Interest (Energy Surface Facility); and
 - ii) Rural in the PDP. Parts of the sites are within the Defended Area of the Stage 2 PDP Natural Hazards planning maps; and
 - b) The purpose of the proposed special purpose Kimihia Lakes zone and development precinct is to better facilitate the activities set out in paragraph 1.5 above.⁷
- 3.2 Mr van Duivenboden analysed all the submissions related to the Kimihia Lakes rezoning request and the proposed provisions within the section 42A report. Mr van Duivenboden summarised the relief sought as follows:
- a) The key submission is by AFL which sought a special purpose Kimihia Lakes zone be included in the PDP to provide for recreation, education, and operational facilities within the site. AFL has prepared a section 32AA report and evaluated the proposed zone, precinct, and its rezoning request;
 - b) Other submissions and further submissions strongly support the request for a special purpose zone, with related changes to zone-specific objectives, policies, rules, and definitions to enable the AFL outcomes; and
 - c) Further submissions seek conformity with iwi planning documents, traffic management, management of flooding risk, water servicing requirements and consideration of future planning documents.
- 3.3 The section 42A report recommended that the rezoning request, special purpose zone and precinct provisions be accepted by us for the following reasons:
- a) The rezoning request and provisions are consistent with the relevant statutory requirements and give effect to the higher order planning instruments to the extent relevant;
 - b) The special purpose zone and master plan will enable the site to be developed and managed in an integrated manner that delivers economic, social and tourism opportunities. The potential for positive environmental outcomes are significant; and
 - c) A special purpose zone, with appropriate provisions, is more effective and efficient in delivering the outcomes for the site owner, Council and the community.⁸
- 3.4 Mr Mike Wood tabled planning evidence on behalf of Waka Kotahi NZ Transport Agency (Waka Kotahi). In summary, Mr Wood's evidence confirms that Waka Kotahi is

⁶ Paragraph 12 of the Hearing 25: Zone Extents Kimihia Lakes Special Zone Section 42A Report, dated 16 April 2021.

⁷ Paragraph 16 of the Hearing 25: Zone Extents Kimihia Lakes Special Zone Section 42A Report, dated 16 April 2021.

⁸ Paragraph 11, Hearing Opening Statement, Hearing 25: Zone Extents Kimihia Lakes Special Zone, dated 1 June 2021.

comfortable with AFL's rezoning request subject to two matters relating to signage and stormwater.

3.5 With respect to signage, Mr Wood's evidence recommended:⁹

- a) A new clause that places a limit of one sign on the site (to be consistent with Rule 22.2.6.1 for the Rural Zone in the notified PDP); and
- b) A new clause that cross-references Rule 22.2.6.2 Signs – Effects on Traffic.

3.6 In terms of the stormwater discharge effects, Waka Kotahi raised concerns relating to the downstream effects arising from potential blockage or failure of the culvert(s) that adjoin the site.¹⁰

3.7 Ms Marie-Louise (Miffy) Foley tabled planning evidence on behalf of Waikato Regional Council (WRC). Ms Foley's evidence sought that the following matters be addressed:

- a) Potential effects on the existing land drainage area from the proposed residential area;
- b) Residual risk of flooding resulting from the possibility of a stop bank breach or overtopping in extreme events; and
- c) That minimum building platform levels be established.

3.8 Mr Charlie Young, the project manager on behalf of AFL, presented its overarching vision for the Kimihia Lakes site. He stated that:

- a) The proposal has captured a lot of attention and backing from the community of Huntly. He noted that the community is searching for a way forward following the closure of some industries and the opening of the expressway;
- b) The coal mine within the site has been abandoned; and
- c) AFL has established the Kimihia Lakes Charitable Trust to oversee the project.

3.9 Mr Andrew Cumberpatch provided planning evidence on behalf of AFL. Given Mr Cumberpatch agrees with the section 42A report recommendations, he helpfully focused on the matters raised by Waka Kotahi and WRC. In this respect Mr Cumberpatch provided the following update:

- a) To address Waka Kotahi's and WRC's concerns relating to flooding, Mr Cumberpatch has recommended the inclusion of a rule which sets a minimum floor level; and
- b) Mr Cumberpatch has discussed this approach with Waka Kotahi and provided written correspondence from Mr Wood which states that Waka Kotahi supports the recommended approach.

4 Decision and Reasons

4.1 The section 42A report addressed 88 separate submissions points and 140 further submissions points on the PDP. The section 42A author analysed these and made a

⁹ Paragraph 10.5(b), Evidence in Chief of Michael Wood on behalf of Waka Kotahi, dated 10 March 2021

¹⁰ Paragraph 10.5(a), Evidence in Chief of Michael Wood on behalf of Waka Kotahi, dated 10 March 2021

recommendation for each submission to be accepted or rejected by us, along with some changes to the PDP text and planning maps.

- 4.2 We acknowledge the willingness of AFL, Waka Kotahi and Council to work together to reach an agreed package of provisions for the Kimihia Lakes site. We accept the recommendations and reasons in the evidence of Mr Duivenboden and Mr Cumberpatch. Given this, we have rezoned the subject site to the special purpose Kimihia Lakes zone (see Figure 2) and included the agreed package of provisions between AFL and Council in the PDP, subject to the minor amendments which we discuss below.
- 4.3 We agree that the special purpose zone will enable environmental rehabilitation of the abandoned coal mine and provide for the site to be developed and managed in an integrated manner that delivers positive economic, social, and cultural opportunities.
- 4.4 We have made minor amendments to two rules which required management plans to be prepared as part of a permitted activity rule.¹¹ We do not accept this approach for the following reasons:
- a) There is no opportunity for Council to review or comment on the contents of the proposed management plans;
 - b) In both cases, it was not clear whether the prepared management plans were to be provided to Council. The rule only stipulated that the plans are to be prepared; and
 - c) In terms of the Traffic Management Plan – this required approval by effectively a third party, the Road Controlling Authority.
- 4.5 With respect to these rules, we have made amendments to include the management plan requirements as part of a restricted discretionary activity rule. We find that these amendments will provide the consent authority with an opportunity to review the contents of the management plans and / or impose conditions of consent requiring an activity to be undertaken in accordance with the approved management plan.
- 4.6 In addition to the above, Rule KLZ-R1 has been amended for clarity and consistency with other minimum floor level provisions in the PDP. Mr Cumberpatch agreed in response to our questioning that references to the 1 per cent AEP could be rationalised in order to simplify the rule.

¹¹ Rules: KLZ-R10 – Traffic Management Plan and KLZ(3) Noise – Noise Management Plan of the Hearing Summary Statement – Andrew James Cumberpatch on behalf of Allen Fabrics Limited.

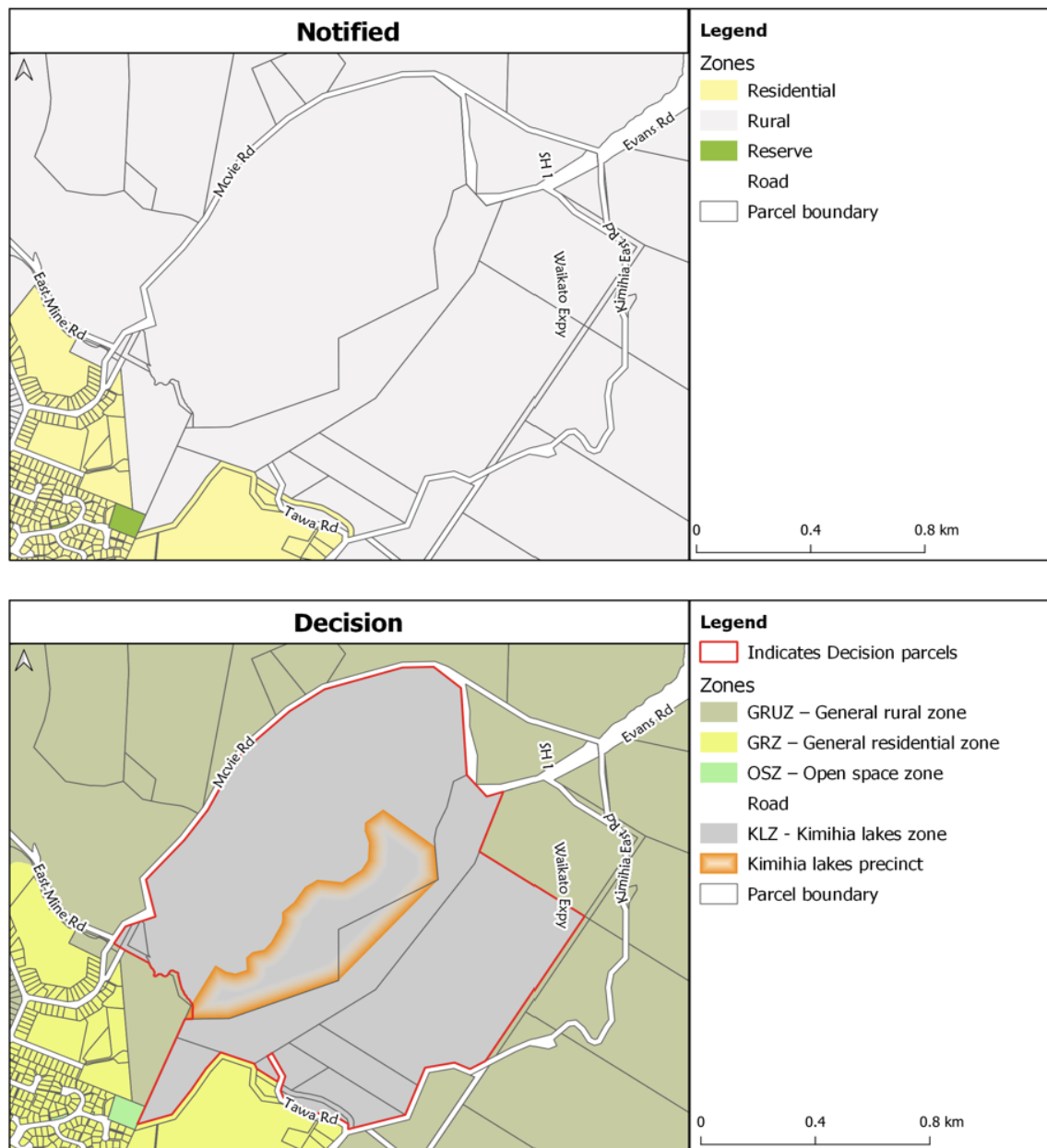


Figure 2: Notified and decision zoning

- 4.7 In terms of the package of agreed provisions, we acknowledge AFL for translating these into the National Planning Standards format. We have made mainly consequential amendments for consistency with the rest of the PDP. This has resulted in some provisions being renumbered, but otherwise are included in **Attachment 1** to this Decision.

5 Conclusion

- 5.1 We accept and adopt the section 42A report, the evidence of submitters and the section 32AA assessment filed by AFL.

- 5.2 Overall, we are satisfied that the rezoning, special purpose zone and precinct provisions for Kimihia Lakes will provide for the environmental rehabilitation of the site and also the development of recreational and cultural facilities for the benefit of the community.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

KLZ – Kimihia Lakes zone

Objectives

KLZ-O1 Recreational facility

- (1) The KLZ – Kimihia Lakes zone develops into a regionally significant facility, that provides for the recreational needs and well-being of people and communities.

KLZ-O2 Amenity values and landscape character

- (1) Buildings, structures and activities do not adversely affect the amenity values or landscape character of the surrounding environment.

Policies

KLZ-P1 Operation and development

- (1) Provide for buildings, facilities and infrastructure that will enable the development of the KLZ –Kimihia Lakes zone.
- (2) Provide for a range of activities that enable the operation of the KLZ –Kimihia Lakes zone, including recreation, sporting, educational and environmental activities.

KLZ-P2 Development precinct

- (1) The development precinct is characterised by a cluster of buildings, facilities, associated infrastructure and landscaping which forms an attractive, central lakeside hub for the Kimihia Lakes development.
- (2) The location of compatible activities within the development precinct supports the operational needs of the zone and its visitors.

KLZ-P3 Open space

- (1) Areas of the KLZ –Kimihia Lakes zone outside of the development precinct are characterised by vegetated areas and open space that are retained for a range of rural, recreation and environmental enhancement activities.

KLZ-P4 Environmental enhancement

- (1) Environmental initiatives are provided within the KLZ –Kimihia Lakes zone to enable the ongoing enhancement of the lake and surrounding natural environment.

KLZ-P5 Education

- (1) Educational initiatives which provide learning opportunities for students and youth are encouraged.

KLZ-P6 Tourism significance

- (1) The on-going development of the KLZ – Kimihia Lakes zone as a regionally significant facility is enabled, whilst providing for the general public to use and enjoy the facilities.

KLZ-P7 Management of adverse effects

- (1) Adverse effects are managed to ensure the operation of the site does not detract from the amenity of surrounding land uses, and in particular by:

- (a) Encouraging development to occur within the development precinct, so that it is located centrally on site and away from neighbouring land uses;
- (b) Managing the interface of the zone with other zones so that adverse noise and lighting effects on the surrounding zones are minimised; and
- (c) Managing the adverse traffic effects to ensure the safe and efficient operation and functioning of the adjacent transport network and efficient access to surrounding facilities is maintained at all times; and
- (d) Ensuring signs that are visible from, or located in close proximity to, a public road are sited to ensure the safe functioning of the public road.

Rules

Land use – activities

KLZ-RI	Buildings and structures
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <ul style="list-style-type: none"> (a) <u>All buildings and structures must comply with the following conditions:</u> <ul style="list-style-type: none"> (i) <u>The maximum height of any building or structure must not exceed 10m measured from the natural ground level immediately below that part of the structure.</u> (ii) <u>The maximum building coverage of any individual building must not exceed 150m².</u> (iii) <u>A building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</u> (iv) <u>A building must be setback a minimum of:</u> <ul style="list-style-type: none"> (1) <u>12m from the boundary of a road (except East Mine Road where it is located within the KLZ – Kimihia Lakes zone);</u> (2) <u>25m from the designation of the Waikato Expressway;</u> (3) <u>12m from the boundary of a site that is within a separate zone;</u> (4) <u>25m from the margin of any water body.</u> (v) <u>A building or structure intended for occupation by people must:</u> <ul style="list-style-type: none"> (1) <u>Be set at a floor level that is greater than:</u> 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>Effects on amenity values;</u> (b) <u>Building location, bulk and design;</u> (c) <u>Proximity to the road and Waikato Expressway;</u> (d) <u>Effects on landscape character; and</u> (e) <u>Flooding effects.</u>

<p>(2) <u>500mm (for a building or structure for Sensitive land uses) clear of RL 9.35m (New Zealand Vertical Datum 2016) at the proposed structure location in a 1% AEP flood event; or</u></p> <p>(3) <u>300mm (for a building or structure not for Sensitive land uses) clear of RL 9.35m (New Zealand Vertical Datum 2016) at the proposed structure location in a 1% AEP flood event;</u></p> <p>(4) <u>Demonstrate at the time of building consent, with suitable stormwater commentary, how the floor level design is set to ensure the building or structure is not subject to a flood hazard (allowing for the projected rainfall effects of climate change).</u></p>	
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KLZ-R2	<u>Construction of structures in and/or over the lake, including (but not limited to) jetties, piers, pontoons and walkways</u>
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p><u>Nil.</u></p>	<p>(2) Activity status where compliance not achieved: n/a</p>

KLZ-R3	<u>Up to two residential units</u>
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p>(a) <u>The residential units must be only for the use of a manager, caretaker, or other employee on the Kimihia Lakes site, and their household.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>Effects on amenity values.</u></p>

KLZ-R4	<u>Operational facilities</u>
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p><u>Nil.</u></p>	<p>(2) Activity status where compliance not achieved: n/a</p>

KLZ-R5	<u>Recreation activity and facilities</u>
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p><u>Nil.</u></p>	<p>(2) Activity status where compliance not achieved: n/a</p>

KLZ-R6	<u>Outdoor education</u>
(1) Activity status: PER Activity specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a

KLZ-R7	<u>Farming</u>
(1) Activity status: PER Activity specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a

KLZ-R8	<u>Conservation activities</u>
(1) Activity status: PER Activity specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a

KLZ-R9	<u>Bee keeping</u>
(1) Activity status: PER Activity specific standards: <u>Nil.</u>	(2) Activity status where compliance not achieved: n/a

KLZ-R10	<u>Construction or alteration of a building for a sensitive land use</u>
(1) Activity status: PER Activity-specific standards: <ul style="list-style-type: none"> (a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u> <ul style="list-style-type: none"> (i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u> (ii) <u>It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u> 	(2) Activity status where compliance not achieved: RDIS <u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> (a) <u>Effects on the amenity values of the site;</u> (b) <u>The risk of electrical hazards affecting the safety of people;</u> (c) <u>The risk of damage to property; and</u> (d) <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u>

TEMP-R7	<u>Temporary event</u>
(1) Activity status: PER Activity specific standards:	(2) Activity status where compliance not achieved: DIS

<p>(a) <u>The duration of each event must be less than 72 hours;</u></p> <p>(b) <u>The event may operate between 7.30am to 8:30pm Monday to Sunday;</u></p> <p>(c) <u>Temporary structures must be removed no more than 3 days after the end of the event;</u></p> <p>(d) <u>The site must be returned to its previous condition no more than 3 days after the end of the event;</u></p> <p>(e) <u>Any activity attracting more than 1,100 people in any given hour must provide a Traffic Management Plan (TMP) for approval by the Road Controlling Authority. The TMP must include, but is not limited to:</u></p> <p>(i) <u>Proposed timing and scale of activities, including the contact details for the event organiser;</u></p> <p>(ii) <u>Consideration of potential conflict with events at the Huntly Speedway;</u></p> <p>(iii) <u>Details of active traffic management at the Great South Road / East Mine Road intersection;</u></p> <p>(iv) <u>Details of journey management initiatives reducing traffic demand at the Great South Road / East Mine Road intersection;</u></p> <p>(v) <u>Details of temporary on-site parking provision; and</u></p> <p>(vi) <u>Details of how off-site parking is to be controlled to avoid parking occurring on the local road network.</u></p>	
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SIGN-R47	Signs
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p>(a) <u>A sign must not exceed 3m²;</u></p> <p>(b) <u>The sign height must not exceed 10m;</u></p> <p>(c) <u>Illuminated signs visible from the outside of the site must not:</u></p> <p>(i) <u>Have a light source that flashes or moves;</u></p> <p>(ii) <u>Contain moving parts or reflective materials;</u></p> <p>(d) <u>Signs must be set back at least 7.5m from an external zone boundary;</u></p> <p>(e) <u>Signs must be set back at least 15m from the designation of the Waikato Expressway;</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>Effects on amenity values;</u></p> <p>(b) <u>Effects on traffic safety;</u></p> <p>(c) <u>Effects of glare and light spill;</u></p> <p>(d) <u>Content, colour and location of the sign; and</u></p> <p>(e) <u>Proximity to the road.</u></p>

<p>(f) <u>Any sign visible from the outside of the site must relate to:</u></p> <p>(i) <u>An event within the Kimihia Lakes Zone; or</u></p> <p>(ii) <u>A property name sign.</u></p> <p>(g) <u>No more than one sign shall be directed at users of the Waikato Expressway and must:</u></p> <p>(i) <u>Not imitate the content, colour or appearance of any traffic control sign; or</u></p> <p>(ii) <u>Contain no more than 40 characters and no more than 6 symbols; and</u></p> <p>(iii) <u>Have lettering that is at least 200mm high</u></p>	
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EW-R50	Earthworks
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p>(a) <u>Areas exposed by earthworks are re-vegetated must achieve 80% ground cover within 6 months of the commencement of the earthworks except where earthworks are for the purposes of creating infrastructure or facilities for recreation, events and access, no re-vegetation is required;</u></p> <p>(b) <u>Sediment resulting from the earthworks must be retained on the site through implementation and maintenance of erosion and sediment controls;</u></p> <p>(c) <u>The importation of fill material to site must meet the following conditions:</u></p> <p>(i) <u>Does not restrict the ability for land to drain;</u></p> <p>(ii) <u>Is not located within 1.5m of public sewers, utility services or manholes;</u></p> <p>(iii) <u>The sediment from fill material is retained on the site.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) <u>Contamination of fill material;</u></p> <p>(b) <u>Location of the earthworks to waterways, significant indigenous vegetation and habitat;</u></p> <p>(c) <u>Flood risk, including natural water flows and established drainage paths;</u></p> <p>(d) <u>Land instability, erosion and sedimentation; and</u></p> <p>(e) <u>Proximity to underground services and service connections.</u></p>

KLZ-R11	<u>Any activity that is not listed as permitted, restricted discretionary or discretionary</u>
<p>(1) Activity status: NC</p> <p>Activity specific conditions:</p> <p><u>Nil.</u></p>	

Land use – activities for PREC13 – Kimihia Lakes development precinct

PREC13-R1	<u>Any activity that is permitted in the Rules KLZ-R1 – KLZ-R13</u>
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<p>(1) Activity status: PER Activity-specific standards: (a) Refer to the activity specific standards as listed in Rules KLZ-R1 – KLZ-R13, except that the activity specific standards for KLZ-R1 do not apply to buildings and structures within PREC13 – Kimihia Lakes development precinct.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>PREC13-R2 Buildings and structures</p>	
<p>(1) Activity status: PER Activity-specific standards: (a) All buildings and structures within PREC13 – Kimihia Lakes development precinct must comply with the following standards: (i) The maximum height of any building or structure must not exceed 15m measured from the natural ground level immediately below that part of the structure. (ii) A building must be set back a minimum of 25m from the margin of a lake.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on amenity values; (b) Building location, bulk and design; (c) Effects on landscape character; and (d) Flooding effects.</p>
<p>PREC13-R3 Visitor accommodation</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>PREC13-R4 Restaurants and cafes</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>PREC13-R5 Ancillary retail</p>	
<p>(1) Activity status: PER Activity-specific standards: (a) Retail activities must: (i) Be ancillary to any permitted activity within the KLZ – Kimihia Lakes zone; and (ii) Not exceed 50m²</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>PREC13-R6 Community facility</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>PREC13-R7 Museums</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>PREC13-R8 Ancillary office</p>	

<p>(1) Activity status: PER Activity-specific standards: (a) <u>Offices must:</u> (i) <u>Be ancillary to any permitted activity within the KLZ – Kimihia Lakes zone;</u> and (ii) <u>Not exceed 50m².</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>PREC13-R9 Buildings and structures that do not comply with a standard listed in PREC13-R2</p>	
<p>(1) Activity status: RDIS Activity-specific standards: <u>Nil.</u> Council's discretion is restricted to the following matters: (a) <u>Effects on amenity values;</u> (b) <u>Building location, bulk and design;</u> (c) <u>Effects on landscape character; and</u> (d) <u>Flooding effects.</u></p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>PREC13-R10 Any activity that is not listed as permitted, restricted discretionary or discretionary.</p>	
<p>(1) Activity status: NC</p>	

Land use – effects

<p>NOISE-R31</p>	<p>Noise – general</p>	
<p><u>KLZ – Kimihia lakes zone</u></p>	<p>(2) Activity status: PER Where: (a) <u>All activities must comply with the following noise standards:</u> (i) <u>Noise measured within the notional boundary on any site in the GRZ – General residential zone or the GRUZ - General rural zone must not exceed:</u> (1) <u>55dB L_{Aeq}, 7am to 7pm every day;</u> (2) <u>45dB L_{Aeq}, 7pm to 10pm every day; and</u> (3) <u>40dB L_{Aeq} and 65dB L_{Amax}, 10pm to 7am the following day.</u> (b) <u>Noise measured within any site in any other zone not specified above must meet the noise levels permitted for that zone.</u> (c) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008</u></p>	<p>(3) Activity status where compliance not achieved: DIS</p>

	<p><u>Acoustics - Measurement of environmental sound.</u></p> <p>(d) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008</u></p> <p><u>Acoustics - Environmental noise.</u></p>	
<u>NOISE-R32</u>	<u>Noise – Noise Management Plan</u>	
<u>KLZ – Kimihia lakes zone</u>	<p>(4) Activity status: <u>PER</u></p> <p><u>Where:</u></p> <p>(a) <u>Prior to development, a Noise Management Plan must be prepared and in place at all times that details the measures to be implemented to ensure that noise within the site does not exceed the limits specified in Rule NOISE-R31.</u></p> <p>(i) <u>The Noise Management Plan must as a minimum, provide details of the following measures:</u></p> <p>(ii) <u>Procedures and protocols for the setting up, installation and monitoring responsibilities (including reporting) of the noise monitoring device (microphone) located within the Kimihia Lakes development;</u></p> <p>(iii) <u>Procedures for the ongoing testing and calibration of the noise monitoring device (microphone);</u></p> <p>(iv) <u>The erection of any necessary barriers for the purpose of reducing noise emissions;</u></p> <p>(v) <u>The design and operation of any public address system with respect to management of noise emissions;</u></p> <p>(vi) <u>Procedures to monitor all activities and events that may meet the noise levels specified in Rule NOISE-31.</u></p>	<p>(5) Activity status where compliance not achieved: <u>DIS</u></p>

<u>LIGHT-R7</u>	<u>Glare and artificial light spill</u>
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<ul style="list-style-type: none"> • <u>KLZ – Kimihia Lakes zone</u> 	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) <u>Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically from the boundary of a site that is within a separate zone; and</u> (b) <u>LIGHT-R7(1)(a) does not apply to streetlights, navigation lights or from vehicles or equipment used in farming activities.</u> 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) <u>Effects on amenity values;</u> (b) <u>Light spill levels on other sites;</u> (c) <u>Road safety;</u> (d) <u>Duration and frequency;</u> (e) <u>Location and orientation of the light source;</u> (f) <u>Mitigation measures.</u>
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Subdivision

<p>SUB-R125</p> <p><u>KLZ – Kimihia lakes zone</u></p>	<p><u>General subdivision</u></p> <p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) <u>General subdivision must comply with all of the following standards:</u> <ul style="list-style-type: none"> (i) <u>The Record of Title to be subdivided must be at least 20 hectares in area;</u> (ii) <u>The proposed subdivision must create no more than one additional lot, excluding an access allotment;</u> (iii) <u>The additional lot must have a proposed area of between 8,000m² and 1.6ha; and</u> (iv) <u>Land containing high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows:</u> <ul style="list-style-type: none"> (1) <u>One lot must contain a minimum of 80% of the high class soil; and</u> (2) <u>The other lot may contain up to 20% of high class soil.</u> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) <u>Subdivision layout and design including dimensions, shape and orientation of the proposed lot;</u> (c) <u>Effects on character and amenity values;</u> (d) <u>Effects on landscape values;</u> (e) <u>Potential for reverse sensitivity effects; and</u> 	<p>(2) Activity status where compliance not achieved: NC</p>
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	(f) <u>Extent of earthworks including earthworks for the location of building platforms and accessways</u>	
SUB-126	<u>Boundary adjustment</u>	
<u>KLZ – Kimihia lakes zone</u>	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>(a) <u>The boundary adjustment must:</u></p> <p>(i) <u>Create one lot of at least 8,000m²; and</u></p> <p>(ii) <u>The Records of Title must form a continuous landholding.</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(b) <u>Subdivision layout and design including dimension, shape and orientation of the proposed lots;</u></p> <p>(c) <u>Effects on character and amenity values;</u></p> <p>(d) <u>Effects on landscape values; and</u></p> <p>(e) <u>Potential for reverse sensitivity effects.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
SUB-RI27	<u>Any subdivision not provided for</u>	
<u>KLZ – Kimihia lakes zone</u>	(1) Activity status: NC	

Add the following definitions:

Recreation activity and facilities:

Means any non-motorised indoor or outdoor passive or active leisure, sports, games or recreational pursuits and buildings in the Kimihia Lakes Zone for participants and/or spectators, whether or not they are undertaken for profit or reward or for which no charge is made, and must include such activities on or in water or land, or in the air and includes but is not limited to:

- Walking, running and cycling tracks
- Training or education
- Club Days and practise activities
- Outdoor skate parks and playgrounds
- Informal Recreation
- Outdoor Pursuits

Outdoor education:

Means in the Kimihia Lakes Zone, land or buildings used for the formal or informal education or training and includes (but is not limited to) confidence courses.

Operational Facilities:

Means the construction and use of facilities and/or infrastructure to assist in the day to day operation of the Kimihia Lakes Zone, including but not limited to carparking, internal access, ticketing offices, storage and maintenance sheds, ablution facilities, and helipads.