

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Private Plan Change 20 to
the Waikato District Plan
(Waikato Section)

DECISION OF INDEPENDENT HEARINGS COMMISSIONERS

1. INTRODUCTION

1.1 Background

1. Proposed Private Plan Change 20 to the Waikato District Plan – Waikato Section (“**PC 20**”) is a private plan change request made by Lakeside Developments 2017 Limited (“**Lakeside**”), the overall intention of which is to masterplan approximately 194 hectares of land at Scott Road, Te Kauwhata and develop 132.5 hectares of it for housing.
2. Independent Commissioners Dr PH Mitchell, AR Watson and L Te Aho were appointed by the Waikato District Council (“**Council**”) to hear and decide PC 20.
3. In that regard, a hearing was held in Te Kauwhata on 12 and 13 March 2018. Following a short adjournment to allow further consideration of PC 20’s provisions, we received the applicant’s written right of reply on 6 April 2018. We formally closed the hearing on 10 April 2018 and proceeded to consider our decision.
4. This report sets out the details of our decision and the reasons for it.

1.2 Structure of this report

5. In addition to this introduction, this report is set out in six sections as follows:

Section 2	Summarises the proposal.
Section 3	Summarises the legal and planning framework against which PC 20 must be evaluated.
Section 4	Provides a summary of the submissions and further submissions made on PC 20.
Section 5	Records who attended the hearing and presents a summary of the matters raised by each of them.
Section 6	Is our evaluation of PC 20 and also addresses our section 32AA obligations.
Section 7.	Is our decision.

2. OVERVIEW OF THE PROPOSAL

6. PC 20 relates to land immediately adjacent to the southern edge of the existing Te Kauwhata village and the western shore of Lake Waikare, as shown in Figure 1 below.



Figure 1 – Location and aerial extent of Plan Change 20

7. The land that is subject to PC 20 is contained within the following six Certificates of Title:

Property	Identifier	Legal Description	Land Registration District	Area	Owner
1	SA870/89	Section 52 Block XV Maramarua Survey District	South Auckland	63.4067 ha more or less	Lakeside Farms (1993) Limited, under contract to Lakeside Developments 2017 Limited
2	SA922/186	Lot 1, Deposited Plan 35516	South Auckland	20.9172 ha more or less	Lakeside Farms (1993) Limited, under contract to Lakeside Developments 2017 Limited
3	771203	Lot 2 Deposited Plan South Auckland 85308 and Lot 1 Deposited Plan South Auckland 85309 and Section 90 Block XV Maramarua Survey District	South Auckland	47.1616 ha more or less	Lakeside Farms (1993) Limited, under contract to Lakeside Developments 2017 Limited
4	705543	Lot 3 Deposited Plan 489788	South Auckland	47.4940 ha more or less	Lakeside Farms (1993) Limited, under contract to Lakeside Developments 2017 Limited
5	705541	Lot 1 Deposited Plan 489788	South Auckland	0.7640 ha more or less	Lakeside Farms (1993) Limited
6	705542	Lot 2 Deposited Plan 489788	South Auckland	14.1225 ha more or less	Northland Property Concepts Limited

8. PC 20 seeks to introduce a Lakeside Precinct Plan (“**Precinct Plan**”) into the Waikato District Plan – Waikato Section (“**District Plan**”) and an overarching set

of Objectives and Policies that the rules implement. In summary, the Precinct Plan provides for the following:

- a. 132.5 hectares to be developed for a variety of medium and higher density housing typologies in the proposed “Living – Te Kauwhata Lakeside” zone;
 - b. 43.4 hectares to be developed as open space;
 - c. 1.1 hectares to be used as a “community hub”; and
 - d. 17.0 hectares remaining as rurally zoned land.
9. Within the rurally zoned land, the Precinct Plan also makes provision for:
- a. An “Open Space Overlay” adjacent to the southern boundary of the proposed residential land and between the proposed residential land and Lake Waikare; and
 - b. A “Cultural and Heritage Overlay” on the easternmost area of rural land, immediately adjacent to Lake Waikare.
10. The key zoning elements of the proposed Precinct Plan and the associated amendment to the Te Kauwhata Structure Plan are shown in Figures 2 and 3, respectively, below.

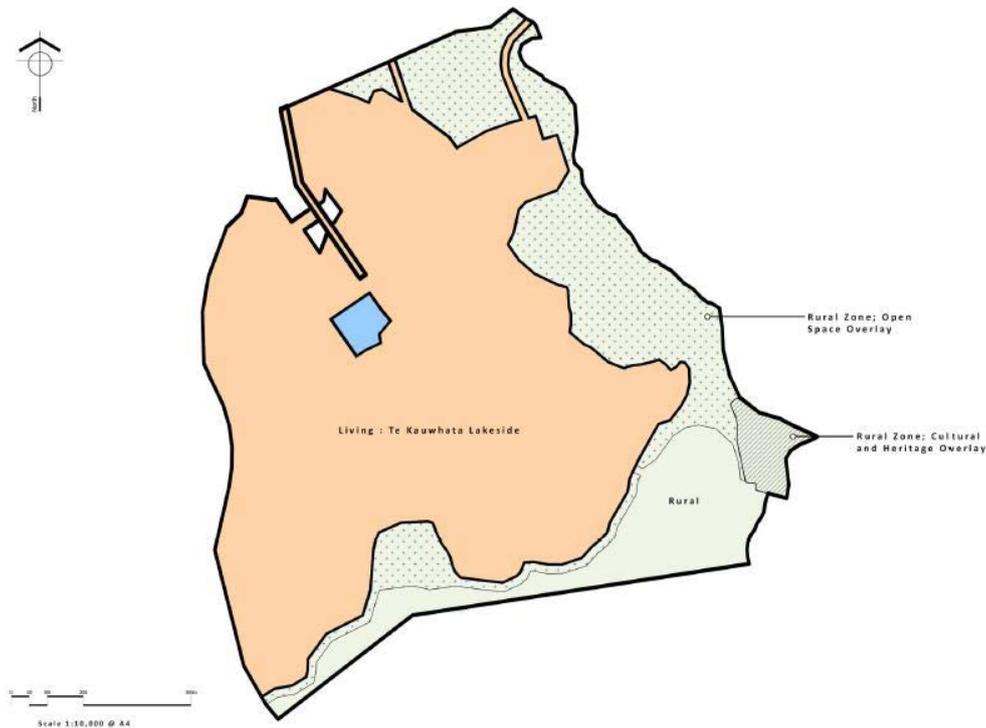


Figure 2 – Proposed Lakeside Precinct Plan – Key zoning aspects



Figure 3 – Proposed amendment to the Te Kauwhata Structure Plan boundary

11. The proposal is intended to be developed in stages and ultimately yield approximately 1,600 residential lots. Residential intensity is proposed to be greater than elsewhere in Te Kauwhata with provision being made for what Lakeside has referred to as “medium and higher density” living opportunities, extensive amounts of open space, retention of the Lake Waikare floodplain and enhanced public access to, and interaction with, Lake Waikare.
12. The primary access point to the proposed PC 20 development is via an upgraded Scott Road. Resource consent for this upgrade has already been obtained, and construction works have recently commenced.
13. Secondary access to the PC 20 area is proposed in the north east, either via Rata or Rimu Streets, although this will only be required once 400 dwellings are utilised.
14. We discuss more specific details of the proposal later, when we assess the key matters arising from submissions, but it suffices to say here that the specific wording of the objectives, policies and rules of PC 20 have been the subject of considerable attention by a number of the parties, such that although the overall tenet of PC 20 has remained as it was when it was publicly notified, a large number of the details have been further developed and/or refined. We return to those details later.
15. We also note at this juncture that Lakeside accepts that development of their proposal is contingent on there being:
 - a. A substantial upgrade to wastewater infrastructure in Te Kauwhata which they will need to make a substantial contribution towards; and
 - b. An upgrade of Scott Road, prior to development proceeding, noting that resource consent for the upgrade works has already been granted and works commenced.

16. Another key element of the proposal is that the rules require approval of a “Comprehensive Subdivision Consent” and/or a “Comprehensive Land Development Consent” prior to the commencement of urban development within the Te Kauwhata Lakeside Precinct Plan area. Their purpose is to provide for the integrated comprehensive development of the land and enable the provision of earthworks, infrastructure, roading, pedestrian networks and other activities necessary for the development of residential, business and open space land.
17. From a regulatory perspective, a three-level approach has been adopted, that involves:
 - a. Incorporation of the Precinct Plan into Schedule 21E of the District Plan, in order to provide certainty about the pattern of development, as well as village amenity and environmental outcome requirements.
 - b. Implementation of a Comprehensive Subdivision to enable the Council to exercise regulatory control over the extent and quality of development and environmental effects. Any Comprehensive Subdivision must be consistent with the Precinct Plan.
 - c. Most development being permitted activities, but resource consent is required for subdivision and any proposal that departs from the District Plan standards.

3. STATUTORY FRAMEWORK FOR OUR DECISION

3.1 Overview

18. Set out below is a description of the statutory matters which apply to PC 20.

3.2 Statutory requirements

19. We summarise the statutory framework for our decision as follows:
 - a. We must be satisfied that, as part of the District Plan, PC 20 will assist the Council to carry out its functions for the purposes of giving effect to the Resource Management Act 1991 (“**RMA**”)¹.
 - b. We must exercise our role in accordance with the provisions of Part 2 of the RMA, and any applicable regulations².
 - c. We must be satisfied that as part of the District Plan, PC 20 will meet the RMA’s specified requirements for alignment with other RMA policy and planning instruments, as we summarise in Section 3.3 below.
 - d. We must give consideration in the manner directed by the RMA to various statutory documents, as we also summarise in Section 3.3 below.
 - e. We must have particular regard to the section 32 report on the Notified Version of PC 20 and undertake (and have particular regard to) a further evaluation under section 32AA of the RMA, of the matters that section 32,

¹ RMA, sections 74(1) and 31.

² RMA, section 74.

specifies. We must report on that further evaluation in this decision³.

- f. We must be satisfied that applicable provisions of PC 20 meet their statutory purposes, namely:
 - i. Objectives for the PC 20 geographic area.
 - ii. Policies that achieve and implement the objectives for the PC 20 geographic area.
 - iii. Rules that achieve the objectives for the PC 20 geographic area and implement the policies.
20. Additionally, clause 10 of Schedule 1 of the RMA sets out the requirements of this decision in respect of PC 20. The provisions contained in clause 10(1)(3) of Schedule 1 do not require any particular comment, and it suffices to say they relate to the need to give a reasoned decision on the submissions received. Clause 10(2)(ab), however, needs to be mentioned because it requires that our decision must include, and have particular regard to a further evaluation of the proposed plan “undertaken in accordance with section 32AA” (to the extent it applies).
21. Our section 32AA evaluation is required to be:
- a. Only for any changes that have been made to, or are proposed for, the proposal since the initial section 32 evaluation report for the proposal was completed⁴;
 - b. At a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal⁵; and
 - c. Either:
 - i. Published in an evaluation report that is made available for public inspection at the same time as the decision on the proposal is publicly notified; or
 - ii. Referred to in this decision, “in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with” section 32AA.
22. PC 20 includes changes to objectives, policies and rules. Therefore, our evaluation has to examine:
- a. Whether the objectives are “the most appropriate way to achieve” the RMA’s purpose (section 32(1)(a)).
 - b. Whether the provisions “are the most appropriate way to achieve the objectives” (section 32(1)(b)). This is to:
 - i. Identify other reasonably practicable options for achieving the objectives;

³ RMA, section 74 and section 32AA(1)(d)(ii).

⁴ RMA, section 32AA(1).

⁵ RMA, section 32(1)(c)

- ii. Assess the efficiency and effectiveness of the provisions in achieving the objectives; and
 - iii. Summarise the reasons for deciding on the provisions.
23. Our assessment of efficiency and effectiveness is to identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that we anticipate from the implementation of the provisions. That includes our consideration of what we anticipate would be provided or reduced, by way of opportunities for economic and employment growth.
24. We are also directed to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

3.3 Relevant Statutory Documents

25. Section 75(3) of the RMA requires that PC 20 must “give effect to”:
- a. Any national policy statement; and
 - b. Any New Zealand Coastal Policy Statement; and
 - c. A national planning standard; and
 - d. A regional policy statement.
26. For PC 20, there was no disagreement from any of the parties, that the only relevant documents under section 75(3) are the National Policy Statement on Urban Development Capacity (“**NPSUDC**”) and the Waikato Regional Policy Statement (“**RPS**”). We note that *Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River*, is set out in Section 2 of the RPS, and that it is relevant here.
27. Section 75(4) of the RMA also requires that PC 20 not “be inconsistent with” a water conservation order or regional plan for any matter specified in section 30(1). We are satisfied that we do not need to consider section 75(4) in coming to our decision.
28. Section 74(2) of the RMA requires that we must “have regard to”:
- a. Any proposed regional policy statement; or
 - b. Any proposed regional plan; or
 - c. Any management plans or strategies prepared under other acts.
29. There are no proposed regional policy statements or proposed regional plans that we need to consider.
30. The following management plans/strategies were identified as being relevant:
- a. The Future Proof Implementation Strategy;
 - b. The Waikato District Development Strategy;

- c. The Waikato District Long Term Plan;
- d. The Waikato Region Transport Plan;
- e. The Waikato Regional Pest Management Strategy;
- f. The Auckland/Waikato Sports Fish and Game Bird Management Plan; and
- g. The Waikato Tainui Environment Plan – Tai Timu Tai Pari Tai Ao.

4. SUBMISSIONS AND FURTHER SUBMISSIONS

31. PC 20 was publicly notified on 22 September 2017. It attracted 33 submissions⁶ by the closing date for submissions, this being 20 October 2017.
32. The summary of submissions was publicly notified on 1 December 2017 and 3 further submissions were received by the closing date for further submissions, 19 December 2017.
33. A late submission dated 10 November 2017 was received from KiwiRail, and it was included with the summary of submissions that was publicly notified on 1 December. Having sought the views of all parties present at the commencement of the hearing, none of whom objected to the late submission being accepted, we resolved to accept it, noting that Lakeside, the Council and KiwiRail had, by the time the hearing commenced, reached agreement on amendments to PC 20 that addressed all KiwiRail's concerns.
34. For the sake of completeness, Table 1 below lists all the submitters and briefly summarises the relief sought in each. We note that while we have presented a general summary in the table below, we have read and considered carefully all the submissions and further submissions received in relation to the applications before us. Those submitters marked with an Asterix (*) also lodged further submissions. Further submissions record a submitter's support or opposition to matters raised in other submissions, and because they do not raise new issues, we do not discuss them further here. We do, however, address all the matters raised later in this report when we address the proposal in detail, noting also that each party who lodged a further submission attended the hearing in person.

Table 1 – Summary of submissions

Number	Submitter Name	Support / Oppose	Submission Points
1	Nicola Smith	Oppose	The proposal is out of character with Te Kauwhata and should not be allowed.
2	Te Kauwhata Health Centre	Support	Better provide for the proposed healthcare facility
3	Andy Ross and Judy Garrick	Oppose	Amend minimum section size to 650 m ²
4	David Lloyd	Support	The development is supported but wastewater should not be discharged into Lake Waikare

⁶ Wendy Peach has made two separate submissions (numbers 28 and 33) and each is recorded separately – see Table 1

Number	Submitter Name	Support / Oppose	Submission Points
5	Juliet and Ian Sunde	Oppose in part	The allotment sizes are too small and need to be consistent with existing District Plan Rules and take the Environment Court's decision on minimum lot sizes in Travers Road and Wayside Road into consideration
6	Waikato District Council *	Support	Make various drafting amendments
7	Waikato Regional Council *	Neutral	Supports many provisions but sought various drafting amendments.
8	Future Proof Implementation Committee	Support	Proposal supports Growth Strategy
9	John Cunningham	Oppose	Increase minimum lot size from 200 to 450 m ² .
10	Lakeside Development 2017 Ltd	Supports	Make various drafting amendments
11	Jenny Kelly	Oppose/support	Increase minimum lot size and supports walkways, cycleways and public access provisions.
12	David Hulme *	Oppose	Increase minimum lot sizes and mitigate various effects that will adversely affect his property.
13	Rochelle Hulme	Oppose	Increase minimum lot sizes and mitigate various effects that will adversely affect her property.
14	Robyn and Scott McGuire	Oppose	Increase minimum lot sizes, mitigate various effects that will adversely affect her property, better protect Lake Waikare, and avoid reverse sensitivity effects on gamebird hunting.
16	Director-General of Conservation	Oppose in part	Proposal must reduce total contaminant loads to Lake Waikare, the significance of the Whangamarino Wetland needs to be included, require notification of walkway consent applications, and require a biosecurity plan to raise awareness and not exacerbate the spread of pest plants.
17	Melissa Epiha	Support	Increase minimum lot size to 450 m ² , and respect and maintain the character of Te Kauwhata.
18	Ian Harley	Support	Increase minimum lot size to 450 m ² .
19	Esther Pilbrow	Not stated	Scott Road needs to be made safe for pedestrians and cyclists before works begin.
20	Nga Muka Development Trust	Support	Want PC 20 approved in light of the mitigation proposals.
21	Tony Cox	Not stated	Increase minimum lot size to 450 m ² .
22	New Zealand Transport Agency	Support	Council to remain open to revisiting decisions on PC 20 as a result of the North Waikato Growth Management Programme and Future Proof.
23	Te Kauwhata Community Committee	Neutral	Make various amendments to the proposal to ensure better environmental and amenity outcomes.
24	FT and JF Siraa	Not stated	Treat all of Te Kauwhata the same when considering zoning changes.
25	Heritage New Zealand	Support in part	Amend the proposal to require an archaeological assessment prior to considering resource consents and to provide it to the submitter prior to seeking an "archaeological authority".
26	Nicola Patterson	Oppose	Increase minimum lot size to 450 m ² .
27	Philip Castles	Oppose	Increase minimum lot size to 450 m ² .
28	Wendy Peach	Not stated	Require the secondary accessway to be built prior to any house construction and require an upgrade of the Scott Road/Te Kauwhata Road intersection.

Number	Submitter Name	Support / Oppose	Submission Points
30	Mandy Howells	Support	Supports inclusion of an equestrian centre.
29	Courtney Howells and Marlene Raumati	Support	Supports proposed heritage trail from Rangiriri Pa along the edge of Lake Kopuera to join with the proposed walkway/cycleway to lake Waikare.
31	Jason and Tarina Moorfield	Oppose in part and support in part	Increase minimum lot size to 450 m ² , provide for larger lots and greenbelts adjacent to rural properties to address reverse sensitivity. Supports proposed cycleways, parks and reserves.
32	Kimberlee Brown	Not stated	Increase minimum lot size to 450 m ² .
33	Wendy Peach	Not stated	Increase minimum lot size to 450 m ² .
34	KiwiRail (late)	Support in part	Amend the proposal to address various matters related to address level crossing safety and reverse sensitivity effects on the rail corridor.

5. THE HEARING

5.1 Appearances

Lakeside

35. Lakeside was represented at the hearing by legal counsel, Mr Warwick Goldsmith. Following his opening legal submissions, we heard evidence from the following witnesses, all of whom presented written statements that had been pre-circulated:

- Mr Chris Meehan, the proposal's proponent;
- Mr Tom Lines, consultant landscape architect;
- Mr Norm Hill, consultant cultural advisor;
- Mr Paddy Baxter, consultant masterplan designer;
- Mr Gerald Barratt-Boyes, consultant urban designer;
- Dr Michael Stewart, consultant water quality scientist;
- Mr Andy Carr, consultant transportation and traffic consultant;
- Mr John Gardiner, consultant engineer addressing infrastructure matters;
- Mr James Whitlock, consultant noise and vibration consultant;
- Mr Mark Rothera, consultant engineer addressing level crossing safety issues; and
- Mr John Duthie, consultant planner.

Submitters

36. Although he was unable to attend the hearing in person, Mr Glen Tupuhi, the Chairman of Nga Muka Development Trust (“**Nga Muka**”) provided a written statement of evidence that was pre-circulated.
37. The following submitters appeared at the hearing and spoke to their submissions.
- Ms Esther Pilbrow;
 - Mr Courtney Howells;
 - Auckland / Waikato Fish and Game Council
Ms Anna Sintenie – Environmental Officer;
 - Waikato Regional Council
Mr Darion Embling -Team Leader Pest Plants
Ms Leslie Vyfhuis - Senior Policy Advisor;
 - Mr David Lloyd;
 - Mr John Cunningham, on his own behalf and on behalf of the Te Kauwhata Community Committee and Ms Juliet Sunde;
 - Ms Robyn McGuire;
 - Mr David Hulme;
 - Mrs Rochelle Hulme;
 - Director-General of Conservation
Ms Victoria Tumai – legal counsel
Dr Philippe Gerbeaux – Senior Technical Advisor
Mr Jacob Williams – Resource Management Planner; and
 - Future Proof Implementation Committee
Mr Ken Tremaine – consultant planner.

Waikato District Council

38. The Council was represented at the hearing, as follows:
- Ms Bridget Parham – legal counsel
 - Mr Alisdair Gray – consultant transportation and traffic engineer
 - Mr David Mansergh – consultant landscape architect and urban designer
 - Mr Chris Dawson and Mr Sam Foster – consultant planners and authors of the Council’s section 42A report.

Lakeside's right of reply

39. Mr Goldsmith presented some comments orally which were to be reduced to writing following further consultation between the parties – (see Section 5.2).

5.2 Adjournment

40. With the agreement of all parties present, we adjourned the hearing in order to allow further consideration of the provisions of PC 20. In that regard, we issued verbal Directions (again by agreement), that were followed up in writing on Wednesday 14 March 2018 and amended slightly the following day.

41. Those Directions were as follows:

- a. By **5pm Thursday 22 March 2018**, Lakeside is to liaise with the Council, as necessary, and provide the Hearings Administrator, Ms Sandra Kelly (contact details below) a revised version of PC 20, as follows:
 - i. All text that has been agreed between Lakeside and the Council is to be shown in standard black text.⁷
 - ii. Where agreement has not been reached between Lakeside and the Council, each party's proposed version of the provision(s) in question is to be presented in a different coloured redline/strikeout format.
 - iii. Where either party's proposed text is substantively different from that presented to the hearing, a succinct explanation may be included as a "comment", noting that we anticipate a very limited need for/use of "comments".
 - iv. The information referred to in i – iii above is to be accompanied by a separate document that sets out, to the extent necessary, all matters required under section 32AA of the Resource Management Act 1991.
- b. By **noon Friday 23 March 2018**, Ms Kelly is to circulate the information referred to in a. above to all submitters who appeared at the hearing or who tabled written evidence in support of their submission.
- c. By **5pm, Thursday 29 March 2018**, any submitter who appeared at the hearing, or who tabled written evidence in support of their submission, that wishes to do so is to provide Ms Kelly with the specific wording of any amendments to the provisions of PC 20 that submitter considers to be necessary. Any such wording changes are to be "tracked" in the document referred to in a. above and where a submitter's proposed text is substantively different from that presented to the hearing, a succinct explanation may be included as a "comment", noting that we anticipate a very limited need for/use of "comments".
- d. By **noon, Tuesday 3 April 2018**, Ms Kelly is to circulate the information referred to in c. above to Lakeside, the Council, all submitters who appeared at the hearing or who tabled written evidence in support of their submission, and the Commissioners.
- e. By **5pm Friday 6 April 2018**, Lakeside is to provide Ms Kelly with its written right of reply, inclusive of the matters addressed orally by Mr Goldsmith immediately prior to the hearing being adjourned, and any commentary needed to address matters raised in the information provided in accordance with c. above.

⁷ For the avoidance of doubt, we wish to see the parties' latest iteration of PC 20, not a tracking of the various amendments made since notification

5.3 Submissions /evidence presented by Lakeside

5.3.1 Opening submissions – Mr Goldsmith

42. Mr Goldsmith began by stressing that PC 20 was important to provide for expected growth in the Waikato Region, that Te Kauwhata has capacity for such growth, that it will provide significant socio-economic benefits for Te Kauwhata, that Mr Meehan, the “visionary” for PC 20, is one of the largest deliverers of residential housing in the country⁸ and that Lakeside is a high quality development that will create a vibrant lakeside community.⁹
43. Mr Goldsmith presented the legal framework under the RMA that applies to PC 20.¹⁰ He considered that our focus should be on determining whether PC 20 implements the well settled District Plan provisions, rather than having to revert back to the higher order planning documents,¹¹ although it was necessary to check that this was the case, as both Mr Duthie and the Council’s planner had done.¹²
44. He reminded us that the NPSUDC was one directly relevant national planning instrument we needed to consider¹³, that there can be no doubt its objectives are directly relevant, and that PC 20 implements them.¹⁴ He further submitted that PC 20 also clearly implements the higher order provisions of the District Plan and that the proposal is the most effective and efficient use of the subject land.¹⁵
45. Mr Goldsmith outlined the specific issues that had not been agreed between Lakeside and the Council.¹⁶ We address them later.

5.3.2 Mr Meehan

46. Mr Meehan stated that Lakeside was the logical extension of the existing Te Kauwhata village, that it will reinforce the existing village by providing a walkable catchment to all the existing infrastructure and amenities, that the vast majority of lots will have views of Lake Waikare and the surrounding countryside, that all residents will have access to open space that borders the lake.¹⁷ He then stated that there can be no doubt that the population of Te Kauwhata will continue to grow, that this is encouraged by the Council’s growth policies and that the best way to accommodate these increases is in a coordinated, master planned community.¹⁸
47. Mr Meehan was of the view that Lakeside would attract purchasers who would or could not otherwise purchase and that homes at the price point able to be provided at Lakeside are not available elsewhere in the Auckland / Hamilton corridor.¹⁹

⁸ Via Lakeside’s parent company, Winton Partners

⁹ Opening submissions – paras 1 - 3

¹⁰ Ibid paras 8 - 25

¹¹ Ibid – paras 10 - 16

¹² Ibid – paras 17 - 18

¹³ Ibid – para 19

¹⁴ Ibid - para 32

¹⁵ Ibid – para 30

¹⁶ Ibid – paras 37 - 64

¹⁷ Evidence of Chris Meehan – paras 12 - 13

¹⁸ Ibid – paras 20 - 21

¹⁹ Ibid – para 28

48. He stated that he was acutely aware of the cultural significance of the property and the surrounding area to mana whenua, and explained that the consultation with the Nga Muka Development Trust had been beneficial, noting that he looked forward to being involved in the development of the Iwi reserve on the easternmost part of the subject land.²⁰
49. Mr Meehan addressed two specific matters, namely carparking²¹ and the Lakeside Design Control Guidelines²² ("**Design Guidelines**"). Regarding carparking, Mr Meehan explained that the requirement (in the PC 20 rules proposed by the Council) to have two carparks per home with two bedrooms on a lot less than 300m² would increase the cost of lots and lower the number of completed homes, and noted that sacrifices had to be made if it meant that people were able to own their own home.²³ Regarding the Design Guidelines, Mr Meehan stated that they were created to protect the character of the development and will be applied to each lot by covenant.²⁴
50. Mr Meehan stated that Lakeside is the driver that will solve the existing wastewater issue and ensure that the infrastructure is upgraded.²⁵ He explained that the Ministry of Business, Innovation and Employment had allocated \$37 million to the Council, via an interest free loan from the Housing Infrastructure Fund ("**HIF**"),²⁶ for upgrading infrastructure within Te Kauwhata and futureproof it for years to come.²⁷ He stated that the importance of Lakeside in securing this funding cannot be underestimated, that without Lakeside there would be no basis for making the HIF application and that the majority of the HIF funding will be repaid via the project's development contributions.²⁸
51. Mr Meehan explained that his company was not looking to rezone the property and then on sell it to others for development. Rather Lakeside will undertake the entire development, obtain all the necessary subdivision and land development consents, provide the infrastructure, develop the open spaces, undertake the civil works required to deliver the individual house lots and the construction of the buildings in the community hub.
52. Finally, Mr Meehan stated verbally that the development was "all about the lake" and that the house typologies selected were "super-efficient" to build, citing by way of example that a standard bedroom was exactly three pieces of Gib wide. Such measures all added to the affordability of the homes that would be built. In response to our questions, he further explained having a number of "fixed designs" that could be readily replicated (developed in conjunction with large home building companies such as GJ Gardiner and Mike Greer) was a key part of ensuring affordability. He stressed that providing people with choices and having affordable houses available were at the forefront of his thinking.

5.3.3 Mr Lines

53. Mr Lines' evidence described the work he had undertaken to assess the

²⁰ Ibid – para 30

²¹ Ibid – paras 32 - 40

²² Ibid – paras 41 - 44

²³ Ibid – paras 36 - 37

²⁴ Ibid – paras 42 - 44

²⁵ Ibid – para 57

²⁶ Ibid – para 45

²⁷ Ibid – para 53

²⁸ Ibid – para 52

landscape and visual effects of the proposal. In addition to his pre-circulated brief, he prepared a short written summary that he presented at the hearing.

54. He first described the subject site and existing environment²⁹, details that were not in dispute and which we need not summarise.
55. Mr Lines provided a number of photographs of the area, and assessed natural character effects, landscape effects and visual amenity effects.³⁰
56. Mr Lines' overall conclusions, which we reproduce below, were that³¹:
- a. The areas that retain the highest degrees of naturalness both within the site and its immediate environment would be preserved and protected by the plan change. The urbanisation of the site would result in adverse effects on the existing landscape character of the site, however this is inevitable with such a change of land use.
 - b. Development of the site would result in adverse visual amenity effects, the significance of which depends on the location and particular viewing audience affected. In my opinion these effects range from very low to very high adverse.
 - c. I consider that the Plan change would also result in beneficial effects. These include recognition of the cultural and historical values of the area by providing a cultural reserve to vest with mana whenua, the provision of a network of public access, including to and around Lake Waikare, as well as significant replanting and enhancement works within the Lake Waikare margin.
 - d. The plan change broadly encapsulates the key landscape elements of Te Kauwhata as well as the site, and it retains these to deliver the anticipated outcomes under the Te Kauwhata Structure Plan.
57. In answer to our questions, Mr Lines stated that the only areas where amenity effects would be significant was where rural views were replaced with views of housing and that such views were confined to those from locations in close proximity to those houses – i.e. from the immediately adjacent roadway or properties. He also clarified that such views were limited in scale and it was only from remote locations where large proportions of the developed land would be seen.

5.3.4 Mr Hill

58. Mr Hill explained the engagement process undertaken between Lakeside and mana whenua, explaining that one of the principles followed was to recognise that Nga Muka themselves were best placed to identify the potential impacts of the proposal as they have the knowledge and relationship with the environment.³²
59. He also set out the various mitigation measures proposed in response to adverse impacts on cultural values. These include:³³
- a. Specific measures identifying and acknowledging places and values of

²⁹ Evidence of Tom Lines – Section 7.0

³⁰ Ibid – Section 8.0

³¹ Summary evidence of Tom Lines – para 6

³² Evidence of Norman Hill – para 3.3

³³ Ibid – para 6.2

significance to mana whenua.

- b. Providing measures to ensure project delivery reflects mātauranga Māori and mana whenua's kaitiaki role – examples being interpretative signage and street naming.
 - c. The proposed wastewater solution for Te Kauwhata.
 - d. An additional archaeological review of the area.
 - e. Creation of formal public access to Lake Waikare and, for the first time the associated boardwalks.
 - f. Methods to identify, assess, manage and/or protect undiscovered heritage items during construction.
 - g. Creation of an iwi reserve, including a memorial and lookout.
 - h. Accidental discovery protocols.
 - i. Opportunities being explored to contribute to the Lake Waikare Catchment Management Plan.
60. Mr Hill noted Nga Muka's support for the proposal and was satisfied that consultation was robust and transparent.³⁴
61. In answer to our questions Mr Hill stated that there was no other local iwi who asserted mana whenua in the project area, and confirmed that Waikato Tainui advised that Nga Muka should "take the lead" in assessing it.

5.3.5 Mr Paddy Baxter

62. In addition to his pre-circulated written statement, Mr Baxter also provided a short written summary of his evidence.
63. In describing the masterplan process, Mr Baxter, explained that it was driven by the underlying lie of the land and the following principles:³⁵
- a. Community and connection – seeking to build on the existing community and its values.
 - b. Natural and urban matrix – by densifying residential lots within and around areas of open spaces.
 - c. Equally high amenity - resident will have choices but all lots will enjoy a high level of amenity.
 - d. Multigenerational residents – to appeal to young and old.
 - e. Identity – a balanced natural and rural frame that will provide a sense of place pride and identity.
64. He explained that the masterplan (reproduced below) was developed on an on-

³⁴ Ibid – para 7.3

³⁵ Evidence of Paddy Baxter – para 22

going basis that allowed input from numerous parties, including Lakeside, members of the project team, the District Council and members of the community.³⁶ In answer to our questions he confirmed that the masterplan received ideas from others, but was developed by him. He also explained how it was amended to reflect the peer review undertaken by Studio Pacific Architecture.³⁷

65. Mr Baxter explained how the proposal addressed the “seven C’s” in the New Zealand Urban Design Protocol, namely, context, choice, connections, creativity, custodianship, collaboration and character, and that the principal components of the masterplan were: the primary road connections, residential housing, community hub, open space/flood plain, and walkway connections.³⁸

66. Mr Baxter also presented the “Lakeside Design Control Guidelines”³⁹ which will be administered by the developer and applied to each lot in order to “ensure a high quality built environment and to limit development to an appropriate and coordinated palette of materials in keeping with the Lakeside setting.” In answer to our questions, Mr Baxter stated that the Master Plan and Design Guidelines need not be included as part of PC 20, as the proposed zoning and development controls rendered this unnecessary.



Figure 4 – Lakeside Masterplan

³⁶ Ibid – para 24

³⁷ Ibid – paras 27 -30

³⁸ Ibid – paras 35 - 36

³⁹ Ibid – paras 37 - 40

67. Mr Baxter expressed his support for the provisions of PC 20 and their consistency with the masterplan.⁴⁰
68. He then addressed the originally proposed “pocket parks” that were originally proposed within the higher density areas,⁴¹ noting that these were no longer proposed, because of difficulties associated with joint ownership, the decision to increase minimum lot sizes from 200 to 225 m², and because additional neighbourhood parks have been included.
69. Regarding submissions, Mr Baxter stated that he was aware of concerns about the loss of rural character of the landform on which Lakeside is proposed, and understood that it will change substantially, but that this was inevitable. In response to these concerns, he noted that 31% of the land in question, or 61 hectares, would be retained as open space.

5.3.6 Mr Gerald Barratt-Boyes

70. In addition to his pre-circulated written statement, Mr Barratt-Boyes also provided a short written summary of his evidence.
71. He commenced by addressing housing density.⁴² He explained that:
- a. Lakeside had proposed densities of between 10.4 household units per hectare (“**HHU**”) for medium density areas and 13.6 for higher density areas;
 - b. This compared to medium densities of:
 - i. Between 12.75 and 100 HHU per hectare in other parts of New Zealand;
 - ii. A Target Density for Te Kauwhata, based on the 2009 Future Proof Strategy, of 12 – 15 HHU per hectare, which is classified as “Small Lot Residential”.
72. Mr Barratt-Boyes also discussed the proposed allotment sizes,⁴³ given that this had been of concern to submitters, especially the Higher Density minimum lot size of 200 m², noting that this had now been increased to 225 m². He explained that smaller lot sizes and smaller houses were critical ingredients of accomplishing affordable housing, and more often than not the affordable house model is a two bedroom, one bathroom standalone or terrace type house, either single or two storey, with a carpark and no garage.⁴⁴ In his written summary, Mr Barratt-Boyes stated that having reviewed some of Lakeside’s dwelling concept plans and the proposed provisions of PC 20 and the Design Guidelines, he considered that:

[T]he built outcome is one of quality, and that affordable and compact living is assured. In my opinion, the overall development successfully balances small lot sizes with significant public open space and access to Lake Waikare.

⁴⁰ Ibid – paras 41 - 43

⁴¹ Ibid – paras 44 - 52

⁴² Evidence of Gerald Barratt-Boyes – Section 4

⁴³ Ibid – Section 5

⁴⁴ Ibid – para 5.4

73. Regarding rural character, Mr Barratt-Boyes stated that:⁴⁵
- a. The development was on a “peninsula site”, linked to the existing township only on one edge, such that the physical character of the town centre itself will not be directly impacted visually or materially by the new residential areas;
 - b. The 43.4 hectares of lakeside rural open space that surrounds the residential areas gives Lakeside a rural setting and aesthetic disposition;
 - c. The development is sympathetic to the existing landform, stream networks, floodplains and topography; and
 - d. Various other aspects help define the rural character and complement the existing Te Kauwhata character, including the low key streetscapes, the vernacular architectural expression of the houses, the character of the retirement village, the character of the hub, the neighbourhood parks and the walkways and pathways.
74. He also stated that the development had 22 characteristics that produce quality outcomes, consistent with the New Zealand Urban Design Protocol.⁴⁶
75. Mr Barratt-Boyes stated that he supported a number of the proposed amendments to the provisions of PC 20 as proposed by Lakeside⁴⁷, relating to lot sizes, neighbourhood parks and modifications to the Design Guidelines, the specifics of which we discuss later.
76. Addressing the section 42A report,⁴⁸ Mr Barratt-Boyes did not agree with the Council that two carparks were needed for a dwelling having two or more bedrooms, primarily because it would have a material effect on the design of the house, the size of the lot and the streetscape, and because having only one carpark promotes walking and cycling to town centres.
77. In answer to our question, he agreed with Mr Baxter that the Design Guidelines did not need to be included in PC 20.

5.3.7 Dr Michael Stewart

78. In addition to his pre-circulated written statement, Dr Stewart also provided a short written summary of his evidence.
79. His evidence explained how the conversion of rural land to residential use, will, over and above the gains achieved from the better treatment of wastewater, lead to reduced nutrient load to Lake Waikare.⁴⁹
80. In answer to our questions, he stated that he did not consider that any additional provisions were needed in PC 20 to protect the Whangamarino Wetland (as proposed by the Director-General of Conservation), that the proposed wetland/lake margin planting would tend to act as a “nutrient sink”, and that Lakeside’s initiatives on their own, would have minimal effect on improving the

⁴⁵ Ibid – Section 6

⁴⁶ Ibid – Section 7

⁴⁷ Ibid – Section 8

⁴⁸ Ibid – Section 9

⁴⁹ Evidence of Dr Michael Stewart – Section 4

condition of Lake Waikare.

5.3.8 Mr Andy Carr

81. In addition to his pre-circulated written statement, Mr Carr also provided a short written summary of his evidence.
82. The conclusions of Mr Carr's written summary include the following:
- a. With the increase in traffic due to full development of the plan change area, Te Kauwhata Road would provide Level of Service D, which is the level of service typically expected for a road in the peak hours.
 - b. The current formation of Scott Road would require upgrading ... within the existing road reserve.
 - c. Levels on State Highway 1 are likely to be unchanged
 - d. With more than 80% development, the queue of vehicles turning right into Scott Road from Te Kauwhata Road in the evening peak hour would reach the railway level crossing and create a safety hazard. Accordingly 80% development of the plan change area is the maximum amount which can be accommodated before a second point of access is required.
 - e. The traffic flows on the second site access and on Mahi Road are such that no capacity issues are likely to arise at the second site access intersection.
 - f. The Te Kauwhata Road / Wayside Drive roundabout is able to accommodate the traffic flows generated by full development of the plan change area and although in the morning peak, the queue of vehicles on Te Kauwhata Road reaches 107 m in length, the low delays per vehicle show that this is a rolling queue, and the level of service remains very good.
 - g. There will be increases in delays for vehicles emerging from minor roads at priority intersections to the immediate west of the township due to the much higher traffic flows on Te Kauwhata Road, but the expected levels of service are reasonable for intersections in an urban area at peak periods.
 - h. The presence of additional vehicles will mean that the opportunities for pedestrians to cross the road are reduced (notably on Te Kauwhata Road). It is likely that formal crossings such as kerb build-outs and/or refuges will be required
 - i. The absence of any significant accident history in the vicinity of the site does not indicate that there are any particular features or factors that would affect or be affected by the development of the plan change area.
83. Mr Carr also stated, that he had undertaken further analysis that included the traffic-related effects taking into account the development of consented subdivisions in and around Te Kauwhata, and this identified that the second point of access would be needed once 400 residences at Lakeside had been built.⁵⁰
84. He also advised that further modelling was then carried out at the Te Kauwhata Road / Wayside Drive intersection and confirmed that a minor upgrade was required once 1,325 residences were developed (and not 1,400 as initially

⁵⁰ Summary statement of evidence by Andy Carr – para 2.2

estimated).⁵¹

85. Mr Carr’s overall conclusion was that the development will generally have no adverse effects upon the performance and operation of the adjacent transport networks, and although queues and delays will increase due to traffic generated, these remain within appropriate levels.⁵²
86. Mr Carr stated that he was largely in agreement with the section 42A report, but considered that using bedrooms as the basis for assessing the number of carparks required was potentially problematic (as the term was open to interpretation and could lead to uncertainties and inefficient outcomes) so preferred an approach based on the size of either the lot or the residence.⁵³
87. Mr Carr considered that there was no transport engineering reason why PC 20 should not be approved.⁵⁴

5.3.9 Mr John Gardiner

88. In addition to his pre-circulated written statement, Mr Gardiner also provided a short written summary of his evidence. He addressed infrastructure matters, specifically earthworks, roading, wastewater treatment and disposal, stormwater runoff and treatment, floodplain management, water supply and other utilities.
89. In terms of earthworks, Mr Gardiner stated that based on the geotechnical investigations carried out, and the experience with earthworks already carried out on site, there are no geotechnical reasons why the land cannot be rezoned for housing.⁵⁵
90. He also confirmed that there were no technical impediments to the proposed roading works, including upgrades to existing roads.⁵⁶
91. Regarding wastewater, Mr Gardiner stated that⁵⁷:
- a. The Council’s consent for the existing wastewater plant at Te Kauwhata expires in 2028, but the Council has committed to discontinuing the current discharge to Lake Waikare by 2025.
 - b. A review of the existing plant that was undertaken in October 2017 showed that the existing consent was not being complied with and significant maintenance was required to ensure compliance was achieved.
 - c. Lakeside proposes to construct a new membrane bioreactor (“**MBR**”) wastewater treatment plant (which he said was arguably the technology of choice worldwide) to service all wastewater generated by Te Kauwhata (current and future), Springhill Prison (current and future) and the Lakeside development, provided that the Council contributes its share of the costs. He stated that the treated wastewater would be discharged to

⁵¹ Ibid - para 2.3

⁵² Ibid – para 2.4

⁵³ Ibid – para 2.6

⁵⁴ Ibid – para 2.7

⁵⁵ Summary statement of evidence by John Gardiner – para 5 (a)

⁵⁶ Ibid – para 5 (b)

⁵⁷ Ibid – para 5 (c)

an engineered wetland / reed bed before it enters a meandering swale and travels approximately 800 metres to Lake Waikare.

- d. Lakeside had lodged an application with the Waikato Regional Council (“**WRC**”) to allow Lakeside to construct and operate the proposed wastewater treatment solution, that will improve wastewater quality and provide additional short-term capacity until the Council’s long-term wastewater solution is consented and implemented.
- e. As part of the HIF application, the Council has investigated several wastewater treatment and discharge options and that he understood Council’s preferred option was to undertake treatment in an MBR at Te Kauwhata and discharge to the Waikato River.
- f. He considered there to be no technical impediments to designing and constructing an MBR plant and wetlands to provide a high quality [Te Kauwhata-wide] wastewater solution.

92. Mr Gardiner’s evidence in relation to stormwater was that:⁵⁸

- a. Ponds have been selected as they are effective at removing sediment and heavy metals from stormwater runoff from roads and other surfaces.
- b. The ponds will be constructed at a higher level than Lake Waikare (currently this isn’t the case and pumping is required), flap gates will be installed to prevent pest fish from entering the ponds and design details (and alternative solutions, if necessary) will be worked through with the WRC.

93. In respect of the floodplain,⁵⁹ some filling of the floodplain will be needed, but flood storage loss will be mitigated [by localised deepening] such that any effects will be no more than minor. Mr Gardiner stated that this is not technically difficult and can be achieved.

94. In Mr Gardiner’s opinion, water can be sourced from the Te Kauwhata Water Association, who have confirmed they have the capacity to do so, although some upgrades will be required, including the treatment plant, piped reticulation and a new reservoir on Council land already purchased for this purpose.⁶⁰

95. Regarding other utilities, Mr Gardiner stated⁶¹ that WEL Networks, Chorus and Ultrafast have confirmed, based on the information provided to them, that power and telecommunications can be provided.

5.3.10 Mr James Whitlock

96. Mr Whitlock’s evidence addressed noise and vibration issues and was prepared in response to KiwiRail’s submission.

97. Mr Whitlock stated that the measured noise at three locations near the railway line ranged between 58 and 67 dB L_{Aeg} 1 hour meaning that the façade of the building closest to the railway track would need to provide a 32 decibel

⁵⁸ Ibid – para 5 (d)

⁵⁹ Ibid – para 5 (e)

⁶⁰ Ibid – para 5 (f)

⁶¹ Ibid – para 5 (g)

reduction in noise to achieve the most stringent criterion proposed by KiwiRail (35 dB $L_{Aeg\ 1\ hour}$) in a residential bedroom.⁶² He stated that this was readily achievable in a modern building, provided ventilating windows remain shut, and rules requiring compliance with this criterion at all dwellings within 100 metres of the track were included as a rule in PC 20.⁶³

98. Mr Whitlock stated that vibration measurements indicated that compliance with the proposed KiwiRail vibration standards can be achieved, provided dwellings are more than 40 metres from the track⁶⁴. He stated that if dwellings were proposed within 40 metres of the railway line, specialist foundation design can typically enable compliance with the relevant standards,⁶⁵ and that he recommended such a provision be included in PC 20.⁶⁶
99. He concluded that the noise and vibration controls proposed by KiwiRail were reasonable and that the Lakeside proposal would comply with them, provided:
- a. Dwellings within 100 metres of the track are designed and constructed to achieve an acceptable indoor noise level with a ventilation system installed; and
 - b. Any dwelling within 40 metres of the nearest track be designed and consented to achieve a specified vibration standard.⁶⁷

5.3.11 Mr Mark Rothera

100. Mr Rothera's evidence addressed safety at the Te Kauwhata Road railway level crossing. In addition to his pre-circulated written statement, Mr Rothera also provided a short written summary of his evidence, which itself summarised the Level Crossing Safety Impact Assessment, dated 15 January 2018, that he prepared with input from KiwiRail and the Council.⁶⁸
101. Mr Rothera explained that a level crossing is given a Level Crossing Safety Score ("LCSS")⁶⁹ between 0 and 60 and placed in one of five risk bands, as follows:⁷⁰
- a. Low (0 - 19)
 - b. Low-Medium (20 – 29)
 - c. Medium (30 – 39)
 - d. Medium High (40 – 49)
 - e. High (50 – 60)
102. He explained that upgrades to an existing crossing are assessed against two criteria. Firstly, the crossing should desirably achieve a "Low" or "Medium-Low"

⁶² Evidence of James Whitlock – para 4.6

⁶³ Ibid – paras 4.7 – 4.8

⁶⁴ Ibid – para 4.9

⁶⁵ Ibid – para 4.10

⁶⁶ Ibid – para 4.11

⁶⁷ Ibid – para 5.1

⁶⁸ Evidence of Mark Rothera – para 12

⁶⁹ Ibid – para 10

⁷⁰ Ibid – paras 8 - 9

risk band, although this needs to be weighed against the practicability and cost of providing the treatment. Secondly, the upgraded crossing must have a lower LCSS than that of the existing situation.⁷¹

103. Mr Rothera identified the following existing safety problems at the existing level crossing, which resulted in it having a LCSS of 39:⁷²
- a. A dip/hump in the road on its immediate approaches to the level crossing, with a 15 km/hour speed advisory sign.
 - b. The width of the level crossing.
 - c. The time between bells activating and the arrival of a train may be too short for heavy commercial vehicles negotiating the level crossing.
 - d. The delay in the barrier arms reaching the down position.
 - e. Non-conformance by smaller vehicles, such as cars.
 - f. The proximity of the Scott Road intersection and the risk of queuing back over the level crossing.
104. He stated that the following mitigation measures were proposed to address the existing deficiencies and the increased traffic associated with Lakeside:⁷³
- a. Adjustments to gradients on the approaches to the level crossing.
 - b. Yellow cross hatched clear zone markings.
 - c. Train activated warning signs on the south west approach.
 - d. Red surface threshold treatments on both approaches.
 - e. Installation of duplicated large passive advanced warning signs.
 - f. Access options and upgrading of the Te Kauwhata Road / Scott Road intersection (as described by Mr Carr).
105. These would result in an LCSS of 35, placing it in the “medium” risk band,⁷⁴ meaning it would comply with the second criterion (see paragraph 102 above), but not the first.
106. In answer to our questions, Mr Rothera, stated that he considered this to be an acceptable safety outcome, and that the only other option available to improve safety would be to install a grade separated interchange, the cost of which would be prohibitive.

5.3.12 Mr John Duthie

107. In addition to his pre-circulated written statement of planning evidence, Mr Duthie also provided a short written summary of that evidence.

⁷¹ Ibid – para 11

⁷² Ibid – paras 13 - 14

⁷³ Ibid – para 15

⁷⁴ Ibid – para 16

108. Mr Duthie’s evidence summarised the plan change itself, as well as the accompanying planning report and section 32 analysis, both of which he authored. It is not necessary for us to summarise all those details here, as we address the key matters arising from his evidence in Section 6. For the purpose of summarising his evidence, it suffices to say that, in Mr Duthie’s opinion:
- a. The key planning outcomes of PC 20 are:⁷⁵
 - i. The opportunity to accommodate significant growth in the Northern Waikato, thus helping the Council meet its requirements under the NPSUDC.
 - ii. Retirement of 179 hectares of farmland which will bring water quality benefits for Lake Waikare.
 - iii. Expansion of Te Kauwhata in the most logical location (land to the west is zoned and largely subdivided for rural lifestyle blocks, the Whangamarino Wetland is to the north and the proposed southern expansion is closest to the town centre and the Te Kauwhata Railway Station.
 - iv. 22.4% of the land is committed to open space.
 - v. The buffer interface function with rural land to the south is managed within the Lakeside development, rather than adjoining farmland being subject to reverse sensitivity effects.
 - vi. The site is uniquely placed to avoid reverse sensitivity effects on the adjacent farms, noting that the only adjoining farmland is to the south and that farmer supports the proposal.
 - vii. The cultural importance of the land is recognised through vesting a headland to the east of the property in Nga Muka.
 - viii. Making a greater range of housing options available in Te Kauwhata.
 - ix. The critical opportunity to enable market affordable housing, which relies on smaller homes and sections.
 - x. For the first time, opening up the Lake Waikare foreshore to the public.
 - xi. Converting the floodplain from an area of private grazing into a publicly accessible landscaped area.
 - b. Although some submitters raise issues of character and assert that PC 20 will be contrary to the character of Te Kauwhata:⁷⁶
 - i. PC 20 is significantly beneficial to the natural character of Lake Waikare and indirectly beneficial to the Whangamarino Wetland.
 - ii. PC 20 protects the existing Te Kauwhata village centre, by limiting the Lakeside “community hub” to local shops for the immediate

⁷⁵ Summary statement of evidence by John Duthie – para 7

⁷⁶ Ibid – paras 8 - 9

neighbourhood, while the additional catchment created by Lakeside will contribute to the centre's on-going economic viability.

- iii. Density will provide market choice and critically Lakeside provides an opportunity for market affordable housing.
- iv. When taken on average across the entire landholding, the density of Lakeside is consistent with existing parts of Te Kauwhata and although the form of development is different, this is offset by the large area of open space.
- c. The development can only proceed where adequate infrastructure has been or will be provided⁷⁷, while the mechanisms of the comprehensive subdivision and comprehensive land development consents provide not only strategic planning and urban design outcomes, they also ensure the provision of infrastructure is appropriate to the scale of the development.⁷⁸
- d. The plan change addresses water quality issues and (following on from the submission process) now also addresses biosecurity and alligator weed issues.⁷⁹
- e. As a result of collaboration with the Council, there have been a number of amendments proposed by Lakeside and the Council, and most of the amendments proposed in the section 42A report are accepted.⁸⁰
- f. The seven areas of remaining disagreement (at the time of the hearing) relate to:⁸¹
 - i. The proposal to require two carparking spaces for houses with two or more bedrooms.
 - ii. The use of the term 400 "new lots and/or dwellings" when determining the need for the second road access. (This is a drafting matter only).
 - iii. The number of neighbourhood parks required.
 - iv. The introduction of a new urban design criterion – *"including the appropriateness of the development's response to the medium density and high density precincts and the proposed urban form"* – because it is not readily understood by a reader of the plan change.
 - v. The consents for walkways alongside Lake Waikare should be restricted discretionary activities, and be limited notified to the WRC and Department of Conservation.
 - vi. Minor rewording of the earthworks provisions (drafting matter only).
 - vii. A wording change to require a review of the level crossing safety

⁷⁷ Ibid – para 13

⁷⁸ Ibid – para 14

⁷⁹ Ibid – paras 15 - 16

⁸⁰ Ibid – para 17

⁸¹ Ibid – para 18

assessment once some 800 lots are developed, but not subsequently – as agreed with KiwiRail.

viii. Control need not be reserved over the railway network and level crossing safety in the Open Space zone.

g. PC 20 will deliver the planning outcomes set in the District Plan's objectives and policies.⁸²

109. In answer to our questions, Mr Duthie stated that the roads proposed at Lakeside were wider than those at Hobsonville Point in Auckland and conformed to District Plan standards. He also considered that the relief sought by the Director-General of Conservation (requiring greater policy recognition of the need to protect the Whangamarino Wetland) was unnecessary, given the existing District Plan provisions and the provisions of PC 20. He also undertook to provide written answers to all the questions we asked him.

5.4 Evidence / submissions presented submitters

5.4.1 Esther Pilbrow

110. Ms Pilbrow gave a verbal presentation and explained that she lived on Scott Road and walks along it regularly. She stated that she was encouraged by the evidence from Lakeside and that the proposal had lots of positive aspects. Safety on Scott Road was particularly important to her, as was managing traffic and limiting speed.

5.4.2 Courtney Howells

111. Mr Howells spoke in support of the proposal and endorsed the provision made in the masterplanning for pony club activities. He supported the linkage of the Lakeside walkways with a wider initiative to develop a heritage trail, something he stated that Lakeside also supported.

112. In response to a question of clarification from Mr Goldsmith regarding the effects of gunfire from duck shooting on horses (raised by Auckland / Waikato Fish and Game Council ("**Fish and Game**")), he considered that the two activities can be managed so that they can co-exist.

5.4.3 Auckland / Waikato Fish and Game Council – Anna Sintenie

113. Ms Sintenie provided a written statement of evidence.

114. She began by explaining Fish and Game's role and statutory responsibilities under the Conservation Act 1987 in respect of sports fish and gamebirds and the role of the Auckland Waikato Sports Fish and Game Bird Management Plan ("**AWFGM Plan**") in doing so.⁸³ She reminded us that it was a plan that we were required to have regard to in our decision-making.

115. Ms Sintenie stated that the AWFGM Plan recognised the regional significance of Lake Waikare for gamebirds and the Whangamarino Wetland as a large site of

⁸² Evidence of John Duthie – para 234

⁸³ Evidence of Anna Sintenie – paras 11 - 13

national recreational significance for gamebirds.⁸⁴ She also stated that Fish and Game owned and managed land in the Waikato region, a large proportion of it in the Lake Waikare / Whangamarino Wetland area (75 hectares of land is on the western peninsula of Lake Waikare and 748 hectares within the Whangamarino Wetland).

116. She explained that the proposal needed to address matters of reverse sensitivity⁸⁵ which may arise from new activities being introduced near existing gamebird hunting activities and while she agreed that the open space overlay is a significant factor in alleviating these effects, the buffer distances needed to be scrutinised to ensure they are sufficient. A similar concern also arose in respect of equestrian activities.⁸⁶
117. Ms Sintenie explained that Lake Waikare was one of the country's most prized gamebird hunting areas and despite its now degraded state, hunting still occurs from maimais and gunboats located on the lake margins, including adjacent to the Lakeside area.⁸⁷ She also stated that:
- a. Maimais are located up to 180 metres from the shoreline and that shotgun pellets could travel 274 horizontally.⁸⁸
 - b. Even at distances of 1 kilometre, the noise from a shotgun over water can be around 85dBA, which exceeds the District Plan permitted activity noise standard, noting that for clay target ranges, noise buffers of at least 1.5 kilometres in the direction of shooting and 1 kilometre in the rearward arc are desirable.⁸⁹
 - c. The RPS Method 6.1.2 addresses reverse sensitivity effects and Development Principles in Section 6A state that new development should "not result in incompatible land uses (including those that may result in reverse sensitivity effects), such as rural activities ..."
118. Ms Sintenie also explained that Fish and Game sought to ensure that there was no further increase in contaminant loadings to Lake Waikare and the Whangamarino Wetland, and that she supported various of the provisions in the section 42A report regarding the provision of infrastructure⁹⁰ and the new policy recommended by the Director-General of Conservation – to the effect that wastewater discharges must not be degraded and ecological values were protected and enhanced.⁹¹
119. She also expressed concern about the effects of pests (including domestic pets) on avian biodiversity at neighbouring Lakes Kopuera and Waikare, which contrary to the opinion in the section 42A report, are significant habitats of indigenous species that must be recognised and provided for under section 6(c) of the RMA.⁹² Ms Sintenie stated that she considered the ecological report

⁸⁴ Ibid – para 15

⁸⁵ Ibid – paras 17 - 19

⁸⁶ Ibid – para 20

⁸⁷ Ibid – para 21

⁸⁸ Ibid – paras 21 - 22

⁸⁹ Ibid - paras 23 - 24

⁹⁰ Ibid – paras 28 - 29

⁹¹ Ibid – para 32

⁹² Ibid – para 33

produced in support of PC 20 was insufficient and biodiversity issues have not been given sufficient recognition, as contemplated by the RPS.⁹³

120. Ms Sintenie concluded by saying that she supported the amendments proposed in the section 42A report regarding floodplain management policies, alligator weed control and the changes proposed to the activity status and notification provisions for lakeside walkways.⁹⁴
121. In answer to our questions, Ms Sintenie stated that:
- a. There was not currently any public access to Lake Waikare from the Lakeside land.
 - b. That the bed of Lake Waikare was owned by Waikato-Tainui and the existing maimais on the lake had no formal security of tenure.
 - c. That it wasn't appropriate to directly compare activities of a gun range and gamebird hunting, but her point was simply to highlight the general issues around the sensitivity of gunfire to many people.
 - d. She was unsure what activities the District Plan specified as being permitted in the Rural Zone of the District.

5.4.4 Waikato Regional Council – Darion Embling and Lesley Vyfhuis

Mr Embling

122. Mr Embling's written evidence focussed on the issue of alligator weed that had been located on the Lakeside property and adjacent areas. His evidence was straight-forward and we do not need to summarise in great detail. It suffices to say that Mr Embling stated that:
- a. Alligator weed is regarded as one of the world's worst weeds. It is one of, if not the greatest weed threat in the Waikato and it is currently managed under the Waikato Regional Pest Management Plan 2014 – 2024⁹⁵ (and the Biosecurity Act 1993).
 - b. An alligator weed control programme started at Lake Waikare in 2010.⁹⁶
 - c. An initial meeting with Lakeside representatives was held on site in December 2017 and at a follow up meeting several weeks later WRC staff advised Lakeside that it was going to declare the low lying flood plain and lake edge a "biosecurity restricted place" due to the proposed increase in activity and the "lack of clarity of the developers plan for the site".⁹⁷
 - d. The WRC has requested that a Weed Hygiene Plan be prepared for the proposed development (in accordance with Section 16 of the Regional Pest Management Plan).

⁹³ Ibid – paras 34 – 39

⁹⁴ Ibid – paras 40 - 42

⁹⁵ Evidence of Darion Embling – para 3.1

⁹⁶ Ibid – para 4.2

⁹⁷ Ibid - para 4.3

- e. He supported the recommendations in the section 42A report regarding implementing a management strategy, but also considered that they would be improved by implementing Ms Vyfhuis' recommendations.

Ms Vyfhuis

123. Ms Vyfhuis' evidence addressed planning matters. She began by stating that the Regional Council's submissions regarding management of the "Town Drain" were no longer being pursued, given the discussions held with Lakeside since submissions were lodged.⁹⁸
124. She then explained the role of the various policy and planning instruments. As they relate to the wider context of regional planning we do not need to summarise that here, as they are set out in detail in the section 42A report and they are not in dispute between any of the planning witnesses.
125. Ms Vyfhuis sought some specific changes to rules relating to retirement villages⁹⁹ to better ensure plan consistency and integration. We address these matters in Section 6.
126. She then stated that:
- a. She supported the recommendations in the section 42A report that better integrated PC 20 and the existing Te Kauwhata Structure Plan, but recommended one additional amendment in the seventh paragraph of 15D.1 – Introduction.¹⁰⁰
 - b. In relation to activities in the floodplain, that there should be some wording amendments to one of the policies and that the permitted activity rule for the Open Space Overlay requires amendment to remove two listed activities that should be subject to a consent application (namely "infrastructure works associated with roading, storm water and wastewater and flood protection measures" and "network utility").¹⁰¹
 - c. That filling in the flood risk area should be a restricted discretionary activity (except where authorised by a Comprehensive Land Development Consent), rather than permitted.
 - d. That there be a number of amendments to better address alligator weed management.¹⁰² Because of the directions issued regarding further consideration of drafting matters, we address these matters in Section 5.7 below, when we summarise the further revisions to the provisions proposed by the various parties.
127. Ms Vyfhuis concluded that PC 20 should be approved, subject to the amendments she had recommended.¹⁰³
128. In answer to our questions, Ms Vyfhuis accepted that there were various matters regarding pest plant management that could be dealt with in the Waikato

⁹⁸ Evidence of Leslie Vyfhuis – para 4.10

⁹⁹ Ibid – para 6.3 – 6.4

¹⁰⁰ Ibid – para 6.7

¹⁰¹ Ibid – paras 6.7 – 6.8

¹⁰² Ibid – paras 6.10 – 6.30

¹⁰³ Ibid – para 7.5

Regional Plan, but which to date had not been and that the Regional Council had considerable control over earthworks-related matters by way of the resource consent applications they issued for such activities.

5.4.5 David Lloyd

129. Mr Lloyd spoke briefly in support of wastewater treatment initiatives that would remove the discharge of Te Kauwhata's wastewater from Lake Waikare.
130. He also stated that he wanted to extend a welcome to Lakeside, and to express his support for the proposal.

5.4.6 John Cunningham

131. Mr Cunningham presented a verbal submission that was supported by a PowerPoint presentation.
132. He began by stating that he was Deputy Chair of the Te Kauwhata Community Committee and was representing them at the hearing, as well as Juliette Sunday and himself.
133. He began by stating that he did not believe that growth would be as fast as others had predicted, particularly in Te Kauwhata, and that there were some 500 sections already on the market in Te Kauwhata that were selling at a rate of only about 65 per year. On that basis there was an approximately 8 year supply of sections already available, and Lakeside, if it proceeded, needed to be staged to avoid a glut occurring.
134. Mr Cunningham considered that the people of Te Kauwhata did not want the village to be just like another Auckland suburb, nor did they want to have a village that was divided into two separate areas – the existing village and Lakeside. He was also concerned about and opposed the off street carparking proposals.
135. He was adamant that high density living, with small sections was simply not in keeping with the character of Te Kauwhata and would ruin the village lifestyle that is what attracted people there in the first place.

5.4.7 Robyn McGuire

136. Ms McGuire presented a verbal submission on behalf of herself and her husband Scott. They have lived at 56 Scott Road, which is immediately adjacent to Lakeside's property, for approximately 2 ½ years.
137. She explained that her family moved to Te Kauwhata for the relaxed lifestyle in a rural setting and that Lakeside will not add to Te Kauwhata, it will change it, very much for the worse.
138. She was particularly concerned that the introduction of affordable housing would turn the area into an urban slum.

5.4.8 David and Rochelle Hulme

139. Mr and Mrs Hulme each made verbal presentations which we summarise collectively, as follows.

140. The Hulmes live in a modern home on 1 acre of land at 58 Scott Street, which like the McGuires, is immediately adjacent to Lakeside's property.
141. Mr and Mrs Hulme moved to Te Kauwhata from Papakura for the country lifestyle and the introduction of high density homes, on small sections immediately adjacent to them will ruin their way of life and defeat the purpose of their move to the country from Auckland.
142. They also considered that the development of Lakeside would devalue their own property.
143. Mrs Hulme noted that they had a number of animals on the property and were concerned about the reverse sensitivity effects once the area became heavily populated. Both Mr and Mrs McGuire feared that the area would become an urban slum.
144. Whilst they were in opposition to the Lakeside proposal, Mr Hulme stated that if it was approved, then their property should also be rezoned so that they could recover some value from their property.

5.4.9 Director General of Conservation – Victoria Tumai, Dr Philippe Gerbeaux and Jacob Williams

Ms Tumai

145. Ms Tumai presented legal submissions on behalf of the Director-General of Conservation ("DOC").
146. She stated that DOC was concerned about the potential effects PC 20 may have on the Whangamarino Wetland¹⁰⁴ and was opposed to the building of the Lakeside Walkway as a controlled activity without public notification¹⁰⁵ and activities that may exacerbate or spread pest plants without adequate controls in place.¹⁰⁶
147. Ms Tumai then stated that DOC's interest in PC 20 was about ensuring that an appropriate planning framework is implemented to control; any increase in the level of contaminants into Lake Waikare, specifically any wastewater or storm water runoff from future developments.¹⁰⁷ In that regard, she stated that to a large extent the recommendations in the section 42A report address the concerns raised.
148. She went on to say that the only relief sought by DOC is the inclusion of objectives and policies to recognise the internationally significant values of the Whangamarino Wetland and the need to take a precautionary approach to likely adverse effects on it.¹⁰⁸
149. Given the above, Ms Tumai submitted that a new policy should be included in PC 20, as follows:

¹⁰⁴ Legal submissions – para 2

¹⁰⁵ Ibid – para 4

¹⁰⁶ Ibid

¹⁰⁷ Ibid – para 5

¹⁰⁸ Ibid – para 23

Wastewater discharge must be managed to ensure natural water bodies are not degraded and ecological values are protected and enhanced.

Dr Gerbeaux

150. Dr Gerbeaux's detailed statement addressed the following matters:
- a. The significance of the Whangamarino Wetland in a New Zealand context, and its values as they link to the National Policy Statement on Freshwater Management ("**NPSFWM**").
 - b. The ecosystem services provided by the Whangamarino Wetland and how degradation is likely to affect them.
 - c. What could be impacting the natural character of the Wahngamarino Wetland.
151. We need not summarise Dr Gerbeaux's evidence in detail, because there is no real debate as to the importance of the Whangamarino Wetland, in both a planning and environmental sense. As such, it suffices for present purposes to record Dr Gerbeaux's conclusions which were as follows.¹⁰⁹
- 5.1 Whangamarino meets the criteria for significance under the RMA and criteria for outstanding and significant values under the [NPSFWM].
 - 5.2 Diverse wetland types are present within Whangamarino wetland and understanding their respective features and functioning is important if they are to be adequately sustained.
 - 5.3 The Ramsar Convention is strongly advocating the development of policies that consider the ecosystem services that wetlands provide, and integrate them into land use planning.
 - 5.4 Preventing direct and indirect impacts of stormwater and wastewater discharges is very important to sustain values and services present in [the] Whangamarino.
 - 5.5 All of the above is relevant to assessing the adequacy of the Waikato District Council proposed plan change relating to stormwater and wastewater management in the Whangamarino catchment.

Mr Williams

152. Mr Williams began by expressing his support for various recommendations in the section 42A report.¹¹⁰
153. Citing section 6(c) of the RMA, the NPSFWM and the Ramsar Convention Mr Williams recommended that the policy referred to by Ms Tumai (see paragraph 149 above) be included in PC 20.
154. In answer to our question, Mr Williams accepted that some redrafting of the recommended policy would be appropriate, as the currently proffered version reads as a "rule", rather than a policy.
155. He also stated that PC 20 should only be approved if the creation of the Lakeside walkway is a discretionary activity, as recommended in the section 42A

¹⁰⁹ Evidence of Dr Philippe Gerbeaux – Section 5

¹¹⁰ Evidence of Jacob Williams – paras 10 - 11

report¹¹¹ and that he supported the inclusion of the policy that would control the spread and impact of alligator weed as well as the inclusion of the biosecurity provision in the assessment criteria for a Comprehensive Subdivision Consent or Comprehensive Land Development Consent.¹¹²

5.4.8 Future Proof Implementation Committee – Ken Tremaine

156. Mr Tremaine provided a detailed written brief of evidence, in which he addressed:

- a. The Future Proof Strategy.
- b. The importance of PC 20 in implementing it.
- c. Te Kauwhata in the RPS.
- d. Future Proof Implementation Committee's ("FPIC") main submission points.
- e. The section 42A report.

157. Key points made by Mr Tremaine include the following:

- a. The Future Proof Strategy was developed by Hamilton City Council, Waikato District Council, Waipa District Council, Waikato Regional Council, tangata whenua and New Zealand Transport Agency under the provisions of the Local Government Act 2002 to look at how development should occur in the future in a sustainable manner.¹¹³
- b. The Future Proof Strategy identifies 30 year land supply needs¹¹⁴ and has been designed to be consistent with the RMA, the Local Government Act 2002 and the Land Transport Management Act 2003.¹¹⁵
- c. The Future Proof Strategy was updated in 2017, using the Special Consultative procedure of the Local Government Act and the revised document has not altered the fundamental principles of the strategy.¹¹⁶
- d. PC 20 gives statutory effect to the Future Proof settlement pattern at Te Kauwhata, which Future Proof identifies as a growth area.¹¹⁷
- e. The RPS, which sets the direction for growth management in the region, gives statutory effect to the Future Proof settlement pattern.¹¹⁸
- f. Although PC 20 is outside of the urban limits, as indicated in the updated Future Proof Strategy, the maps clearly state that the urban limits are indicative only.¹¹⁹

¹¹¹ Ibid – para 18

¹¹² Ibid – para 19

¹¹³ Evidence of Ken Tremaine – para 1.7

¹¹⁴ Ibid – para 3.4

¹¹⁵ Ibid – para 3.5

¹¹⁶ Ibid – para 3.10

¹¹⁷ Ibid – para 3.11

¹¹⁸ Ibid – paras 5.3 - 5.4

¹¹⁹ Ibid – para 5.9

- g. Considering all the relevant factors, PC 20 gives effect to the RPS.¹²⁰
- h. FPIC's submission supported PC 20.¹²¹
- i. FPIC supports the recommendations in the section 42A report.

5.5 Council's section 42A report

5.5.1 Opening submissions – Ms Parham

158. Ms Parham provided written submissions in which she traversed the case law concerning the validity of Comprehensive Subdivision and Comprehensive Land Development Consents.
159. Ms Parham traversed the three key decisions on the use of these mechanisms, namely:
- a. Queenstown Airport Corporation v Queenstown District Council [2014] NZEnvC 93.
 - b. Re Auckland [2016] NZEnvC 56.
 - c. Re Auckland [2016] NZEnvC 65.
160. We address this issue more fully later, and for present purposes, it suffices that we record that, for the reasons she set out in detail, Ms Parham considers that the provisions do not offend the case law principles, and it is for the Commissioners to evaluate the merits of them in the context of section 32 of the RMA.¹²²

5.5.2 Mr Alisdair Gray

161. Mr Gray presented a written summary statement of evidence that addressed the key parts of the section 42A report that related to traffic and transportation matters.
162. Mr Gray's evidence stated that:
- a. PC 20 needs to make it clear that Te Kauwhata Structure Plan Standards apply.¹²³
 - b. The need for alternative road access has been appropriately addressed.¹²⁴
 - c. An adequate design of the Scott Road / Te Kauwhata Road intersection can be implemented.¹²⁵
 - d. Road safety at the rail level crossing can be dealt with as part of

¹²⁰ Ibid – para 5.12

¹²¹ Ibid – para 6.1

¹²² Legal submissions – para 15

¹²³ Summary evidence of Alisdair Gray – para 5

¹²⁴ Ibid – para 6

¹²⁵ Ibid – para 7

subdivisions consent mitigation.¹²⁶

- e. Lakeside has not agreed to fund the gradient change, and this is a key safety requirement.¹²⁷ (Mr Goldsmith subsequently confirmed that Lakeside has committed to all the proposed works.)
 - f. Although desirable, a grade separation of the level crossing is impractical.¹²⁸
 - g. Cumulative effects on the road network levels of service will be gradual and can be monitored and dealt with as part of the Council's future capital programmes.¹²⁹
 - h. Based on the proposed single space [for two bedroom dwellings] on lots less than 300 m², there are likely to be problems with on-street parking, such as driveways being obstructed, double parking for deliveries, difficulties with servicing such as refuse and recyclables, unless there is either a higher level of on-site parking or it is provided for at a higher level on street than the rules currently indicate is likely.¹³⁰
 - i. It would be desirable for the proportion of single space lots to match up with likely vehicle ownership (around 60% have two or more) and parking demand – although lot size is not directly related to vehicle ownership. Provisions in PC 20 that allow one parking space per dwelling for sites with lower risk of extra parking demand would be supported.¹³¹
 - j. Absent a planning mechanism that requires two spaces (except for lots smaller than 250 m² when it has been demonstrated that a minimum of 0.7 on street spaces per dwelling can be appropriately accommodated), requiring consistency with the District Plan provisions is the most straightforward approach.¹³²
163. Mr Gray concluded that adverse effects relating to traffic and transportation can be managed to acceptable levels via PC 20 provisions, as set out in Mr Dawson's evidence.¹³³

5.5.3 Mr David Mansergh

164. Mr Mansergh presented a written summary statement of evidence that addressed the key parts of the section 42A report relating to landscape and urban design matters.
165. He began by considering on site parking matters. He stated that the issue that arises around on site car parking requirements within the higher density precinct revolves around the possible effects that might arise when an additional parking space is needed as a result of occupancy. He was of the opinion that a different set of cumulative effects on neighbourhood amenity have the potential to arise

¹²⁶ Ibid – para 8

¹²⁷ Ibid

¹²⁸ Ibid

¹²⁹ Ibid – para 9

¹³⁰ Ibid – para 10

¹³¹ Ibid

¹³² Ibid

¹³³ Ibid – para 14

whichever parking trigger mechanism.¹³⁴

166. He stated that:

- a. A trigger based on the number of bedrooms could affect the appearance of the property frontage, potentially resulting in a greater dominance of space dedicated to vehicles and affect the ration of vehicle crossings to berms (i.e. more double crossings). It also introduces the risk of design homogeneity within the streetscape.¹³⁵
- b. A trigger based on property area may result in an increased requirement for on street parking and this is likely to have an effect on amenity values associated with the streetscape and street tree configuration.¹³⁶
- c. Neither of these approaches is ideal and the solution lies somewhere in between, with a planning mechanism that ensures that a balance is achieved along each street in a manner that reduces the risk of adverse effects on neighbourhood amenity by restricting permanent parking on the street.¹³⁷
- d. While a “number of bedrooms” approach is more predictable, its possible effects on street frontage character and internal lot spatial arrangement may not be outweighed by the potential gains in public streetscape amenity.¹³⁸

167. Mr Mansergh also discussed urban design criteria and Neighbourhood Parks and Reserves¹³⁹. Because these matters were the subject of further consideration prior to the adjournment of the hearing, we do not discuss them further here.

168. In response to our questions of the applicant witnesses about whether the “Urban Design Guide” should be included in PC 20, Mr Mansergh was satisfied that they were better left outside PC 20, as it leaves some flexibility at the design stage.¹⁴⁰

169. His conclusion was that the proposed plan change provisions as presented in Mr Dawson’s evidence, should provide for an acceptable level of management of the landscape and urban effects associated with a change of zoning across the site, noting also that there is no clear answer as to how best to address the on site parking issue from his urban design perspective.¹⁴¹

5.5.4 Mr Chris Dawson and Mr Sam Foster

170. Mr Dawson and Mr Foster are the authors of the section 42A report. They provided a joint written summary statement of evidence that addressed the key issues raised in the section 42A report, particularly details of the proposed PC 20 planning provisions.

¹³⁴ Summary evidence of David Mansergh – para 13

¹³⁵ Ibid – para 14

¹³⁶ Ibid – para 15

¹³⁷ Ibid – para 23

¹³⁸ Ibid – para 24

¹³⁹ Ibid – paras 28 - 34

¹⁴⁰ Ibid – para 39

¹⁴¹ Ibid – para 40

171. Their evidence was very helpful, but because the matters they raise have been the subject of further consideration during the adjournment, we do not need to discuss what they said in the hearing in particular detail. It suffices to say that at the time of the hearing, the key issues that they addressed were as follows:
- a. The provision of infrastructure, particularly wastewater.
 - b. Density of the development and its effects on neighbourhood character.
 - c. The provision of neighbourhood reserves.
 - d. The effects of stormwater on Lake Waikare.
172. Mr Dawson and Mr Foster expressed some concerns around the issues Fish and Game raised about reverse sensitivity effects on existing gamebird hunting activities, and in particular making it a permitted activity criterion, because it would be uncertain.¹⁴²
173. They stated that the adjournment provided them the opportunity to give further consideration to a number of matters raised during the hearing.

5.6 Applicant's oral reply

174. Mr Goldsmith made some oral remarks in response to matters made by other parties. We asked Mr Goldsmith to provide these, and any other matters of reply, in writing. This was done, and his right of reply is addressed in Section 5.8 below.

5.7 Information received post-adjournment

5.7.1 The information

175. In accordance with our Directions (see paragraph 41 above) we received four documents subsequent to the adjournment, namely:
- a. Supplementary information from Mr Duthie that provided written response to the questions we asked him, as well as an amended section 32 report to address, in accordance with section 32AA, the amended provisions now proposed.
 - b. A revised set of PC 20 provisions that showed the respective versions of text proposed by various parties.
 - c. A joint memorandum from Mr Duthie and Ms Betty Connolly (the Council's Senior Planner) that explained the various changes made to the provisions.
 - d. Mr Goldsmith's closing submissions (which we summarise in Section 5.8 below).

5.7.2 Mr Duthie's supplementary information

176. In his supplementary information, Mr Duthie provided details of various matters

¹⁴² Summary evidence of Chris Dawson and Sam Foster - para 25

he addressed orally at the hearing, namely:

- a. Given the provisions of the PC 20 he is satisfied that the Commissioners can have confidence that the necessary infrastructure will be provided by Lakeside when the different stages of the development are rolled out.¹⁴³
- b. Public consultation resulted in the following changes to the design of the overall proposal:¹⁴⁴
 - i. The single biggest feedback was on opening up public access to the lake – the foreshore walkway being the result.
 - ii. Precinct Plan 3 reflects the strong desire for an integrated network of walkways and cycleways to complement what already exists.
 - iii. To try and link the cycleway across the Rangiriri Strait, Lakeside has secured an easement from its south-western corner running south and connecting up with a local road that, in turn connects to the Ohinewai Strait.
 - iv. Hui identified the importance of the headland in the south-east of the property, which is now proposed as a cultural reserve.
 - v. An area has been identified where the pony club will be able to establish a permanent base.
 - vi. The commercial centre has been limited in size so that primary shopping and dining activities will still occur in the existing township.
 - vii. A satellite medical centre has been provided for in the community hub, as well as small professional offices.
 - viii. Noting the differing views of Scott Road residents, the higher density areas have been moved further to the south and away from them, as well as the changes proposed in respect of the Hulme and McGuire properties.
 - ix. Wastewater upgrade issues.
 - x. Retention of some of the “green fingered” gullies so that people could walk through them, as well as them being used for stormwater purposes.
 - xi. Best practice stormwater management being used.
- c. If garaging was required on individual lots¹⁴⁵, this would require an additional 30 m² of land per lot, thereby increasing the size of the smaller 225 m² lots by 13%. Building and other costs would be additional (estimated at \$30,000) all of which would be to the detriment of “housing affordability”.

¹⁴³ Supplementary n formation from John Duthie 5 April 2018 – Section 2

¹⁴⁴ Ibid – Section 3

¹⁴⁵ Ibid – Section 4

- d. The benefits of a simple system of using the developer's design guidelines outweigh the significant consenting cost of having controlled activity provisions for each building.¹⁴⁶
- e. Primary roads at Lakeside¹⁴⁷ are 20 metres wide, with secondary road widths varying between 16 and 18 metres. He understood Hobsonville Point widths varied between 12 and 16 metres, with their main spine road being 20 metres wide. However, the main point is that Lakeside has sufficient width for two-way traffic movement, off street parking, cycleway, footpath and a bit of a berm for infrastructure services.
- f. Preventing the construction of buildings in proximity to the railway line (so that the noise and vibration standards can be achieved without intervention) was not needed. The situation proposed by Lakeside and the Council is becoming common around the country and people have the choice of whether or not they buy these particular properties.¹⁴⁸
- g. Regarding the Whangamarino Wetland, its significance is already protected in the Regional and District Plans (including the Te Kauwhata Structure Plan to which Lakeside is subservient).¹⁴⁹

177. We address the section 32AA matters addressed by Mr Duthie in Section 6.2 below.

5.7.3 Summary of the positions of the parties re the provisions of PC 20

178. Mr Duthie and Ms Connolly's joint memorandum confirmed that during the adjournment:
- a. Lakeside and the Council had reached agreement on all provisions of PC 20.
 - b. Lakeside, the Council and the WRC had agreed on some of the amendments proposed by the WRC.
 - c. Lakeside and the Council opposed some of the amendments proposed by the WRC.
 - d. Lakeside and the Council proposed some amendments that were an alternative to the approach suggested by the WRC.
 - e. Lakeside and the Council opposed the amendments proposed by Fish and Game.
179. No other submitter provided any commentary on the provisions, beyond those presented in their submissions and/or at the hearing, although the post-adjournment also addressed, in part the additional policy DOC had recommended.

¹⁴⁶ Ibid – Section 5

¹⁴⁷ Ibid – Section 6

¹⁴⁸ Ibid – Section 7

¹⁴⁹ Ibid – Section 8

5.7.4 Matters agreed by Lakeside and the Council

180. Aside from minor drafting amendments and consequential amendments, which we do not mention, the key changes agreed by Lakeside, the Council and WRC are as follows:
- a. The planning maps have been amended to remove the higher density zoning from adjacent to the properties owned by Mr and Mrs Hulme and Mr and Mrs McGuire (in fact it is the “Lakeside Precinct Plan 1: Precinct Areas” that has been amended) and relocated it to the southern portion of the precinct.
 - b. Further details as to Lakeside’s commitments to delivering the required infrastructure, have been made, as follows:
 - i. A new provision has been made in the controls for the Comprehensive Subdivision and Comprehensive Land Development Consents, to state that *“any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plan (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 treatment plant on a temporary basis until a long-term wastewater disposal system is implemented.”*
 - ii. To ensure that infrastructure for individual homes is provided before the title is created, the following has been added to the infrastructure requirement rule *“Prior to the issue of ss4C approval, the infrastructure requirements detailed [in specific rules] shall be implemented and operational.”*
 - iii. In the Comprehensive Land Development Consent rule, the following has been added to the infrastructure requirement rule *“Prior to the issue of any building consent for a dwelling or retirement village, the infrastructure requirements detailed [in specific rules] shall be implemented and operational.”*
 - iv. The assessment criteria for Comprehensive Subdivision and Comprehensive Land Development Consents now make it explicit that the upgrade of Scott Road is to be implemented within stage 1 of the development.
 - c. Because the plan encourages a two step subdivision process (commencing with the Comprehensive Subdivision Consent), the controlled activity rule for general subdivision now only applies to sites less than 5 hectares (it was previously 10 hectares). Additionally, a new assessment matter, *“Consistency with a Comprehensive Subdivision Consent or Comprehensive Land Development Consent”*, has been added to the general subdivision rules.
 - d. Five Neighbourhood Parks are now included in Precinct Plan 3 and the Council has committed to accepting them as vested open space.
 - e. The proposed control for when one site carpark is allowed, is to be triggered by a lot area of 300 m² or less, provided on-street car parking at a rate of 0.7 car parking spaces per allotment is also provided.

- f. New allotments adjacent to the Hulme and McGuire properties are now required to have a minimum net site area of 450 m².
- g. The trigger for when the secondary access road is required has been made more explicit by referring to “*new residential allotments exceeding 400, provided that each independent living unit in a retirement village shall count as one lot.*”
- h. Policy 15D3.24 b) has been amended¹⁵⁰ to read “*Wastewater capacity to service the development which will ensure an enhanced high quality effluent treatment to ensure natural waterbodies are not degraded and ecological values protected and enhanced.*”
- i. References to “generally in accordance with” have been deleted throughout the Comprehensive Subdivision and Comprehensive Land Development Consents rules and replaced with “*in accordance with*”. The provisions that refer to “general accordance” when specifying tolerance levels for complying developments have been renamed “*precinct plan parameters*”, with the controls on tolerance remaining unchanged (other than in respect of alligator weed which is discussed further below).
- j. Objective 15D.3.1 and the associated policies have been made more coherent.
- k. The wording of the control requiring a review of the operation of the Te Kauwhata rail crossing has been amended to make it explicit that this will occur once, when 800 allotments have been created.

5.7.5 Matters in dispute with the WRC

181. The WRC considers that the changes made in relating to alligator weed do not go far enough. WRC stated that they seek:

... restricted discretionary rather than permitted or controlled for earthworks (other than earthworks approved as part of a CLDC). At the very least, for controlled activities, matters for control should include the consideration of alligator weed. Note that these activities are not assessed under provisions of Section 21E.4, and so issues relating to alligator weed would not be considered appropriately under the current rules.

182. Also in respect of alligator weed control, WRC considers that:
- a. The current assessment criterion that relates to the management of alligator weed in the rural zones should also apply to the entire Living Zone, as parts of the flood plain are zoned Living and are within the “restricted place notice area” that we have mentioned previously.
 - b. The Comprehensive Land Development Consent rule that relates to the re-alignment of walkways in the Rural Zone to avoid locations of alligator weed, should also apply to the Comprehensive Subdivision Consent in the Rural Zone.
 - c. An additional assessment criterion should be included in all rules related to earthworks (Lakeside and the Council oppose this, but have

¹⁵⁰ Presumably in response to DOC’s request

recommended that a note be added at the end of each of the relevant rules referencing the control mechanisms in the Waikato Regional Plan.)

- d. Earthworks that involve filling in the flood plain should be a restricted discretionary activity.
183. WRC also seeks that a retirement village “activity” should be a restricted discretionary activity to make it consistent with the retirement village “development” provisions. Lakeside and the Council oppose this and note that the “standard structure” of the District Plan draws a distinction between “development” and “use” and a different activity status can be applied to each.
184. WRC considers that assigning permitted activity status for infrastructure and network utilities in the Rural Zone is not appropriate and a consent should be required. They note that the RPS directs that district plans should avoid locating lifeline utilities in locations where they are vulnerable to natural hazards of place communities at intolerable risk, and that the flood plain at Te Kauwhata is a case in point. The Council responded by saying that the only time this situation might arise is in respect of a wastewater pipeline in the secondary access road but that the road will be built on an embankment above the flood plain. In any event, earthworks controls will already require resource consent to be obtained.

5.7.6 Matters in dispute with Fish and Game

185. Fish and Game has sought to introduce policies and other provisions dealing with the effects of animal pests on avifauna and reverse sensitivity effects on gamebird hunting.

5.8 Lakeside’s right of reply

186. The first part of Mr Goldsmith’s closing submissions responded to matters raised by other parties (and which confirmed what he stated verbally immediately prior to the adjournment). We summarise his submissions as follows.
187. Regarding Mr Cunningham’s submissions, Mr Goldsmith stated¹⁵¹:
- a. Mr Cunningham provided no evidence about the membership of the Te Kauwhata Community Committee, who he stated he was representing, including the numbers of members it had.
 - b. Mr Cunningham made a number of references to “the general thinking” which purported to be statements made on behalf of some proportion of the population of Te Kauwhata. Mr Goldsmith considered that care needs to be taken about the extent to which those opinions are expressed on behalf of the wider community, as opposed to on behalf of himself, Ms Grace and an unspecified number of individuals, which could be quite a small number.
 - c. Regarding Mr Cunningham’s statements about the 8 year supply of sections at Te Kauwhata, Mr Goldsmith responded, as follows:
 - i. His statements were relatively generic and not supported by detailed analysis.

¹⁵¹ Closing Legal Submissions for Lakeside – paras 6 - 10

- ii. His statement referring to Lakeside creating a “glut”, presumably relates to a concern of a reduction in value due to competition. This was inferred by Mr Cunningham and there is no other apparent reason to suggest that development be staged to avoid a glut.
- d. Mr Cunningham’s references to not wanting to create an “urban slum” were made without reference to any factual evidence.
 - e. He submitted that the real issue which Mr Cunningham did not confront is the difference between a person who can afford to buy a 600 m² section and build a house on it – at an estimated cost of perhaps \$750,000 – and a person who buys a 225 m² lot and builds a smaller house – at a combined cost of perhaps \$500,000. He submitted that there was no evidence to substantiate that the latter purchaser is so different from the former that undesirable social consequences may result.
188. Regarding Ms McGuire’s submission, Mr Goldsmith stated¹⁵² that point e immediately above was also applicable. In addition, he stated that her evidence was inherently contradictory, where at one point she expressed a concern that purchasers of smaller lots may be of a “lower socio-economic status”, whereas at another point she expressed the view that such purchasers would not help to create a community because they would be so wealthy they would be able to recreate elsewhere.
189. Mr Goldsmith stated that point e in paragraph 187 also applied to Mr and Mrs Hulme.¹⁵³ In respect of their submissions, he also stated:
- a. On the one hand Mr and Mrs Hulme stated that they purchased in the expectation of living in a rural environment but that they also expected development of some sort on Scott Road. They did not specify what kind of development they contemplated, but one would expect it to have some impact on the existing environment.
 - b. Mr Hulme expressed concern about noise from the railway line for new residents located close to it, but he himself seems happy to land exposed to that noise. Mr Goldsmith stated this was perhaps a good example of the point he made in opening that some people are more sensitive to noise than others. He also reminded us about Mr Whitlock’s evidence, to the effect that international studies have shown that people are less sensitive to train noise than they are to road or aircraft noise because they generally know where the noise is coming from, and it is consistent so that they get used to it.
 - c. In acknowledgement of Mr and Mrs Hulme’s (and Ms McGuire’s) situation, Lakeside sees merit in:
 - i. Amending the zoning so that medium density zoning adjoins those two properties, rather than higher density zoning.
 - ii. Adding a rule to provide that the “averaging” factor applicable to lot sizes cannot operate to create lots smaller than 450 m² adjacent to those two properties.

¹⁵² Ibid – paras 11 - 12

¹⁵³ Ibid – paras 13 - 17

- d. In response to the concerns about safety on Scott Road, Mr Goldsmith stated that:
 - i. A resource consent was granted to Lakeside by the Council authorising the upgrade of Scott Road, and this includes creation of a separate footpath along Scott Road.
 - ii. The rules in PC 20 require that the upgrade of Scott Road occurs at the initial stage of development.
190. Regarding DOC's submissions and evidence, Mr Goldsmith submitted¹⁵⁴ that it:
- a. Did little more than establish the importance of the Whangamarino Wetland and therefore the importance of maintaining water quality in Lake Waikare, rather than any specific concerns about the development anticipated by PC 20.
 - b. Only requested the addition of one policy, noting that the second part of it has been incorporated into the revised version of the provisions (see paragraph 180 h above).
191. Mr Goldsmith stated that Lakeside does not agree with any of the amendments proposed in Ms Sintenie's evidence and has not incorporated any of them into the revised provisions.¹⁵⁵ He then presented the reasons for this¹⁵⁶, which we do not repeat in detail, but summarise as follows:
- a. Given the evidence from Mr Howells, there is no evidence to suggest that equestrian activities and gamebird hunting cannot co-exist.
 - b. Lakeside's evidence about reverse sensitivity effects have not been supported by evidence that establishes the necessary factual contentions. Additionally, Lakeside's expert evidence, and the amended provisions of PC 20, address the concerns raised.
 - c. Fish and Game's recommended methods of addressing reverse sensitivity effects give rise to legal difficulties, including:
 - i. Registering land covenants would create the legal complication, including the need for a Memorandum of Encumbrance on the title, which could be a significant imposition on the landowner.
 - ii. There must be a question mark as to whether a consent notice can somehow authorise or enable noise generated from an adjacent area of land to exceed permitted activity levels in a District Plan.
 - d. The statutory responsibilities of Fish and Game do not seem to extend to "potential effects ... on [native] avian biodiversity ..." and no technical evidence has been called in support of Fish and Game's proposed relief.
192. Regarding the submissions and evidence of the WRC, Mr Goldsmith noted that they generally supported PC 20, and while some of their recommendations have

¹⁵⁴ Ibid – paras 18 - 19

¹⁵⁵ Ibid – para 20

¹⁵⁶ Ibid – paras 21 - 37

been accepted, some have not.¹⁵⁷ He also stated that while Lakeside does not challenge the WRC's evidence to the effect that the control of alligator weed is a contentious issue, however a case could be made that the issue is fully addressed under other legislation and/or regional policy and enforcement documents.¹⁵⁸ Further, Mr Goldsmith stated that Lakeside has no difficulty with some practical management methods to address the identified problem, they oppose rule amendments which would have wider application beyond addressing the identified problem, plus any infestation that may be identified as development proceeds.¹⁵⁹

193. Mr Goldsmith also noted that although Lakeside and KiwiRail have reached agreement, that is not necessarily the end of the issue and we need to be satisfied as to their adequacy, although he submitted that there is no evidence which could reasonably lead to that conclusion.¹⁶⁰
194. In respect of our observations that a developer could theoretically "bypass" the Comprehensive Subdivision or Comprehensive Land Development Consent (which are restricted discretionary activities) and instead proceed by way of a controlled activity subdivision consent under the subsequent subdivision rules, Mr Goldsmith stated that:
- a. As Ms Parham's submissions explained, it is not lawful for the controlled activity status of a subdivision consent application to only apply once the Comprehensive Subdivision Consent was granted.¹⁶¹
 - b. As a consequence, Lakeside's practical response is that:¹⁶²
 - i. A Comprehensive Subdivision Consent or Comprehensive Land Development Consent is intended to provide all the consents necessary to install the basic wider infrastructure services, which can then be connected to through later smaller subdivision consents.
 - ii. Considerable efficiency savings can be achieved by installing infrastructure over a wider area rather than on a piecemeal basis as subdivision stages are consented.
 - iii. The likelihood of a developer wanting to seek small individual subdivision consents is remote.
 - iv. This is particularly the case here where a single developer owns and intends to develop the entire development.
 - v. The maximum size of any controlled activity subdivision consent proposal has been reduced from 10 to 5 hectares.¹⁶³
195. Mr Goldsmith also evaluated the evidence of Mr Tremaine for the Future Proof Implementation Committee in some detail. We need not repeat that analysis,

¹⁵⁷ Ibid – para 38

¹⁵⁸ Ibid – para 39

¹⁵⁹ Ibid – para 42

¹⁶⁰ Ibid – para 44

¹⁶¹ Ibid – para 47

¹⁶² Ibid – para 48

¹⁶³ Ibid – para 50

other than to note that Mr Goldsmith stated¹⁶⁴ that there has been no evidence presented that challenges any aspect of the Future Proof submission or Mr Tremaine’s evidence and that Mr Tremaine’s evidence should be accorded very considerable weight.

5.9 Closing of the hearing

196. We formally closed the hearing on 10 April 2018.

6. EVALUATION OF PC 20

6.1 Key issues

197. Other than those submitters who seek either that PC 20 be rejected in its entirety, or that the density provisions from the District Plan should be included, the only substantive issues that we need to consider are those set out in Sections 5.7.5 and 5.7.6 above.

198. Regarding rejecting the plan change outright, we are satisfied, based on the expert evidence received, the analysis of submissions in the section 42A report and the section 32 analysis, that PC 20 should not be rejected.

199. Similarly, in respect of the possible increase in lot size requested by some submitters, we are satisfied that the expert evidence of Lakeside’s witnesses, particularly Mr Meehan, Mr Baxter, Mr Barratt Boyes, Mr Carr and Mr Duthie, supports the creation of medium and higher density homes in this location. That evidence also satisfies us that the development, as contemplated, will not detrimentally affect the amenity currently able to be experienced in the Te Kauwhata Village, and that the development will integrate with the existing environmental setting in an acceptable and appropriate way.

200. Regarding the matters raised by WRC that have not been accepted by Lakeside and the Council, we agree that the additional changes proposed by WRC are not appropriate, nor necessary, for the reasons explained by Mr Duthie.

201. In that regard, PC 20 already deals with the issue, appropriately in our assessment, by way of the Comprehensive Subdivision and Comprehensive Land Development Consents processes, while the WRC already has significant ability to control alligator weed threats via the Regional Pest Management Plan. We also observe, as Ms Vyfhuis acknowledged in answering our questions, that there have been opportunities in the regional policy and regional planning spaces where the WRC could have provided more region-wide guidance, and exercised greater control over, pest plants, than it has chosen to do.

202. Also regarding the WRC’s submission, we do not accept that “use” and “development” activity status for a retirement village need to be aligned, for the reasons stated by Mr Duthie and Ms Connolly. Likewise, there is no need, in our assessment, for infrastructure and network utilities in the Rural Zone to be anything other than permitted activities.

203. Fish and Game’s relief, other than already incorporated in the 5 April 2018 version of PC 20 is rejected, for the reasons outlined in Lakeside’s expert

¹⁶⁴ Ibid – para 63

evidence, the section 42A report, the section 32 analysis and Mr Goldsmith's closing submissions.

204. We are also not persuaded by DOC's submission and expert evidence that a specific policy is needed to reflect the importance, and protection, of the Whangamarino Wetland. While the wetland's significance is acknowledged and seems not to be in contention between any of the parties, we are satisfied that the existing provisions of the RPS, the Waikato Regional Plan and the Te Kauwhata Structure Plan, plus the controls that will be imposed by PC 20 (including the amendment referred to in paragraph 180 h above) are sufficient.
205. We wish to record that the efforts made by all parties prior to and since the hearing have resulted in significant enhancements to the provisions of PC 20, such that many issues of concern to submitters, and to us as Commissioners, have been resolved satisfactorily.
206. Accordingly, with one minor exception, we consider that no additional changes to the version of PC 20, as agreed by Lakeside and the Council are necessary. The exception is that the title of Rule 25H.9 refers to "Subdivision (other than approved as part of a CLDC¹⁶⁵)". This should have read "Subdivision (other than approved as part of a CS¹⁶⁶)".

6.2 Section 32 and section 32AA analysis

207. As noted previously, we are required to consider and apply the provisions of section 32AA to our decision-making and to have examined the extent to which each objective is the most appropriate way of achieving the purpose of the Act. We are also required to have examined whether, having regard to their efficiency and effectiveness, the policies, rules and other methods in the plan change are the most appropriate for achieving the objectives. In addition, we must have undertaken a further evaluation of any changes that have been made to or are proposed in the plan change since the evaluation report for the original plan change proposal was prepared.
208. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes and be either published in an evaluation report that is made available for public inspection at the same time as the decision on the proposal is released or be referred to in the decision-making record in sufficient detail to demonstrate that the evaluation was undertaken in accordance with this section.
209. The plan change proposal as lodged by the applicant included an analysis as required by section 32 of the Act and covered all of the provisions as then proposed. It provided the background and context for the plan change, an assessment of the overall approach to the plan change against the section 32 matters of benefits, costs and risks. The report assessed whether the plan change provisions were the most appropriate way of achieving the Act's purpose, compared with other options, and the extent to which the proposed provisions would assist the Council to carry out its functions under the Act.
210. Following notification and public participation by way of submissions and further submissions, the plan change has undergone a number of significant revisions.

¹⁶⁵ Comprehensive Land Development Consent

¹⁶⁶ Comprehensive Subdivision Consent

The requirements of section 32AA mean that we must have undertaken an evaluation of all the changes that were made to the notified version of the plan change.

211. The section 32AA analysis provided to us at the conclusion of the adjournment by Mr Duthie addresses the changes to PC 20 agreed between Council and the applicant since notification. We agree with that analysis and adopt it as our own.

7. DECISION

212. Pursuant to clause 10 of the First Schedule of the Resource Management Act 1991, we have determined, for the reasons set out above, that:
- a. Plan Change 20 is approved, with amendments to the notified version, as set out in Attachment 1.
 - b. The submissions that oppose Plan Change 20 in its entirety, are rejected.
 - c. The submissions seeking changes to Plan Change 20 are accepted, accepted in part, or rejected.

Signed this 11th day of April 2018:



PH Mitchell
Chair

For and on behalf of PH Mitchell, AR Watson and L Te Aho

ATTACHMENT 1

Decisions Version of Plan Change 20

11 April 2018

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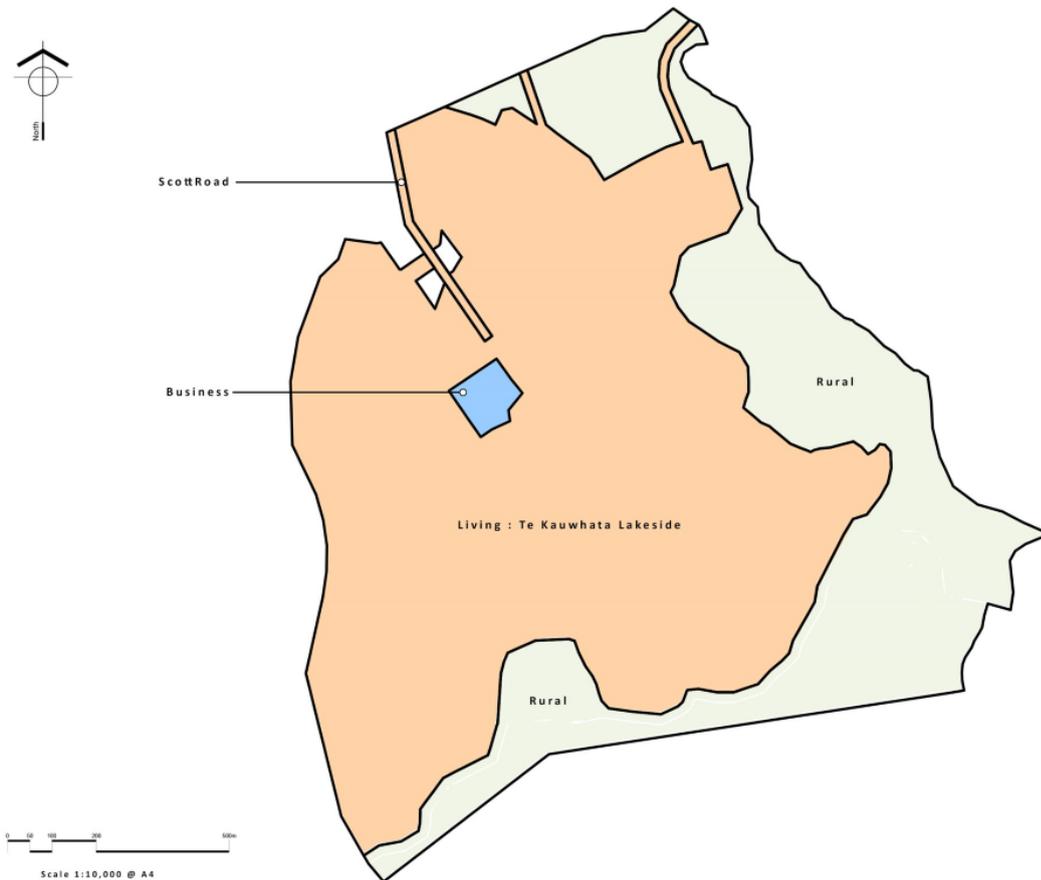
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PART A - AMENDMENTS TO THE PLANNING MAPS

Private Plan Change 20 amendments to the Waikato District Plan: Planning Maps

Planning Map - Zoning map: Map 1

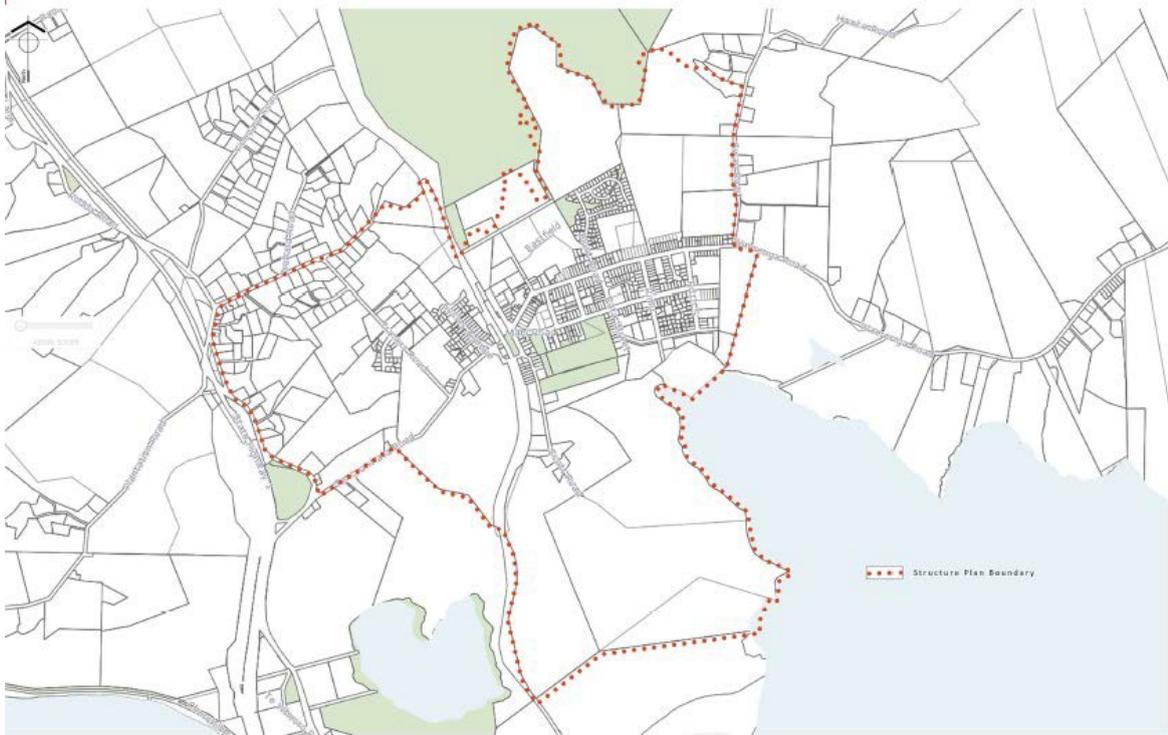
Rezone the land identified below from “Rural” to “Living: Te Kauwhata Lakeside” and “Business” as shown below:



Key

- Rezone the land from Rural to Living: Te Kauwhata Lakeside
- Rezone the land from Rural to Business
- Note this land retains a Rural zone.

Te Kauwhata Structure Plan: Map 2



Amend the boundary of the Te Kauwhata Structure Plan as shown.

PART B - AMENDMENTS TO PART 15 - OBJECTIVES AND POLICIES

15D Te Kauwhata Lakeside Precinct Plan

15D.1 Introduction

Te Kauwhata is a rural service centre and urban village located in the northern portion of the Waikato region. It is a key township for Waikato District Council's growth strategy. Te Kauwhata has a village character and is surrounded by rural activities, Lake Waikare and the Whangamarino Wetlands.

Demand for housing in Te Kauwhata is expected to grow at a high rate over the next 20 years. This is because Te Kauwhata is well placed to connect with Auckland, Hamilton and other activities in the northern Waikato, such as Hampton Downs.

Further attractions to residents is the village character of Te Kauwhata, the rural landscape, Lake Waikare and the range of activities in the town centre including schools, library, medical centre and commercial activities and golf course.

The logical place to provide for this growth is to the south of the town centre as this land has good connections to the village and is of a gently rolling nature which can be readily developed for residential use.

A significant factor in this development is that it will enable public access to Lake Waikare and will also provide a variety of open spaces to be used by residents of the development and the wider Te Kauwhata community. This will not only have recreation and amenity benefits but will integrate the development with the existing town centre.

It is important to ensure that development of the Te Kauwhata Lakeside Precinct Plan Area has a compact urban form which is consistent with the Future Proof Growth Strategy including updated evaluation of growth trends. Additionally, development must be carefully planned so that it is complementary with the existing village character of Te Kauwhata, provides a high level of urban design and amenity, and respects the environmental values of the area, particularly Lake Waikare.

This chapter presents plan provisions that are specific to the Te Kauwhata Lakeside Precinct Plan Area, as shown in Schedule 21E, which are designed to ensure that development is appropriately managed. It is to be read in conjunction with the district-wide provisions contained elsewhere in this plan and the Te Kauwhata Structure Plan provisions contained in 15A. The Lakeside Precinct Plan is a part of the Te Kauwhata Structure Plan. It follows structure planning principles, but is called "Lakeside Precinct Plan" to distinguish it from the "Te Kauwhata Structure Plan".

Provision of comprehensive infrastructure, including roading, water, wastewater and stormwater, telecommunications and energy services, needs to be integrated with development of Lakeside. This plan change is developed on the basis that Lakeside is capable of being self-sufficient in managing wastewater and stormwater. It is also designed that should the Huntly wastewater pipeline or any other Council option proceed, then the Lakeside development could connect into this pipeline or an alternate public system. If Lakeside is not able to obtain discharge consents for wastewater, then development of the area will need to occur after the pipeline is built or alternate system implemented.

The Lakeside Precinct Plan provisions encourage a two-step process for development. The first is a Comprehensive Subdivision Consent and Comprehensive Land Development Consent. The combination of these two consents provides for the creation of the core infrastructure and either superlots or development sites which enable future housing and business development. These consents include matters of earthworks, infrastructure, roading, identification of open space and the walkway network. Once the core land management infrastructure and amenities are provided and the land appropriately subdivided through the Comprehensive Subdivision Consent and/or Comprehensive Land Development Consent, then the second phase is the construction of residential and other permitted development. Where this residential development complies with the building and effects standards of the plan, they are generally permitted activities.

The North Island Main Trunk Railway bisects the Te Kauwhata township and runs alongside the western extent of Lakeside. Development near to the railway operations, including level crossings may create safety and reverse sensitivity effects. The Precinct Plan includes provisions to manage any adverse effects from the current and anticipated future operation of the North Island Main Trunk Railway Line and of development on level crossing safety.

Note: The Waikato Regional Council manage identified pest species through the Regional Pest Management Plan which provides direction on subdivision and land development on sites that contain or may contain pest species.

15D.2 Issue - Te Kauwhata Lakeside Development

This plan change sets out to manage the following issues related to the Te Kauwhata Lakeside development. Comprehensive planning for the Lakeside development will avoid or mitigate significant adverse effects on the environment. The issues that are managed include:

- Significant demand for housing and growth pressures in the northern Waikato and Te Kauwhata area,
- Constraints on Te Kauwhata growing to the north due to the Whangamarino Wetlands and on growing to the west due to the rural lifestyle blocks and the inability to create an efficient pattern of development,
- The desirability for a future growth area to be in reasonable proximity to the town centre and community facilities so as to reinforce the Te Kauwhata village,
- Providing public access to Lake Waikare and other public open spaces throughout the development,
- Achieving high-quality urban design and residential amenity outcomes,
- Providing for a broader range of lifestyle choice and housing opportunity within Te Kauwhata,
- Enhancing the natural values of Lake Waikare and enabling formal public access to the lake foreshore,
- Providing for development while maintaining the landscape and other environmental values and character of the Te Kauwhata area,
- Creating quality open space and amenity, including walkways, cycleways and streetscapes,
- Supporting development by efficient and adequate provision of infrastructure, including upgrading of the existing Te Kauwhata wastewater infrastructure,
- Supporting the existing town centre and enhancing its role and viability but also providing for the needs of the residents of Lakeside.
- Managing reverse sensitivity issues impacting on the existing railway network including level crossing, noise and vibration.
- Addressing the issue of alligator weed within the precinct.

15D.3 Te Kauwhata Lakeside Precinct Plan – Objectives and Policies

OBJECTIVES	POLICIES
<p>15D.3.1 Development of the Te Kauwhata Lakeside Precinct Plan Area provides for growth in Te Kauwhata and achieves a compact urban form.</p>	<p>15D.3.2 15D.3.2.A Significant additional land for housing provides for population growth in the northern Waikato and in particular Te Kauwhata,</p> <p>15D.3.2.B A broader choice of housing types is provided within Te Kauwhata by enabling a range of housing types including medium density, higher density and retirement living,</p> <p>15D.3.2.C Housing affordability is improved through the provision of smaller allotment sizes in appropriate locations,</p> <p>15D.3.2.D Manages the balance between creating areas for growth, open space and retaining an appropriate size and capacity flood plain to assist flood management within the Waikato River system.</p>

<p>15D.3.3</p> <p>Development of the Te Kauwhata Lakeside Precinct Plan Area integrates with the existing town centre, Lake Waikare and the wider Te Kauwhata area.</p>	<p>15D.3.4</p> <p>The layout and form of urban development:</p> <ul style="list-style-type: none"> (a) Provides an open space area between the residential development and the edge of Lake Waikare, (b) Provides for medium density residential development towards the edges of the Lakeside Precinct Plan Area, (c) Locates the higher density development, retirement living and community hub in the northern and central portions of the Lakeside Precinct Plan Area, (d) Provides a rural zone buffer to farmland to the south, (e) Enables a community hub which complements the activities within the existing Te Kauwhata town centre, (f) Provides safe and efficient vehicle, pedestrian and cycle connections within the Lakeside Precinct Plan Area, and into the existing village and the wider area, (g) Provides significant areas of open space which will enable access to Lake Waikare and attract Te Kauwhata residents to the development, (h) Enhance the public amenity values of the Lakeside environment, (i) Maintains a visual connection from Te Kauwhata Memorial Domain to Lake Waikare.
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<p>15D.3.5 Residents and users of the Te Kauwhata Lakeside Precinct Plan Area enjoy a high level of amenity and a sense of place.</p>	<p>15D.3.6 Implement design based planning and subdivision controls that promote a high standard of urban design which:</p> <ul style="list-style-type: none"> (a) Orientate significant portions of the subdivision and development to maximise outlook to Lake Waikare (and its natural landscape qualities such as lake margins) and solar gain, (b) Ensure a streetscape design which combines a comprehensive and consistent landscape theme and quality materials, (c) Has a range of building footprints and forms at different densities, (d) Fosters neighbourhood identity by providing quality open spaces within the higher density precinct, (e) Includes large areas of open space that can be used for a variety of recreational activities, (f) Provides connections to and along the foreshore, to and from the town centre and between the different parts of the Lakeside Precinct Plan Area, (g) Provides an overlay within the rural zone, adjacent to Lake Waikare and as a transition between the Lakeside development and rural land to the south, which provides for pastoral farming, horticultural and recreation uses while restricting more intensive rural uses, (h) Has a low-speed, pedestrian-friendly and highly landscaped road network (i) Has a highly connected network of pedestrian and cycle ways, (j) Fosters community and safety with good street and open space outlook / surveillance which satisfies CPTED (crime prevention through environmental design) principles, (k) Ensures that the medium density development adjoins the rail corridor to the east so as to enable adequate setbacks between habitable rooms and the rail corridor, (l) Minimises the use of rear allotments. (m) Creating an Iwi reserve on the most eastern point of the Lakeside development and vesting this land in iwi. <p>15D.3.7 Mitigate the potential adverse effects on noise sensitive activities in the vicinity of the rail corridor arising from the operation of the North Island Main Trunk line (NIMT).</p> <p>15D.3.8 Require new development in close proximity to the North Island Main Trunk line to meet minimum internal noise and vibration standards.</p>
<p>15D.3.9 The activities within the community hub complement the existing Te Kauwhata town centre.</p>	<p>15D.3.10 Non-residential activities are limited to those which:</p> <ul style="list-style-type: none"> (a) are small-scale and provide local-level business opportunities and services or provide a community function, (b) will complement the role, amenity and social function of the Te Kauwhata town centre.

<p>15D.3.11 The distinct environmental and cultural values (including landscape, ecology and habitat) of the Te Kawwhata Lakeside Precinct Plan Area are maintained or enhanced.</p>	<p>15D.3.12 Public access is provided to and along the edge of Lake Waikare within the Lakeside Precinct Plan Area, through the establishment of managed reserves and walkways/cycleways.</p> <p>15D.3.13 Creating Iwi reserve on the most eastern point of the Lakeside development, and vesting this land in iwi.</p> <p>15D.3.14 The edge of Lake Waikare is planted with locally appropriate indigenous species which maintain and enhance the natural values of the lake.</p> <p>15D.3.15 Ecological corridors are established for the management of stormwater which are designed to minimise erosion and minimise ecological or water quality degradation in Lake Waikare arising from the Lakeside development.</p> <p>15D.3.16 Stock are excluded from the edge of Lake Waikare and the natural waterway shown on Precinct Plan 21E.3.3.</p> <p>15D.3.17 Landscape treatment and planting along streets, public open spaces and other areas are designed and implemented in a manner which maintains and creates ecological linkages and habitat for indigenous fauna.</p> <p>15D.3.18 Stormwater and wastewater from the Lakeside Precinct Plan Area is managed in a way which minimises the environmental effects on Lake Waikare.</p> <p>15D.3.19 Identified areas of existing vegetation which are of ecological and/or landscape significance and shown on the Te Kawwhata Lakeside Precinct Plan Area are maintained.</p> <p>15D.3.20 An appropriately sized flood plain is maintained as open space and/or rural land so as to allow this land to continue its flood protection function.</p> <p>15D.3.21 Implement a management plan to control the spread and impact of alligator weed.</p>
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	<p>15D.3.22 Manage the portion of the rural zoned land that is part of the Lower Waikato Flood Control Scheme to ensure that, in any reconfiguration of the flood plain boundaries, there is no material difference in the holding capacity of the flood plain in extreme events.</p>
<p>15D.3.23 Urban development within the Lakeside Precinct Plan Area is coordinated with integrated development of roads and other infrastructure.</p>	<p>15D.3.24 Subdivision and development occurs in an orderly sequence dictated by the provision of the following infrastructure.</p> <ul style="list-style-type: none"> (a) stormwater management practices to provide a “treatment train” for stormwater including swales, rain gardens and wetlands. This shall be set out in a stormwater management plan; (b) wastewater capacity to service the development which will ensure an enhanced high quality effluent treatment to ensure natural waterbodies are not degraded and ecological values are protected and enhanced; (c) a wetland in the southern end of the precinct to manage discharge from the wastewater plant or connection to a public system with sufficient capacity; (d) adequate potable water, energy and telecommunications to service growth within the subdivision; (e) in the reformation of the extent and shape of the flood plain and in the allowance for the public facilities within the flood plain, the same storage capacity of water is retained; (f) a secondary access roading connection into the Te Kauwhata Lakeside Precinct Plan Area must be open for traffic once the number of new residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that each independent living unit in a retirement village shall count as one allotment. <p>15D.3.25 Development manages effects on the North Island Main Trunk line to ensure the continued safe and efficient operation of the rail network.</p> <p>15D.3.26 Implement safety improvements at the Te Kauwhata railway level crossing.</p>
<p>15D.3.27 Urban development within the Lakeside Precinct Plan Area is appropriately serviced to ensure that any effects on the surrounding environment are minimised</p>	<p>15D.3.28 Urban development within the Lakeside Precinct Plan connects to appropriate infrastructure that has the capacity to adequately service the proposed development.</p>

15D.4 Reasons and Explanations for Objectives and associated Policies

15D.4.1 Contributing to growth

An important aspect of the Council's growth strategies is promotion of compact urban form. Objective 15D3.1 makes this a requirement of development in the Lakeside Precinct Plan Area. Associated policies set out a number of means by which appropriate compact form can be achieved without detriment to other environmental principles including the retention of rural village character and the natural values of the Te Kauwhata area, and having regard to topographical constraints.

Due to its proximity to the heart of Te Kauwhata, Lakeside can accommodate growth in a manner that supports the compact form of Te Kauwhata and expands housing typologies and hence the lifestyle choice available to existing and future residents.

The Te Kauwhata Lakeside Precinct Plan Area has a limited number of owners and is of considerable scale. Therefore, a comprehensive planning analysis and design can be undertaken to achieve:

- Provision for significant growth in the northern Waikato area,
- Compact urban form,
- Reinforcement of the village character,
- Protection and enhancement of the natural values of the area,
- Public access to Lake Waikare,
- Coordinated provision of infrastructure (including the upgrading of the existing wastewater treatment system).

15D.4.2 Diverse Living Environments

In any urban development, it is important to achieve a diversity of living environments in order to meet the needs of a diverse community. This diversity can contribute significantly to the character and identity of Te Kauwhata, and reflects diversity within the community itself. Provision of a greater range of housing typologies will complement the existing range of housing choice within Te Kauwhata. These characteristics are seen as the essence of Te Kauwhata, and planning for future growth should strongly seek to further promote these characteristics. Lakeside provides a range of medium and higher densities which will complement the existing low and medium density housing of the existing Te Kauwhata urban area. Te Kauwhata will now be able to offer a range of housing typologies including some small sites which will assist in providing market affordable housing.

This important aspect is reflected in Objective 15D.3.1. The associated policies refer to design for a variety of living environments, proximity of recreational opportunities, and the use of landscape design within streets and public spaces to promote an individual sense of identity.

15D.4.3 Te Kauwhata Village Character

A key element in planning for the growth of Te Kauwhata is ensuring that new development is complementary with its existing village character. This is recognised in Objective 15D.3.3 of the District Plan. Lakeside by location and orientation presents an immediate opportunity to accommodate part of Te Kauwhata's growth in a way that supports the existing village character.

The objectives and policies for the Te Kauwhata Lakeside Precinct Plan Area recognise that the development of Lakeside will introduce a level of masterplanning, design and some development types that are relatively new to the wider Te Kauwhata area. They require comprehensive planning

and design to ensure that new development will be consistent with, and reflective, of its lake setting and is complementary overall with Te Kauwhata's existing character. The policies set out a number of requirements to utilise lake outlooks, where practical passive solar gain, connection to the existing Te Kauwhata settlement, a village scale and a sense of place in the Te Kauwhata environment.

Local commercial activities are anticipated. However Objective 15D.3.9 and the associated policies and rules control the scale of these activities to ensure they will complement the role, amenity and social function of the Te Kauwhata town centre.

Other policies identify elements such as built form characteristics supporting a village environment, walking and cycling access to Lake Waikare and integration of public open space within the residential development that are important in maintaining and contributing to a village style development.

15D.4.4 High Standard of Amenity and Sense of Place

Urban design and planning controls have been put in place to achieve quality development outcomes. In particular, the planning controls ensure that residents of Te Kauwhata Lakeside will have a high standard of residential amenity through a range of development controls suitable for the land and assessment criteria in the critical land development/subdivision stage. A high standard of amenity in the public environment is also achieved as a result of open spaces and controls on landscaping and streetscapes. Collectively, this high level of amenity will result in a development which is an enjoyable and engaging place to live and visit.

The Te Kauwhata Lakeside Precinct Plan Area requirement for a Comprehensive Subdivision includes urban design assessment criteria. This urban design approach ensures that the appropriate outcomes can be met, where zoning alone will likely produce homogenous and unresponsive outcomes.

15D.4.5 Natural Values of the Lakeside Environment

Much of the Lakeside development is located within the Lake Waikare environment. Formal public access will be provided to Lake Waikare.

The most important natural values of the environment are the Lake Waikare edge combined with the topographical profile of the land. Development of Lakeside to accommodate part of Te Kauwhata's growth affords an opportunity for the retention and enhancement of the remaining natural values of the lake environment. Ensuring a high-quality land/water interface is an important part of sustainable management of this resource. Retaining the main topographical features of the land and planting in gully systems and stream margins will contribute landscape elements to achieve a balance between residential development and retention and enhancement of the natural character of the lake environment.

Objective 15D.3.11 and the associated policies encourage the use of buffers between urban development and the lake, restoration planting and the use of a low-impact stormwater treatment system to manage the quality and rate of run-off of stormwater into Lake Waikare.

Other objectives and policies refer to restoration and management of public access to the lake environment. Overall, the objectives and policies promote a sustainable balance between development and the retention and enhancement of natural values.

15D.4.6 Public Access, Open Space and Lake Waikare

The rural land adjacent to Lake Waikare is zoned rural because of its private ownership but functions as a significant open space area for the benefit of the community. Pastoral, horticulture farming, gardening and a broad range of recreation uses are provided for within this area of land. A cultural heritage overlay is applied to an important historic site on Lake Waikare.

Permeability and connectivity are important attributes of any new residential area. Provision of public open space and walkways/cycleways are therefore an integral part of layouts within the Precinct Plan Area. In addition, connections between the residential areas, surrounding public open space and Lake Waikare are important to make the most of the environmental opportunities within the Precinct Plan Area. Public access by way of walkways and cycleways will be significant amenities for the new Lakeside community and the existing Te Kauwhata community and will contribute to the relaxed, active village character of the new development.

Walkways are enabled within the Precinct Plan Area to connect with similar facilities in the wider Te Kauwhata area, and form part of a wider recreational network.

Objective 15D.3.5 and its associated policies set a foundation for provision to be made in the Comprehensive Subdivision for development of environmentally appropriate walkways/cycleways as an integral part of new development. The policies and Precinct Plan 21E.3.2 promote a roading pattern that distinguishes primary and local roads and provides additional alternative future connections to the Te Kauwhata village.

15D.4.7 Cultural importance and historic heritage

Lakeside is rich in heritage and it is important that this is recognised. Cultural and heritage resources are the tangible link to the past and it is important that future development of the lake edge accommodates and protects these heritage features for both present and future generations. For Māori this is an extremely rich cultural heritage area.

It is important to recognise the significance of the area to iwi, particularly the cultural importance and history of the Lake Waikare foreshore. This land will be preserved as Open Space and landscaped to recognise its cultural significance. The offer will be made to vest this land in iwi.

15D.4.8 Infrastructure

Residential development within the Te Kauwhata Lakeside Precinct Plan Area must be supported by a full range of infrastructure including roading, water supply, wastewater disposal and stormwater management as well as energy and telecommunications services.

Provision of the services must be timely to appropriately support each stage of residential development and contribute to an efficient outcome for the land as a whole. Development of these services within the Precinct Plan Area will be a requirement of a Comprehensive Subdivision.

Infrastructure will be staged as part of the development of subdivided sites within the Precinct Plan Area. Opening up access to Lake Waikare will be part of the first stage development.

The existing wastewater plant will be upgraded or Lakeside will have a stand-alone plant if a public network of sufficient capacity is not available. This will not only enable high quality treatment for the Lakeside development but will also be done in a manner which will enable the Council to expand the plant and connect the entire Te Kauwhata settlement. The wastewater solution and/or associated pipeline will be futureproofed so it can connect to any possible future pipeline to Huntly or other alternative public system. This is seen as a significant benefit and may enable retirement of the

existing wastewater treatment facility.

This wastewater upgrade will allow the decommissioning of the existing wastewater treatment ponds and creation of public reserve.

A second access road to the Te Kauwhata Lakeside Precinct Plan Area will be open for traffic once the number of new residential allotments-in the Lakeside Precinct Plan Area exceeds 400 provided that each independent living unit in a retirement village shall count as one allotment.

15D.5 Methods of Implementation

15D.5.1 Regulatory Methods

- Rules to require approval of a Comprehensive Subdivision and or Comprehensive Land Development Consent prior to urban development within the Te Kauwhata Lakeside Precinct Plan Area.
- Manage the location, density, amenity and integration of subdivision and development through the requirement for a Comprehensive Subdivision.
- Through the Comprehensive Subdivision, require progressive implementation of environmental improvements and low-impact solutions to stormwater management.
- The Te Kauwhata Lakeside Precinct Plan Area in 21E.3.1, 21E.3.2 and 21E.3.3 shows:
 - public open space network,
 - a walkway and cycleway network,
 - primary road network and future connections to the Te Kauwhata village,
 - areas of different housing typologies,
 - flood plain,
 - wetlands.
- An application for approval of a Comprehensive Subdivision that must be consistent with the Precinct Plan.
- Inclusion of an Urban Design Criteria for subdivision and development within the Comprehensive Subdivision.
- The use of a communal open space control to provide for the outdoor needs of residents in the higher density precinct.
- Inclusion of an infrastructure staging plan for development within the Comprehensive Subdivision with a particular emphasis on upgrade to the wastewater network.
- Require appropriate infrastructure design that takes into account maintenance and renewal costs.

15D.5.2 Council Works and Services

- Council's exercise of its regulatory function.
- Council maintenance of roads, walkways/cycleways and services once constructed to required standard and vested.
- Advice to the developer about restoration planting and ecological improvements.
- Development agreements between Council and the developer to address solutions for wastewater treatment and disposal and the provision of public amenity particularly walkways and cycleways to and along the lake edge.

15D.5.3 Information, Education and Advocacy

- Promote within the community the need to provide for growth in a planned manner and for development to be sensitive to the area.
- Promote low-impact design.
- Promote high-quality design features in development.
- Promote development and enhancement of the Te Kauwhata village character.

15D.6 Reasons for Methods

15D.6.1 Comprehensive Subdivision Consent and Comprehensive Land Development Consent

The Comprehensive Subdivision Consent and Comprehensive Land Development Consent enables the preparation of land ready for development. It is intended to provide for integrated comprehensive development. It enables the provision of earthworks, infrastructure, roading, pedestrian networks and other activities necessary for the development of residential, business and open space land. The Comprehensive Subdivision Consent creates the titles to enable both development and associated infrastructure and facilities.

15D.6.2 Regulatory Methods

Rules are necessary to assist the Council to carry out its duties under section 31 of the Resource Management Act 1991. Except as substituted by specific rules for the Te Kauwhata Lakeside Precinct Plan Area, District wide and Living zone rules will apply.

Specific rules for the Te Kauwhata Lakeside Precinct Plan Area have been introduced to recognise and protect particular attributes of Te Kauwhata and its village character, Lake Waikare and other environmental elements specific to the Lakeside area.

The Te Kauwhata Lakeside Precinct Plan Area has been designed to accommodate future growth of Te Kauwhata whilst avoiding, remedying or mitigating adverse effects on the environment. In particular, existing natural values of Lake Waikare are to be protected. In the extensive open spaces proposed as part of the identified development areas, there is a strong emphasis on the maintenance and enhancement of environmental values. The rules will enable the Council to regulate development to achieve a high quality environmental outcome through the integrated management of the natural and physical resources of the Lakeside Precinct Plan Area.

A three-level regulatory approach has been adopted:

- Incorporation of the Te Kauwhata Lakeside Precinct Plan within Schedule 21E of the district plan provides certainty about the extent and location of development and environmental protection areas and provides certainty about the pattern of development, village amenity and environmental outcomes required;
- Implementation of a Comprehensive Subdivision is required prior to development to enable the Council to exercise appropriate regulatory control over the extent and quality of development and effects on the environment. Any proposed Comprehensive Subdivision must be consistent with the Te Kauwhata Lakeside Precinct Plan included in the district plan in Schedule 21E; and

- Most development and activities are permitted activities, but resource consent is required for subdivision and any proposals that depart from the District Plan's standards to ensure that potential adverse effects on the environment will be appropriately managed.

15D.6.3 Council Works and Services

Roads, walkways/cycleways, infrastructure services and reserves will be progressively developed to Council's standards and vested in Council. Following vesting, Council will have ongoing responsibility for maintenance of these public facilities.

15D.6.4 Information, Education and Advocacy

Council will continue to work towards promoting the development of the Te Kauwhata Lakeside balanced with important environmental attributes and the village character of Te Kauwhata as a whole. This may include encouraging the community to enhance and protect lake environment and ecologically sensitive areas and by encouraging high-quality design within development.

15D.7 Anticipated Environmental Results

ISSUE	ANTICIPATED ENVIRONMENTAL RESULTS
15D.7.1 Lakeside form and amenity.	<ul style="list-style-type: none"> (a) Residential layout and development which has a character and scale that takes into consideration its Lakeside's setting and is complementary to Te Kauwhata's village character, (b) High amenity residential development providing a choice of housing typologies that will complement those currently offered in Te Kauwhata, (c) A diversity of built form and architectural style which creates a high quality urban environment, (d) High-quality connectivity within the Lakeside development and connecting to the village, (e) Landscaping of streets and public open spaces forming the green network within and between the development, Lake Waikare and the village, (f) Sustainable and cost-effective infrastructure.
15D.7.2 Environmental values of Lakeside and adjoining environment	<ul style="list-style-type: none"> (a) Lake margins are protected and enhanced through revegetation and enrichment planting, (b) Landscape and ecological values are enhanced by restoration planting, (c) Public access to public open spaces and the lake environment is enhanced whilst avoiding or mitigating adverse effects on those environments, (d) Environmental values are protected by the use of low-impact design principles.

PART C - AMENDMENTS TO PART 21 - LIVING ZONE RULES

Amend Rule 21A.1 Application of Schedule for the Te Kauwhata Structure Plan Living Zone Rules Living Zone, Living Zone (New Residential) and Living Zone (Te Kauwhata Ecological) as follows:

The rules in this schedule apply to the residential zones of the Te Kauwhata Structure Plan Area as shown on the Planning Maps and marked as Living, Living (New Residential) and Te Kauwhata Ecological Living, but excluding the Te Kauwhata Lakeside Precinct Plan Area. The Te Kauwhata Lakeside Precinct Plan Area Rules are set out in section 21E.

Schedule 21E: Te Kauwhata Lakeside Living Zone Rules, Precinct Plan and Comprehensive Subdivision

21E.1 Application of the Schedule

The rules in this schedule apply to the Te Kauwhata Lakeside Living Zone as shown on the Planning Map and as shown in the Te Kauwhata Lakeside Precinct Plan that is included at the end of this Schedule. All rules in Chapter 21: Living Zone Rules apply in the Te Kauwhata Lakeside Precinct Plan Area unless otherwise specified below.

21E.2 Rules applying in the Te Kauwhata Lakeside Precinct Plan Area

In addition to the rules in this Schedule 21E, all rules in Chapter 21: Living Zone also apply to the Te Kauwhata Lakeside Precinct Plan Area except for:

Living Rules:

Rules 21.17, 21.24, 21.25, 21.26, 21.41, 21.44, 21.45, 21.46, 21.46A, 21.47, 21.49, 21.52, 21.63, 21.65, 21.67, 21.68, 21.71, 21.71A, 21.72 and 21.73.

Note: Development in the Te Kauwhata Lakeside Precinct Plan Area must comply with the following provisions:

- general provisions of this plan;
- Living Zone (other than those excluded as set out in 21E.2 above);
- Te Kauwhata Structure Plan; and
- the Lakeside Precinct Plan;

or be approved by way of resource consent.

Comprehensive Subdivision

ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
<p>21E.2.1 Comprehensive Subdivision Consent</p>	<p>21E.2.1.1 A Comprehensive Subdivision Consent (CS) is a restricted discretionary activity if it:</p> <ul style="list-style-type: none"> i) is in accordance with Te Kauwhata Lakeside Precinct Plan 21E.3.1, 21E.3.2 and 21E.3.3 as set out in 21E.2.1.1A; and ii) complies with the secondary road access control 21E.2.1.1B; and iii) complies with the site density control 21E.2.1.1C; and iv) complies with the infrastructure requirements 21E.2.1.1D. <p>A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area or may be made for an individual stage or stages provided that an individual stage must be 5ha or more.</p> <p>Note: Subdivision standards 21E.2.22, 21E.2.24 and 21E.2.26 also apply</p> <p>21E.2.1.1A Precinct Plan Parameters A CS is in accordance with the Precinct Plans identified in 21E.2.1.1 (i) if:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m of the location shown on Precinct Plan 21E.3.2; and 	<p>21E.2.1.3 A CS that does not meet the requirements of Rule 21E.2.1.1, and does not exceed parameters i) to vii) below, shall be a discretionary activity, provided it meets both the Secondary Road Access Control Rule 21E.2.1.1B and Infrastructure Requirements Rule 21E.2.1.1D:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m-100m of the location shown on Precinct Plan 21E.3.2; and ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and iii) The external boundary of the high density area is within the Living Zone and within 10m-20m of the location shown on Precinct Plan 21E.3.1; and iv) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 21E.3.3; and vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 21E.3.1; and vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 21E.3.3

	<ul style="list-style-type: none"> ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and iii) The external boundary of the high density area is within the Living Zone and within 10m of the location shown on Precinct Plan 21E.3.1; and iv) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and v) Lakeside Walkway is within 10m of the location shown on Precinct Plan 21E.3.3; and vi) Retirement village boundaries are within 50m of the location shown on Precinct Plan 21E.3.1.and vii) Indicative areas of open space are within 200m of the location shown on Precinct Plan 21E.3.3 <p>21E.2.1.1B Secondary Road Access Control A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be open for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that each independent living unit in a retirement village shall count as one allotment.</p> <p>For the purpose of 21E.2.1.1B, 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 units shall occur at the time of issue of building consent for that unit.</p> <p>21E.2.1.1C Site Density Control – Residentially zoned land A CS must comply with the relevant density provisions below.</p>	<p>The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p> <p>21E.2.1.4 A CS that does not meet the requirements of Rule 21E.2.1.1B Secondary Road Access Control or the Infrastructure Requirements Rule 21E.2.1.1D, shall be a non-complying activity.</p> <p>21E.2.1.5 A CS that does not meet any of the parameters for a discretionary activity outlined in 21E.2.1.3 i) – vii) is a non-complying activity.</p>
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	<p>Individual site size shall not be less than the following for the identified areas on the Te Kauwhata Lakeside Precinct Plan 21E.3.1.</p> <ul style="list-style-type: none"> i) Medium Density– a minimum site size of 300m² with a minimum average site size of 450m², subject to v) below. ii) 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, 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 average site size (but not minimum site size). iii) Retirement village – Medium Density precinct – a minimum exclusive area for an independent dwelling of 120m². iv) Retirement village – Higher Density precinct – no density limit. v) No allotment adjoining Lot 2 DPS 83606 comprised in SA66B/985 and/or Lot 4 DPS 83606 comprised in SA66B/987 shall be smaller than 450m² net site area. <p>Where the averaging rule applies in (i) and (ii) above this shall be calculated as the average of all sites zoned Living, 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>21E.2.1.1D Infrastructure Requirements</p> <p>A CS must comply with all of the infrastructure requirements below:</p> <ul style="list-style-type: none"> 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 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 	
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	<p>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 individual 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>iv) 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 Appendix B (Engineering Standards); and</p> <p>v) Prior to the issue of 224C approval, the infrastructure requirements detailed in i)-iv) above shall be implemented and operational.</p> <p>Discretion is reserved over:</p> <ul style="list-style-type: none"> (a) consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3, (b) matters identified in the assessment criteria in 21E.4, (c) managing the effects of wastewater and stormwater, (d) extent of any non-compliance with site density control, (e) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard, (f) protection, restoration or enhancement of ecological features, (g) provision and location of existing and future utilities and connections, (h) location of roads and their connections, (i) provision for public access to Lake Waikare, (j) provision of open space, including linkages between residential areas, open space and Lake Waikare, (k) effects of natural hazards (including flooding), geotechnical and land contamination, 	
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	<p>(l) provision of the historic lwi overlay area shown on Precinct Plan 21E.3.3.</p> <p>(m) Matters listed in Appendix B (Engineering Standards).</p> <p>21E.2.1.2</p> <p>Applications for approval of a Comprehensive Subdivision 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> <p>Note 2: The definition of CS is contained in Part 3 Appendix P.</p>	
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ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
<p>21E.2.2 Comprehensive Land Development Consent</p>	<p>21E.2.2.1 A comprehensive land development consent (CLDC) is a restricted discretionary activity if it:</p> <ul style="list-style-type: none"> i) is in accordance with the community hub shown on Te Kauwhata Lakeside Precinct Plan 21E.3.1; the roading network, walkways and cycleways shown on Precinct Plan 21E.3.2; and the open space shown on Precinct Plan 21E.3.3 as setout in 21E.2.2.1A; and ii) complies with the secondary road access control 21E.2.2.1B; and iii) complies with the infrastructure requirements 21E.2.2.1C. <p>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>21E.2.2.1A Precinct Plan Parameters A CLDC is in accordance with the Lakeside Precinct Plans identified in 21E.2.2.1(i) above if:</p> <ul style="list-style-type: none"> iv) Primary roads are within 50m of the location shown on Precinct Plan 21E.3.2; and v) Bus route is either on the alignment shown on 21E.3.2 or a continuous alignment that achieves the same circulation; and vi) The external boundary of the high density area within the Living Zone is within 10m of the location shown on Precinct Plan 21E.3.1; and vii) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and 	<p>21E.2.2.3 A CLDC that does not meet the requirements of Rule 21E.2.2.1, and does not exceed-parameters i) to vii) below, shall be a discretionary activity, provided it meets both the Secondary Road Access Control Rule 21E.2.2.1B and Infrastructure Requirements Rule 21E.2.2.1C:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m-100m of the location shown on Precinct Plan 21E.3.2; and ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and iii) The external boundary of the high density area within the Living Zone is within 10m-20m of the location shown on Precinct Plan 21E.3.1; and iv) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 21E.3.3; and vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 21E.3.1; and vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 21E.3.3 <p>The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>

	<ul style="list-style-type: none"> i. Lakeside Walkway is within 10m of the location shown on Precinct Plan 21E.3.3; and ii. Retirement village boundaries are within 50m of the location shown on Precinct Plan 21E.3.1; and iii. Indicative areas of open space are within 200m of the location shown on Precinct Plan 21E.3.3. _ <p>21E.2.2.1B Secondary Road Access Control A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that each independent living unit in a retirement village shall count as one allotment.</p> <p>For the purpose of 21E.2.2.1B, 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>21E.2.2.1 C Infrastructure Requirements A CLDC must comply with the infrastructure requirements as below:</p> <ul style="list-style-type: none"> 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 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 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, 	<p>21E.2.2.4 A CLDC that does not meet the requirements of Rule 21E.2.2.1B Secondary Road Access Control or the Infrastructure Requirements Rule 21E.2.2.1C, shall be a non-complying activity.</p> <p>21E.2.2.5 A CLDC that does not meet any of the parameters for a discretionary activity outlined in 21E.2.2.3 i) to vii) is a non-complying activity.</p>
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	<p>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 Appendix B (Engineering Standards); and</p> <p>iv. Prior to the issue of any building consent for a dwelling or retirement village, the infrastructure requirements detailed in i)-iii) above shall be implemented and operational.</p> <p>Discretion is reserved over:</p> <ul style="list-style-type: none"> i. consistency with the Te Kauwhata Lakeside Precinct Plans in 21E.3.1, 21E.3.2 and 21E.3.3, ii. matters identified in the assessment criteria in 21E.4, 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 21E.3.3. xii. Matters listed in Appendix B (Engineering Standards). 	
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	<p>21E.2.2.2 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>Note: 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>	
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ITEM	PERMITTED	RESOURCE CONSENT
<p>21E.2.3 Type of activity</p>	<p>21E.2.3.1 Any activity listed below is a permitted activity:</p> <ul style="list-style-type: none"> (a) a residential activity provided that it complies with the secondary road access in this rule, (b) a home occupation that meets the conditions for a permitted activity in Rule 21.11, (c) a temporary event that meets the conditions for a permitted activity in Rule 21.12, (d) a network utility, (e) a homestay that provides accommodation for no more than 4 temporary residents, and meets the conditions for a permitted activity, (f) a community activity, provided that the total gross floor area for community activities does not exceed a total of 2000m² within the whole of the Te Kauwhata Lakeside Precinct Plan Area. <p>Secondary Road Access Control A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be opened for traffic before the number of dwellings including independent living units within a retirement village, in the Lakeside Precinct Plan Area exceeds 400.</p> <p>For the purpose of this rule, exceedance of 400 dwellings shall occur at the time of issue of building consent for a dwelling including an independent living unit within a retirement village.</p> <p>Note: see Rule 21E.2 in relation to the other rules which must be complied with.</p>	<p>21E.2.3.2 Any activity listed in (a) to (f) in Rule 21E.2.3.1 that does not comply with a condition for a permitted activity under that rule is a restricted discretionary activity provided that:</p> <ul style="list-style-type: none"> (a) in the case of a community activity, the total gross floor area within the Te Kauwhata Lakeside Precinct Plan Area does not exceed 3000m² within the whole of the PrecinctPlan Area; (b) it meets the secondary road access control in Rule 21E.2.3.1. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> (a) effects on the role, function, vitality, viability and amenity of the Te Kauwhata town centre, (b) traffic impacts on the safety and efficiency of the road network, (c) character and amenity of development within the Te Kauwhata Lakeside Precinct Plan Area. <p>21E.2.3.3 Any community activity that does not comply with a condition for a restricted discretionary activity under 21E.2.3.2 is a discretionary activity.</p> <p>21E.2.3.4 A residential activity or retirement village that does not meet the requirements of Rule 21E.2.3.1 secondary road access, shall be a non-complying activity</p>

<p>21E.2.4 Grazing and pastoral farming.</p>	<p>21E.2.4.1 Grazing of livestock and pastoral farming on sites of 5ha or more is a permitted activity.</p>	<p>21E.2.4.2 Grazing of livestock and pastoral farming on sites of less than 5ha is a discretionary activity.</p>
<p>21E.2.5 Vehicle movements</p>	<p>21E.2.5.1 Any activity is a permitted activity if:</p> <p>(a) it does not involve more than 30 vehicle movements per day, and no more than 4 of these movements are heavy vehicle movements, except that this rule does not apply to a retirement village or vehicles related to construction activity.</p>	<p>21E.2.5.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • traffic impacts on the safety and efficiency of the road network, traffic impacts on infrastructure condition and expected life, • traffic effects on amenity, including noise.
<p>21E.2.6 Carparking</p>	<p>21E.2.6.1 Any activity is a permitted activity if:</p> <p>(a) for a residential activity on sites of 300m² or less, provide a minimum of one carparking space per dwelling for a residential activity plus on-street parking at a ratio of 0.7 carparking spaces per allotment; or</p> <p>(b) for a residential activity on sites greater than 300m², provide a minimum of two carparking spaces per dwelling for a residential activity; or</p> <p>(c) for a retirement village, it provides a ratio of 0.5 carparking spaces per independent living unit and one visitor space for every 10 residents.</p> <p>These controls shall apply instead of the standards in Table 1 of Appendix A2.</p>	<p>21E.2.6.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • traffic impacts on the safety and efficiency of the road network, • traffic impacts on infrastructure condition and expected life, • traffic effects on amenity, including noise.

<p>21E.2.7 Earthworks (other than earthworks approved as part of a CLDC)</p>	<p>21E.2.7.1 Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> (a) 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 (b) in relation to the height of any cut or batter face do not exceed 2m, or (c) are necessary for building works authorised by a building consent and: <ul style="list-style-type: none"> (i) the area of earthworks is no more than 150% of the area of those building works, or (ii) the earthworks occur on land with an average gradient no steeper than 1:8, or (d) is a back-filled trench for network utilities, or on or offsite utilities within the Te Kauwhata Lakeside Precinct Plan Area and original ground levels are reinstated, or 	<p>21E.2.7.2 Any activity that does not comply with a condition for a permitted activity is a controlled activity provided it meets the following conditions:</p> <ul style="list-style-type: none"> (a) comply with Appendix B (Engineering Standards), and (b) do not exceed 5000m² in total area at any one time except that in the case of a retirement village where the maximum area at any one time shall not exceed 1ha; and (c) does not involve contaminated land unless that land has been remediated, and (d) have erosion and sediment controls in place which will retain sediment on the site, and (e) 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
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	<p>(e) is 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, and</p> <p>(f) 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>(g) Are not in the flood risk area except for filling in accordance with 21E.2.9; and</p> <p>(h) Comply with Appendix B (Engineering Standards), and</p> <p>(i) 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>(j) 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>platform or hard surface area, the base course has been laid and compacted within 12 months of the earthworks being commenced, and</p> <p>(f) any surplus material is disposed of within the Te Kauwhata Lakeside Precinct Plan Area in 21E.3.1, and</p> <p>(g) does not adversely affect other land through changes in natural water flows or established drainage paths, and</p> <p>(h) if in a Flood Risk Area, are for filling, in accordance with Rule 21E.2.9.1 or rule 21E.2.9.2.</p> <p>21E.2.7.3 Any activity that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Control and Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • mitigation measures including sediment control, • matters listed in Appendix B (Engineering Standards), • effects on land utilisation, • effects on erosion, • effects on cultural values, • effects on heritage values, • effects on the Lake Waikare flood plain.
<p>21E.2.8 Earthworks filling using imported fill (other than earthworks approved as part of a CLDC)</p>	<p>21E.2.8.1 Any activity is a permitted activity if:</p> <p>(a) all material for filling is clean fill, and</p> <p>(b) filling</p> <p>(i) that is not part of building work, or construction of roads, or installation of infrastructure:</p> <ol style="list-style-type: none"> 1. does not exceed a volume of 20m³ and a depth of 1m, and 	<p>21E.2.8.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • effects on indigenous vegetation and habitat, • mitigation measures including replacement planting where vegetation removal is involved,

	<p>2. does not include a building platform, and</p> <p>3. does not include placing fill into an area of significant indigenous vegetation or habitat, or</p> <p>(ii) is for minor upgrading of existing electricity lines and does not exceed 50m³, and</p> <p>(iii) 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>	<ul style="list-style-type: none"> • matters listed in Appendix B (Engineering Standards), • effects on cultural values, • effects on heritage values.
<p>21E.2.9 Filling: Flood risk area (other than earthworks approved as part of a CLDC)</p>	<p>21E.2.9.1 Any activity in a Flood Risk Area is a permitted activity if:</p> <p>(a) filling is no more than is necessary to:</p> <p>(i) provide a foundation for building approved by a building consent, and access to that building, or</p> <p>(ii) 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>	<p>21E.2.9.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

Land Use – Building

ITEM	PERMITTED	RESOURCE CONSENT
21E.2.10 Number of dwellings	21E.2.10.1 Construction of a dwelling is a permitted activity if: <ul style="list-style-type: none"> i) there is only one dwelling on the land contained in the certificate of title; and ii) it is not a dependent person’s dwelling, or independent living unit within a retirement village. 	21E.2.10.2 Construction of more than one dwelling on land contained in a certificate of title is a restricted discretionary activity if each dwelling is: <ul style="list-style-type: none"> (i) either semi-detached or terrace houses and meets the following density requirements: <ul style="list-style-type: none"> • Medium Density Precinct one dwelling per 300m². • Higher Density Precinct one dwelling per 225 m²: or (ii) part of a retirement village.

		<p>Discretion restricted to:</p> <ul style="list-style-type: none"> - Design and location of buildings - Amenity values of the locality - Privacy on other sites - Matters referred to in Appendix B (Engineering Standards) - Consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3. <p>21E.2.10.3 Any activity that does not comply with a condition for a permitted activity or a restricted discretionary activity is a discretionary activity.</p>
21E.2.11 Building height	<p>21E.2.11.1 Construction or alteration of a building is a permitted activity:</p> <p>a) if the height does not exceed 8.0m.</p>	<p>21E.2.11.2 Any activity that does not comply with the condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • design and location of building, • building dominance effects, • admission of daylight and sunlight to the site and other sites, • privacy on other sites, • amenity values of the locality.
21E.2.12 Building coverage	<p>21E.2.12.1 Construction or alteration of a building is a permitted activity if:</p>	<p>21E.2.12.2 Any activity that does not exceed maximum building coverage control</p>

	<p>(a) the total building coverage on a site does not exceed 40% in the medium density precinct identified on the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, or</p> <p>(b) the total building coverage on a site does not exceed 65% in the higher density precinct identified on the Te Kauwhata Lakeside Precinct Plan 21E.3.1.</p>	<p>under 23E.2.12.1 by more than an additional 10% is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • design and location of building, • effect of the scale of the building on adjoining sites and the streetscape. <p>21E.2.12.3 Any activity that does not comply with 21E.2.12.2 is a discretionary activity.</p>
<p>21E.2.13 Daylight admission</p>	<p>21E.2.13.1 Construction or alteration of a building is a permitted activity if:</p> <p>Buildings in the Medium Density Precinct</p> <p>(a) The building does 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.</p> <p>Buildings in the High Density Precinct</p> <p>(b) The building does 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.</p>	<p>21E.2.13.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • height of building, • design and location of building, • admission of daylight and sunlight to the site and other sites, • privacy on other sites, • amenity values of the locality,
<p>21E.2.14 Non- residential building</p>	<p>21E.2.14.1 Construction or alteration of a non-residential building which is a permitted activity under 21E.2.3.1 is a permitted activity if:</p> <p>(a) the gross floor area of all non-residential buildings on a</p>	<p>21E.2.14.2 Any building that does not comply with the condition for a permitted activity is a discretionary activity.</p>

	residential site does not exceed 300m ² .	
21E.2.15 Living Court Medium Density Precinct	<p>21E.2.15.1</p> <p>Construction or alteration of a dwelling in the medium density precinct is a permitted activity if:</p> <p>(a) an outdoor living court is provided, and</p> <p>(b) the living court is readily accessible from a living area of the dwelling, and</p> <p>(c) either</p> <p>(i) on the ground floor the living court has a minimum area of 60m² capable of containing a circle of 6m diameter, exclusive of parking and manoeuvring areas and buildings and has a minimum width of 2.5m; or</p> <p>(ii) if the dwelling does not have a habitable room on the ground floor, a balcony is provided that meets the following:</p> <ul style="list-style-type: none"> - 10m² with a diameter of at least 2.0m for 1 Bedroom dwellings; or - 15m² with a minimum diameter 2.4m for 2 or more bedroom dwellings 	<p>21E.2.15.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • outdoor amenity • Functionality of balcony space • Integration of balconies within building design • Privacy and overlooking.
21E.2.16 Living Court Higher Density Precinct	<p>21E.2.16.1</p> <p>Construction or alteration of a dwelling in the higher density precinct is a permitted activity if either:</p> <p>(a) it complies with the living court rules for the medium density precinct, except that the ground floor living court must have a minimum area of 50m²; or</p> <p>(b) Communal open space is provided and:</p> <p>(i) the communal open space is accessible from all dwellings the subject of this provision, and</p>	<p>21E.2.16.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Outdoor amenity • Functionality of balcony space • Integration of balconies within building design • Privacy and overlooking

	<p>(ii) each dwelling has a legal right to use and enjoy the communal open space, and</p> <p>(iii) an on-site private open space is provided where either:</p> <ul style="list-style-type: none"> • on the ground floor the living court has a minimum area of 30m² capable of containing a circle of 4m diameter, exclusive of parking and manoeuvring areas and buildings and has a minimum width of 2.5m; or • if the dwelling 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. 	
<p>21E.2.17 Building Setback Road Boundary</p>	<p>21E.2.17.1 Construction or alteration of a building is a permitted activity if:</p> <p>a) it is set back at least 3m from the road boundary.</p>	<p>21E.2.17.2 Any activity that does not comply with the condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • amenity of neighbouring properties including shadowing, building dominance and privacy, • streetscape quality.
<p>21E.2.18 Reverse Sensitivity North Island main trunk rail line (NIMT) -</p>	<p>21E.2.18.1 Construction or alteration of a building is a permitted activity if it is:</p> <p>(a) 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</p> <p>(b) a building other than that specified in (a) above and is set back at least 10m from any boundary which adjoins the NIMT and.</p> <p>(c) If located within 100m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following internal design noise limits shall not be exceeded</p>	<p>21E.2.18.2 Any activity that does not comply with the condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • reverse sensitivity issues related to NIMT, • Noise sensitive activities within 100m of a Rail Track: <ul style="list-style-type: none"> a) The degree of noise attenuation achieved at the noise sensitive activity.

with all external doors and windows closed.

Receiving Environment	LAeq, 1 hour
Residential – Bedrooms	35 dB
Residential – other habitable spaces	40 dB
Teaching Spaces	40 dB
All other sensitive activity building spaces <u>e.g.</u>	To comply with satisfactory sound levels AS/NZS 2107:2000 (nearest specified equivalent)
<ul style="list-style-type: none"> - Hospital and Dementia Care Spaces - Commercial Spaces 	

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)

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.

Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided.

The ventilation system installed shall comply with the following:

- i) Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable

- 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.
- c) A reverse sensitivity covenant.

- Vibration sensitive activities within 40m of a Rail Track:
 - a) The size, nature and location of the building on the site.
 - b) Special topographical, building features or ground conditions which will mitigate vibration impacts.
 - c) Any characteristics of the proposed use which make compliance with the standard unnecessary.
 - d) A reverse sensitivity covenant.”

Any restricted discretionary activity will be limited notified to the operator of the rail network (currently KiwiRail).

	<p>rooms, when measured 1 metre away from any grille or diffuser; or</p> <ul style="list-style-type: none"> ii) 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; and iii) The noise level generated by the system must not exceed 40dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; and iv) The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation; and v) 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>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>d) 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>	
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	<table border="1" data-bbox="539 205 1229 304"> <tr> <th data-bbox="539 205 887 268">Receiving Environment</th> <th data-bbox="887 205 1229 268">Maximum weighted velocity, V^{w95}</th> </tr> <tr> <td data-bbox="539 268 887 304">Sensitive activities/ buildings</td> <td data-bbox="887 268 1229 304">0.3mm/s</td> </tr> </table> <p data-bbox="539 347 568 368">Or</p> <p data-bbox="528 411 1211 533">e) if located within 20m of the centre line of the nearest rail track within the NIMT and is designed and constructed to ensure the level of vibration from trains shall not exceed the criteria set out in the British Standard BS7385-2:1993.</p> <p data-bbox="539 576 1223 826">Compliance with clause (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	
Receiving Environment	Maximum weighted velocity, V^{w95}					
Sensitive activities/ buildings	0.3mm/s					
21E.2.19 Fences	<p data-bbox="490 866 1167 954">21E.2.19.1 Construction or alteration of a fence, or a combined fence and retaining wall, is a permitted activity if:</p> <p data-bbox="506 997 1211 1214">(a) Road boundary and road boundary setback: medium density precinct: (i) The fence does not exceed 1.2m in height; and (ii) Any combined fence and retaining wall does not exceed 2.0m in height provided that the fence alone does not exceed 1.2m and 40% of the fence is of a transparent construction.</p> <p data-bbox="495 1257 1223 1378">(b) Road boundary and road boundary setback: higher density precinct: (i) Fencing shall not be located on the road boundary or within the road boundary setback except that this does</p>	<p data-bbox="1245 866 1962 954">21E.2.19.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p data-bbox="1245 997 1503 1018">Discretion restricted to:</p> <ul data-bbox="1245 1031 1599 1155" style="list-style-type: none"> • building materials and design • height • effects on amenity • visibility of public space. 				

	<p>not preclude planting, landscaping or a single pillar used for street numbering and/or letterbox. The maximum height of a single pillar shall be 1.8m with a maximum length of 2m.</p> <p>(c) Other boundaries: medium density precinct and higher density precinct:</p> <p>(i) The fence does not exceed 1.8m in height; and</p> <p>(ii) Any combined fence and retaining wall does not exceed 2.0m in height.</p>	
21E.2.20 Overlooking of public spaces	<p>21E.2.20.1</p> <p>Any dwelling or independent living unit within a retirement village located on a site which fronts a street or public open space is a permitted activity if:</p> <p>(a) at least one habitable room with glazing overlooks the street or public open space, and</p> <p>(b) 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.</p>	<p>21E.2.20.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • visibility of public open space; • public safety.

Subdivision

ITEM	CONTROLLED	RESOURCE CONSENT
21E.2.21 Subdivision (other than approved as part of a CS)	<p>21E.2.21.1</p> <p>Subdivision on sites less than 5 ha is a controlled activity if:</p> <p>(a) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3 as set out in the Precinct Plan Parameters 21E.2.1.1A,</p> <p>(b) environmental improvements required by the Te Kauwhata</p>	<p>21E.2.21.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p> <p>-</p> <p>Note: The assessment criteria in 21E.4 provide guidance for the</p>

	<p>Lakeside Precinct Plan (including, but not limited to landscaping and provision of walkways and cycleways shown on the Precinct Plan 21E.3.2) have been implemented to the extent required, or</p> <p>(c) the requisite environmental improvements in (b) above are proposed to be implemented as a condition of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision.</p> <p>Control is reserved over:</p> <p>(a) consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3</p> <p>(b) matters identified in the assessment criteria in 21E.4,</p> <p>(c) managing the effects of wastewater and stormwater,</p> <p>(d) extent of any non-compliance with site density control,</p> <p>(e) roading network and compliance with a Council approved roading standard,</p> <p>(f) provision and location of existing and future utilities and connections,</p> <p>(g) location of roads and their connections,</p> <p>(h) effects of natural hazards (including flooding), geotechnical and land contamination.</p>	<p>approval of a CS but the criteria may also be used to assess any subdivision that is not fully in accordance with the Te Kauwhata Lakeside Precinct Plans.</p>
<p>21E.2.22 Frontage</p>	<p>21E.2.22.1 Subdivision is a controlled activity if:</p> <p>(a) 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:</p> <p>(i) 12m in the Medium Density Precinct shown on Plan 21E.3.2 or</p> <p>(ii) 9m in the Higher Density Precinct shown on Plan 21E.3.2 or</p> <p>(b) Subdivision is for an existing or approved housing development.</p>	<p>21E.2.22.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • road efficiency and safety, • amenity and streetscape,

	<p>Control is reserved over:</p> <ul style="list-style-type: none"> • road efficiency and safety, • amenity and streetscape, 	
<p>21E.2.23 Allotment size</p>	<p>21E.2.23.1 Subdivision is a controlled activity if:</p> <p>(a) every allotment, other than a utility allotment or access allotment, has a net site area of at least:</p> <p>(i) Medium Density Precinct – a minimum site size of 300m² with an average site size of 450m², subject to (b) below; or</p> <p>(ii) Higher Density Precinct – 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, 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</p> <p>(iii) 2500m² 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.</p> <p>(b) No allotment adjoining Lot 2 DPS 83606 comprised in SA66B/985 and/or Lot 4 DPS 83606 comprised in SA66B/987 shall be smaller than 450m² net site area.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • shape and orientation, • variation in allotment size, • matters referred to in Appendix B (Engineering Standards), • amenity and streetscape, • vehicle and pedestrian networks. 	<p>21E.2.23.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity in the Medium Density and Higher Density Precincts but a discretionary activity where any allotment is not connected to a reticulated wastewater system and is less than 2,500m².</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • shape, size and orientation, • variation in allotment size, • matters referred to in Appendix B (Engineering Standards), • amenity and streetscape, • vehicle and pedestrian networks. • Matters identified in 21E.4

	Note: This rule does not apply to the size of independent living units within a retirement village.	
21E.2.24 Building platform	<p>21E.2.24.1 Subdivision is a controlled activity if every allotment, other than a utility or access allotment, is capable of containing a building platform:</p> <ul style="list-style-type: none"> (a) upon which a dwelling and living court could be sited as a permitted activity or, in the Higher Density Precinct, outdoor living space meets the communal open space Rule 21E.2.16.1(b), or (b) in the case of vacant sites with no associated building proposal: <ul style="list-style-type: none"> (i) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards, and (ii) No part of the rectangle is located in an area identified as a stream or flood plain. <p>Control reserved over:</p> <ul style="list-style-type: none"> (a) subdivision layout, (b) shape of allotments, (c) ability of allotments to accommodate a practical building platform, (d) likely location of future buildings and their potential effects on the environment, (e) avoidance or mitigation of natural hazards geotechnical suitability for building. 	21E.2.24.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity in the Higher Density Precinct and a discretionary activity in the Medium Density Precinct.
21E.2.25 Earthworks (other than earthworks approved as part of a CS or CLDC)	<p>21E.2.25.1 Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) earthworks comply with Appendix B (Engineering Standards), and b) earthworks and filling are not undertaken on the route of any overland flow path or in the location of any stream, <p>Control reserved over:</p> <ul style="list-style-type: none"> • matters referred to in Appendix B (Engineering Standards) • amenity and streetscape, nature and source of fill, location of earthworks and fill, 	21E.2.25.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.
		Discretion restricted to: <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • mitigation measures including sediment control, • matters listed in Appendix B (Engineering Standards), effects on land utilisation,

	<ul style="list-style-type: none"> • compaction of fill, • volume and depth of earthworks and fill, • identification of future building platforms. 	<ul style="list-style-type: none"> • effects on erosion, • effects on cultural values, • effects on heritage values,
21E.2.26 Offroad walkways/cycleways	<p>21E.2.26.1 Subdivision is a controlled activity if any walkway/cycleway is:</p> <ul style="list-style-type: none"> (a) at least 3 metres wide, and (b) designed for shared pedestrian and cycle use, and (c) for connections between roads, has unimpeded visibility along the entire length, and (d) generally in accordance with the walkway route shown on Precinct Plan 21E.3.2 (recognising that the detailed alignment is indicative only), and (e) shown on the plan of subdivision. <p>Control reserved over:</p> <ul style="list-style-type: none"> (a) alignment, (b) drainage, (c) land stability, (d) amenity matters including batter slopes, (e) connection to open spaces, (f) achieving an interconnected walkway network. 	<p>21E.2.26.2 Any activity that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • alignment of walkway; • costs and benefits of acquiring the land; • matters that control is reserved over.
21E.2.27 Provision of infrastructure	<p>21E.2.27.1 Subdivision is a controlled activity if, for every allotment other than a utility, access or open space allotment it meets the infrastructure requirements as below:</p> <ul style="list-style-type: none"> 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>21E.2.27.2 Any activity that does not comply with a condition for a controlled activity is a non-complying activity.</p>

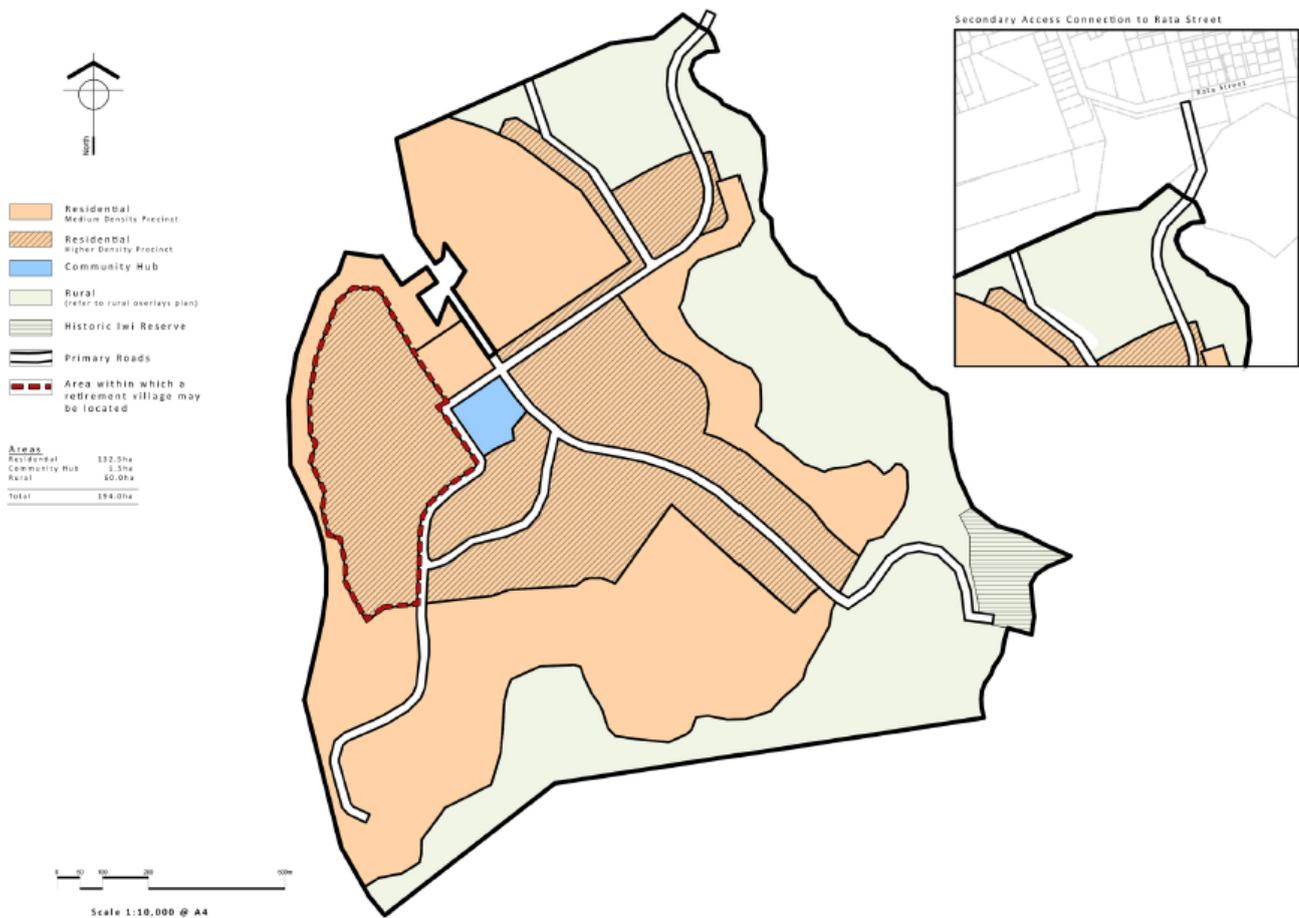
	<p>b) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (a) above; and</p> <p>c) Every allotment other 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 Appendix B (Engineering Standards).</p> <p>Control is reserved over:</p> <ul style="list-style-type: none">• Health and safety• Amenity values• Matters referred to in Appendix B (Engineering Standards)• Easements to facilitate development beyond the site.• Matters of discretion identified for Infrastructure in 21E.4.	
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21E.3 Te Kauwhata Lakeside Precinct Plan

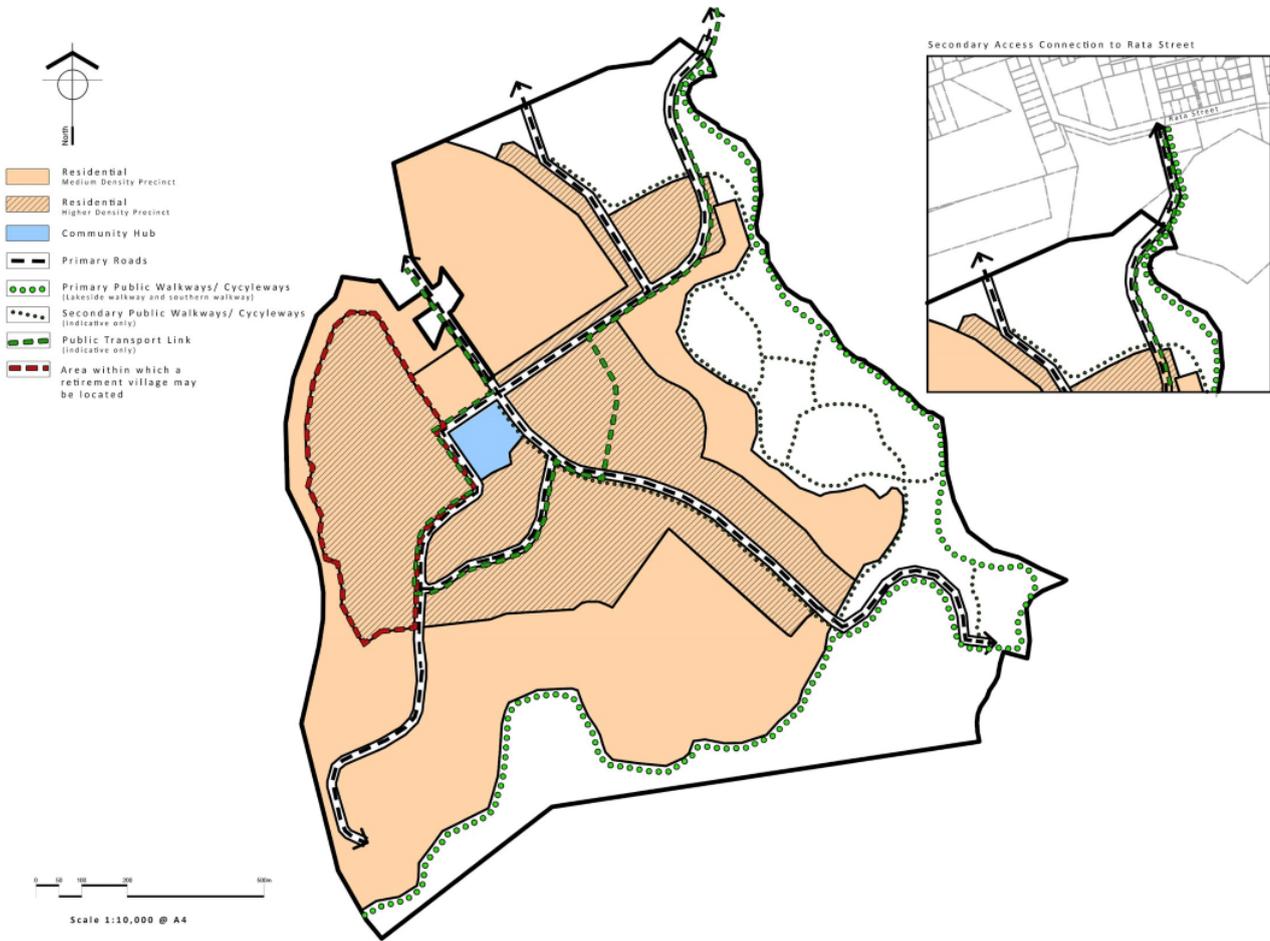
The Te Kauwhata Lakeside Precinct Plan consists of the following plans which are contained in Rule 21E.3.1, 21E.3.2 and 21E.3.1:

- Plan 1 Lakeside Precinct Plan: Precinct Areas
- Plan 2 Lakeside Precinct Plan: Public Transport, Primary Road Network and Walkways/cycleways
- Plan 3 Lakeside Precinct Plan: Rural Zones: Overlays and Open Spaces

21E.3.1 Lakeside Precinct Plan 1: Precinct Areas



21E.3.2 Lakeside Precinct Plan 2: Public Transport, Primary Road Network and Walkways/cycleways



21E.3.3 Lakeside Precinct Plan 3: Rural Zones: Overlays and Open Spaces



21E.4 Assessment criteria for approval of a Comprehensive Subdivision Consent or a Comprehensive Land Development Consent

Any controlled or restricted discretionary activity undertaken under Rule 21E.2.1 and 21E.2.2 (Living Zone), and Rule 23C.3.1 and 23C.4.1 (Business Zone) and 25H.3.1 and 25H.4.1 (Rural Zone) being a Comprehensive Subdivision or a Comprehensive Land Development Consent will be assessed in terms of the following criteria:

Reverse Sensitivity: allotments adjoining the North Island Main Trunk Railway

The extent to which issues of reverse sensitivity along the rail embankment are met. Methods to achieve this include no complaints covenants and appropriate noise attenuation controls on buildings.

Permeability

The extent to which:

1. Scott Road provides primary road access to the Lakeside Precinct Plan Area and the upgrade of Scott Road is implemented within Stage 1 of the development to ensure safe operation and access to existing Scott Road properties is maintained,
2. Enhanced permeability is achieved by opening up a second access to the north-east and connecting to the village, once more than 400 residential allotments are developed in the Lakeside Precinct Plan Area. Where the 400 residential allotments includes a retirement village, then each independent living unit within the retirement village shall count as one allotment,
3. A transport network that is safe, legible, logical and well connected for vehicles, pedestrians and cyclists
4. The primary road network generally conforms to the configuration shown in the Te Kauwhata Lakeside Precinct Plan in 21E.3.2,
5. The walking and cycling network allows for a future alternative public access between the village and the Lakeside Precinct Plan Area,
6. The road network aligns to the stages of the Lakeside development to ensure residential properties are served,
7. A transport network framework which supports practicable block sizes and shapes and road alignment which responds to natural topography rather than imposing a geometric grid,
8. Pedestrian walkways and cycle paths that connect to the existing village, Lake Waikare, and to the development; provide a network throughout the area as indicatively illustrated on Precinct Plan 21E.3.2,
9. The road environment encourages walking with separation between footpaths and vehicle carriageways and through the provision of street trees,
10. Rear allotments make up less than 10% of allotments per neighbourhood block with driveways to rear allotments shared by not more than two adjoining allotments,
11. Road reserve widths reflect the road typologies set out in the Council roading standards;
12. Integration of land use and infrastructure is achieved,
13. The type, location, density, staging and trigger requirements of land uses match the location, type, scale, funding and staging of infrastructure required to service the area,
14. The safe and efficient functioning of planned walkways and cycleways will be protected and enhanced,
15. Any necessary upgrade to the Scott Road and Te Kauwhata Road intersection is required to ensure safe operation of the intersection,
16. The design and layout of the road network takes into account the future provision of public transport.

Spatial Variety and Integration with the Natural Environment

The extent to which:

1. the Lake Waikare foreshore is opened up to public access through walkways and cycleways.
2. the importance of the iwi reserve is recognised and the development of open space and the invitation to vest this land in iwi,
3. a network of open spaces is created generally in accordance with the Precinct Plan 21E.3.3,
4. the network of open spaces as shown within Precinct Plan 21E3.3 with complementary open space within the residential development area which demonstrate:
 - a hierarchy,
 - connectivity and legibility;
 - the measures required to respond to flooding and to integrate with a stormwater management plan; and
 - measures to protect any important ecological areas.
5. the creation of a network of green corridors recognises the natural landform and provides amenity,
6. a high standard of stormwater management through a stormwater treatment train which could include on-street swales and/or rain gardens, natural streams and wetlands is achieved,
7. where modifications to natural landform are needed, these are preferably undertaken at the subdivision stage in a controlled and consistent manner in order to minimise the need for secondary earthworks and sediment discharges and minimise retaining wall heights,
8. land within the Te Kauwhata Rural Zone is planted to ensure Lake margins are protected and enhanced through revegetation and enrichment planting appropriate to the locality.
9. landscaping:
 - Integrates with the development into the surrounding area and
 - complements the existing landscape character, including the natural character of Lake Waikare, and
 - supports the personal safety of people and enhance pedestrian comfort, and
 - is designed for on-going ease of maintenance.
- 10 The stormwater and flood management areas have dual ecological corridor functions where appropriate. _
11. Neighbourhood parks and areas of private communal open space within the Residential Medium Density Precinct and High Density Precinct provide for the amenity and safety of the community in terms of:
 - spatial variety
 - a mix of recreational opportunities
 - accessibility
 - the application of CPTED principles
 - ease and cost of maintenance
 - the management structure of areas of private communal open space _

Urban Design and Visual Amenity

The extent to which:

1. the proposal integrates and connects with the Te Kauwhata Township and the rest of the Lakeside Precinct as shown on the masterplan required by 21E.5.1
2. The effect of any inconsistency with the Lakeside Precinct Plans on the visual amenity, rural character and urban character of the surrounding visual catchment.
3. The proposed development is consistent with, or allows the implementation of the specific design proposal (as required by 21E.5.6).

Robustness of Allotment Design

The extent to which:

1. development recognises the distinction between the Medium Density Precinct from the Higher Density Precinct,
2. the effects of allotment size and shape on the configuration of individual allotment has been considered at CS stage,
3. planning for the Lakeside Precinct Plan Area provides a variety of opportunities for different medium and higher density housing typologies,
4. individual allotments are designed such that when built on, dwellings will be able to have private outdoor living areas, part of which may comprise communal open space where the dwelling has legal rights to use such communal open space,
5. subdivisions are designed with regard to the principles of CPTED (Crime Prevention through Environmental Design) and the principles of low impact design.
6. Subdivision design, where adjacent to the NIMT, will address reverse sensitivity effects, including traffic noise and vibration.

Infrastructure

The extent to which:

1. all residential development is serviced by wastewater, stormwater, potable water, energy and telecommunication infrastructure,
2. the wastewater upgrade provides a medium and long-term opportunity to enhance water quality in Lake Waikare,
3. wastewater infrastructure has been futureproofed so that the southern end of the Lakeside pipeline could connect into any possible future public wastewater pipeline
4. stormwater management minimises effects on Lake Waikare and achieves good water quality using street berms and wetlands to manage water quality,
5. roading upgrades to create a second access to the Lakeside Precinct Plan Area once the development exceeds 400 new residential allotments. Where the 400 residential allotments includes a retirement village, then each independent living unit within the retirement village shall count as one allotment;
6. any staging of the development corresponds to the staging and if necessary upgrading of infrastructure;
7. Development takes account of overland flow paths.
8. safety measures at the Te Kauwhata Road at-grade level crossing are addressed.

Earthworks

The extent to which

1. erosion and sediment controls and the proposed construction methodology will avoid or minimise adverse effects on:
 - (i) water quality including of Lake Waikare;
 - (ii) ecological health including of Lake Waikare;
 - (iii) riparian margins;
 - (iv) the mauri of water.
2. The extent to which the earthworks minimises soil compaction in open space areas, other than where it benefits geotechnical or structural performance.
3. Whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance.
4. Whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
5. The effects of potential changes in flood plain depth, and the extent to which the carrying capacity of the flood plain is maintained.
6. The extent to which works in the flood plain do not exacerbate adverse effects of flooding, particularly on other property. _

Contaminated Land

1. Assessment of activities involving contaminated land should refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Management of alligator weed in the Rural Zone and any area subject to a 'Restricted Place Notice' issued under the Biosecurity Act 1993.

1. In the Rural zone, and any area subject to a 'Restricted Place Notice' issued under the Biosecurity Act 1993, the extent to which the recommendations of any alligator weed management plan have been taken into account.

Subdivision under 21E.2.21

1. In addition to the above, the extent to which the application is consistent with any approved CS or CLDC.

21E.5 Information requirements

Applications for a Lakeside Precinct Plan Area Comprehensive Subdivision Consent or Comprehensive Land Development Consent

Applications for a Lakeside Precinct Plan Area_CS or CLDC shall be accompanied by:

1. a copy of the latest masterplan for the entire Lakeside Precinct Plan Area
2. an urban design assessment which includes:
 - how the proposal integrates with the latest masterplan and the wider Te Kauwhata area
 - an urban form and development response for the Medium Density Precinct and/or the Higher Density Precinct
 - how the area can integrate into existing road and open space networks
3. visual amenity assessment including off and on-site visual amenity effects of potential development
4. detailed geotechnical assessment where one does not already exist for the land the subject of the consent
5. land-use map indicating boundaries of developable areas, uses, connections and compliance with the relevant densities identified in Precinct Plan 21E.1.1
6. specific design proposals for new roads and the upgrading of existing roads
7. an assessment of any works within the flood plain
8. confirmation of sufficient capacity of Council services including water and wastewater
9. land contamination assessment.
10. At each point where development in the Lakeside Precinct will exceed the following triggers, an integrated transport assessment shall be prepared that informs the need for any road or safety upgrades:
 - a) 400 residential allotments
 - b) 800 residential allotments
 - c) 1200 residential allotments
 - d) 1600 residential allotments

Provided that each independent living unit in a retirement village shall count as one allotment.

11. In preparation of the integrated transport assessment, when development in the Lakeside precinct will exceed 800 residential allotments, the integrated transport assessment shall also take into account the Te Kauwhata Level Crossing and include a Level Crossing Safety Impact Assessment, provided that each independent living unit in a retirement village shall count as one allotment.
12. A plan showing the construction area for the purposes of 21E.2.7(j)
13. Results of an Alligator Weed Survey carried out by a suitably qualified person to ascertain the existence of any alligator weed on land subject to an application. Where alligator weed is identified, provide a copy of an alligator weed management plan intended to achieve the eventual eradication of alligator weed from infested areas.

Overall, the reports and assessments accompanying an application for a CS or CLDC approval or amendment are to be sufficiently comprehensive and provide environmental information, analysis and assessments of potential effects on the environment (of development that would be enabled by the CS or CLDC provisions) to adequately inform assessment of the proposed CS or CLDC under sections 95A to 95E and 104(1) and 104A of the Resource Management Act.

PART D - AMENDMENTS TO PART 23 - BUSINESS ZONE RULES

Schedule 23C: Te Kauwhata Lakeside Business Zone Rules, Precinct Plan and Comprehensive Subdivision

23C.1 Application of the Schedule

The rules in this schedule apply to the Te Kauwhata Lakeside Business Zone as shown on the Planning Map and as shown in the Te Kauwhata Lakeside Precinct Plan that is included in section 21E of this Plan. All rules in Chapter 23: Business Zone Rules apply in the Te Kauwhata Lakeside Precinct Plan Area unless otherwise specified below.

23C.2 Rules applying in the Te Kauwhata Lakeside Precinct Plan Area

In addition to the rules in this Schedule 23C, all rules in Chapter 23: Business Zone also apply to the Te Kauwhata Lakeside Plan Area except for:

Business Rules:

Rule: 23.26, 23.27, 23.28, 23.45, 23.47, 23.49, 23.67 and 23.72.

Chapter 23C: Lakeside Business Zone

ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
<p>23C.3 Comprehensive Subdivision Consent</p>	<p>23C.3.1 A Comprehensive Subdivision Consent (CS) is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> a) it is in accordance with Te Kauwhata Lakeside Precinct Plans 21E.3.1, 21E.3.2 and 21E.3.3 as set out in 23C.3.1A; and b) meets the infrastructure requirements of 23C.3.1B. <p>A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area or may be made for an individual stage or stages.</p> <p>23C.3.1A Precinct Plan Parameters A CS is in accordance with the Precinct Plans identified in 23C.3.1 if:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m of the location shown on Precinct Plan 21E.3.2; and ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and iii) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3; and iv) Retirement village boundaries are within 50m of the location shown on Precinct Plan 21E.3.1. <p>23C.3.1B Infrastructure Requirements A CS must comply with all of the infrastructure requirements below:</p> <ul style="list-style-type: none"> 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 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 	<p>23C.3.3 A CS that does not meet the requirements of Rule 23C.3.1, and does not exceed parameters i) to iv) below, shall be a discretionary activity provided it meets the Infrastructure Requirements Rule 23C.3.1B:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m-100m of the location shown on Precinct Plan 21E.3.2; and ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 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 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and iv) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 21E.3.1. <p>The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p> <p>23C.3.4 A CS that does not meet the requirements of Rule 23C.3.1B Infrastructure Requirements shall be a non-complying activity.</p>

	<p>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 Appendix B (Engineering Standards).</p>	
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	<p>Discretion is reserved over:</p> <ul style="list-style-type: none"> i. consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3, ii. matters identified in the assessment criteria in 21E.4, 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. provision and location of existing and future utilities and connections, vi. location of roads and their connections, vii. effects of natural hazards (including flooding), geotechnical and land contamination. <p>23C.3.2 Applications for approval of a Comprehensive Subdivision 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> <p>Note 2: The definition of CS is contained in Part 3 Appendix P.</p>	<p>23C.3.5 A CS that does not meet any of the parameters for a discretionary activity outlined in 23C.3.3 i) to iv) is a non-complying activity.</p>
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ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>23C.4 Comprehensive Land Development Consent</p>	<p>23C.4.1 A comprehensive land development consent (CLDC) is a restricted discretionary activity if it:</p> <ul style="list-style-type: none"> i. is in accordance with the community hub shown on Te Kauwhata Lakeside Precinct Plan 21E.3.1; the roading network, walkways and cycleways shown on Precinct Plan 21E.3.2; and the open space shown on Precinct Plan 21E.3.3 as set out in 23C.4.1A; and ii. meets the infrastructure requirements of 23C.4.1B. <p>A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages.</p> <p>23C.4.1A Precinct Plan Parameters A CLDC is in accordance with the Lakeside Precinct Plans identified in 23C.4.1 (i) if:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m of the location shown on Precinct Plan 21E.3.2; and ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and iii) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3; and iv) Retirement village boundaries are within 50m of the location shown on Precinct Plan 21E.3.1 <p>23C.4.1B Infrastructure Requirements A CLDC must comply with all of the infrastructure requirements below:</p>	<p>23C.4.3 A CLDC that does not meet the requirements of Rule 23C.4.1 (i), and does not exceed parameters i) to iv) below, shall be a discretionary activity, provided it meets the Infrastructure Requirements Rule 23C.4.1B:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m-100m of the location shown on Precinct Plan 21E.3.2; and ii) Bus route is either on the alignment shown on 21E.3.2 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 21E.3.3; and iv) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 21E.3.1. <p>The matters over which Council reserves-discretion shall be used for assessing discretionary activity applications under this rule.</p> <p>23C.4.4 A CLDC that does not meet the requirements of Rule 23C.4.1B Infrastructure Requirements shall be a non-complying activity.</p> <p>23C.4.5 A CLDC that does not meet any of the parameters for a discretionary activity outlined in 23C.4.3 i) to iv) is a non-complying activity.</p>

	<ul style="list-style-type: none"> 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 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 (a) above; and 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 Appendix B (Engineering Standards). <p>Discretion is reserved over:</p> <ul style="list-style-type: none"> i. consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3, ii. matters identified in the assessment criteria in 21E.4, 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. provision and location of existing and future utilities and connections, vi. location of roads and their connections, vii. effects of natural hazards (including flooding), geotechnical and land contamination. <p>23C.4.2</p> <p>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>	
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	<p>Note: 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>	
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ITEM	PERMITTED	RESOURCE CONSENT
23C.5 Grazing and pastoral farming	23C.5.1 Grazing of livestock and pastoral farming is a permitted activity.	
23C.6 Earthworks (other than earthworks approved as part of a CLDC)	23C.6.1 Any activity is a permitted activity if earthworks complies with Rule 23.26.1.	<p>23C.6.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • mitigation measures including sediment control, • matters listed in Appendix B (Engineering Standards), • effects on land utilisation, • effects on erosion, • effects on cultural values, • effects on heritage values,

<p>23C.7 Earthworks filling using imported fill (other than earthworks approved as part of a CLDC)</p>	<p>23C.7.1 Any activity is a permitted activity if earthworks comply with Rule 23.27.1.</p>	<p>23C.7.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • effects on indigenous vegetation and habitat, • mitigation measures including replacement planting where vegetation removal is involved, • matters listed in Appendix B (Engineering Standards), • effects on cultural values, • effects on heritage values,
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Land Use Building

ITEM	PERMITTED	RESOURCE CONSENT
<p>23C.9 Daylight admission</p>	<p>23C.9.1 Construction or alteration of a building is a permitted activity if: (a) the building does 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 zone boundary.</p>	<p>23C.9.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p>

		<p>Discretion restricted to:</p> <ul style="list-style-type: none"> • height of building, • design and location of the building, • admission of daylight and sunlight to the site and other sites, • amenity values of the locality.
23C.10 Gross Floor Area	<p>23C.10.1 Construction or alteration of a building is a permitted activity if the total Gross Floor Area of all buildings does not exceed 4000m².</p>	<p>23C.10.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • impact on the Te Kauwhata town centre, • design and location of the building.
23C.11 Gross Leasable Floor Area	<p>23C.11.1 Construction or alteration of a building is a permitted activity if:</p> <p>(a) individual leasable retail units have a Gross Leasable Floor Area between 70m² and 650m²; and</p> <p>(b) there are no more than two individual leasable units with a Gross Leasable Floor Area between 400m² and 650m².</p>	<p>23C.11.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • impact on the Te Kauwhata town centre, • design and location of the building.
23C.12 Building setbacks	<p>23C.12.1 Construction or alteration of a building is a permitted activity if the building is set back at least 10m from the centre line of an indicative or legal road.</p>	<p>23C.12.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • streetscape and amenity, • traffic capacity of the road network.

23C.2 Information requirements

The information requirements for the Comprehensive Subdivision Consent or a Comprehensive Land Development Consent as set out in Rule 21E.5 shall apply to the Business Zone.

PART E - AMENDMENTS TO PART 25 - RURAL ZONE RULES

Schedule 25H: Te Kauwhata Lakeside Rural Zone Rules, Overlay Control and Precinct Plan

25H.1 Application of the Schedule

The rules in this schedule apply to the Te Kauwhata Lakeside Rural Zone overlay area as shown in the Te Kauwhata Lakeside Precinct Plan that is included in section 21E.3.3.1 of this Plan and on Plan 25H.1.1 below.

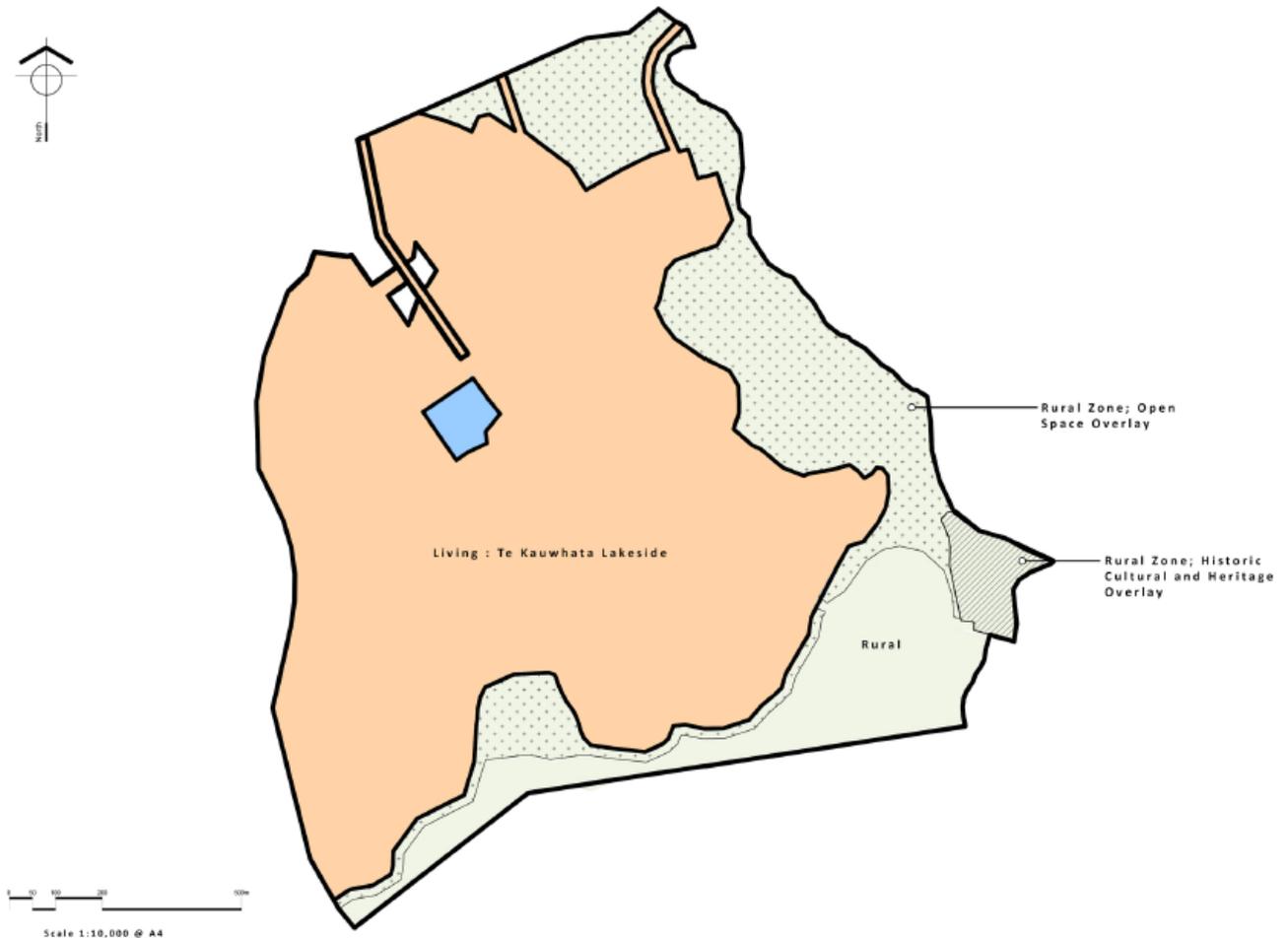
25H.2 Rules applying in the Te Kauwhata Lakeside Rural Zone overlay Area

In addition to the rules in this Schedule 25H, the Rural Rules identified below apply to the Te Kauwhata Lakeside Plan Area:

25.11, 25.13, 25.13A, 25.13AA, 25.15, 25.16, 25.17, 25.18, 25.21, 25.22, 25.30, 25.33, 25.43, 25.43A, 25.51, 25.52, 25.53, 25.54, 25.55, 25.56, 25.59, 25.61, 25.70A, 25.71 and 25.72.

All other rules in Chapter 25: Rural do not apply to the Te Kauwhata Lakeside Plan Area.

Plan 25H.1.1: Lakeside Open Space and Lakeside Cultural and Heritage Overlay



Comprehensive Subdivision

ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
<p>25H.3 Comprehensive Subdivision Consent</p>	<p>25H.3.1 A Comprehensive Subdivision Consent (CS) is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> i. it is in accordance with Te Kauwhata Lakeside Precinct Plans 25H.1.1, 21E.3.2 and 21E.3.3 as set out in 25H.3.1A. <p>A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area or may be made for an individual stage or stages provided that an individual stage must be 5ha or more.</p> <p>25H.3.1A Precinct Plan Parameters A CS is in accordance with the Precinct Plans identified in 25H.3.1 if:</p> <ul style="list-style-type: none"> ii. Primary roads are within 50m of the location shown on Precinct Plan 21E.3.2; and iii. Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and iv. Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3. provided connections are retained between the Lakeside Walkway and the residential development; and v. Lakeside Walkway is within 10m of the location shown on Precinct Plan 21E.3.3. <p>Discretion is reserved over:</p> <ul style="list-style-type: none"> (a) consistency with the Te Kauwhata Lakeside Precinct Plans in 25H.1.1, 21E.3.2 and 21E.3.3, 	<p>25H.3.3 A CS, that does not meet the requirements of Rule 25H.3.1, and does not exceed parameters i) to iv) below, shall be a discretionary activity:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m-100m of the location shown on Precinct Plan 21E.3.2; and ii) Bus route either on the alignment shown on 21E.3.2 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 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and iv) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 21E.3.3 <p>The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p> <p>25H.3.4 A CS that does not meet any of the-parameters for a discretionary activity outlined in 25H.3.3 i) to iv) is a non-complying activity.</p>

	<ul style="list-style-type: none"> (b) matters identified in the assessment criteria in 21E.4 ‘Spatial Variety and Integration with the Natural Environment’, ‘Infrastructure’ and ‘Management Of Alligator Weed’, (c) managing the effects of stormwater, (d) roading network and compliance with a Council approved roading standard, (e) protection, restoration or enhancement of ecological features, (f) provision and location of existing and future utilities and connections, (g) location of roads and their connections, (h) provision for public access to Lake Waikare, (i) provision of open space, including linkages between residential areas, open space and Lake Waikare, (j) effects of natural hazards (including flooding), geotechnical and land contamination, (k) provision of the historic Iwi overlay area shown on Precinct Plan 21E.3.3. <p>25H.3.2 Applications for approval for a CS as a restricted discretionary activity will be considered without public notification but with notice served on the Waikato Regional Council or their written approval obtained if the CS within the open space overlay includes any part of the Lakeside walkway shown on Plan 25H.1.1.</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>	
	<p>Note 2: The definition of CS is contained in Part 3 Appendix P.</p>	

Land Use Activities

ITEM	RESTRICTED DISCRETIONARY	RESOURCE CONSENT
<p>25H.4 Comprehensive Land Development Consent</p>	<p>25H.4.1 A comprehensive land development consent (CLDC) is a restricted discretionary activity if:</p> <p>a) it is in accordance with Precinct Plans 21E.3.2, 21E.3.3 and 25H.1.1 as set out in 25H.4.1A.</p> <p>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>25H.4.1A Precinct Plan Parameters A CLDC is in accordance with the Lakeside Precinct Plans identified in 25H.4.1 if:</p> <p>i) Primary roads are within 50m of the location shown on Precinct Plan 21E.3.2; and</p> <p>ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and</p> <p>iii) Subject to v) below, the Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and</p> <p>iv) Subject to v) below, the Lakeside Walkway is within 10m of the location shown on Precinct Plan 21E.3.3;</p> <p>v) 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 21E.3.3 to the extent necessary to avoid the infested area.</p> <p>Discretion is reserved over:</p> <p>(a) consistency with the Te Kauwhata Lakeside Precinct Plans in 21E.3.2, 21E.3.3 and 25H.1.1,</p> <p>(b) matters identified in the assessment criteria in 21E.4 'Spatial Variety and Integration with the Natural Environment', and 'Infrastructure' and 'Management Of Alligator Weed'.</p>	<p>25H.4.2 A CLDC, that does not meet the requirements of Rule 25H.4.1, and does not exceed parameters i) to iv) below, shall be a discretionary activity:</p> <p>i) Primary roads are within 50m-100m of the location shown on Precinct Plan 21E.3.2; and</p> <p>ii) Bus route is either on the alignment shown on 21E.3.2 or a continuous alignment that achieves the same circulation; and</p> <p>iii) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and</p> <p>iv) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 21E.3.3.</p> <p>The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule</p> <p>25H.4.3 A CLDC that does not meet any of the parameters for a discretionary activity outlined in 25H.4.2 i) to iv) is a non-complying activity.</p>

	<ul style="list-style-type: none"> (c) managing the effects of stormwater, (d) roading network and compliance with a Council approved roading standard, (e) protection, restoration or enhancement of ecological features, (f) provision and location of existing and future utilities and connections, (g) location of roads and their connections, (h) provision for public access to Lake Waikare, (i) provision of open space, including linkages between residential areas, open space and Lake Waikare, (j) effects of natural hazards (including flooding), geotechnical and land contamination, (k) provision of the historic lwi overlay area shown on Precinct Plan 21E.3.3. <p>Note:</p> <p>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>	
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ITEM	PERMITTED	RESOURCE CONSENT
<p>25H.5 Activities generally</p>	<p>25H.5.1 The following activities are permitted within the open space overlay shown on Plan 25H.1.1 provided that they comply with all the effects and building rules:</p> <ul style="list-style-type: none"> (a) walkways and cycleways; (b) informal recreation; (c) active recreation; (d) an equestrian arena (provided any buildings comply with the building and effects rules of the plan); (e) Information signage; (f) public art; (g) planting and landscaping; (h) infrastructure works associated with roading, stormwater, wastewater and flood protection measures; (i) horticulture; (j) grazing of livestock and pastoral farming where excluded from Lake Waikare and the natural waterway shown on Precinct Plan 21E.3.3; (k) gardens, landscape and planting including communal gardens, (l) shelters not exceeding 4m in height or 50m² gross roof area; (m) temporary events; (n) network utility. <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>25H.5.2 The following activities are permitted within the cultural and heritage overlay shown on Plan 25H.1.1 provided they comply with all the effects and building rules:</p>	<p>25H.5.3 Any activity that does not comply with a condition for a permitted activity is a discretionary activity, unless a lesser activity status under and effects or building rule has been identified.</p>

	<ul style="list-style-type: none">(a) any activity listed in Rule 25H.5.1;(b) information kiosk;(c) structures providing information on the culture, history or environment of the Lake Waikare and Te Kauwhata area;(d) memorials recognising the culture and history of the Lake Waikare and Te Kauwhata area.	
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<p>25H.6 Earthworks (other than earthworks approved as part of a CLDC)</p>	<p>25H.6.1 Any activity is a permitted activity if earthworks comply with Rule 25.25.1.</p>	<p>25H.6.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ol style="list-style-type: none"> a) effects on amenity values, b) visual effects, c) mitigation measures including sediment control, d) matters listed in Appendix B (Engineering Standards), e) effects on land utilisation, f) effects on erosion, g) effects on cultural values, h) effects on heritage values, i) design of lifeline utilities within a flood risk area
<p>25H.7 Earthworks filling using imported fill (other than earthworks approved as part of a CLDC)</p>	<p>25H.7.1 Any activity is a permitted activity if earthworks comply with Rule 25.27.1</p>	<p>25H.7.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on amenity values, • visual effects, • effects on indigenous vegetation and habitat, • mitigation measures including replacement planting where vegetation removal is involved, • matters listed in Appendix B (Engineering Standards), • effects on cultural values, • effects on heritage values,

<p>25H.8 Filling: Flood risk area (other than earthworks approved as part of a CLDC)</p>	<p>25H.8.1 Any activity in a Flood Risk area is a permitted activity if filling is no more than is necessary to:</p> <ul style="list-style-type: none"> (i) provide a foundation for building approved by a building consent, and access to that building, or (ii) enable minor upgrading of existing electricity lines and does not exceed 50m³. 	<p>25H.8.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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Subdivision

ITEM	CONTROLLED	RESOURCE CONSENT
<p>25H.9 Subdivision (other than approved as part of a CS)</p>	<p>25H.9.1 Subdivision is a controlled activity if:</p> <ul style="list-style-type: none"> a) It relates to the creation of lots in accordance with the precinct boundaries, and b) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 25H.1.1, 21E.3.2 and 21E.3.3; and c) it creates titles necessary to vest public open space in the Council or an iwi authority, or d) 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 e) 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 25H.1.1, or f) It creates a title for the Rural zoned land outside the open space overlays. <p>25H.9.1.1A Precinct Plan Parameters Subdivision is in accordance with the Precinct Plans identified in 25H.9.1 b) if:</p> <ul style="list-style-type: none"> i) Primary roads are within 50m of the location shown on Precinct Plan 21E.3.2; and 	<p>25H.9.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> (a) extent to which the proposal accords with the Te Kauwhata Lakeside Precinct Plan 25H1.1, 21E.3.2 and 21E.3.3; (b) amenity, (c) pedestrian and cycle networks, (d) access roads, (e) access to Lake Waikare.

	<ul style="list-style-type: none">ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; andiii) Subject to v) below Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; andiv) Subject to v) below Lakeside Walkway is within 10m of the location shown on Precinct Plan 21E.3.3; andv) 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 21E.3.3 to the extent necessary to avoid the infested area. <p>Control is reserved over:</p> <ul style="list-style-type: none">(a) extent to which the subdivision facilitates the vesting of public open space or the creation of sites for informal or active recreation use, or grazing and pastoral farming activity,(b) vehicle access and pedestrian networks.	
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25H.10 Information requirements**Applications for a Lakeside Precinct Plan Area Comprehensive Subdivision Consent or Comprehensive Land Development Consent**

Applications for a Lakeside Precinct Plan Area CS or CLDC shall be accompanied by:

1. a copy of the latest masterplan for the entire Lakeside Precinct Plan Area
2. an urban design assessment which includes:
 - how the proposal integrates with the latest masterplan and the wider Te Kauwhata area
 - how the area can integrate into open space networks shown on Plan 25H.3
3. an assessment of any works within the flood plain
4. Results of an Alligator Weed Survey carried out by a suitably qualified person to ascertain the existence of any alligator weed on land subject to an application. Where alligator weed is identified, provide a copy of an alligator weed management plan intended to achieve the eventual eradication of alligator weed from infested areas.

Overall, the reports and assessments accompanying an application for a CS or CLDC approval or amendment are to be sufficiently comprehensive and provide environmental information, analysis and assessments of potential effects on the environment (of development that would be enabled by the CS or CLDC provisions) to adequately inform assessment of the proposed CS or CLDC under sections 95A to 95E and 104(1) and 104A of the Resource Management Act.

PART F - AMENDMENTS TO PART 29 – REASONS AND EXPLANATIONS

Insert the following text in section 29.3

Te Kauwhata Lakeside Precinct Plan Area

The Te Kauwhata Lakeside Precinct Plan Area comprises Living and Rural (with an open space overlay and a cultural and heritage overlay) zoning with a small Business zone block. The combination of these zones and overlays which apply to the Te Kauwhata Lakeside Precinct Plan Area provide for a combination of village development at medium and higher density and significant open space areas. The housing typologies will complement the existing range of buildings provided for within Te Kauwhata. It will reinforce Te Kauwhata as a rural township with a diverse community. Provision is made for a retirement village.

Significant rural zoning with overlays and development of a walkway network will open up the foreshore of Lake Waikare to the Te Kauwhata community and public. A limited number of non-residential activities are provided for subject to District Plan controls over scale to ensure they contribute to rather than detract from the existing Te Kauwhata village.

All development within the zones must be in accordance with the Te Kauwhata Lakeside Precinct Plan in 21E.3. A Comprehensive Subdivision (which may be prepared in stages) is required to be implemented prior to any new development or land-use activity occurring within the zone. The Comprehensive Subdivision is required to be in accordance with the Te Kauwhata Lakeside Precinct Plans contained in Schedule 21E.3 in order to have controlled activity status. A Comprehensive Subdivision Consent that is not in accordance with the Te Kauwhata Lakeside Precinct Plan is a discretionary activity.

Significant areas of private open space are created within the Precinct. These areas are zoned Rural but with a unique overlay applying to the Lakeside Precinct. The overlay provides for a range of open space uses and a network of walkways and cycleways. It also provides wetlands associated with stormwater and possibly wastewater treatment. A particular cultural heritage overlay applies to the iwi reserve recognising the cultural importance of this land associated with the Waikato Maori Land Wars. This overlay provides for open space uses enabling walkway connections, shelter, public art and the opportunity for an appropriate memorial and / or information kiosk recognising the environment, heritage and history of this location.

The Lakeside development has the opportunity to be self-sufficient in wastewater or could proceed once the Council's upgrade to Te Kauwhata wastewater system is complete. There is the opportunity for an integrated wastewater system servicing both the existing Te Kauwhata area and Lakeside. Housing development will only proceed after an appropriate wastewater network for Lakeside has been consented.

Additional roading access to enhance connectivity to the "village" and adequate roading capacity is provided to the north-east once more than 400 allotments are developed within the Precinct.

PART G - CONSEQUENTIAL AMENDMENTS TO PART 15A - TE KAUWHATA STRUCTURE PLAN

The following are insertions to be added into 15A: Te Kauwhata Structure Plan.

1. Insert the following after the first paragraph in 15A:

A particular Lakeside Precinct Plan applies to the area south of the current town centre and adjoining Lake Waikare. This area is within the Te Kauwhata Structure Plan Area as shown in Schedule 21E.3, but it has its own provisions particular to the Lakeside location. The Lakeside Precinct Plan Area complements the range of housing typologies within Te Kauwhata by providing medium and relatively higher densities. The higher density areas are complemented with the extensive use of communal open space. These areas are also in close proximity to the significant public open space proposed as part of the Lakeside Precinct Plan Area. The objectives, policies and provisions for Lakeside complement the general Te Kauwhata Structure Plan provisions. In particular, they limit business development so as to reinforce the Te Kauwhata town centre. The Lakeside Precinct Plan provides for the opening up of Lake Waikare to public access. Development controls ensure high quality neighbourhoods. Provisions are put in place to promote comprehensive integrated development. The objectives and policies for the Lakeside Precinct Plan Area are set out in section 15D.

2. Insert “and Lake Waikare” into policy 15A.2.4.6 as follows:

15A.2.4

6. open space including a connection to the Whangamarino Wetland and Lake Waikare.

3. Insert “open spaces, and” into policy 15A.2.13.2 as follows:

15A.2.13

2. be in close proximity to public transport nodes, the town centre and open spaces, and

4. Insert “or form part of an integrated development approved as a Comprehensive Land Development Consent or Comprehensive Subdivision Consent” into policy 15A.2.20 as follows:

15A.2.20

Modifications to flow paths, ponding areas and drainage patterns should be limited to minor adjustments that enable an overall enhancement of the environment or restore previously modified systems or form part of an integrated development approved as a Comprehensive Land Development Consent or Comprehensive Subdivision Consent.

5. Insert the following sentence under 15A.3 Reasons and Explanations:

“The reasons and explanations for the Lakeside Precinct Plan Area are set out in section 15D.”

6. Insert the following as a last paragraph in 15A.3.10 Transport:

“Once the Lakeside development exceeds 400 residential allotments, a second access road will be constructed in the north-east linking the Lakeside Precinct to the Te Kauwhata urban area in the vicinity of Rata Street. Where the 400 residential allotments includes a retirement village, then each independent living unit within the retirement village shall count as one allotment.”

7. Insert the following under heading 15A.4 Methods of Implementation:

“The methods of implementation for the Lakeside Precinct Plan Area are set out in section 15D.”

8. Insert the following sentence under the heading 15A.5 Reasons for Methods:

“The reasons for methods of the Lakeside Precinct Plan Area are set out in section 15D.”

PART H – ADDITIONAL CONSEQUENTIAL AMENDMENTS

Add the following definition to Part 3 Appendices P – “Meaning of Words”

Comprehensive Subdivision Consent (CS)

Comprehensive Subdivision Consent relates to the Te Kauwhata Lakeside Precinct Plan referred to in Parts 21E Living Zone Rules, 23C Business Zone Rules and 25H Rural Zone Rules of this plan.

A Comprehensive Subdivision is a subdivision of 5ha or more which provides for staged, integrated development within the Te Kauwhata Lakeside Precinct Plan Area. The Comprehensive Subdivision can cover a range of zonings including Living, Business and Rural.

A Comprehensive Subdivision Consent includes the provision of sites for roading, walking and cycling trails, sites for open space and community facilities, dedicated sites for wastewater and stormwater infrastructure and development sites for housing, business and other activities provided for within the relevant zone/structure plan. It also includes sites for associated infrastructure.

A Comprehensive Subdivision Consent may be applied for concurrently with a Comprehensive Land Development Consent or separately.

Comprehensive Land Development Consent (CLDC)

Comprehensive Land Development Consent relates to Te Kauwhata Lakeside Precinct referred to in Parts 21E, 23C and 25H of this plan.

A Comprehensive Land Development Consent is a bundle of land use consents that apply to an area of land of 5ha or more which provides for staged integrated development within the Te Kauwhata Lakeside Precinct Plan Area. The Comprehensive Land Development Consent can cover a range of zoning including Living, Business and Rural.

A CLDC includes the provision of earthworks, roading network, wastewater infrastructure including treatment plants, pipelines and associated wetlands, stormwater infrastructure, network utilities and other infrastructure, open space, ecological restoration, works in the flood plain, landscaping and planting, community facilities, walkways and cycleways and associated land decontamination.

A Comprehensive Land Development Consent may be applied for concurrently with a Comprehensive Subdivision or separately.

Community Activity (Te Kauwhata Lakeside Precinct)

Community activity relates to Te Kauwhata Lakeside Precinct referred to in Parts 21E and 23C of this plan.

Community activity means the use of land and buildings which provides for individual or community health, welfare, care, safety, recreational, cultural, ceremonial, spiritual, and art and craft purpose. It includes any preschool or educational facility, place of worship, community hall or centre or recreational facility.