

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 052

IN THE MATTER OF an appeal under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN LAKESIDE DEVELOPMENTS 2017
LIMITED

(ENV-2022-AKL-000052)

Appellant

AND WAIKATO DISTRICT COUNCIL

Respondent

AND KIWIRAIL HOLDINGS LIMITED

Section 274 party

Court: Alternate Environment Judge L J Newhook sitting alone under s
279 of the Act

Last case event: Joint memorandum in support of consent order dated 16
February 2024

Date of Order: 25 March 2024

Date of Issue: 25 March 2024

CONSENT ORDER



Lakeside Developments 2017 Ltd v Waikato District Council

A: Under section 279(1)(b) of the Resource Management Act 1991 (**the Act**), the Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to the agreed amendments to PREC31 in Part 3: Area-specific matters of the Proposed Waikato District Plan (**PDP**) as set out in **Appendix B**, attached to and forming part of this order; and;
- (2) the appeal is otherwise dismissed.

B: Under section 285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] This consent order relates to an appeal by Lakeside Developments 2017 Limited (**Lakeside**) against parts of the decisions of Waikato District Council (**the Council**) on the Proposed Waikato District Plan (**PDP**) in relation to the policy framework specific to the Lakeside Te Kauwhata Precinct (**PREC31**).

[2] Lakeside made submissions on the PDP seeking to retain Policy 4.1.12, which is a policy specific to PREC31. But in Decision Report 5: Strategic Directions, the Independent Hearing Panel on behalf of the Council decided to delete policy 4.1.12, along with other area-specific policies that reflected the existing character (**the Decision**). This was on the basis that many matters identified as being unique for each town and village were duplicates and did not actually reflect the character, amenity or features of each town.¹

[3] Lakeside filed an appeal on 28 February 2022 seeking the inclusion of a policy into PREC31 – Lakeside Te Kauwhata Precinct which specifically addresses the growth and development of the Precinct.

¹ Decision Report 5: Strategic Decisions of Hearings of Submissions on the Proposed Waikato District Plan – Report and Decisions of Independent Commissioners dated 17 January 2022 at [7.15].

[4] KiwiRail Holdings Limited (**KiwiRail**) gave notice of an intention to become a party under s 274 of the Act.

[5] The parties jointly filed a memorandum and a draft consent order on 16 February 2024 seeking to fully resolve Lakeside's appeal.

Agreement reached between the parties

[6] Since the appeal was filed, the parties have engaged in direct discussions and have reached an agreement to amend PREC31 in Part 3: Area-specific matters of the PDP to include a Lakeside Te Kauwhata Precinct-specific policy that is similar to policy 4.1.12(b). The amendments are set out in Appendix A to this order.

[7] The parties note that Lakeside is an interested party to the parts of KiwiRail's appeal in Topic 5.1: Linear infrastructure (energy and transport). Lakeside's s 274 notice supports the relief sought by KiwiRail with respect to noise and vibration controls to manage sensitive activities in proximity to the rail corridor. However, following discussions between KiwiRail and the Council with respect to KiwiRail's appeal, an updated position was reached on the management of noise and vibration effects from the rail corridor in the PDP. The relevant amendments to the PDP provisions made via the KiwiRail appeal are discussed in paragraph 9 of the joint memorandum of the parties dated 16 February 2024. As these new controls are located over part of PREC31, the supporting noise and vibration controls introduced via the KiwiRail appeal will apply to the Lakeside Precinct. It is on this basis that the parties propose to delete the existing rail corridor noise and vibration controls in PREC31-S1.

Analysis of agreement reached under s 32AA of the RMA

[8] Section 32AA of the RMA requires further evaluation for any changes to a proposal since the initial section 32 evaluation report and the decision. The parties prepared a s 32AA assessment in their joint memorandum to assess the appropriateness of the inclusion of PREC31-P1. This analysis is set out below.

[9] In summary, the parties consider that the inclusion of policy PREC31-P1 is appropriate for the following reasons:

- (a) The policy specifically addresses the issues of growth and development of the Precinct. This policy makes it clear that growth in the Precinct is an important method for achieving the overall growth objectives for the Waikato region as set out in strategic objective SD-O4 in the decisions version of the PDP and the vision set out on page 17 of Future Proof 2022 - both of which seek a variety of housing choices in district and region;
- (b) The purpose of the policy is to “enable development which provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place”. This gives effect to strategic objectives SD-O4 and UFD-O1 in the PDP, which provide for growth in the Waikato district by providing a variety of housing choices and an urban environment that is well-functioning and provides for connected and liveable communities. This also gives effect to the National Policy Statement on Urban Development 2020 (‘NPS-UD’) Objectives 1 and 3 as well as Policy 1;
- (c) Introducing Policy PREC31-P1 into the ‘PREC31 – Lakeside Te Kauwhata Precinct’ chapter is consistent with the approach of other precinct chapters in the PDP which have unique objectives and policies. One such example is ‘PREC32 – Raglan Precinct’ which contains one objective (PREC32-O1) and three policies (PREC32-P1 – P3). The ‘PREC32 – Raglan Precinct’ policy framework is specific to development within the Raglan precinct and does not repeat the higher-order policy framework of the PDP, similar to ‘PREC31 – Lakeside Te Kauwhata’ and the proposed addition of policy PREC31-P1;
- (d) The benefit of including guidance in the form of Policy PREC31-P1 is the provision of additional context for decision-makers to assess resource consent applications within the Precinct. This policy, in conjunction with the rules and relevant land-use effects standards, land-use building standards and/or district-wide matters (except where it is explicitly stated that a standard does not apply), will shape the growth

and development within the Precinct. The proposed policy will provide a framework for the suite of provisions and establish the vision for the Precinct;

- (e) The inclusion of this policy is supported by the only s 274 party to the appeal, KiwiRail, subject to an amendment to the original wording as set out in a joint statement between Lakeside and KiwiRail dated 16 November 2023. In this joint statement, both parties confirmed that reference to the upgrade to the road-rail crossing is no longer required in light of the amendments to Policy AINF-P27 that were agreed as part of the KiwiRail and Waka Kotahi appeals which is a district-wide policy and thus also applies to the Precinct;
- (f) In addition, KiwiRail and Lakeside confirmed that they have entered into an agreement setting out a programme of works for the Te Kauwhata Road Rail Crossing which has now been mostly completed. Thus, the inclusion of a specific reference to such works is subject to a binding commitment between the parties and the policy is no longer considered to be required;

Costs/Benefits

[10] The benefit of this approach for plan users is the added clarity and guidance that policy PREC31-P1 provides with regard to growth, urban form, amenity and sense of place. The costs and benefits are set out in the table below:

	Benefits	Costs
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Environmental	<p>Avoids development in areas with geotechnical constraints.</p> <p>Increasing the housing density limits the need for sprawl which results in an efficient use of the land area.</p> <p>The natural environment is sought to be enhanced.</p> <p>Ensures sufficient open space.</p> <p>Recognises Lake Waikare as a feature of the development, therefore more people are invested in improving the health of the Lake.</p> <p>Opportunities to increase biodiversity through open space networks and additional landscaping.</p>	<p>Increases the potential for contaminants and sediment to enter Lake Waikare.</p> <p>May alter the natural flood management processes.</p> <p>Development in close proximity to a lake increases the risk to people and property from flooding hazards.</p>
Economic	<p>Ensures that resulting lots can be built upon by avoiding significant constraints that could limit future development.</p> <p>Compact developments are more efficient to service for infrastructure.</p> <p>Proximity to the town of Te Kauwhata and the compact design means less expenditure on petrol.</p> <p>Ensures affordable living options.</p> <p>Supports the economic viability of Te Kauwhata township.</p> <p>The economic viability of the development through the ability to increase density.</p>	<p>May increase the cost to develop, due to the physical characteristics of the site. Some areas will not be able to be built upon.</p>
Social	<p>Provides a variety of housing densities which results in a mixed community with a more wide-ranging demographic.</p> <p>The range of housing styles and price points will enable people to meet their changing housing needs within the same community.</p> <p>Compact developments are easily accessible by transport options other than private vehicles.</p> <p>Easy access to the main centre of Te Kauwhata enables the community to meet its full range of needs.</p> <p>The policy promotes a high level of amenity.</p> <p>Residents will have a sense of place through the unique design and layout.</p> <p>Maximises access to the foreshore of Lake Waikare.</p>	<p>Will not meet the needs of all sectors of the community.</p>

	Provides a wide range of recreation opportunities, resulting in improved health and well-being. Provides better connections to the open space network.	
Cultural	Creates an Iwi reserve and vesting of this land in Iwi or the Council. Recognises the cultural value of Lake Waikare which has been identified as an outstanding natural feature in Schedule 'SCHED5 – Outstanding Natural Features and Landscapes'.	Development on the foreshore of the Lake may affect the mauri of the Lake.

- (a) As set out above, the provisions under PREC31-P1 will bring a range of social, environmental, economic and cultural benefits. The additional clarification and detailed guidance for the future developments of the Precinct will streamline the feasibility, planning and design process, as well as focus the assessment of resource consent applications. This will help to manage budgets and delivery programmes and avoid unnecessary costs.
- (b) While the introduction of PREC31-P1 will not directly create new opportunities for employment and economic growth, it clarifies and guides future development. This will streamline the delivery of the development and assist with bringing new direct and indirect investment to the area, as well as create new jobs during the construction phase.
- (c) There is no uncertain nor insufficient information associated with the policy.

Decision about the most appropriate option

[11] The proposed inclusion of policy PREC31-P1 is considered to be the most efficient and effective way to give effect to the following objectives and policies in the PDP for the following reasons:

- (a) Objective SD-O4, which seeks the provision of a variety of housing types to meet the community's housing needs, is addressed by PREC31-P1(1)(a) which aims to increase housing affordability by requiring

increased density, a range of house types on smaller lots as well as housing for the elderly;

- (b) Objective UFD-O1, which seeks a compact urban form and connected, liveable communities, is met by the following:
 - (i) PREC31-P1(1)(a) which requires increased residential density;
 - (ii) PREC31-P1(1)(c) which provides for high standards of urban design including connections to open spaces and access to the Lake Waikare foreshore; and
 - (iii) PREC31-P1(1)(e) which is looking to integrate the Te Kauwhata Town Centre through improved connections to Lakeside and Lake Waikare, in particular for walking and cycling.
- (c) Objective AINF-O1, which requires the development, operation, maintenance and upgrading of any infrastructure to enhance social, economic, cultural and environmental well-being. This is addressed by the new policy PREC31-P1 as a whole as it seeks to: provide a mix of housing and increase affordability, provide a balance between open spaces and areas for growth, manage flood risk by retaining sufficient flood plain, implementing high urban design standards, providing better connections to the town centre and the lake, and creating a new reserve that will be vested in Iwi or the Council.
- (d) Objective NFL-O1 and Policy NFL-P1 which seek to recognise and protect outstanding natural features such as Lake Waikare.² Policy PREC31-P1(1)(d) supports recognition and protection by requiring the creation of an Iwi reserve on the easternmost point of the Lakeside development, with the land being vested in Iwi or the Council. In

² See Schedule 'SCHED5 – Outstanding Natural Features and Landscapes' in the decisions version of the PDP.

addition, PREC31-(1) (c) and (e) seek to improve access to the Lake and foreshore for the community to recognise and enjoy this natural asset;

- (e) Objectives NH-O1, NH-O2, NH-O3 and NH-O4 all seek to identify natural hazard areas and protect people, property and infrastructure from natural hazards such as flooding. Policy PREC31-P(1)(b) recognises the existing flood risk and requires the provision of open space with sufficient capacity to mitigate flood risk;
- (f) Policy TCZ-P9 directs development to maintain and enhance the role of the Te Kauwhata Town Centre by maintaining wide footpaths, prioritising and providing for pedestrian movement and safety, and maintaining pedestrian focus amongst other requirements. PREC31-P1(1)(e) gives effect to these provisions by requiring the town centre to be integrated with Lakeside and Lake Waikare, especially for walking and cycling;
- (g) Objective ML-O1 and Policy ML-P1 which relate to Whenuatanga seek to enable Tangata Whenua to utilise, manage and enjoy Maaori land including for recreational purposes. This is provided for by the creation of an Iwi reserve under PREC31(1)(d);
- (h) Policy AINF-P29(i)(d) seeks to provide, maintain, upgrade and operate an efficient, effective, integrated, safe, accessible and sustainable transport network including safe and accessible provision for pedestrians and cyclists to maximise accessibility, including off-road facilities and connections. This provision is addressed in PREC31-P1(1)(c) and PREC31-P1(1)(e) which seek better connections to open spaces including the Lake as well as improved connections, in particular for walking and cycling.

Consideration

[12] In making this order the Court has read and considered:

- (a) the notice of appeal dated 28 February 2022; and

- (b) the joint memorandum of the parties in support of draft consent orders dated 16 February 2024.

[13] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[14] The Court is satisfied that the changes sought are within the scope of Lakeside's submissions and appeal.

Order

[15] The Court orders, by consent, that:

- (a) the appeal is allowed subject to the amendments to PREC31 in Part 3: Area-specific matters of the PDP as set out in **Appendix B** to this order;
- (b) the appeal is otherwise dismissed; and
- (c) there is no order as to costs.



L J Newhook
Alternate Environment Judge



Appendix A: Tracked change version of the agreed amendments to PREC31 in Part 3: Area-specific matters

PREC31 - Lakeside Te Kauwhata precinct

The relevant district-wide chapter provisions apply in addition to this chapter (unless specified otherwise).

Purpose

The purpose of the Lakeside Te Kauwhata precinct is to enable development which provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place.

Policies

PREC31-PI Lakeside Te Kauwhata Precinct

- (1) Development of the Lakeside Te Kauwhata Precinct provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place by:
- (a) Providing for medium density and higher density housing and including housing for the elderly and a range of housing typology on small lots to assist housing affordability;
 - (b) Managing the balance between creating areas for growth and open space, and retaining an appropriate size and capacity flood plain to assist flood management within the Waikato River system;
 - (c) Implementing a high standard of urban design including lot orientation, outlook to Lake Waikare, streetscape design, connection to the open space network, and access to the Lake Waikare foreshore;
 - (d) Creating an lwi reserve on the eastern most point of the Lakeside development and vesting this land in lwi or the Council; and
 - (e) Integrating with the Te Kauwhata Town Centre through improved connections to Lakeside and Lake Waikare, particularly walking and cycling.

Application of rules

For avoidance of doubt the following rules apply to permitted activities within both PREC31 – Lakeside Te Kauwhata precinct and the GRZ – General residential zone as follows:

(1) ...

~~(2) PREC31-S1 (Noise and vibration – North Island Main Trunk Line (NIMT) in the GRZ – General residential zone) applies;~~

- ~~(3)~~ (2) All land-use building standards in the GRZ – General residential zone do not apply to PREC31. Instead, these are replaced with PREC31-S2 to PREC31-S14; and

The rules that apply to subdivision within both PREC31 – Lakeside Te Kauwhata precinct and the GRZ – General residential zone are:

- ~~(4)~~ (3) SUB-R11, SUB-R12, SUB-R15, SASM-R5, HH-R9, SUB-R17, SUB-R18, SUB-R25 do not apply, instead SUB-R27 and SUB-R28 apply.

The rules that apply within both PREC31 – Lakeside Te Kauwhata precinct and the GRZ – General rural zone are as follows:

- ~~(5)~~ (4) Rules GRUZ-R1 – GRUZ-R61 in addition to PREC31-R12 – PREC31-R30;

The rules that apply to a permitted activities within both PREC31 – Lakeside Te Kauwhata precinct and the GRUZ – General rural zone are as follows:

- ~~(6)~~ (5) The land-use effects standards which apply to the GRUZ – General rural zone, except EW-R17 – EW-R22 does not apply where earthworks consent has been obtained under Rule PREC31-R27 (Comprehensive Land Development Consent);

- ~~(7)~~ (6) Only the following Land-use building standards apply:

(a) ...

The rules that apply within both PREC31 – Lakeside Te Kauwhata precinct and the LCZ – Local centre zone are as follows:

- ~~(8)~~ (7) Rules LCZ-R1 – LCZ-R16 in addition to PREC31-R31;

The rules that apply to a permitted activities within both PREC31 – Lakeside Te Kauwhata precinct and the GRUZ – General rural zone are as follows:

- ~~(9)~~ (8) The land-use effects standards which apply to the LCZ – Local centre zone, except EW-R28 – EW-R33 does not apply where earthworks consent has been obtained under Rule PREC31-R31 (Comprehensive Land Development Consent);

- ~~(10)~~ (9) The land-use building standards of the LCZ – Local centre zone apply, except

(a) ...

- ~~(11)~~ (10) SUB-R91 applies in addition to Rules SUB-R84 – SUB-R90 (Subdivision) for subdivision within PREC31 – Lakeside Te Kauwhata precinct and the LCZ – Local centre zone.

(11) For avoidance of doubt, rules NOISE-R44 and NOISE-R45 (including Appendix I – Acoustic Insulation (APPI)) apply to the Lakeside Te Kauwhata Precinct with respect to noise and vibration from the North Island Main Trunk Line.

Rules

...

Land use – effects

PREC31-S1	Noise and vibration – North Island Main Trunk Line (NIMT) in the GRZ – General residential zone
(1) Activity status: PER	(2) Activity status: RDIS

Activity-specific standards:

- (a) Construction or alteration of a building must comply with the following standards:
 - (i) a non-habitable accessory building or attached non-habitable garage and is set back at least 5m from any boundary which adjoins the NIMT, or
 - (ii) a building other than that specified in (a) above and is set back at least 10m from any boundary which adjoins the NIMT and.
 - (iii) If located within 100m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure that the following internal design noise limits shall not be exceeded with all external doors and windows closed.

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 to comply with satisfactory sound levels Care Spaces AS/NZS 2107:2000 (nearest specified equivalent) e.g. Hospital and Dementia, Commercial Spaces	

- (iv) For the purpose of this rule, the noise levels generated by rail operations on the NIMT shall be as determined by a qualified acoustic specialist, using methods consistent with New Zealand Standards, within five years prior to the date of the design certificate referred to at the end of this clause b)
- (v) This rule only applies to habitable rooms, teaching spaces and sensitive activity building spaces identified in the table above where those habitable rooms or spaces fall within or partly within the specified 100m distance.
- (vi) Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided.
- (vii) The ventilation system installed shall comply with the following:
 - (1) Consist of an air conditioning unit(s) provided that the noise level

Where:

- (a) Construction or alteration of a building that does not comply with Rule PREC31-S1(1).
- (b) Any restricted discretionary activity will be limited notified to the operator of the rail network (currently KiwiRail).

Council's discretion is restricted to the following matters:

- (a) reverse sensitivity issues related to NIMT;
- (b) Noise sensitive activities within 100m of a rail track:
 - (i) The degree of noise attenuation achieved at the noise sensitive activity;
 - (ii) 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;
 - (iii) A reverse sensitivity covenant.
- (c) Vibration sensitive activities within 40m of a rail track:
 - (i) The size, nature and location of the building on the site;
 - (ii) Special topographical, building features or ground conditions

<p>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 rooms, when measured 1 metre away from any grille or diffuser; or</p> <p>(2) 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;</p> <p>(3) 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;</p> <p>(4) The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation;</p> <p>(5) 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> <p>(viii) Compliance with this rule shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist, at the time of building consent application; and</p> <p>(ix) If located within 40m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</p>	<p>which will mitigate vibration impacts;</p> <p>(iii) Any characteristics of the proposed use which make compliance with the standard unnecessary;</p> <p>(iv) A reverse sensitivity covenant.</p>		
<table border="1"> <tr> <td data-bbox="523 1892 782 2004">Receiving Environment</td> <td data-bbox="782 1892 1045 2004">Maximum weighted velocity, Vw95</td> </tr> </table>	Receiving Environment	Maximum weighted velocity, Vw95	
Receiving Environment	Maximum weighted velocity, Vw95		

Sensitive activities/buildings	0.3mm/s	
or		
<p>(x) if located within 20m of the centre line of the nearest rail track within the NIMT is designed and constructed to ensure that the level of vibration from trains shall not exceed the criteria set out in the British Standard BS 7385-2:1993.</p> <p>(xi) Compliance with clauses (d) and (e) shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified vibration specialist, at the time of building consent application. Vibration generated by rail operations on the NIMT shall be as determined by a qualified vibration specialist, using methods consistent with New Zealand standards, within five years prior to the date of the design certificate.</p>		

<u>PREC31-S1</u>	<u>Building and structure setback – rail corridor</u>	
<p><u>(1) Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>(a) Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 5m from the designated boundary of the railway corridor.</u></p> <p><u>(b) Standard PREC31-S1(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u></p> <p><u>(c) Standard PREC31-S1(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor.</u></p>	<p><u>(2) Activity status when compliance not achieved: RDIS</u></p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p><u>(a) The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u></p> <p><i><u>Notification: Any restricted discretionary activity under PREC31-S1 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</u></i></p>	

Appendix B: Clean version of the agreed amendments to PREC31 in Part 3:

Area-specific matters

PREC31 - Lakeside Te Kauwhata precinct

The relevant district-wide chapter provisions apply in addition to this chapter (unless specified otherwise).

Purpose

The purpose of the Lakeside Te Kauwhata precinct is to enable development which provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place.

Policies

PREC31-PI Lakeside Te Kauwhata Precinct

- (1) Development of the Lakeside Te Kauwhata Precinct provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place by:
- (a) Providing for medium density and higher density housing and including housing for the elderly and a range of housing typology on small lots to assist housing affordability;
 - (b) Managing the balance between creating areas for growth and open space, and retaining an appropriate size and capacity flood plain to assist flood management within the Waikato River system;
 - (c) Implementing a high standard of urban design including lot orientation, outlook to Lake Waikare, streetscape design, connection to the open space network, and access to the Lake Waikare foreshore;
 - (d) Creating an Iwi reserve on the eastern most point of the Lakeside development and vesting this land in Iwi or the Council; and
 - (e) Integrating with the Te Kauwhata Town Centre through improved connections to Lakeside and Lake Waikare, particularly walking and cycling.

...

Application of rules

For avoidance of doubt the following rules apply to permitted activities within both PREC31 – Lakeside Te Kauwhata precinct and the GRZ – General residential zone as follows:

- (1) ...

- (2) All land-use building standards in the GRZ – General residential zone do not apply to PREC31. Instead, these are replaced with PREC31-S2 to PREC31-S14; and

The rules that apply to subdivision within both PREC31 – Lakeside Te Kauwhata precinct and the GRZ – General residential zone are:

- (3) SUB-R11, SUB-R12, SUB-R15, SASM-R5, HH-R9, SUB-R17, SUB-R18, SUB-R25 do not apply, instead SUB-R27 and SUB-R28 apply.

The rules that apply within both PREC31 – Lakeside Te Kauwhata precinct and the GRZ – General rural zone are as follows:

- (4) Rules GRUZ-R1 – GRUZ-R61 in addition to PREC31-R12 – PREC31-R30;

The rules that apply to a permitted activities within both PREC31 – Lakeside Te Kauwhata precinct and the GRUZ – General rural zone are as follows:

- (5) The land-use effects standards which apply to the GRUZ – General rural zone, except EW-R17 – EW-R22 does not apply where earthworks consent has been obtained under Rule PREC31-R27 (Comprehensive Land Development Consent);
- (6) Only the following Land-use building standards apply:

(a) ...

The rules that apply within both PREC31 – Lakeside Te Kauwhata precinct and the LCZ – Local centre zone are as follows:

- (7) Rules LCZ-R1 – LCZ-R16 in addition to PREC31-R31;

The rules that apply to a permitted activities within both PREC31 – Lakeside Te Kauwhata precinct and the GRUZ – General rural zone are as follows:

- (8) The land-use effects standards which apply to the LCZ – Local centre zone, except EW-R28 – EW-R33 does not apply where earthworks consent has been obtained under Rule PREC31-R31 (Comprehensive Land Development Consent);
 - (9) The land-use building standards of the LCZ – Local centre zone apply, except
- (a) ...
- (10) SUB-R91 applies in addition to Rules SUB-R84 – SUB-R90 (Subdivision) for subdivision within PREC31 – Lakeside Te Kauwhata precinct and the LCZ – Local centre zone.
 - (11) For avoidance of doubt, rules NOISE-R44 and NOISE-R45 (including Appendix I – Acoustic Insulation (APPI)) apply to the Lakeside Te Kauwhata Precinct with respect to noise and vibration from the North Island Main Trunk Line.

Rules

...

Land use – effects

PREC31-S1	Building and structure setback – rail corridor
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any new building or structure, or alteration to an existing building or structure, shall be setback a minimum of 5m from the designated boundary of the railway corridor. (b) Standard PREC31-S1(1)(a) does not apply to fences or structures less than 2m in height, poles or aerals. (c) Standard PREC31-S1(1)(a) does not apply to retaining walls, which must be set back a minimum of 1.5m from the designated boundary of the railway corridor. 	<p>(2) Activity status when compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor. <p><i>Notification: Any restricted discretionary activity under PREC31-S1 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>