

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan – Stage 1

Hearing 11: Lakeside Te Kauwhata

Report prepared by: Alan Matheson (Consultant Planner)

Date: 11 February 2020



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List of submitters and further submitters addressed in this report

Submitter	Submission number
Andrew and Christine Gore	330
Jade Hyslop	435
John Lawson	825
KiwiRail Holdings Limited	986
Lakeside Developments 2017 Limited	579
Linda Silvester	830
Malibu Hamilton	553
Mercer Residents and Ratepayers Committee	367
Ministry of Education	781
Ngati Tamaoho Trust	567
Ngati Te Ata	798
Rochelle Hulme	565
Sandra Ellmers Family Trust	965
Sharp Planning Solutions Ltd	695
Terra Firma Resource Ltd	732
Waikato District Council	697
Waikato Regional Council	81
Whaingaroa Environmental Defence Inc. Society	780

Further Submitter	FS No
<i>Avondale Trust</i>	<i>FS1325</i>
<i>Garth & Sandra Ellmers</i>	<i>FS1093</i>
<i>Housing New Zealand Corporation</i>	<i>FS1269</i>
<i>Koning Family Trust and Martin Koning</i>	<i>FS1329</i>
<i>Lakeside Development Limited</i>	<i>FS1371</i>
<i>Mercury NZ Limited</i>	<i>FS1386</i>
<i>Mercury NZ Limited</i>	<i>FS1387</i>
<i>Mercury NZ Limited</i>	<i>FS1388</i>
<i>New Zealand Pork Industry Board</i>	<i>FS1076</i>

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My full name is Alan Ross Matheson. I am self-employed in my own company AM Planning Limited, a company I established in July 2019.
2. I hold a Diploma in Regional and Resource Planning from Otago University (1983) and am a full member of the New Zealand Planning Institute.
3. I have been a practising planner for the past 35 years. Prior to setting up my own business, I was a Senior Planner with Enspire Consulting Limited and prior to that I held the position of Team Leader District Plan (Strategy and Planning) at Christchurch City Council for four years. Immediately prior to moving to Christchurch, I managed the resource consent and compliance unit at Tauranga City Council for one year and was a director of a planning consultancy C & M Planning Limited in Hamilton for six years prior to that. I was previously employed as Planning Manager with Maunsell Limited in Hamilton for 12 years, from February 1993. Prior to this I held planning positions with Whakatane District Council, former Waikato County Council, Waikato District Council and Hamilton City Council.
4. I have either been involved in or the lead planner with respect to the preparation of the following plans:
 - a. Hauraki District Plan (first operative plan and 2nd generation plan)
 - b. Waipa District Plan (in conjunction with Beca)
 - c. Christchurch District Plan
 - d. Waimakariri District Plan (draft plan currently under preparation), and
 - e. Nelson Unitary Plan (draft plan currently under preparation).
5. I became involved with the Proposed Waikato District Plan ('PWDP') in early 2018, when along with Janice Carter (Senior Planner, GHD), we were engaged by Waikato District Council ('Council') to review the then draft of the PWDP and advise as to its suitability to be adopted by Council for public notification. Following that review, both myself and Ms Cater were engaged by Council to lead and direct the rework of existing material within the draft PWDP, along with the preparation of additional work that needed to be undertaken, in order that Council could adopt and publicly notify the PWDP. I have not been involved in the PWDP since then, but Ms Carter has continued to assist Council with the preparation of Stage 2: Natural Hazards.

I.2 Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
7. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

I.3 Conflict of Interest

8. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest.

1.4 Preparation of this report

9. I am the author of this report.
10. The scope of my evidence relates to evaluation of submissions and further submissions received in relation to the provisions of the following chapters that are specific to the Lakeside development in Te Kauwhata:
 - a. General approach to this specific area;
 - b. Chapter 16.5 – Residential Zone: Lakeside Te Kauwhata Precinct;
 - c. Chapter 17.5 – Business Zone: Specific Area: Lakeside Te Kauwhata Precinct;
 - d. Chapter 22.8 – Rural Zone: Lakeside Te Kauwhata Precinct; and
 - e. Maps.
11. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Report

2.1 Matters addressed by this report

12. The provisions that are covered by this report include objectives, policies, rules and related supporting provisions included in the chapters listed in paragraph 10 above.
13. The scope of this Section 42A report relates to the wording and linkage of objectives, policies and rules in the chapters listed.
14. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to the provisions (including activities, buildings, amenity effects and subdivision) concerning the Lakeside Te Kauwhata provisions within the PWDP.

2.2 Overview of the topic and chapters

15. The Lakeside Te Kauwhata provisions apply to an area of approximately 194 hectares to the south of the Te Kauwhata township. The zoning of this area was the outcome of Private Plan Change 20 ('PPC20') to the Operative District Plan (Waikato Section) that was lodged with Waikato District Council in August 2017. PPC20 sought to rezone land from Country Living Zone and Rural Zone to Living Zone: Te Kauwhata Lakeside and Business Zone, with the inclusion of an open space overlay over a portion of the Rural Zone.
16. The purpose of PPC20 was to enable high and medium density residential development to the south of the existing township, with provision for a community hub in the Business Zone. The zones in PPC20 had a suite of bespoke planning provisions to enable the development to happen in a cohesive manner through the requirement for large portions of the area to be consented one at a time.
17. PPC20 contributes towards providing for population growth in the existing township over the next 30 years.
18. PPC20 was heard by a panel of independent commissioners who released their decision on 11 April 2018 and PPC20 was made operative on 13 July 2018. The plan change decision was reformatted and incorporated into the PWDP (largely unchanged), which was notified on 18 July 2018.

2.3 Statutory requirements

19. As set out in Chapter 1 – Introduction to the PWDP, there are a number of guiding documents (such as the Waikato Regional Policy Statement, Waikato Regional Plan and

other Waikato Region strategies and plans) and documents pertaining to the vision and strategy of management of resources such as the Waikato River, as well as relevant iwi management plans are also identified. The relevance and application of these documents is set out in the Section 32 Report for the Residential Zone (July 2018), at Section 3.1 *Higher Level Planning Documents and Legislation* and discussed in more detail in the seven issues in Section 3.2 *Issues* and the evaluation of objectives in Section 4.

20. Paragraphs 67-74 of the Council's opening legal submissions set out the relevance and application of the National Planning Standards ('Planning Standards'). The Planning Standards were introduced to improve the consistency of council plans and policy statements.
21. The statutory considerations which are relevant to the provisions and/or submissions within the scope of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, refer paragraphs 18–32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40), and other relevant plans and strategies (paragraphs 41-45). The statutory considerations of the National Planning Standards which are relevant to the provisions and/or submissions within the scope of this report are largely set out in the s42A report for Topic 5 (paragraphs 21-24).
22. This report includes reference to and reliance on matters regarding the National Planning Standards (14 – Definitions) which have been addressed in Hearing 5.
23. PPC20 was supported by a s32 evaluation and a suite of supporting technical assessments. The Hearing Panel undertook its own s32AA evaluation as part of its decision.

2.4 Procedural matters

24. At the time of writing this s42A report there has only been one prehearing conference with respect to the Ambury Properties Limited submission relating to the proposed rezoning at Ohinewai. I have read the minute and further directions issued by the Hearing Commissioners dated 20 August 2019. I understand that following the Hearing Panel's consideration of the Ambury Properties Limited matter, there may be a need to reconsider the matters raised in Hearing H3 – Strategic Objectives and potentially Hearing H9 – Business and Business Town Centre Zones. Accordingly, there are no matters arising that are relevant to Hearing H11. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for the Hearing.

3 Consideration of submissions received

3.1 Overview of submissions

25. With respect to Hearing Report H11, there were 18 submitters who raised 115 separate decisions sought. There were 8 further submitters. The amendments sought to the PWDP can be summarised as follows:
 - (a) Translation of PPC20 provisions, correction and deletion of rules – the majority of submissions related to the incorrect translation of the provisions from PPC20 into the PWDP format, incorrect referencing of rules and other provisions and deletion of redundant rules (in relation to flood risk); and
 - (b) Precincts – there are changes to the boulevard layout and relocation of the walkway onto Lakeside land.
26. This report addresses each original submission point in turn (and accepts or rejects further submissions accordingly) throughout the report. The further submissions from Mercury oppose multiple submissions, as Mercury considers that it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This

matter was addressed as a part of the s42A for Topic 2, with the s42A author stating at paragraphs 46 - 48:

I agree with the thrust of the above submission points, and the further submissions from Mercury, that ideally Stage 1 and 2 PWDP matters would have proceeded as an integrated whole. However, given that Waikato District Council has proceeded with a two stage PWDP process it would now be very inefficient and costly for all parties if Stage 1 of the PWDP was withdrawn or entirely placed on hold pending progress of Stage 2 matters.

Nevertheless, it is critical that the remainder of the process ensures that decisions are made in an integrated manner on Stage 1 zoning requests and other growth matters to which Stage 2 matters are fundamental.

In that regard, I am advised by Council staff that the intention is to notify Stage 2 provisions in early 2020 with the associated hearings to be held in early 2021. Stage 2 submissions will be able to be heard in conjunction with Stage 1 submissions featuring zoning requests and other growth matters to which Stage 2 matters are germane. In my view, that arrangement is an effective mechanism and avoids the risk of acting in terms of making decisions on Stage 1 zoning and growth related submissions in the light of incomplete information. If the hearing for Stages 1 and 2 dovetailed, a single comprehensive decision would be possible where decisions on Stage 1 are cognisant of Stage 2 provisions and submissions.

27. I agree with the comments made by that author and subsequently, I have made recommendations to reflect this where each further submission by Mercury Energy Limited has been made to the relevant submissions.
28. Hearing Report 3 – Strategic objectives addresses all submissions in relation to the strategic direction of the district, providing a coherent overarching directive for the district and clearly indicates the outcomes sought. This is located on the Council website at the link below

[https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-3/section-42a-reports/h3-strategic-objectives-s42a-report-30-09-19-\(final\).pdf?sfvrsn=6b4e0a96_2](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-3/section-42a-reports/h3-strategic-objectives-s42a-report-30-09-19-(final).pdf?sfvrsn=6b4e0a96_2)

29. Hearing Report 5 – Definitions addresses all submissions relating to definitions, which can be found on the Council website link below.

https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-5/section-42a-reports/proposed-district-plan-hearing-5---s42a-definitions_report121062239.pdf?sfvrsn=946784c9_2

3.2 Structure of this report

30. As set out in paragraph 10, the submissions relate to the provisions for Lakeside Te Kauwhata in three chapters and maps. The general approach is addressed first, with the specific detail of the rules for each of the zones addressed later.
31. Given the number, nature and extent of the submissions and further submissions received, I have structured the Section 42A report based largely on topics as follows:
- (i) General approach – Lakeside specific area (Section 4 of this report);
 - (ii) Chapter 16.5: Residential Zone -Lakeside Te Kauwhata Precinct (Sections 5 - 18 of this report);
 - (iii) Chapter 17.5: Business Zone: Specific Area: Lakeside Te Kauwhata Precinct (Sections 19 - 22 of this report);

- (iv) Chapter 22.8: Rural Zone: Lakeside Te Kauwhata Precinct (Sections 23 - 30 of this report); and
- (v) Planning Maps (Section 31 of this report).

4 General Approach – Lakeside specific area

4.1.1 Submissions

Submission point	Submitter	Summary of submission
579.32	Lakeside Developments 2017 Limited	Retain the approach of Lakeside being a 'Specific Area'. AND Retain the 'Te Kauwhata Specific Area' provisions contained within the Residential, Business and Rural sections of the Proposed Waikato District Plan.
579.64	Lakeside Developments 2017 Limited	Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in this submission.

32. The submissions seek the retention of the specific Lakeside Te Kauwhata provisions, subject to any consequential amendments arising from other submission points.

4.1.2 Analysis

33. As discussed in Section 2.2 of this report, the provisions for Lakeside Te Kauwhata had been through the private plan change analysis and decision-making process just prior to the notification of the PWDP. A review of the bespoke provisions was undertaken as part of the process of incorporating PPC20 into the PWDP. With respect to the objectives and policies contained within the Operative District Plan (Waikato Section), the review identified that there were seven objectives and 24 policies applying to the Lakeside Te Kauwhata area. The review identified that the content of those objectives and policies was largely covered by existing PWDP objectives and policies, with the only specific policy needing to be retained with respect to Lakeside Te Kauwhata being Policy 4.1.11(b). However, with respect to the rules, as they are bespoke, those specific rules needed to be retained.

4.1.3 Recommendations

34. It is recommended that the submissions from Lakeside Developments 2017 Limited [579.32] and [579.64] be **accepted**.

4.1.4 Recommended amendments

35. No amendments are recommended as a result of these submissions.

4.1.5 Section 32AA evaluation

36. As there are no changes, no s32AA evaluation has been required to be undertaken.

5 General – Rules 16.5 Lakeside Te Kauwhata and 16.5.1 Application of rules

5.1.1 Submissions

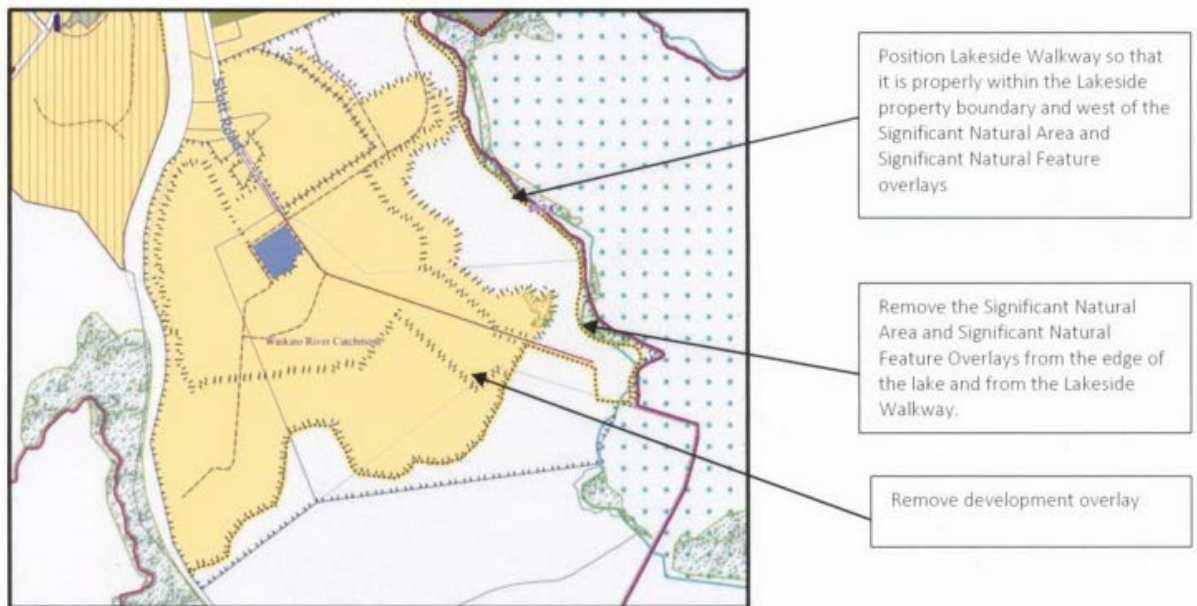
Submission point	Submitter	Summary of submission
579.10	Lakeside Developments 2017 Limited	Amend Lakeside Te Kauwhata Precinct Plan 3 in Rule 16.5.1(3) to show the provision of four parks, with the park in the north western portion of the site being deleted. OR Retain Lakeside Te Kauwhata Precinct Plan 3 in Rule 16.5.1(3) with five parks if Council confirms that it is financially able to maintain 5 parks. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
579.33	Lakeside Developments 2017 Limited	Amend the title for Section 16.5 Lakeside Te Kauwhata Precinct as follows: 16.5 <u>Specific Area</u> : Lakeside Te Kauwhata Precinct AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.911	Mercury NZ Limited for Mercury E	Oppose
579.47	Lakeside Developments 2017 Limited	Retain the Residential zone provisions as they relate to the Te Kauwhata Lakeside Precinct, except the provisions for which amendments are requested.
FS1388.921	Mercury NZ Limited for Mercury E	Oppose
579.48	Lakeside Developments 2017 Limited	Amend Rule 16.5.1(1) Application of rules, as follows: (1) The rules that apply to a permitted activity in Rule 16.5.2 within the Lakeside Te Kauwhata Precinct as identified in the planning maps are as follows: (i) Rule 15.2 (Land Use - Effects) except: ... A. Rule 16.2.4.1 (Earthworks - general) and Rule 16.2.4.2 (Earthworks - Maaori Sites and Maori Areas of Significance) does not apply and Rule 16.5.7.2 applies instead B....

		<p>C. Rule 16.2.6 Notable trees</p> <p>(i) <u>D.</u> Rule 16.5.7.1 Noise and Vibration - North Island Main Trunk line (NIMT)</p> <p>(ii) <u>E.</u> Rule 16.3 (Land Use - Building) does not apply, Rule 16.5.8 (Land use- Building) applies instead.</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
FS1388.922	Mercury NZ Limited for Mercury E	Oppose
579.49	Lakeside Developments 2017 Limited	<p>Amend Rule 16.5.1(3) by replacing the Lakeside Te Kauwhata Precinct plans with the updated Lakeside Te Kauwhata Precinct plans (included as Diagram within the submission).</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
FS1388.923	Mercury NZ Limited for Mercury E	Oppose
579.85	Lakeside Developments 2017 Limited	No specific decision sought, but submission supports the identification of indicative roads in Lakeside, Te Kauwhata.
FS1388.943	Mercury NZ Limited for Mercury E	Oppose
579.86	Lakeside Developments 2017 Limited	No specific decision sought, but submission supports the straightened alignment of the main boulevard in Lakeside, Te Kauwhata as compared with Plan Change 20.

5.1.2 Analysis

37. The submissions from Lakeside Developments 2017 Limited [579.33], [579.47] and [579.48] are minor corrections which are agreed with, or generally seeking the retention of the Lakeside provisions. As discussed in Section 4 above, as the rules relating to Lakeside have been specifically developed for that area, they need to be retained.
38. The submission from Lakeside Developments 2017 Limited [579.10] seeks to amend the Plan to reduce the number of parks from five to four. I understand from discussions with Council officers that Council is committed to the development of the five reserves.
39. The submissions from Lakeside Developments 2017 Limited [579.49], [579.85] and [579.86] support the indicative roads, but seek to amend the plans to show the following (as identified in the plan attached to the submission):

- (a) a straightened alignment of the main boulevard in the south-east corner, as this alignment will enable better views of the 'Iwi Reserve' and Lake Waikare;
- (b) alignment of the Lakeside walkway to ensure it is entirely located within the Lakeside property boundary;
- (c) remove the Significant Natural Area and Significant Natural Feature overlays where these overlap the walkway and the lake edge/stopbank, as the provisions associated with these overlays could frustrate the consenting process for the walkway and the works that are required to the stopbank and koi carp and alligator week control; and
- (d) removal of the development overlays as they are shown on the planning maps.



(Source: Lakeside Developments 2017 Limited submission – Section 5B Overlays)

- 40. The amendment of the boulevard and the walkway are minor changes that do not compromise the overall development of the area, and are agreed to. The development overlays are on the planning maps and do not need to be repeated on the plans within the chapter.
- 41. Rule 16.2.8 would apply with respect to works and activities within the significant natural area and features. This rule would require resource consent (discretionary activity) for the construction of the walkway, works on the stopbank or the removal of pest weeds, where this involved the removal of indigenous vegetation. If no removal of indigenous vegetation is undertaken, then no resource consent is required. Accordingly, in my opinion, the significant natural area and features should not be altered. If indigenous vegetation is to be removed, then the opportunity through the resource consent process enables consideration as to whether the indigenous vegetation should be removed and if it is concluded that it can be removed, how that removal is to be remedied or mitigated.

5.1.3 Recommendations

- 42. For the reasons outlined above, it is recommended that corrections be made to Rule 16.5.1 and the precinct plans be amended to show the realigned boulevard and walkway, but not the realigned significant natural area and significant natural feature overlay or the reduction in the number of reserves from five to four.

43. It is recommended that the submissions from Lakeside Developments 2017 Limited [579.33], [579.47], [579.48], [579.85] and [579.86] be **accepted**.
44. It is recommended that the submission from Lakeside Developments 2017 Limited [579.49] be **accepted in part**.
45. It is recommended that the submission from Lakeside Developments 2017 Limited [579.10] be **rejected**.

5.1.4 Recommended amendments

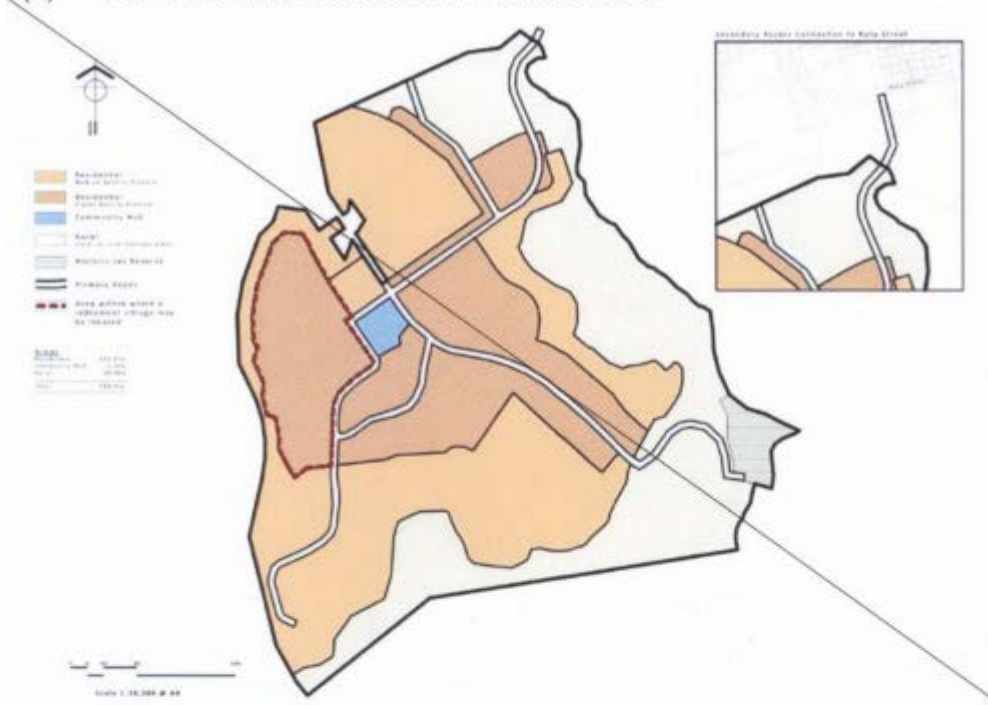
46. The following amendment is recommended as shown in Appendix 2 – Chapter 16: Residential Zone:

16.5 Specific Area: Lakeside Te Kauwhata Precinct

16.5.1 Application of rules

- (1) The rules that apply to a permitted activity in Rule 16.5.2 within the Lakeside Te Kauwhata Precinct as identified on the planning maps are as follows:
- (i) Rule 156.2 (Land Use – Effects) except:
- A. Rule 16.2.4.1 (Earthworks – general) and Rule 16.2.4.2 (Earthworks – Maori Sites and Maori Areas of Significance) does not apply and Rule 16.5.7.2 applies instead
 - B. Rule 16.2.2 (Servicing hours of operation – Bankart Street and Wainui Road Business Overlay Area
 - C. Rule 16.2.6 Notable trees
 - ~~D. (i)~~ Rule 16.5.7.1 Noise and Vibration – North Island Main Trunk Line (NIMT)
 - ~~E. (ii)~~ Rule 16.3 (Land Use – Building) does not apply, Rule 16.5.8 (Land Use – Building) applies instead.

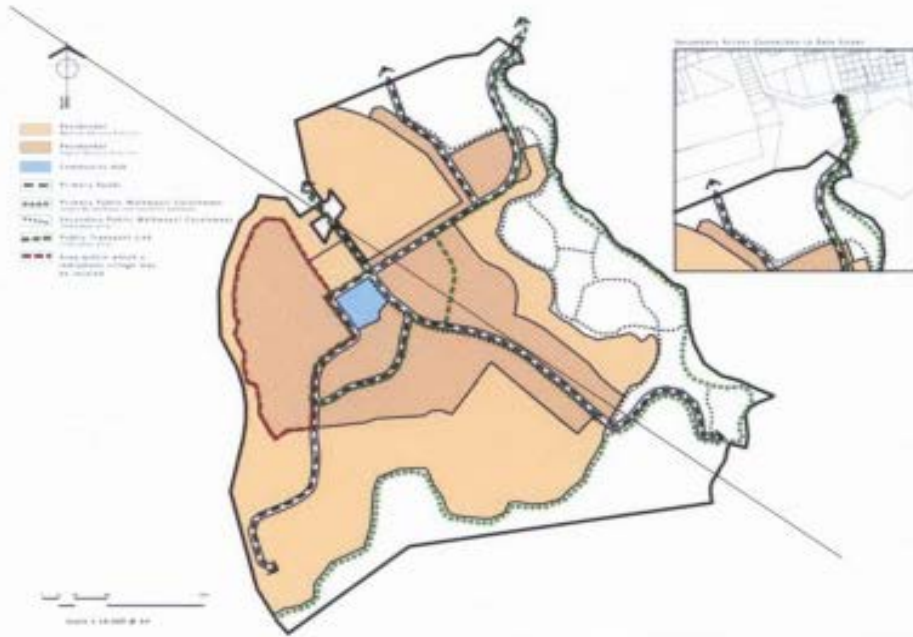
(a) Plan 1 Lakeside Precinct Plan: Precinct Areas



Insert



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



Insert



5.1.5 Section 32AA evaluation

47. The amendments are minor corrections to wording and the location of features on the precinct plans. Accordingly, no s32AA evaluation has been required to be undertaken.

6 Rule 16.5.2 – Permitted activity PI

6.1.1 Submissions

Submission point	Submitter	Summary of submission
579.1	Lakeside Developments 2017 Limited	Amend Rule 16.5.2PI (a)(i) Activity-Specific conditions as follows: (a) Secondary Access Control: (i) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 16.5.1(3)(ab)) must be opened for traffic before the number of dwellings include independent living units within a retirement village... AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.885	Mercury NZ Limited for Mercury E	Oppose

6.1.2 Analysis

48. The submission from Lakeside Developments 2017 Limited [579.1] corrects an unintentional referencing error.

6.1.3 Recommendations

49. For the reasons set out above, it is recommended that the reference to the precinct plan be corrected.
50. It is recommended that the submission from Lakeside Developments 2017 Limited [579.1] be **accepted**.

6.1.4 Recommended Amendments

51. The following amendment is recommended, as shown in Appendix 2 – Chapter 16: Residential Zone:

Activity		Activity-specific conditions
PI	Any activity listed in Rule 16.5.2 P2 (Residential Activity), P3 (Retirement Village) or P7 (Community Activity) below.	(a) Secondary Access Control: (i) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 16.5.1(3)(a) (b) must be opened for traffic before the number of dwellings including independent living units within a retirement village, in the Lakeside Precinct Plan Area exceeds 400. (ii) For the purpose of this rule, exceedance of 400 dwellings shall occur at the time of issue of building consent for a dwelling including an independent living unit within a

		retirement village.
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6.1.5 Section 32AA evaluation

52. The amendment is a correction. Accordingly, no s32AA evaluation has been required to be undertaken.

7 Rule 16.5.3 – Restricted Discretionary Activities

7.1.1 Submissions

Submission point	Submitter	Summary of submission
579.2	Lakeside Developments 2017 Limited	Delete matter of discretion (a) (ii) for Rule 16.5.3RD1 Restricted Discretionary Activities relating to matters identified in the assessment criteria. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.886	Mercury NZ Limited for Mercury E	Oppose
579.3	Lakeside Developments 2017 Limited	Amend Rule 16.5.3 (2) (RD1) (a) (ii) (e) as follows: (ii) A CLDC is in accordance with the Lakeside Precinct Plans identified above if: E. Lakeside Walkway is within 40 30m of the location shown on Precinct Plan Rule 16.5.1(3) (c);... AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.887	Mercury NZ Limited for Mercury E	Oppose
830.16	Linda Silvester	Add provisions in Rule 16.5.3 to Restricted Discretionary Activities that will give effect to the Waikato District Council's Walking, Cycling and Bridle Trails Strategy to create links within existing and new developments.
FS1387.1346	Mercury NZ Limited for Mercury D	Oppose
986.123	KiwiRail Holdings	Retain matter of discretion (a)(iv) Rule 16.5.3 Restricted

	Limited (KiwiRail)	Discretionary activities as notified.
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7.1.2 Analysis

53. The submissions from Lakeside Developments 2017 Limited [579.2] and [579.3] seek to remove an incorrect assessment matter and to provide flexibility for the location of the walkway, to ensure that it is located on Lakeside property. Both matters are recommended for approval.
54. The submission from Linda Silvester [830.16] seeks an additional matter of discretion in Rule 16.5.3 (comprehensive land development consent) relating to the Waikato District Walking, Cycling and Bridle Strategy. The development of the precinct plans for PPC20 has incorporated the walking, cycling and bridle path provisions from the strategy. In my opinion, the matters of discretion (a)(i), (a)(iv), (vii), (viii) and (ix) all relate to access in and around Lakeside and linkages to Te Kauwhata. As such, I consider no additional matter of discretion is required.
55. The submission from KiwiRail Holdings Limited [986.123] supports the matter of matter of discretion relating to the consideration of the safety at the level crossing.

7.1.3 Recommendations

56. For the reasons set out above, it is recommended that the correction and the flexibility as to the location of the walkway be accepted.
57. It is recommended that the submissions from Lakeside Developments 2017 Limited [579.2] and [579.3] and KiwiRail Holdings Limited [986.123] be **accepted**.
58. It is recommended that the submission from Linda Silvester [830.16] be **rejected**.

7.1.4 Recommended amendments

59. The following amendment is recommended, as shown in Appendix 2 – Chapter 16: Residential Zone:

Activity		Council's discretion shall be restricted to the following matters:
RDI	<p>(a) A comprehensive land development consent (CLDC) that meets all of the following conditions:</p> <p>(i) is in accordance with the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1.(3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1 (3)(b); and the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct parameters below; and</p> <p>(ii) A CLDC is in accordance with the Lakeside Precinct Plans identified above if:</p> <p>A. Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1 (3)(b);</p> <p>B. The bus route is either on the alignment shown on Precinct Plan Rule</p>	<p>(a) Discretion is reserved over:</p> <p>(i) consistency with the Te Kauwhata Lakeside Precinct Plans in Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c),</p> <p>(ii) matters identified in the assessment criteria in X,</p> <p>(iii) managing the effects of wastewater and stormwater,</p> <p>(iv) roading network (including the Te Kauwhata Road</p>

	<p>16.5.1 (3)(b) or a continuous alignment that achieves the same circulation;</p> <p>C. The external boundary of the high density area within the Residential Zone is within 10m of the location shown on Precinct Plan Rule 16.5.1.(3)(a);</p> <p>D. Indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan 16.5.1.(3)(b) provided connections are retained between the Lakeside Walkway and the residential development;</p> <p>E. Lakeside Walkway is within 10 30m of the location shown on Precinct Plan Rule 16.5.1.(3)(c);</p> <p>F. Retirement village boundaries are within 50m of the location shown on Precinct Plan Rule 16.5.1.(3)(a);</p> <p>G. Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5.1.(3)(c);</p> <p>(b) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan Rule 16.5.1(3)(b) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <p>(i) each independent living unit in a retirement village shall count as one allotment;</p> <p>(ii) for the purpose of this rule, exceedance of 400 residential allotments shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of independent living unit shall occur at the time of issue of building consent for that unit.</p> <p>(c) The following infrastructure requirements are met:</p> <p>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</p> <p>(ii) Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one</p>	<p>level crossing safety) and compliance with a Council approved roading standard,</p> <p>(v) protection, restoration or enhancement of ecological features,</p> <p>(vi) provision and location of existing and future utilities and connections,</p> <p>(vii) location of roads and their connections,</p> <p>(viii) provision for public access to Lake Waikare,</p> <p>(ix) provision of open space, including linkages between residential areas, open space and Lake Waikare,</p> <p>(x) effects of natural hazards (including flooding), geotechnical and land contamination,</p> <p>(xi) provision of the historic lwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c).</p>
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	<p>allotment; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14; and</p> <p>iv) Prior to the issue of any building consent for a dwelling or retirement village, the infrastructure requirements detailed in (c)(i)(iii) above shall be implemented and operational.</p> <p>(d) A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(e) Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(f) CLDC approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>	
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7.1.5 Section 32AA evaluation

60. The amendments include a correction and flexibility for the location of the walkway to ensure that it is on Lakeside land. Accordingly, no s32AA evaluation has been required to be undertaken.

8 Rule 16.5.4 Discretionary Activities

8.1.1 Submissions

Submission point	Submitter	Summary of submission
579.4	Lakeside Developments 2017 Limited	Amend Rule 16.5.4 (1) D2 Discretionary Activities as follows: (iii) Any activity that does not comply with one or more of the activity specific conditions for a permitted

		activity under Rule 16.1.2 applies under the or Land Use - Effects Rule 16.2 or Land Use Buildings Rule 16.3. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.888	Mercury NZ Limited for Mercury E	Oppose

8.1.2 Analysis

61. The submission from Lakeside Developments 2017 Limited [579.4] seeks to correct the grammar of the sentence and I agree with this amendment.

8.1.3 Recommendations

62. For the reasons set out above, it is recommended that the change to the discretionary activity be approved.
63. It is recommended that the submission from Lakeside Developments 2017 Limited [579.4] be **accepted**.

8.1.4 Recommended amendments

64. The following amendment is recommended, as shown in Appendix 2 – Chapter 16: Residential Zone:

D2	Any activity that does not comply with one or more of the activity specific conditions for a permitted activity under Rule 16.1.2 applies under the or Land Use – Effects Rule 16.2 or Land Use Buildings Rule 16.3.
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8.1.5 Section 32AA evaluation

65. The amendment is to correct the grammar. Accordingly, no s32AA evaluation has been required to be undertaken.

9 Rule 16.5.7.1 Noise and Vibration – North Island Main Trunk Line (NIMT)

9.1.1 Submissions

Submission point	Submitter	Summary of submission
986.124	KiwiRail Holdings Limited (KiwiRail)	Retain Rule 16.5.7.1 Noise and vibration - North Island Main Trunk Line (NIMT) as notified.

9.1.2 Analysis

66. The submission from KiwiRail Holdings Limited [986.124] seeks to retain the rule which establishes setbacks and internal acoustic levels for buildings in close proximity to the North Island Main Trunk railway line. As the rule was developed through PPC20, it is recommended that it be retained as it will address potential reverse sensitivity effects.

9.1.3 Recommendations

67. For the above reasons, no change to Rule 16.5.7.1 is recommended.
68. It is recommended that the submission from KiwiRail Holdings Limited [986.124] be **accepted**.

9.1.4 Section 42AA evaluation

69. As there is no change recommended, no s32AA evaluation has been required to be undertaken.

10 Rule 16.5.7.2 Earthworks - general

10.1.1 Submissions

Submission point	Submitter	Summary of submission
695.179	Sharp Planning Solutions Ltd	Retain a maximum area of earthworks in Rule 16.5.7.2(a)(i) Earthworks - general
695.178	Sharp Planning Solutions Ltd	Amend Rule 16.5.7.2(a) (i) Earthworks - General to apply a ratio based on the site area i.e. a 1:1 ratio so a 450m ² site would provide for 450m ³ of earthworks
579.5	Lakeside Developments 2017 Limited	Delete Rule 16.5.7.2 P3 Earthworks - general. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.889	Mercury NZ Limited for Mercury E	Oppose

10.1.2 Analysis

70. The submission from Sharp Planning Solutions Ltd [695.179] supports the permitted earthworks area in PI for individual sites.
71. The submission from Sharp Planning Solutions Ltd [695.178] seeks that a ratio approach of 1:1 be introduced to the volume of earthworks in Rule PI so that larger sites are not penalised. Development within the Residential Zone is to be primarily provided through the comprehensive land development consent (Rule 16.5.3 RD1) or through a comprehensive subdivision consent (Rule 16.5.9.2 RD1). In both instances, consideration of earthworks greater than that provided in Rule 16.5.7.2 can be considered at the same time. In my

opinion, where the earthworks were for subsequent existing sites in the Residential Zone following subdivision, the permitted activity volume of 200m³ is a reasonable volume. For comparison purposes only, if the material was to be moved by a large truck (capacity of approximately 6m³), this would equate to approximately 33 truck movements. The example in the submission of a 450²-sized site would give 450m³ of volume, which would equate to 75 truckloads of material.

72. The submission from Lakeside Developments 2017 Limited [579.5] notes that the flood risk area has been removed from the Lakeside development area, and as such P3 is not required. I note that the recently notified draft Natural Hazards section of the PWDP does not include any flood hazard notation to the Lakeside area. Accordingly, I recommend Rule P3 be deleted.

10.1.3 Recommendations

73. For the above reasons, it is recommended that Rule 16.5.7.2 P3 be deleted.
74. It is recommended that the submissions from Sharp Planning Solutions Ltd [695.179] and Lakeside Developments 2017 Limited [579.5] be **accepted**.
75. It is recommended that the submission from Sharp Planning Solutions Ltd [695.178] be **rejected**.

10.1.4 Recommended amendments

76. The following amendment is recommended, as shown in Appendix 2 – Chapter 16: Residential Zone:

77.

P3	<p>(a) Earthworks in a Flood Risk Area (other than earthworks approved as part of a CLDC) shall meet the following conditions:</p> <p>(i) filling is no more than is necessary to:</p> <p style="margin-left: 20px;">A. provide a foundation for building approved by a building consent, and access to that building, or</p> <p style="margin-left: 20px;">B. enable minor upgrading of existing electricity lines and does not exceed 50m³.</p> <p>Note 1: The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p> <p>Note 2: Regional earthworks consents may also be needed for works in a high risk erosion area.</p>
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10.1.5 Section 32AA evaluation

78. As the change removes an activity that is no longer applicable, no s32AA evaluation has been required to be undertaken.

11 Rule 16.5.8.2 Height

11.1.1 Submissions

Submission point	Submitter	Summary of submission
695.180	Sharp Planning Solutions Ltd	Amend Rule 16.5.8.2 PI Height as follows: The maximum height of any building must not exceed 8.0m <u>7.5m</u> .

11.1.2 Analysis

79. The submission from Sharp Planning Solutions Ltd [695.180] seeks that the height be amended to be consistent with the Residential Zone. I note that at Section 27 of the s42A report for H10: Residential Zone¹, it is recommended that the height be amended from 7.5m to 8m. At paragraph 477 of that s42A report, it is noted that the 8m height aligns with the Lakeside Te Kauwhata Precinct and the Franklin Section of the Operative District Plan. Accordingly, to be consistent with the Residential Zone and to recognise that the matter of building height was considered through PPC20, no change to the height is recommended.

11.1.3 Recommendations

80. For the above reasons, no change to Rule 16.5.8.2 is recommended.
81. It is recommended that the submission from Sharp Planning Solutions Ltd [695.180] be **rejected**.

11.1.4 Section 32AA evaluation

82. As no changes are recommended, accordingly, no s32AA evaluation has been required to be undertaken.

12 Rule 16.5.8.4 Daylight admission

12.1.1 Submissions

Submission point	Submitter	Summary of submission
695.181	Sharp Planning Solutions Ltd	Amend Rule 16.5.8.4 PI Daylight admission as follows: Any building within the Medium Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.53m above ground level at every point of the site boundary, except that this standard does not apply to party walls located along site boundaries.
FS1371.10	Lakeside Development Limited	Oppose

¹ H10: Residential Zone – Section 42A Report, Section 27 Topic 24: Height

695.182	Sharp Planning Solutions Ltd	Amend Rule 16.5.8.4 P2 Daylight admission as follows: Any building within the High Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3.5m above ground level at every point of the site boundary within 20m of a street frontage, and 2.5 3m 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.
FS1371.11	Lakeside Development Limited	Oppose

12.1.2 Analysis

83. The submission from Sharp Planning Solutions Ltd [695.181] seeks that the daylight height measuring location for the Medium Density Precinct (refer to Rule P1) be amended to be 3m above ground level rather than 2.5m. At Section 8 of the s42A for H10: Residential Zone,² the height from which to measure daylight was discussed and the conclusion reached was that 2.5m should be used in conjunction with the amended daylight angle from 37° to 45°. Accordingly, it is recommended that the 2.5m above ground level be retained.
84. The submission from Sharp Planning Solutions Ltd [695.182] seeks that the daylight height measuring location for the High Density Precinct be reduced from 3.5m to 3.0m (street frontage) and 3m above ground level rather than 2.5m (other boundaries). It is noted that the provisions were developed to reflect the unique characteristics of the High Density Precinct that was considered through PPC20. Accordingly, the existing provisions are recommended to be retained.

12.1.3 Recommendation

85. For the above reasons, no change to Rule 16.5.8.4 is recommended.
86. It is recommended that the submissions from Sharp Planning Solutions Ltd [695.181] and [695.182] be **rejected**.

12.1.4 Section 32AA evaluation

87. As no changes are recommended, accordingly, no s32AA evaluation has been required to be undertaken.

13 Rule 16.5.8.6 Living court

13.1.1 Submissions

Submission point	Submitter	Summary of submission
830.3	Linda Silvester	Add a new provision in Rule 16.5.8.6 RD1(b)(iv) Living court to require that windows and balconies overlooking adjacent

² H10: Residential Zone – Section 42A Report, Section 8 Topic 5: Daylight and outlook

		outdoor spaces and living areas have been avoided so as to respect the amenity and comfort of neighbouring properties.
435.16	Jade Hyslop	Add a requirement (not discretionary) Rule 16.5.8.6 Living Court, to avoid balconies and windows that compromise privacy of neighboring outdoor spaces and living areas.
780.35	Whaingaroa Environmental Defence Incorporated Society	Add a new requirement to Rule 16.5.8.6 RDI(b)(iv) Living Court that windows and balconies overlooking adjacent outdoor spaces and living areas have been avoided so as to respect the amenity and comfort of neighbouring properties
FS1371.32	Lakeside Development Limited	Oppose
825.35	John Lawson	Add a new requirement to Rule 16.5.8.6 RDI(b)(iv) Living Court that windows and balconies overlooking adjacent outdoor spaces and living areas have been avoided so as to respect the amenity and comfort of neighbouring properties.
FS1371.34	Lakeside Development Limited	Oppose
695.183	Sharp Planning Solutions Ltd	Amend Rule 16.5.8.6 Living Court to be consistent with other Living Court requirements through the Proposed District Plan.

13.1.2 Analysis

88. The submissions from Linda Silvester [830.3], Jade Hyslop [435.16], Whaingaroa Environmental Defence Incorporated Society [780.35] and John Lawson [825.35] seek that there be a new rule that windows and balconies do not overlook adjacent outdoor spaces.
89. I note that a balcony is only provided for in the rule where a dwelling does not contain a habitable room at ground floor. Where there is a habitable room, then the outdoor living court must be provided on the ground. There is no definition of 'habitable room' in the PWDP, but the National Planning Standards includes the following definition:
- Means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.*
90. There is no setback or other restrictions (such as glazing of windows) applying in the Residential Zone with respect to outdoor living courts that are above ground floor. In the Lakeside area, it is anticipated that an above-ground outdoor living court will be the exception rather than the norm. However, where that does occur, protection of amenity for the adjoining properties should be provided for and it is recommended that balconies be set back from boundaries.
91. The submission from Sharp Planning Solutions Ltd [695.183] seeks that the provisions be the same as for the Residential Zone elsewhere. The outdoor living court provisions apply to 'standard' residential sites. The provisions for the Lakeside Precinct have been developed to apply to the Medium and High Density Precincts, and as such should be designed for those situations. Accordingly, no change is recommended as a result of this submission.

13.1.3 Recommendation

92. It is recommended that the submissions from Linda Silvester [830.3], Jade Hyslop [435.16], Whaingaroa Environmental Defence Incorporated Society [780.35] and John Lawson [825.35] be **accepted**.
93. It is recommended that the submission from Sharp Planning Solutions Ltd [695.183] be **rejected**.

13.1.4 Recommended amendments

94. The following amendment is recommended, as shown in Appendix 2 – Chapter 16: Residential Zone:

16.5.8.6 Living court

PI	<p>(a) A living court must be provided for each dwelling in the Medium Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) the living court is readily accessible from a living area of the dwelling; and either (ii) on the ground floor the living court has a minimum area of 60m² capable of containing a circle of 6m diameter, and has a minimum width of 2.5m; or (iii) if the dwelling does not have a habitable room on the ground floor, a balcony is provided that meets the following: <ul style="list-style-type: none"> A. has an area of 10m² with a diameter of at least 2.0m for 1 bedroom dwellings; or B. has an area of 15m² with a minimum diameter 2.4m for 2 or more bedroom dwellings; and C. where the balcony is more than 1.5m above ground level and located along any side or rear boundary, a minimum separation distance of 5m is required between the balcony and those boundaries.
P2	<p>(a) A living court must be provided for each dwelling in the High Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets either Rule (a)(v) or condition (a) (ii):</p> <ul style="list-style-type: none"> (i) 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 (ii) Communal open space is provided and: <p>(b) the communal open space is accessible from all dwellings subject to this provision, and</p> <ul style="list-style-type: none"> (i) each dwelling has a legal right to use and enjoy the communal open space, and (ii) an on-site private open space is provided where either: <ul style="list-style-type: none"> A. on the ground floor the living court has a minimum area of 30m² capable of containing a circle of 4m diameter, and has a minimum width of 2.5m; or B. if the dwelling does not have a habitable room on the ground floor, a balcony is provided containing at least 10m² and a circle with a diameter of at least 2.0m. and C. where the balcony is more than 1.5m above ground level and located along any side or rear boundary, a minimum separation distance of 5m is required between the balcony and those boundaries.

13.1.5 Section 32AA evaluation

Effectiveness and efficiency

95. The design and construction of new dwellings need to provide for the amenity and privacy of adjoining properties. It is noted that for the first dwellings to be constructed, it will be difficult to determine exactly where the outdoor living area on the adjoining property will actually be located. Accordingly, in the absence of written approval from the adjoining landowners, the most efficient manner in which to address amenity is to set balconies back from boundaries.

Costs and benefits

96. As all dwellings will be new, any costs associated with setting back balconies can be included in the design. The costs associated with a restricted discretionary activity application where compliance is not achieved, will be as minimal as possible due to the very specific matters of discretion.

Risk of acting or not acting

97. There is a risk that residential amenity will be compromised. There is sufficient information on the cost to the environment, benefit to people and communities to justify the activity status.

Decision about most appropriate option

98. The amendment gives effect to Objective 4.2.9 *Maintain amenity values within and around dwellings and sites in the Residential Zone*. In my opinion, the recommended amendment is more efficient in achieving the purpose of the RMA than the notified version of the PWDP.

14 Rule 16.5.8.7 Building setbacks – All boundaries

14.1.1 Submissions

Submission point	Submitter	Summary of submission
435.12	Jade Hyslop	Amend Rule 16.5.8.7 PI (a) Building setbacks - All boundaries, to provide for variable setbacks to suit the character of each road OR Amend Rule 16.5.8.7 PI (a) Building setbacks - All boundaries, to have a minimum 6m setback from the road boundary for all developments in the Residential Zone.
FS1329.7	Koning Family Trust and Martin Koning	Oppose
780.15	Whaingaroa Environmental Defence Incorporated Society	Amend Rule 16.5.8.7 Building setbacks - All boundaries to provide for variable setbacks to suit the character of each road OR Amend Rule 16.5.8.7 Building setbacks - All boundaries to require a minimum 6m setback from the road boundary for

		all developments in the Residential Zone.
FS1329.13	<i>Koning Family Trust and Martin Koning</i>	<i>Oppose</i>
FS1093.1	<i>Garth & Sandra Ellmers</i>	<i>Oppose</i>
FS1269.68	<i>Housing New Zealand Corporation</i>	<i>Oppose</i>
825.15	John Lawson	Amend Rule 16.5.8.7 Building setbacks - All boundaries to provide for variable setbacks to suit the character of each road OR Amend Rule 16.5.8.7 Building setbacks - All boundaries to require a minimum 6m setback from the road boundary for all developments in the Residential Zone
FS1325.5	<i>Avondale Trust</i>	<i>Oppose</i>
FS1329.21	<i>Koning Family Trust and Martin Koning</i>	<i>Oppose</i>
FS1093.8	<i>Garth & Sandra Ellmers</i>	<i>Oppose</i>
FS1371.33	<i>Lakeside Development Limited</i>	<i>Oppose</i>

14.1.2 Analysis

99. The submissions from Jade Hyslop [435.12], Whaingaroa Environmental Defence Incorporated Society [780.15] and John Lawson [825.15] seek that there be variable setbacks from different roads or that there be a minimum 6m setback.
100. The standard setback is part of creating a consistent character and amenity outcome for the new development within the Lakeside Precinct. In addition, the 6m setback would be inconsistent with the Medium and High Density outcomes to use land as efficiently as possible.

14.1.3 Recommendation

101. For the above reasons, no change to Rule 16.5.8.7 is recommended.
102. It is recommended that the submissions from Jade Hyslop [435.12], Whaingaroa Environmental Defence Incorporated Society [780.15] and John Lawson [825.15] be **rejected**.

14.1.4 Section 32AA evaluation

103. As there is no change to the rule, no s32AA evaluation has been required to be undertaken.

15 Rule 16.5.8.8 Fences

15.1.1 Submissions

Submission point	Submitter	Summary of submission
695.184	Sharp Planning Solutions Ltd	Amend Rule 16.5.8.8 Fences so that all dwelling fencing provisions through the Proposed District Plan are the same
FS1371.12	Lakeside Development Limited	Oppose

15.1.2 Analysis

104. The submission from Sharp Planning Solutions Ltd [695.184] seeks that the fence rule be the same throughout residential zones. It appears that the 2m fence height in Rule PI(a)(ii) is an error, as clauses (A) and (B) specify a 1.8m maximum height. This is the same height for fences in the Residential Zone.

15.1.3 Recommendation

105. It is recommended that the submission from Sharp Planning Solutions Ltd [695.184] be **accepted**.

15.1.4 Recommended amendments

106. The following amendment is recommended, as shown in Appendix 2 – Chapter 16: Residential Zone:

16.5.8.8 Fences

PI	(a) Fences and walls between the applicable building setbacks under Rule 16.5.8.7 on a site and any road and road reserve boundaries must comply with all of the following conditions: <ul style="list-style-type: none"> (i) be no higher than 1.2m if solid; (ii) be no higher than 2 1.8m if: <ul style="list-style-type: none"> A. visually permeable for the full 1.8m height of the fence; or B. solid up to 1.2m and visually permeable between 1.2m and 1.8m.
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15.1.5 Section 32AA evaluation

107. As the change corrects an error, no s32AA evaluation has been required to be undertaken.

16 Rule 16.5.9.1 Subdivision Lakeside - general

16.1.1 Submissions

Submission point	Submitter	Summary of submission
565.1	Rochelle Hulme	Delete the medium and higher density precincts from Lakeside Development Area, Te Kauwhata

565.2	Rochelle Hulme	Amend Rule 16.5.9.1 CI (a)(ii) - Subdivision Lakeside - general, by deleting A, B and C and replacing with the lot sizes in the Te Kauwhata West Residential Area Rule 16.4.3, as notified (minimum 650m ² , average 875m ²) or a minimum lot size of 450m ² .
FS1371.8	Lakeside Development Limited	Oppose
FS1388.815	Mercury NZ Limited for Mercury E	Oppose
695.185	Sharp Planning Solutions Ltd	Amend Rule 16.9.1 CI (a)(v)C Subdivision Lakeside - general to be consistent with Rule 16.4.12 RD1(a)(i) where the minimum lot sizes are the same at 450m ² .
FS1371.13	Lakeside Development Limited	Oppose
FS1387.350	Mercury NZ Limited for Mercury D	Oppose
579.6	Lakeside Development 2017 Limited	Amend Rule 16.5.9.1 CI (a) (i) Subdivision Lakeside - general as follows: (i) Subdivision is for an existing or approved housing development <u>or is applied for concurrently with an application for housing development.</u> AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.890	Mercury NZ Limited for Mercury E	Oppose

16.1.2 Analysis

108. The submissions from Rochelle Hulme [565.1] and [565.2] and Sharp Planning Solutions Ltd [695.185] seek to either delete the Medium and High Density Precincts or amend the minimum lot sizes to be the same as the Residential Zone.
109. The further submissions from Lakeside Development Limited set out the background to the development of the two precincts, where the 'standard' residential provisions are different from those which apply to the remainder of the Residential Zone. The objectives and policies for the Lakeside Precincts seeks to enable increased residential growth in the area to meet demand, and to ensure that land and infrastructure are used efficiently and effectively.
110. The submission from Lakeside Development 2017 Limited [579.6] seeks to provide for housing development to be applied for at the same time in subdivision. However, my understanding of the Comprehensive Subdivision Consent provision (Rule 16.5.9.2 RD1) is that it provides for it to be applied for at the same time as the Comprehensive Land Development Consent. My understanding is that would be a duplication of Rule 16.5.9.2 RD1 and on that basis is not required.

16.1.3 Recommendation

111. For the above reasons, no change to Rule 16.5.9.1 is recommended.
112. It is recommended that the submissions from Rochelle Hulme [565.1] and [565.2], Sharp Planning Solutions Ltd [695.185] and Lakeside Development 2017 Limited [579.6] be rejected.

16.1.4 Section 32AA evaluation

113. As there is no change to the rule, no s32AA evaluation has been required to be undertaken.

17 Rule 16.5.9.2 Lakeside Comprehensive Subdivision Consent (CS)

17.1.1 Submissions

Submission point	Submitter	Summary of submission
579.7	Lakeside Developments 2017 Limited	Delete Rule 16.5.9.2 RD1 (b) (ii) Lakeside Comprehensive Subdivision Consent relating to matters identified in the assessment criteria. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.891	Mercury NZ Limited for Mercury E	Oppose
579.8	Lakeside Developments 2017 Limited	Amend Rule 16.5.9.2 RD1 (a) (iv) Lakeside Comprehensive Subdivision Consent (CS) as follows: (iv) The Lakeside Walkway is within 10 30m of the location shown on Precinct Plan 16.5.1(3)(c); AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.892	Mercury NZ Limited for Mercury E	Oppose
579.9	Lakeside Developments 2017 Limited	Amend Rule 16.5.9.2 D1 (a) (v) Lakeside Comprehensive Subdivision Consent (CS) as follows: (v) Lakeside Walkway is within 10m-20m 30-50m of the location shown on Precinct Plan Rule 16.5.1(3)(c); AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to

		the matters raised in the submission.
FS1388.893	Mercury NZ Limited for Mercury E	Oppose

17.1.2 Analysis

114. The submissions from Lakeside Developments 2017 Ltd [579.7], [579.8] and [579.9] seek to remove an error or to align the walkway distances with the amendment to the precinct plans that move the walkway onto land that is owned by Lakeside Developments. The amendment to the location of the walkway is recommended to be accepted and the changes are consequential.

17.1.3 Recommendations

115. For the above reasons, it is recommended that changes to the walkway provisions of the rule be made.

116. It is recommended that the submissions from Lakeside Developments 2017 Ltd [579.7], [579.8] and [579.9] be **accepted**.

17.1.4 Recommended amendments

117. The following amendment is recommended, as shown in Appendix 2 – Chapter 16: Residential Zone:

16.5.9.2 Lakeside Comprehensive Subdivision Consent (CS)

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

17.1.5 Section 32AA evaluation

118. As the changes are to correct an error and to align the walkway distance provisions with the amended precinct plans, no s32AA evaluation has been required to be undertaken.

18 Rule 16.5.9.3 Subdivision – Sites less than 5ha

18.1.1 Submissions

Submission point	Submitter	Summary of submission
579.65	Lakeside Developments 2017 Limited	Delete Rule 16.5.9.3 (b) (ii) Subdivisions- Sites less than 5ha. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.927	Mercury NZ Limited for Mercury E	Oppose

18.1.2 Analysis

119. The submission from Lakeside Developments 2017 Limited [579.65] seeks to correct an error.

18.1.3 Recommendations

120. It is recommended that the submission from Lakeside Developments 2017 Limited [579.65] be **accepted**.

18.1.4 Recommended amendments

121. The following amendment is recommended, as shown in Appendix 2 – Chapter 16: Residential Zone:

16.5.9.3 Subdivision – Sites less than 5ha

RDI	<p>(a) Subdivision on sites less than 5 ha that complies with the conditions as set out below:</p> <ul style="list-style-type: none"> (i) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); (ii) environmental improvements required by the Te Kauwhata Lakeside Precinct Plan (including, but not limited to landscaping and provision of walkways and cycleways shown on the Precinct Plan Rule 16.5.1(3)(c) have been implemented to the extent required; or (iii) the requisite environmental improvements in (ii) above are proposed to be implemented as a condition of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision. <p>(b) Council’s discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plans Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); (ii) matters identified in the assessment criteria in X; (iii) managing the effects of wastewater and stormwater; (iv) extent of any non-compliance with site density control; (v) roading network and compliance with a Council approved roading standard; (vi) provision and location of existing and future utilities and connections; (vii) location of roads and their connections; (viii) effects of natural hazards (including flooding), geotechnical and land
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	contamination.
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18.1.5 Section 32AA evaluation

122. As the change is to correct an error, no s32AA evaluation has been required to be undertaken.

19 General – 17.5 Specific Area: Lakeside Te Kauwhata Precinct and 17.5.1 Application of rules

19.1.1 Submissions

Submission point	Submitter	Summary of submission
579.11	Lakeside Developments 2017 Limited	Retain the Business Zone rules as applicable to Specific Area: Lakeside Te Kauwhata Precinct are appropriate, except those to which amendments are sought in subsequent submission points.
FS1388.894	Mercury NZ Limited for Mercury E	Oppose
579.12	Lakeside Developments 2017 Limited	Amend Rule 17.5.1(2) Application of rules as follows: (2) The rules that apply to a permitted activity in Rule 17.5.2 PI-PI7 <u>17.1.2</u> PI-PI8 within the... AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.895	Mercury NZ Limited for Mercury E	Oppose
579.13	Lakeside Developments 2017 Limited	Delete Rule 17.5.2 RDI Restricted Discretionary Activities matters of discretion (a) (ii) relating to matters identified in the assessment criteria. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.896	Mercury NZ Limited for Mercury E	Oppose
579.14	Lakeside Developments 2017 Limited	Amend Rule 17.5.4 NCI Non-complying Activities as follows: A CLDC that does not meet the requirements of Rule 17.5.2 RDI (b) relating to infrastructure requirements.

		<p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
FS1388.897	Mercury NZ Limited for Mercury E	Oppose
579.15	Lakeside Developments 2017 Limited	<p>Amend Rule 17.5.5 PI Daylight admission as follows: Any building shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3.5m above ground level at every point of the site boundary where it adjoins a residential zone.</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
579.16	Lakeside Developments 2017 Limited	<p>Amend Rule 17.5.6 RD1 Gross floor area, as follows: (a) Any building which does not comply with Rule 17.5.6.2 PI.</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
579.17	Lakeside Developments 2017 Limited	<p>Amend Rule 17.5.9 RD1 (a) Subdivision as follows: (a) A Comprehensive Subdivision Consent (CS) that meets all of the following conditions: (i) is in accordance with Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a); the roading network, walkways and cycleways shown on Precinct Plan 16.5.1(3)(b); and the open space shown on Precinct Plan 15.5.2.316.5.1(3)(c), as set out in the precinct parameters below; and (ii) A CS is in accordance with the Lakeside Precinct Plans identified above if:</p> <p>A. Primary roads are within 50m of the location shown on Precinct Plan 16.5.1(3)(b); and</p> <p>B. Bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and</p> <p><u>C.</u> (i) indicative areas of open space are within 200m of the location shown on Precinct Plan 16.5.1(3)(bc).</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
FS1388.898	Mercury NZ Limited for	Oppose

	<i>Mercury E</i>	
579.18	Lakeside Developments 2017 Limited	<p>Amend Rule 17.5.9 RD1 (f)- Subdivision as follows:</p> <p>(f) Council's discretion is limited to the following matters:</p> <p>(i) consistency with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), (b) and (c);</p> <p>(ii) matters identified in the assessment criteria in X;</p> <p>(iii) managing the effects of wastewater and stormwater;</p> <p>(iv) roading network and compliance with a Council approved roading standard;</p> <p>(v) provision and location of existing and future utilities and connections;</p> <p>(vi) location of roads and their connections;</p> <p>(vii) provision of open space, including linkages between residential areas, open space and Lake Waikare;</p> <p>(viii) effects of natural hazards (including flooding), geotechnical suitability and land contamination;</p> <p>(ix) provision of the historic Iwi overlay area shown on Precinct Plan 16.5.1.3(bc).</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
<i>FS1388.899</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.19	Lakeside Developments 2017 Limited	<p>Amend Rule 17.5.9 DI Subdivision as follows:</p> <p>(a) A CS that does not comply with Rule 17.5.9 RD1 and meets all of the following conditions and condition 17.5.9RD1</p> <p>(bc) relating to infrastructure...</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
<i>FS1388.900</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.20	Lakeside Developments 2017 Limited	<p>Amend Rule 17.5.9 NCI Subdivision as follows:</p> <p>A CS that does not meet the requirements of Rule 17.5.9 RD1 (eb) relating to Infrastructure Requirements, shall be a non-complying activity.</p>

		AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
697.235	Waikato District Council	Amend Rule 17.5.1 (2) Application of rules, as follows: (2) The rules that apply to a permitted activity in Rule 17.5.1.2 PI-PI78 within the Lakeside Te Kauwhata Precinct as identified on the planning maps are as follows:
FS1371.16	Lakeside Development Limited	Support
FS1387.493	Mercury NZ Limited for Mercury D	Oppose
697.236	Waikato District Council	Amend 17.5 Specific Area - Lakeside Te Kauwhata Precinct, by replacing all references to the matters identified in the assessment criteria as X, with the correct reference.
FS1371.17	Lakeside Development Limited	Oppose
FS1387.494	Mercury NZ Limited for Mercury D	Support
697.237	Waikato District Council	Amend 17.5 Specific Area - Lakeside Te Kauwhata by replacing all references to CLDC with the correct term "comprehensive land development consent."
FS1387.495	Mercury NZ Limited for Mercury D	Oppose
FS1371.18	Lakeside Development Limited	Support
697.238	Waikato District Council	Amend 17.5 Specific Area - Lakeside Te Kauwhata by replacing all references to CSC with the correct term "Comprehensive Subdivision Consent".
FS1371.19	Lakeside Development Limited	Support
FS1387.496	Mercury NZ Limited for Mercury D	Oppose
697.239	Waikato District Council	Amend 17.5 Specific Area - Lakeside Te Kauwhata Precinct so all rule references are prefaced by the word "Rule".
FS1371.20	Lakeside Development Limited	Support
FS1387.497	Mercury NZ Limited for	Oppose

	<i>Mercury D</i>	
697.240	Waikato District Council	Delete Rule 17.5.3 DI (b) Discretionary Activities, as follows: (b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.
<i>FS1371.21</i>	<i>Lakeside Development Limited</i>	<i>Support</i>
697.241	Waikato District Council	Amend Rule 17.5.5 PI Daylight admission, as follows: Any building shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3.5m above ground level at every point of the site boundary where it adjoins a residential zone.
<i>FS1371.22</i>	<i>Lakeside Development Limited</i>	<i>Support</i>
697.242	Waikato District Council	Amend Rule 17.5.5 RD1 (b) Daylight admission, as follows: (b) Council's D iscretion is restricted to:
<i>FS1371.23</i>	<i>Lakeside Development Limited</i>	<i>Support</i>
697.243	Waikato District Council	Amend Rule 17.5.9 RD1 (a)(i) Subdivision, as follows: (i) is in accordance with Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a); the roading network, walkways and cycleways shown on Precinct Plan 16.5.1(3)(b); and the open space shown on Precinct Plan 15.5.2.31(3)(c) , as set out in the precinct parameters below; and
<i>FS1371.24</i>	<i>Lakeside Development Limited</i>	<i>Support</i>
<i>FS1387.498</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
697.244	Waikato District Council	Amend Rule 17.5.9 NC2 Subdivision, as follows: A CS <u>Comprehensive Subdivision Consent</u> that does not meet any of the parameters-conditions for a discretionary activity outlined in 17.5.9 DI.
<i>FS1371.25</i>	<i>Lakeside Development Limited</i>	<i>Support</i>
<i>FS1387.499</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>

19.1.2 Analysis

123. The submissions from Lakeside Developments 2017 Limited [579.11], [579.12], [579.13], [579.14], [579.15], [579.16], [579.17], [579.18], [579.19] and [579.20] and Waikato District Council [697.235], [697.236], [697.237], [697.238], [697.239], [697.240], [697.241], [697.242], [697.243] and [697.244] seek to retain the provisions or to correct a number of errors in drafting. None of the corrections have any effect on the rule interpretation or application.

19.1.3 Recommendations

124. For the above reasons, it is recommended that the drafting errors be corrected.

125. It is recommended that the submissions from Lakeside Developments 2017 Limited [579.11], [579.12], [579.13], [579.14], [579.15], [579.16], [579.17], [579.18], [579.19] and [579.20] and Waikato District Council [697.235], [697.236], [697.237], [697.238], [697.239], [697.240], [697.241], [697.242], [697.243] and [697.244] be **accepted**.

19.1.4 Recommended amendments

126. The following amendment is recommended, as shown in Appendix 3 – Chapter 17: Business Zone:

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

17.5.2 Restricted Discretionary Activities

Activity		Council's discretion shall be restricted to the following matters:
RDI	<p>(a) A comprehensive land development consent (CLDC) that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) is in accordance with Te Kauwhata Lakeside Precinct Plan Rule 16.5.1 (3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1 (3)(b); and the open space shown on Precinct Plan Rule 16.5.1 (3)(c) as set out in the precinct parameters below; and <p>(b) A CLDC comprehensive land development consent is in accordance with the Lakeside Precinct Plans identified above if:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1 (3)(b); and (ii) Bus route is either on the alignment shown on Precinct Plan Rule 16.5(3)(b) or a continuous alignment that achieves the same circulation; and (iii) Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5 (3)(b). <p>(c) The following infrastructure requirements are met:</p> <ul style="list-style-type: none"> (i) Demonstrate that adequate capacity within 	<p>(a) Council's discretion is reserved over:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plans in Rule 16.5.1 (3)(a), Rule 16.5.1 (3)(b) and Rule 16.5.1 (3)(c); (ii) matters identified in the assessment criteria in X; (iii) managing the effects of wastewater and stormwater; (iv) roading network 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) provision of open space, including linkages between

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

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

NCI	<p>A CLDC comprehensive land development consent that does not meet the requirements of Rule 17.5.2 RD1 (b) (c) relating to Infrastructure requirements.</p>
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NC2	A CLDC comprehensive land development consent that does not meet the conditions for a discretionary activity outlined in Rule 17.5.3 DI.
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17.5.5 Daylight admission

PI	Any building shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3.5m above ground level at every point of the site boundary where it adjoins a residential zone.
RDI	(a) Any building that does not comply with Rule 17.5.5 PI (b) Council's discretion is restricted to: <ul style="list-style-type: none"> (i) height of building; (ii) design and location of the building; (iii) level of shading on an adjoining site; (iv) privacy on other site; (v) amenity values of the locality.

17.5.6 Gross floor area

PI	Construction or alteration of a building provided that the total gross floor area of all buildings in the zone does not exceed 4000m ² .
RDI	(a) Any building which does not comply with Rule 17.5.6.2 PI. (b) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (i) height of building; (ii) design and location of building; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other sites; (v) amenity values of the locality,

17.5.7 Gross leasable floor area

PI	(a) Construction or alteration of a building that complies with the following conditions: <ul style="list-style-type: none"> (i) individual leasable retail units have a gross leasable floor area between 70m² and 650m²; (ii) there are no more than two individual leasable units with a gross leasable floor area between 400m² and 650m².
RDI	(a) Construction or alteration of a building that does not comply with Rule 17.5.7 PI. (b) The Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (i) impact on Te Kauwhata town centre; (ii) design and location of building.

17.5.8 Building setbacks

PI	(a) Construction or alteration of a building that complies with the following condition: <ul style="list-style-type: none"> (i) the building is set back at least 10m from the centerline of an indicative or legal road.
RDI	(a) Construction or alteration of a building that does not comply with Rule 17.5.8 PI. (b) The Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) streetscape and amenity; (ii) traffic capacity of the road network.

17.5.9 Subdivision

RDI	<p>(a) A Comprehensive Subdivision Consent (CS) that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) is in accordance with Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a); the roading network, walkways and cycleways shown on Precinct Plan Rule 16.5.1(3)(b); and the open space shown on Precinct Plan Rule 15.5.2.3 16.5.1(3)(c), as set out in the precinct parameters below; and (ii) A CS Comprehensive Subdivision Consent is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> (d) Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and (e) Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and (f) Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5.1(3)(b) (c). <p>(b) The following infrastructure requirements are met:</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; (ii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and (iii) Every allotment other than a utility allotment, access allotment or open space allotment must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14. <p>(c) A CS Comprehensive Subdivision Consent can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the business zone, provided that an individual stage is 5ha or more.</p> <p>(d) Applications for approval of a CLDC comprehensive land development consent as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(e) CLDC comprehensive land development consent approval does not constitute authorisation by Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from Waikato District Council prior to any works commencing that affect public roads.</p> <p>(f) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a),(b) and (c); (ii) matters identified in the assessment criteria in X; (iii) managing the effects of wastewater and stormwater; (iv) roading network 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) provision of open space, including linkages between residential areas, open space and Lake Waikare; (viii) effects of natural hazards (including flooding), geotechnical suitability and land contamination; (ix) provision of the historic Iwi overlay area shown on Precinct Plan Rule 16.5.1.3(b) (c).
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	<p>(g) Applications for approval of a CS Comprehensive Subdivision Consent as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(h) CS Comprehensive Subdivision Consent approval does not constitute authorisation by Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from Waikato District Council prior to any works commencing that affect public roads.</p>
DI	<p>(a) A CS Comprehensive Subdivision Consent that does not comply with Rule 17.5.9 RD1 and meets all of the following conditions and condition Rule 17.5.9 RD1 (e) (b) relating to infrastructure:</p> <p>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan Rule 16.5.1 (3)(b);</p> <p>(ii) Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1 (3)(b) or a continuous alignment that achieves the same circulation;</p> <p>(iii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan Rule 16.5.1(3)(b).</p> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NC1	A CS Comprehensive Subdivision Consent that does not meet the requirements of Rule 17.5.9 RD1 (e) (b) relating to Infrastructure Requirements, shall be a non-complying activity.
NC2	A CS Comprehensive Subdivision Consent that does not meet any of the parameters the conditions for a discretionary activity outlined in 17.5.9 DI.

19.1.5 Section 32AA evaluation

127. As the changes are to correct errors or to make the rules clear, no s32AA evaluation has been required to be undertaken.

20 Rule 17.5.7 Gross leaseable floor area - PI

20.1.1 Submissions

Submission point	Submitter	Summary of submission
965.9	Sandra Ellmers Family Trust	Delete Rule 17.5.7 PI (a)(ii) Gross leaseable floor area.

20.1.2 Analysis

128. The submission from Sandra Ellmers Family Trust [965.9] seeks deletion of Rule 17.5.7 PI(a)(ii), on the basis that they interpret the rule to mean that only two individual leaseable units can be created on the 2ha area of Business-zoned land. In my opinion, that is not the correct reading of the rule. There is no restriction on the number of individual leaseable units, but only two of them can be between 400m² and 650m². Essentially, the rule is seeking to create individual leaseable units that are less than 400m².

20.1.3 Recommendations

129. For the above reasons, no change to Rule 17.5.7 is recommended.

130. It is recommended that the submission from Sandra Ellmers Family Trust [965.9] be **rejected**.

20.1.4 Section 32AA evaluation

131. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

21 Rule 17.5.5 Daylight admission

21.1.1 Submissions

Submission point	Submitter	Summary of submission
695.190	Sharp Planning Solutions Ltd	Amend Rule 17.5.5 PI Daylight admission as follows: Any building shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3.5m above ground level at every point of the site boundary where it adjoins a residential zone.
FS1371.14	Lakeside Development Limited	Oppose

21.1.2 Analysis

132. The submission from Sharp Planning Solutions Ltd [695.190] seeks that the height from which the daylight control is measured (where the Business Zone adjoins the Residential zone) be reduced from 3.5m to 3.0m. As it is recommended that the daylight height measuring location height in the Residential Zone be retained at 2.5m, there is no justification to reduce the height in the Business Zone.

21.1.3 Recommendations

133. For the above reasons, no change to Rule 17.5.5 is recommended.

134. It is recommended that the submission from Sharp Planning Solutions Ltd [695.190] be **rejected**.

21.1.4 Section 32AA evaluation

135. As there is no change to the rule, no s32AA evaluation has been required to be undertaken.

22 Rule 17.5.6 Gross floor area

22.1.1 Submissions

Submission point	Submitter	Summary of submission
695.191	Sharp Planning Solutions Ltd	No specific decision sought, however submission states Rule 17.5.6 Gross floor area is ultra-vires.

22.1.2 Analysis

136. The submission from Sharp Planning Solutions Ltd [695.191] states that the rule is ultra vires, as an applicant has no control over the size of buildings on other properties in the zone. In my opinion, the submission is correct, as there would be no ability for any person to know what building consents have been issued for permitted activity development, as even though a building consent may have been issued, it may not be implemented.

22.1.3 Recommendations

137. For the above reasons, it is recommended that Rule 17.5.6 be deleted.
138. It is recommended that the submissions from Sharp Planning Solutions Ltd [695.191] be **accepted**.

22.1.4 Recommended amendments

139. The following amendment is recommended, as shown in Appendix 3 – Chapter 17: Business Zone:

~~17.5.7 Gross leasable floor area~~

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

22.1.5 Section 32AA evaluation

140. As the change is to delete an ultra vires rule, no s32AA evaluation has been required to be undertaken.

23 General and Rule 22.8.1 Application of the rules

23.1.1 Submissions

Submission point	Submitter	Summary of submission
579.22	Lakeside Developments 2017 Limited	Amend Rule 22.8.1 Application of rules as follows: (1) Rules 22.8.2, <u>22.8.3</u> , 22.8.4 and 22.8.5 apply in the Lakeside Te Kauwhata Precinct., in addition to the activity rules in: 22.1.2 (Permitted Activities); 22.1.3 (Restricted Discretionary Activities); 22.1.4 (Discretionary Activities); and 22.1.5 (Non-complying Activities);

		<p><u>(2) The rules that apply to a permitted activity in 22.8.2 P1-18 within the Lakeside Te Kauwhata Precinct are as follows:</u></p> <p><u>(a) Rule 22.2 (Land Use - Effects), except:</u></p> <p><u>(i) Rule 22.2.7.1 (Earthworks - General) does not apply where earthworks consent has been obtained under Rule 22.8.8 (Comprehensive Land Development Consent);</u></p> <p><u>(b) The following provisions in Rule 22.3 (Land Use - Building):</u></p> <p><u>(i) Rule 22.3.4 (Height)</u></p> <p><u>(ii) Rule 22.3.5 (Daylight admission)</u></p> <p><u>(iii) Rule 22.3.6 (Building coverage)</u></p> <p><u>(iv) Rule 22.3.7 (Building setbacks)</u></p> <p><u>(3) Rule 22.8.6 and 22.8.7 apply to subdivision in the Te Kauwhata Precinct in addition to:</u></p> <p><u>(a) Rule 22.4.1.7 Subdivision creating Reserves; and</u></p> <p><u>(b) Rule 22.4.7 (Esplanade reserves and Esplanade strips).</u></p> <p>(b)</p> <p><u>(4) The following precinct plan applies to the Rural Zone in the Lakeside Te Kauwhata Precinct as identified on the planning maps.</u></p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
FS1388.902	Mercury NZ Limited for Mercury E	Oppose
330.91	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8.8 Lakeside Comprehensive Subdivision Consent.
FS1386.451	Mercury NZ Limited for Mercury C	Oppose
FS1371.44	Lakeside Development Limited	Oppose
330.189	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8 Lakeside Te Kauwhata Precinct.
FS1386.421	Mercury NZ Limited for Mercury C	Oppose
FS1371.45	Lakeside Development Limited	Oppose

330.190	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8.1 Application of rules.
FS1371.46	<i>Lakeside Development Limited</i>	Oppose
330.191	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8.2 Permitted Activities.
FS1371.47	<i>Lakeside Development Limited</i>	Oppose
FS1386.422	<i>Mercury NZ Limited for Mercury C</i>	Oppose
330.192	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8.3 Restricted Discretionary Activities.
FS1386.423	<i>Mercury NZ Limited for Mercury C</i>	Oppose
FS1371.48	<i>Lakeside Development Limited</i>	Oppose
330.193	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8.4 Discretionary Activities.
FS1386.424	<i>Mercury NZ Limited for Mercury C</i>	Oppose
FS1371.49	<i>Lakeside Development Limited</i>	Oppose
330.194	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8.5 Non-Complying Activities.
FS1386.425	<i>Mercury NZ Limited for Mercury C</i>	Oppose
FS1371.50	<i>Lakeside Development Limited</i>	Oppose
330.195	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8.6 Earthworks - General.
FS1386.426	<i>Mercury NZ Limited for Mercury C</i>	Oppose
FS1371.51	<i>Lakeside Development Limited</i>	Oppose
330.196	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.8.7 Subdivision Lakeside General.

FS1386.427	Mercury NZ Limited for Mercury C	Oppose
FS1371.52	Lakeside Development Limited	Oppose

23.1.2 Analysis

141. The submission from Lakeside Developments 2017 Limited [579.22] seeks to reformat the rule so it is clear which provisions apply within the Precinct, and to be consistent with the layout of the Business Zone provisions. I note that the rule format for the Rural Zone Precinct is different to that for both the Residential Zone and Business Zone, and concur that it would be helpful to have consistency of rule format.
142. The submissions from Andrew and Christine Gore appear to relate to their property at 295 Kay Road and are not of direct relevance to the Te Kauwhata Precinct. Accordingly, they are recommended to be rejected.

23.1.3 Recommendations

143. For the above reasons, it is recommended that Rule 22.8.1 be reformatted.
144. It is recommended that the submission from Lakeside Developments 2017 Limited [579.22] be **accepted**.
145. It is recommended that the submissions from Andrew and Christine Gore [330.91], [330.189], [330.190], [330.191], [330.192], [330.193], [330.194], [330.195] and [330.196] be **rejected**.

23.1.4 Recommended amendments

146. The following amendment is recommended, as shown in Appendix 3 – Chapter 17: Business Zone:

22.8.1 Application of rules

- (1) Rules 22.8.2, **22.8.3**, 22.8.4 and 22.8.5 apply in the Lakeside Te Kauwhata Precinct.
- (2) **The rules that apply to a permitted activity in Rule 22.8.2 P1 – P23 within the Lakeside Te Kauwhata Precinct are as follows:**
 - (a) **Rule 22.2 (Land Use – Effects), except:**
 - (i) **Rule 22.2.7.1 (Earthworks – General) does not apply where earthworks consent has been obtained under Rule 22.8.8 (Comprehensive Land Development Consent);**
 - (b) **Rule 22.3 (Land Use – Building), only the following rules apply:**
 - (i) **Rule 22.3.4 (Height);**
 - (ii) **Rule 22.3.5 (Daylight admission);**
 - (iii) **Rule 22.3.6 (Building coverage); and**
 - (iv) **Rule 22.3.7 Building setbacks).**
 - (3) **Rule 22.8.6 and Rule 22.8.7 apply to subdivision in the Te Kauwhata Precinct in addition to:**
 - (a) **Rule 22.4.1.7 Subdivision creating Reserves, and**
 - (b) **Rule 22.4.7 (Esplanade reserves and Esplanade strips).**

~~(4) , in addition to the activity rules in:~~

 - ~~(i) ~~22.1.2. (Permitted Activities);~~~~

- ~~(ii) — 22.1.3 (Restricted Discretionary Activities);~~
~~(iii) — 22.1.4 (Discretionary Activities); and~~
~~(iv) — 22.1.5 (Non-complying Activities).~~

- (4) The following precinct plan applies to the Rural Zone in the Lakeside Te Kauwhata Precinct as identified on the planning maps:

23.1.5 Section 32AA evaluation

147. As the changes are to reformat the rule to provide clarity, no s32AA evaluation has been required to be undertaken.

24 Rule 22.8.2 Permitted Activities

24.1.1 Submissions

Submission point	Submitter	Summary of submission
367.28	Mercer Residents and Ratepayers Committee	Amend 22.8.2 P4 (e) Permitted Activities, by reducing the length of operation time to an earlier time to be in line with other curfew times.
FS1386.554	Mercury NZ Limited for Mercury C	Oppose
FS1371.1	Lakeside Development Limited	Oppose
553.27	Malibu Hamilton	Retain Rule 22.8.2 P1, P2, P3, and P4 Permitted Activities.
FS1388.791	Mercury NZ Limited for Mercury E	Oppose
567.37	Ngati Tamaoho Trust	Add a new activity specific condition to Rule 22.8.2 P7 - Permitted Activities for Forestry, as follows: <u>appropriate silt and sediment control.</u>
567.38	Ngati Tamaoho Trust	Add a new activity specific condition to Rule 22.8.2 P18 - Permitted Activities for Horticulture, as follows: <u>appropriate silt control through traps and bunding.</u>
579.24	Lakeside Developments 2017 Limited	Amend Rule 22.8.2 P6 as follows: P6 <u>Pastoral Farming only</u> AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.904	Mercury NZ Limited for	Oppose

	<i>Mercury E</i>	
579.25	Lakeside Developments 2017 Limited	Amend the activity specific conditions for Rule 22.8.2 P21 relating to Information Kiosk as follows: (a) Provided it is entered <u>located</u> within the cultural and heritage overlay show on on Precinct 4. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
<i>FS1388.905</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.68	Lakeside Developments 2017 Limited	Delete Rule 22.8.2 P4 relating to A home occupation. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
<i>FS1388.929</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.69	Lakeside Developments 2017 Limited	Delete Rule 22.8.2 P5 relating to Afforestation. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
<i>FS1388.930</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.70	Lakeside Developments 2017 Limited	Delete Rule 22.8.2 P7 relating to Forestry. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
579.71	Lakeside Developments 2017 Limited	Delete Rule 22.8.2 P9 relating to Homestay. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
<i>FS1388.931</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.72	Lakeside Developments	Amend the activity specific conditions for Rule 22.8.2 P22 relating to Structures providing information on culture,

	2017 Limited	history or environment of the Lake Waikare and Te Kauwhata area as follows: (a) Provided it is entered <u>located</u> within the cultural and heritage overlay shown on Precinct 4. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.932	Mercury NZ Limited for Mercury E	Oppose
579.73	Lakeside Developments 2017 Limited	Amend Rule 22.8.2 P23 relating to Memorials recognising the culture and history of the Lake Waikare and Te Kauwhata area as follows: (a) Provided it is entered <u>located</u> within the cultural and heritage overlay shown on Precinct 4. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.933	Mercury NZ Limited for Mercury E	Oppose
798.14	Ngati Te Ata	Add the following activity specific condition to Rule 22.8.2 P18 Horticulture: <u>appropriate silt control through silt traps and bunding.</u>
FS1387.1283	Mercury NZ Limited for Mercury D	Oppose
798.33	Ngati Te Ata	Amend Rule 22.8.2 P7 Permitted Activities to include "deforestation" AND Add the following activity specific conditions to Rule 22.8.2 P7 Permitted Activities: appropriate site and sediment control
FS1387.1291	Mercury NZ Limited for Mercury D	Oppose

24.1.2 Analysis

PI Marae Complex or Papakainga Housing Development

148. The submission from Malibu Hamilton [553.27] seeks that the activity be retained.

P2 Temporary event

149. The submission from Malibu Hamilton [553.27] seeks that the activity be retained.

P3 Cultural Event

150. The submission from Malibu Hamilton [553.27] seeks that the activity be retained.

P4 Home Occupation

151. The submission from Malibu Hamilton [553.27] seeks that the activity be retained.
152. The submission from Lakeside Developments 2017 Limited [579.68] seeks that the activity be deleted, on the basis that the activity is not appropriate within the Te Kauwhata Precinct.
153. In my opinion, the Rural Zone is an appropriate location for home occupations to be undertaken as part of a residential activity on the site.
154. The submission from Mercer Residents and Ratepayers Committee [367.28] considers that 9pm is too late for a home occupation. In my opinion, 9pm is an acceptable time for the activity, given that the scale is managed and the activity has to comply with noise standards.
155. Accordingly, the activity is recommended to be retained.

P5 Afforestation

156. The submission from Lakeside Developments 2017 Limited [579.69] seeks that the activity be deleted on the basis that the activity is not appropriate within the Te Kauwhata Precinct. I note that afforestation is controlled under the provisions of the National Environmental Standards for Plantation Forestry. Accordingly, the activity can be deleted.

P6 Farming

157. The submission from Lakeside Developments 2017 Limited [579.24] seeks that farming activity be restricted to pastoral farming only, on the basis that this type of activity is suitable adjoining medium and high density residential areas.
158. The definition of 'farming' in the PWDP is:
- Means an agricultural, horticultural or apicultural activity having as its primary purpose the production of any livestock or crop using the in-situ soil, water and air as the medium for production.*
- It includes: (a) Ancillary produce stalls;*
- (b) Processing of farm produce grown on the land, such as cutting, cleaning, grading, chilling, freezing, packaging and storage*
159. Other forms of farming such as 'intensive farming' are not provided for in the Precinct. In my opinion, given the definition of 'farming', there is no basis to exclude this activity from the Precinct.

P7 Forestry

160. The submission from Lakeside Developments 2017 Limited [579.70] seeks that the activity be deleted, on the basis that it is not appropriate within the Te Kauwhata Precinct.
161. The submission from Ngati Tamaoho Trust [567.37] seeks the inclusion of a condition relating to silt and sediment control.
162. The submission from Ngati Te Ata [798.33] seeks that 'deforestation' be added to the rule.
163. I note that silt and sediment control and deforestation are controlled under the provisions of the National Environmental Standards for Plantation Forestry. Accordingly, the activity can be deleted.

P9 Home Stay

164. The submission from Lakeside Developments 2017 Limited [579.71] seeks that the activity be deleted, on the basis that it is not appropriate within the Te Kauwhata Precinct.
165. In my opinion, the Rural Zone is an appropriate location for home stay to be undertaken as part of a residential activity on the site, where the effects are likely to be no different from those of a family.

P18 Horticulture

166. The submissions from Ngati Tamaoho Trust [567.38] and Ngati Te Ata [798.14] seek the inclusion of a condition relating to silt control. This is a matter outside the control of the PWDP and is managed through rules in the Waikato Regional Plan.

P21 Information kiosk, P22 Information structures and P23 Memorials

167. The submissions from Lakeside Developments 2017 Limited [579.25], [579.72] and [579.73] seek to correct grammatical errors.

24.1.3 Recommendations

168. For the above reasons, it is recommended that P5 Afforestation and P7 Forestry be deleted, and P21, P22 and P23 be corrected.
169. It is recommended that the submissions from Malibu Hamilton [553.27] and Lakeside Developments 2017 Limited [579.69], [579.70], [579.25], [579.72] and [579.73] be **accepted**.
170. It is recommended that the submissions from Lakeside Developments 2017 Limited [579.68], [579.24] and [579.71], Mercer Residents and Ratepayers Committee [367.28], Ngati Tamaoho Trust [567.37] and [567.38] and Ngati Te Ata [798.33] and [798.14] be **rejected**.

24.1.4 Recommended amendments

171. The following amendment is recommended, as shown in Appendix 4 – Chapter 22: Rural Zone:

Activity		Activity specific conditions
P5	Afforestation	Nil
P7	Forestry	Nil
P21	Information kiosk	(a) Provided it is entered located within the cultural and heritage overlay shown on Precinct Plan 4.
P22	Structures providing information on culture, history or environment of the Lake Waikare and Te Kauwhata area	(a) Provided it is entered located within the cultural and heritage overlay shown on Precinct Plan 4.
P23	Memorials recognising the culture and history of the Lake Waikare and Te Kauwhata area	(a) Provided it is entered located within the cultural and heritage overlay shown on Precinct Plan 4.

24.1.5 Section 32AA evaluation

172. As the changes reflect the provisions of the National Environmental Standard Plantation Forestry or are a minor correction, no s32AA evaluation has been required to be undertaken.

25 Rule 22.8.3 Restricted Discretionary Activities

25.1.1 Submissions

Submission point	Submitter	Summary of submission
579.21	Lakeside Developments 2017 Limited	<p>Add a new restricted discretionary activity rule to Rule 22.8.3(1) as follows: Activity:</p> <p><u>RDI (a) A comprehensive land development consent (CLDC) that meets all of the following conditions:</u></p> <p><u>(i) is in accordance with Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a); the roading network, walkways and cycle ways shown on Precinct Plan 16.5.1(3)(v); and the open space shown on Precinct Plan 16.5.1(3)(c) as set out in the precinct parameters below; and</u></p> <p><u>(b) A CLDC is in accordance with the Lakeside Precinct Plans identified below if:</u></p> <p><u>(i) Primary roads are within 50m of the location shown on Precinct Plan 16.5.1(3)(b); and</u></p> <p><u>(ii) Bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and</u></p> <p><u>(iii) Subject to (v) below, the indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan 16.5.1(3)(b) provided that connections are retained between the Lakeside Walkway and the residential development; and</u></p> <p><u>(iv) Subject to (v) below, the Lakeside Walkway is within 30m of the location shown on Precinct Plan 16.5.1(3)(b);</u></p> <p><u>(v) Any walkway/cycle way or the Lakeside Walkway that needs to be aligned so as to avoid an area of infested alligator weed as identified within in alligator weed management plan may be relocated from the alignment shown on 16.5.1(3)(b) to the extent necessary to avoid the infested area.</u></p> <p><u>(c) A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the business zone, provided that an individual stage is 5ha or more.</u></p>

		<p><u>(d) Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</u></p> <p><u>(e) LDC approval does not constitute authorization by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</u></p> <p><u>Matters of Discretion:</u></p> <p><u>(a) Council's discretion is reserved over:</u></p> <p><u>(i) consistency with the Te Kauwhata Lakeside Precinct Plans in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c);</u></p> <p><u>(ii) managing the effects of wastewater and stormwater;</u></p> <p><u>(iii) roading network and compliance with a Council-approved roading standard;</u></p> <p><u>(iv) provision and location of existing and future utilities and connections;</u></p> <p><u>(v) location of roads and their connections;</u></p> <p><u>(vi) provision of open space, including linkages between residential areas, open space and Lake Waikare;</u></p> <p><u>(vii) effects of natural hazards (including flooding), geotechnical suitability and land contamination.</u></p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
FS1388.901	Mercury NZ Limited for Mercury E	Oppose
579.26	Lakeside Developments 2017 Limited	<p>Add a provision for a CLDC as a restricted discretionary activity to Rule 22.8.3 RDI Restricted Discretionary Activities.</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>
FS1388.906	Mercury NZ Limited for Mercury E	Oppose
579.74	Lakeside Developments 2017 Limited	Delete Rule 22.8.3 RDI Restricted Discretionary Activities (relating to Intensive Farming).

		AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.934	Mercury NZ Limited for Mercury E	Oppose
579.91	Lakeside Developments 2017 Limited	Delete Rule 22.8.3 RD2 Restricted Discretionary Activities (relating to Rural Industry).
FS1388.944	Mercury NZ Limited for Mercury E	Oppose
798.15	Ngati Te Ata	Add a matter of discretion to Rule 22.8.3 RDI Restricted discretionary activities as follows: <u>(v) effects on the environment.</u>
FS1387.1284	Mercury NZ Limited for Mercury D	Oppose
567.14	Ngati Tamaoho Trust	Add a new matter of discretion to Rule 22.8.3 RDI- Restricted Discretionary Activities, as follows: <u>(v) environmental effects.</u>
81.176	Waikato Regional Council	Add to Rule 22.8.3 RD2 Restricted Discretionary Activities assessment criteria as follows: (vi) Stormwater management and the mitigation of potential adverse effects.
695.103	Sharp Planning Solutions Ltd	Amend Rule 22.8.3 RDI (c)(ii) A and B Restricted Discretionary Activities, to have a 1200m setback apply to the said zones and if an existing pig farm already occurs at that setback, then the effects of that have to be taken into account as well; AND Amend Rule 22.8.3 RDI (c)(ii) A and B Restricted Discretionary Activities, to require any development occurring within that setback to have an enforced Council non complaints covenant applied.
FS1387.333	Mercury NZ Limited for Mercury D	Oppose
FS1076.5	New Zealand Pork Industry Board	Support
695.104	Sharp Planning Solutions Ltd	Amend Rule 22.8.3 RDI (c) (ii) A and B Restricted Discretionary Activities, to include a setback requirement of equivalent distance (1200m) from the Paa Zone.

FS1387.334	Mercury NZ Limited for Mercury D	Oppose
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25.1.2 Analysis

173. The submissions from Lakeside Developments 2017 Limited [579.21] and [579.26] seek that the Comprehensive Land Development Consent provisions omitted from the Rural Zone of PPC20 be reinstated, in order that those parts of the development located in the Rural Zone (such as earthworks and infrastructure) that service the residential development are provided for. I agree that the Comprehensive Land Development Consent provision needs to be included, and this has been set out generally as per the wording in the submission.
174. The submissions from Lakeside Developments 2017 Limited [579.74] and [579.91] seek that RDI – Intensive farming and RD2 – Rural Industry be deleted. Neither of these activities were provided for in PCC20, as they were not considered suitable and would fall to be considered as a non-complying activity through Rule 22.8.5 NC2. Accordingly, these activities should be deleted. As a consequence, the submissions by Ngati Te Ata [798.15], Ngati Tamaoho Trust [567.14], Sharp Planning Solutions Ltd [695.103] and [695.104] and Waikato Regional Council [81.176] should be **rejected**.

25.1.3 Recommendations

175. For the above reasons, it is recommended that the omission of the Comprehensive Land Development Consent be corrected.
176. It is recommended that the submissions from Lakeside Developments 2017 Limited [579.21], [579.26], [579.74] and [579.91] be **accepted**.
177. It is recommended that the submissions from Ngati Te Ata [798.15], Ngati Tamaoho Trust [567.14], Sharp Planning Solutions Ltd [695.103] and [695.104] and Waikato Regional Council [81.176] be **rejected**.

25.1.4 Recommended amendments

178. The following amendment is recommended, as shown in Appendix 4 – Chapter 22: Rural Zone:

22.8.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.

Activity		Matters of Discretion
RDI	<p>(a) A Comprehensive Land Development Consent that meets all of the following conditions:</p> <p>(i) <u>is in accordance with the:</u></p> <p>A. <u>the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a);</u></p> <p>B. <u>the roading network, walkways and cycle ways shown on Precinct Plan Rule 16.5.1(3)(v); and</u></p> <p>C. <u>the open space shown on Precinct Plan Rule 16.5.1(3)(c) as set out in the precinct</u></p>	<p>(a) Council's discretion is reserved over the following matters:</p> <p>(i) <u>consistency with the Te Kauwhata Lakeside Precinct Plans in Rule 16.5.1(3)(a), Rule 16.5.1(3)(b) and Rule 16.5.1(3)(c);</u></p> <p>(ii) <u>managing the effects of wastewater and stormwater;</u></p> <p>(iii) <u>roading network and compliance with a Council-approved roading standard;</u></p>

	<p><u>parameters below; and</u></p> <p>(ii) <u>A Comprehensive Land Development Consent is in accordance with the Lakeside Precinct Plans identified below if:</u></p> <p>A. <u>Primary roads are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and</u></p> <p>B. <u>Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and</u></p> <p>C. <u>Subject to E below, the indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(b) provided that connections are retained between the Lakeside Walkway and the residential development; and</u></p> <p>D. <u>Subject to E below, the Lakeside Walkway is within 30m of the location shown on Precinct Plan 16.5.1(3)(b); and</u></p> <p>E. <u>Any walkway/cycle way or the Lakeside Walkway that needs to be aligned so as to avoid an area of infested alligator weed as identified within in alligator weed management plan may be relocated from the alignment shown on Rule 16.5.1(3)(b) to the extent necessary to avoid the infested area.</u></p> <p>(iii) <u>A Comprehensive Land Development Consent can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages beyond the Business and Residential zones, provided that an individual stage is 5ha or more.</u></p> <p>(iv) <u>Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</u></p> <p>(v) <u>LDC approval does not constitute authorization by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required</u></p>	<p>(iv) <u>provision and location of existing and future utilities and connections;</u></p> <p>(v) <u>location of roads and their connections;</u></p> <p>(vi) <u>protection, restoration or enhancement of ecological features;</u></p> <p>(vii) <u>provision of open space, including linkages between residential areas, open space and Lake Waikare;</u></p> <p>(viii) <u>effects of natural hazards (including flooding), geotechnical suitability and land contamination; and</u></p> <p>(ix) <u>provision of the historic iwi overlay area shown on Precinct Plan Rule 16.5.1(3)(c).</u></p>
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	<p>from the Waikato District Council prior to any works commencing that affect public roads.</p>	
RD1	<p>(b) Intensive farming that meets all of the following conditions:</p> <p>(i) Land Use Effects in Rule 22.2</p> <p>(ii) Land Use Building in Rule 22.3, except:</p> <p>A. Building coverage does not exceed 3% of the site and:</p> <p>B. Rule 22.3.9 (Building Coverage) does not apply;</p> <p>C. Building height does not exceed 15m and Rule 22.3.4 (Building Height) does not apply;</p> <p>(c) It is not located in:</p> <p>(i) An Outstanding Natural Feature;</p> <p>(ii) An Outstanding Natural Landscape;</p> <p>(iii) A Significant Amenity Landscape;</p> <p>(iv) An Outstanding Natural Character Area; or</p> <p>(v) A High Natural Character Area</p> <p>(d) For pig farming, buildings and adjacent yard areas are set back at least:</p> <p>(i) 300 metres from any site boundary;</p> <p>(ii) From any boundary of a Residential, Village, Country Living or Paa Zone:</p> <p>A. 1200 metres (500 or less pigs); or</p> <p>B. 2000 metres (more than 500 pigs);</p> <p>(e) For free range poultry farming, the buildings and outdoor enclosures are set back at least:</p> <p>(i) 100 metres from any site boundary; and</p> <p>(ii) 500 metres from any boundary of a Residential, Village, Country Living.</p> <p>(f) For housed poultry and all other intensive farming, the buildings and adjacent yard areas are set back at least:</p> <p>(i) 300 metres from any site boundary; and</p> <p>(ii) 500 metres from any boundary of a Residential, Village, Country Living Zone.</p>	<p>(b) Council's discretion is restricted to the following:</p> <p>(i) Traffic effects;</p> <p>(ii) Effects on amenity values, including odour, visual impact, landscaping;</p> <p>(iii) Location, type and scale of development; and</p> <p>(iv) Noise effects.</p>
RD2	Rural Industry	<p>(a) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on rural character and amenity;</p> <p>(ii) Location, type and scale of</p>

		<p>development;</p> <p>(iii) Waste disposal;</p> <p>(iv) Nuisance effects including light spill and glare, odour, dust, noise;</p> <p>(v) Traffic effects.</p>
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25.1.5 Section 32AA evaluation

179. As the changes are to align the provisions to be in accordance with the provisions of PPC20, and are the most appropriate way of meeting the objectives and policies specific to Lakeside (particularly Objective 4.1.7 – Character of towns and Policy 4.1.12(b) – Te Kauwhata), no s32AA evaluation has been required to be undertaken.

26 Rule 22.8.4 Discretionary Activities

26.1.1 Submissions

Submission point	Submitter	Summary of submission
579.28	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D4 Waste management facility. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.908	Mercury NZ Limited for Mercury E	Oppose
579.75	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D5 Hazardous waste storage, processing or disposal. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.935	Mercury NZ Limited for Mercury E	Oppose
579.76	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D7 A correctional facility. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.936	Mercury NZ Limited for	Oppose

	<i>Mercury E</i>	
579.77	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D8 An extractive industry. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
<i>FS1388.937</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.78	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D9 Commercial activity, excluding a produce stall. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
<i>FS1388.938</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.79	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D10 Industrial activity. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
<i>FS1388.939</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.80	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D11 Travellers accommodation for more than 5 people. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
579.81	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D12 Transport depot. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
<i>FS1388.940</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
579.82	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D13 Place of assembly. AND

		Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.941	Mercury NZ Limited for Mercury E	Oppose
579.83	Lakeside Developments 2017 Limited	Delete Rule 22.8.4 D14 Boarding, breeding or animal training establishments. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.942	Mercury NZ Limited for Mercury E	Oppose
579.27	Lakeside Developments 2017 Limited	Add a provision within Rule 22.8.4 Discretionary Activities for a CDC that does not comply with the provisions for a Restricted Discretionary activity as follows: <u>(a) A CLDC that does not comply with Rule 22.8.3 RDI and meets all of the following conditions:</u> <u>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(b); and</u> <u>(ii) Bus route is either on the alignment shown on the Precinct Plan 16.5.3.1(3)(b) or a continuous alignments that achieved the same circulation; and</u> <u>(iii) Indicative walkways are within 150m of the location shown on the Precinct Plan 6.5.3.1(3)(b);</u> <u>(iv) Lakeside walkway is within 70m of the location shown on Proposed Plan 16.5.3.1(3)(b).</u> <u>The matters over which Council reserves discretion shall be used for assessing discretionary applications under this rule.</u> AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.907	Mercury NZ Limited for Mercury E	Oppose
781.14	Ministry of Education	Delete Rule 22.8.4 D6 Discretionary Activities for an education facility. AND Amend Rule 22.8.3 Restricted Discretionary Activities as follows:

		<p>Activity <u>RD3 Education facilities</u> Council's discretion shall be restricted to the following matters: <u>The extent to which it is necessary to locate the activity in the Lakeside Te Kauwhata Precinct.</u></p> <p><u>Reverse sensitivity effects of adjacent activities.</u></p> <p><u>The extent to which the activity may adversely impact on the transport network.</u></p> <p><u>The extent to which the activity may adversely impact on the streetscape.</u></p> <p><u>The extent to which the activity may adversely impact on the noise environment.</u></p>
FS1387.1218	Mercury NZ Limited for Mercury D	Oppose

26.1.2 Analysis

180. The submissions from Lakeside Developments 2017 Limited [579.28], [579.75], [579.76], [579.77], [579.78], [579.79], [579.80], [579.81], [579.82] and [579.83] all seek to delete activities that are considered to be inappropriate in the Lakeside Te Kauwhata Rural Zone. I concur with the submitter that the activities were not included in PPC20. If they were to be deleted, they would become Non-complying activities under the default rule 22.8.5 NC2 which I consider to be more appropriate, as this activity status reflects the purpose of Rural Zone Lakeside Te Kauwhata Precinct being to contribute to the high level of residential amenity in the adjoining Residential Zone.
181. The submissions from Lakeside Developments 2017 Limited [579.27] seeks to make non-compliance with new Rule 22.8.3 RDI a discretionary activity. I agree that an activity cascade needs to be provided. However, rather than compliance with the standards as suggested in the submission (where not complying with a standard would then default to non-complying activity status), I have recommended a simple alteration to Rule 22.8.4 D2.
182. The submission from Ministry of Education [781.14] seeks that the activity status for an 'Education facility' be amended from discretionary to restricted discretionary. I note that an 'Education facility' is not provided for as a restricted discretionary activity in either the Residential Zone or Business Zone of the Lakeside Te Kauwhata Precincts. There are submission points from the Ministry of Education seeking that the restricted discretionary activity status apply to the Residential and Business Zones (outside Lakeside Te Kauwhata). However, there are no submission points seeking the restricted discretionary activity status within the Lakeside Te Kauwhata Precincts of those zones. Given the activity status will be discretionary or non-complying in the Residential Zone and Business Zone of the Lakeside Te Kauwhata Precincts respectively, and Policy 4.1.12(b) seeks to retain a compact urban form, the existing discretionary activity status for education facilities in the Rural Zone Lakeside Te Kauwhata Precinct would in my opinion be appropriate.

26.1.3 Recommendations

183. For the above reasons, it is recommended that the listed discretionary activities be deleted and no change be made to the activity status for 'Education Facility'.

184. It is recommended that the submissions from Lakeside Developments 2017 Limited [579.28], [579.27], [579.75], [579.76], [579.77], [579.78], [579.79], [579.80], [579.81], [579.82] and [579.83] be **accepted**.
185. It is recommended that the submission from Ministry of Education [781.14] be **rejected**.

26.1.4 Recommended amendments

186. The following amendments are recommended, as shown in Appendix 4 – Chapter 22: Rural Zone:

22.8.4 Discretionary Activities

- (1) The activities listed below are discretionary activities.

D1	Any activity that does not comply with Rule 22.2 – Land use effects, Rule 22.3 – Land use building unless the activity status is specified as controlled, restricted discretionary, discretionary or non-comply activity.
D2	Any activity that does not complying with (Rule 22.8.3 RD1 or RD2)
D3	Any permitted activity that does not comply with an 'Activity Specific Condition' in Rule 22.8.2.
D4	A waste management facility
D5	Hazardous waste storage, processing or disposal.
D6	An education facility
D7	A correctional facility
D8	An extractive industry
D9	Commercial activity, excluding a produce stall.
D10	Industrial activity
D11	Travellers' accommodation for more than 5 people.
D12	Transport depot
D13	Place of Assembly
D14	Boarding, breeding or animal training establishments

26.1.5 Section 32AA evaluation

187. As the changes are to align the provisions to be in accordance with the provisions of PPC20, no s32AA evaluation has been required to be undertaken.

27 Rule 22.8.5 Non-Complying Activities

27.1.1 Submissions

Submission point	Submitter	Summary of submission
579.29	Lakeside Developments 2017 Limited	Delete Rule 22.8.5 NCI Non-complying Activities. AND Amend the Proposed District Plan to make any amendments

		or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.909	Mercury NZ Limited for Mercury E	Oppose

27.1.2 Analysis

188. The submission from Lakeside Developments 2017 Limited [579.29] seeks that NCI be deleted, on the basis that it is unnecessary, as indicative roads can be realigned around buildings. I do not agree with that statement, as the location of the indicative roads have been carefully considered, and while it may be possible to realign around one building, the situation becomes more complicated and expensive to construct the road (and potentially unable to be achieved) where there are numerous buildings. The indicative roads are a line on the planning maps and Rule 22.3.7.1 P1 – P4 require setbacks from an indicative road. Accordingly, I do not support the deletion of the rule.

27.1.3 Recommendations

189. For the above reasons, the deletion of Rule 22.8.5 NCI is not recommended.

190. It is recommended that the submission from Lakeside Developments 2017 Limited [579.29] be **rejected**.

27.1.4 Section 32AA evaluation

191. As there is no change to the rule, no s32AA evaluation has been required to be undertaken.

28 Rule 22.8.5 Earthworks - General

28.1.1 Submissions

Submission point	Submitter	Summary of submission
579.30	Lakeside Developments 2017 Limited	Delete Rule 22.8.6 Earthworks - General. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.

28.1.2 Analysis

192. The submission from Lakeside Developments 2017 Limited [579.30] correctly identifies that the flood risk control has been removed, and as such the whole of the rule is redundant and can be deleted. This matter was addressed in Section 10, paragraph 72 of this s42A report.

28.1.3 Recommendations

193. For the above reasons, the deletion of Rule 22.8.6 is recommended.

194. It is recommended that the submission from Lakeside Developments 2017 Limited [579.30] be **accepted**.

28.1.4 Recommended amendments

195. The following amendment is recommended, as shown in Appendix 4 – Chapter 22: Rural Zone:

22.8.6 Earthworks – General

PI	<p>(a) Earthworks in a Flood Risk Area (other than earthworks approved as part of a CLDC) shall meet the following conditions:</p> <p>(i) filling is no more than is necessary to:</p> <p style="padding-left: 40px;">A. provide a foundation for building approved by a building consent, and access to that building, or</p> <p style="padding-left: 40px;">B. enable minor upgrading of existing electricity lines and does not exceed 50m³.</p> <p>(b) The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p> <p>(c) Regional earthworks consents may also be needed for works in a high risk erosion area.</p>
RDI	<p>(a) Earthworks that do not comply with Rule 22.8.6 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p style="padding-left: 40px;">(i) effects on amenity values,</p> <p style="padding-left: 40px;">(ii) visual effects,</p> <p style="padding-left: 40px;">(iii) mitigation measures including sediment control,</p> <p style="padding-left: 40px;">(iv) effects on land utilisation,</p> <p style="padding-left: 40px;">(v) effects on erosion,</p> <p style="padding-left: 40px;">(vi) effects on cultural values,</p> <p style="padding-left: 40px;">(vii) effects on heritage values,</p> <p style="padding-left: 40px;">(viii) effects on the Lake Waikare flood plain.</p>

28.1.5 S32AA evaluation

196. As the deletion of the rule reflects that it is not required, no s32AA evaluation has been required to be undertaken.

29 Rule 22.8.7 Subdivision - Lakeside General

29.1.1 Submissions

Submission point	Submitter	Summary of submission
579.31	Lakeside Developments 2017 Limited	<p>Amend Rule 22.8.7 CI- Subdivision Lakeside General as follows:</p> <p><u>Subdivision is in accordance with the Lakeside Precinct Plans identified above if: ...</u></p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>

FS1388.910	Mercury NZ Limited for Mercury E	Oppose
579.50	Lakeside Developments 2017 Limited	Amend Rule 22.8.7 CI (x) Subdivision Lakeside General as follows (x) subject to v) below Lakeside Walkway is within 10 30m of the location shown on Precinct Plan 16.5.1(3)(c); AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.

29.1.2 Analysis

197. The submission from Lakeside Developments 2017 Limited [579.31] seeks wording amendments to improve understanding and give effect to the provisions. I do not agree that the amendment is necessary.
198. The submission from Lakeside Developments 2017 Limited [579.50] seeks to provide for the additional space to construct the walkway on Lakeside land and this has been agreed to.

29.1.3 Recommendations

199. For the above reasons, the amendment to the walkway distance is recommended.
200. It is recommended that the submission from Lakeside Developments 2017 Limited [579.50] be **accepted**.
201. It is recommended that the submission from Lakeside Developments 2017 Limited [579.31] be **rejected**.

29.1.4 Recommended amendments

202. The following amendment is recommended, as shown in Appendix 4 – Chapter 22: Rural Zone:

CI	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) it relates to the creation of lots in accordance with the precinct boundaries, and (ii) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c); and (iii) it creates titles necessary to vest public open space in the Council or an iwi authority, or (iv) it creates titles necessary to provide long-term lease or ownership for informal or active recreational uses within the Te Kauwhata Structure Plan Area, or (v) it creates titles appropriate for the long term management of land or part of land identified as open space overlay on Te Kauwhata Lakeside Precinct Plan 22.8.2.1, or (vi) it creates a title for the Rural zoned land outside the open space overlays. (vii) primary roads are within 50m of the location shown on Precinct Plan 16.5.1(3)(b); and (viii) bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation; and (ix) subject to v) below Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; and
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	<p>(x) subject to v) below Lakeside Walkway is within 40m 30m of the location shown on Precinct Plan 16.5.1(3)(c); and</p> <p>(xi) Any walkway/cycleway or the Lakeside Walkway that needs to be aligned so as to avoid an area of infested alligator weed as identified within any alligator weed management plan may be relocated from the alignment shown on 16.5.1(3)(c) to the extent necessary to avoid the infested area.</p>
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29.1.5 Section 32AA evaluation

203. As the change is a consequence of earlier assessment of the need to provide for the walkway on Lakeside land, no s32AA evaluation has been required to be undertaken.

30 Rule 22.8.8 Lakeside Comprehensive Subdivision Consent

30.1.1 Submissions

Submission point	Submitter	Summary of submission
579.51	Lakeside Developments 2017 Limited	Amend Rule 22.8.8 RDI (a) (ii) D Lakeside Comprehensive Subdivision Consent as follows: D. Lakeside Walkway is within 40 30m of the location shown on Precinct Plan 16.5.1.3(3)(c). AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.924	Mercury NZ Limited for Mercury E	Oppose
579.52	Lakeside Developments 2017 Limited	Delete Rule 22.8.8 RDI (c)(ii) Lakeside Comprehensive Subdivision Consent. AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.925	Mercury NZ Limited for Mercury E	Oppose
579.53	Lakeside Developments 2017 Limited	Amend Rule 22.8.8 DI (a)(iv) as follows: iv) Lakeside Walkway is within 40m 30-2050m of the location shown on Precinct Plan 16.5.1(3)(b). AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.

FS1388.926	Mercury NZ Limited for Mercury E	Oppose
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30.1.2 Analysis

204. The submissions from Lakeside Developments 2017 Limited [579.51], [579.52] and [579.53] seek to refer to the earlier amended provision for the location of the walkway on Lakeside land and to remove an incorrect matter of discretion. These are agreed with.

30.1.3 Recommendations

205. For the above reasons, it is recommended that Rule 22.8.8 be amended, as sought in the submissions.

206. It is recommended that the submission_s from Lakeside Developments 2017 Limited [579.51], [579.52] and [579.53] be **accepted**.

30.1.4 Recommended amendments

207. The following amendments are recommended, as shown in Appendix 4 – Chapter 22: Rural Zone:

22.8.8 Lakeside Comprehensive Subdivision Consent

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

	<p>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 Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development; and</p> <p>(iv) Lakeside Walkway is within 10m-20m 30m-50m of the location shown on Precinct Plan Rule 16.5.1(3)(b).</p> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NCI	A Comprehensive Subdivision Consent (CS) that does not meet the requirements of Rule 22.8.8 DI.

30.1.5 Section 32AA evaluation

208. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

31 Planning Maps

31.1.1 Submissions

Submission point	Submitter	Summary of submission
579.46	Lakeside Developments 2017 Limited	<p>Delete the Development Precinct from the Lakeside Development 2017 Limited property, Te Kauwhata.</p> <p>AND</p> <p>Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.</p>

31.1.2 Analysis

209. The submission from Lakeside Developments 2017 Limited [579.46] seeks that the development precincts be removed from the planning maps, on the basis that the precincts are shown on the plans in the zone chapters. I do not agree with the proposed removal, as the geographic provisions in the text of the PWDP need to be shown on the planning maps in order for ePlan and the 'Property Search' functions to operate.

31.1.3 Recommendations

210. For the above reasons, no deletions from the planning maps is recommended.

211. It is recommended that the submission from Lakeside Developments 2017 Limited [579.46] be **rejected**.

31.1.4 Section 32AA evaluation

212. As there is no change to the planning maps, no s32AA evaluation has been required to be undertaken.

32 Conclusion

213. The main changes recommended are summarised as follows:
- a) Updating of the rules to reflect the provisions of PPC20, including the deletion of redundant rules;
 - b) A new rule to require balconies to be set back from boundaries; and
 - c) Deletion of Rule 17.5.6, as it is ultra vires.
214. I recommend that the Te Kauwhata Lakeside provisions in Chapters 16, 17 and 22 be amended as set out in Appendices 2 – 4, for the reasons set out in this s42A report.
215. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, especially for changes recommended to objectives and policies for the reasons set out in the Section 32AA evaluations undertaken and included in this s42A report.

~~Appendix I: Table of submission and further~~