

BEFORE THE WAIKATO DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER OF the submission points made by Lakeside Development
Limited (LDL) on the Lakeside Te Kauwhata provisions of
the Proposed Waikato District Plan (Submission 579 and
Further Submitter No. 1371)

STATEMENT OF EVIDENCE BY JOHN ROBERT DUTHIE
ON BEHALF OF LAKESIDE DEVELOPMENT LIMITED

(Planning)

26 February 2020

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Introduction

Qualifications and experience

1. My name is **JOHN ROBERT DUTHIE**. I hold a Bachelor of Town Planning from the University of Auckland. I have been a practising planner for 42 years. I am a member of the New Zealand Planning Institute.
2. I am a director of Tattico, a national planning consultancy firm. I have held that position since the firm was established in 2010.
3. I have extensive planning experience in the public and private sector and have been involved in the preparation and development of both public and private plan changes, proposed district plans, and most Resource Management Act matters relating to rural, urban, coastal, environmental and infrastructure planning.
4. I have been involved in the Lakeside Precinct since its inception. I prepared the notified version of Private Plan Change 20 which brought down the Lakeside development. I provided all planning services to Lakeside Development Limited throughout the plan change process. I negotiated matters with Waikato District Council officers accountable for processing the plan change. I presented evidence at the hearing on PPC20.
5. I have either applied for or had oversight of all resource consent applications for the formation of Lakeside.

Code of Conduct

6. I am familiar with the Code of Conduct for expert witnesses which the Environment Court has issued as a practice note and confirm that I have prepared and presented this evidence within the terms of that practice note.

Lakeside Development

7. My colleague, Mr Morgan, presented evidence to the Panel under the business section. As a result of the hearing schedule, it was in the general business activity

that Lakeside first appeared before the Panel. Mr Morgan gave an overview of the Lakeside development which I do not repeat here. However, I do summarise the key points, namely:

- (a) Lakeside is a comprehensive masterplanned development of a 196ha block of land immediately south of the Te Kauwhata township.
- (b) It is intended to provide for growth within the Te Kauwhata area in a range of different residential typologies.
- (c) It will provide approximately 1,600 new homes.
- (d) A fundamental tenant of the plan change and the masterplan is to open up Lake Waikare for public access and to create a comprehensive area of lakes, walkways, cycleways and bridal paths together with both passive and active open space facilities. This will benefit residents of Te Kauwhata and Lakeside and visitors to the area.
- (e) A small community hub with supporting retail services, commercial services and community facilities is created in the centre of the Lakeside area. It is designed to complement and not detract from the pre-eminence of the Te Kauwhata township.
- (f) A key component of the development is to provide affordable housing into the Te Kauwhata area where new home and land packages can be achieved for about \$500,000. It is the higher density provisions within the plan that enable this affordable offer.
- (g) Development is proceeding at pace with the following completed:
 - the upgrade of Scott Road from a rural standard road to a fully urban road with footpaths, cycleways, curb and channel and streetlights;
 - the first phase of residential homes completed and construction underway for over 60 homes;

- completion of the first wetlands;
- finalisation of the planning and ownership of the 43ha public open space areas that form part of this development.

Council's s42A report

8. I have read the Council's section 42A report prepared by Mr Matheson. I have also read all the submissions and further submissions referred to in his report.
9. Mr Matheson's report is extensive and comprehensive. I agree with the vast majority of his conclusions and the recommended changes to the proposed plan. Where I have a different view and where Lakeside requests amendments to the provisions different to those recommended by Mr Matheson, I have highlighted those in this evidence.

Overview

10. Lakeside Development Limited (LDL)'s view is that the core issues surrounding the Lakeside development were extensively worked through by community and stakeholder consultation leading into PPC20 and then refined with the Council and the community by the Commissioners through the plan change hearing process. A strong alignment emerged between the Council and LDL facilitated through the by the Hearing Commissioners and a number of the issues for residents were sorted out.
11. This was a major plan change which significantly increased the size of Te Kauwhata. There were no appeals of the Hearings Panel decision.
12. Consequently LDL sees teies operative plan provisions as a well thought through, considered and agreed planning future for Lakeside. As a generalization, LDL has simply sought to take those provisions and roll them over into the Proposed District Plan. It is recognised there needs to be some refinements in the detailed drafting to take account of the new format, and it is acknowledged that it is the Council's prerogative to set the structure and format of the new plan (subject to this hearing process). LDL has not sought to change or relitigate provisions that

were worked through extensively through the hearing process. The vast majority of the Lakeside submissions are simply seeking to correct, in some cases, small but impactful drafting errors and in other cases omitted provisions which in my view could and should be rolled over.

13. There are a few additional controls which Lakeside is requesting. These are outlined in my evidence. These are matters that have arisen post the hearing process and are not issues that I consider to be relitigation.
14. I note that Mr Matheson has acknowledged that the LDL submission is largely trying to roll over the provisions. He concurs that the thrust of the LDL submission is to roll over provisions, that this is a sensible strategy, and he to a large extent has taken the same approach in his assessment of the various submissions.

Evidence

15. In this evidence I have addressed the primary points in the LDL submission. For ease of reference I have followed the same format as Mr Matheson in the section 42A report. He addresses topics relating to the following matters. I have set them out in a table form with the Council's 42A report section number, and the corresponding page numbers where this is addressed in my evidence.

Structure of this evidence

| Council's section 42A report | This evidence |
|---|--|
| Section 4: General approach | Page 8 |
| Section 5: Application of rules | <ul style="list-style-type: none"> • Focus on the number of reserves and the stop bank treatment and Precinct Plan Pages 8-12 |
| Section 6: Residential permitted activity | No additional comment. Council section 42A report supported |

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|--|---|
| Section 7: Residential restricted discretionary activity | <ul style="list-style-type: none"> • 30m flexibility on walkway location <p>Page 12</p> |
| Section 8: Discretionary activity | No additional comment. Council section 42A report supported |
| Section 9: Noise and vibration | No additional comment. Council section 42A report supported |
| Section 10: Earthworks general | No additional comment. Council section 42A report supported |
| Section 11: Height | No additional comment. Council section 42A report supported |
| Section 12: Daylight admission | <ul style="list-style-type: none"> • Daylight in the higher density precinct. <p>Pages 12-13</p> |
| Section 13: Living court | <ul style="list-style-type: none"> • Balcony setback <p>Pages 13-15</p> |
| Section 14: Building setback front yards | Pages 15-16 |
| Section 15: Fences | No additional comment. Council section 42A report supported |
| Section 16: Residential subdivision density | Pages 16-17 |
| Section 17: Comprehensive subdivision consent | No additional comment. Council section 42A report supported |

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| Section 18: Residential subdivision of sites less than 5ha | No additional comment. Council section 42A report supported |
| Section 19: Business area | No additional comment. Council section 42A report supported |
| Section 20: Gross leasable floor area | No additional comment. Council section 42A report supported |
| Section 21: Business daylight admission | No additional comment. Council section 42A report supported |
| Section 22: Gross leasable area | No additional comment. Council section 42A report supported |
| Section 23: (Rural) General rules | <ul style="list-style-type: none"> • Application of the rules Page 17 |
| Section 24: Rural permitted activities | <ul style="list-style-type: none"> • Farming practice and accommodation Pages 17-18 |
| Section 25: Rural Restricted Discretionary | <ul style="list-style-type: none"> • Comprehensive land development and comprehensive subdivision consent Page 19 |
| Section 26: Rural discretionary activities | <ul style="list-style-type: none"> • Activities Page 19 |
| Section 27: Rural non-complying activities | No additional comment. Council section 42A report supported |
| Section 28: Rural earthworks | No additional comment. Council |

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|---|---|
| | section 42A report supported |
| Section 29: Rural subdivision | No additional comment. Council section 42A report supported |
| Section 30: Rural comprehensive subdivision consent | No additional comment. Council section 42A report supported |
| Section 31: Planning maps | No additional comment. Council section 42A report supported |

16. The areas listed as “no additional comment. Council section 42A report supported” are all because LDL accepts and supports the report prepared by Mr Matheson. Mostly these are tidying up editorial aspects. In other parts they relate to provisions. LDL still views these as important matters. However it does not see them as contentious. To save the Commissioners repetition, I am simply signalling that LDL fully supports the recommendation in these areas put forward by Mr Matheson.

General approach – Lakeside specific area

17. LDL lodged a submission in support of an area specific approach for Te Kauwhata. Nobody opposes this. Mr Matheson supports it.
18. Suffice to say, Lakeside has been through an extensive scrutiny which has resulted in a set of bespoke provisions which build on the existing Proposed District Plan policies and controls and the Te Kauwhata area provisions, but customised these appropriate to the Lakeside location. These were worked extensively through Plan Change 20. I fully support the Council’s approach which has been to roll these over and essentially include them within the Proposed District Plan.

General (residential) rules – Lakeside Te Kauwhata

Number of parks

19. Under PPC20, five neighbourhood parks were shown within the development. This was part of the masterplan developed by LDL.
20. In feedback from the Council, the view was that the ongoing operational costs of maintaining five parks was disproportionate to the size of the neighbourhood. One park was deleted and four were to be supported.
21. Consequently LDL sought through its submission to reduce the number of parks to four but identified that if the Council confirmed it was happy with maintaining five public parks then it would agree to that approach.
22. I note Mr Matheson states in his report that he has had "*discussions with Council officers that Council is committed to the development of the five reserves*".
23. If this is a definitive statement by accountable Council officers that now the full five reserves is accepted, then LDL supports retention of the five parks. LDL simply asks that the Commissioners seek confirmation from the appropriate senior Council officer that WDC is wanting to accept vesting of the five reserves.
24. If the Council's budget considerations support only 4 reserves, then now is the time to set that requirement. The LDL submission shows the location of a four park solution.

Stop bank

25. LDL is seeking deletion of the stop bank from the significant natural area.
26. Through the PPC20 hearing it became clear that with issues of koi carp and alligator weed and problems with the integrity of the existing stop bank, there needed to be a new engineering solution to the stop bank along this frontage.
27. The issue was extensively worked through in the hearing and subsequently the need identified to raise the stop bank and replant it so that:
 - it became a barrier to windblown alligator weed;
 - koi carp could not cross into the new lakes;

- the heavy planting created shade along the stop bank which in turn reduced the alligator weed habitat.
28. With these known, agreed and expected changes, then clearly identifying the new stop bank area as a 'significant natural area' is in my view inappropriate. The classification should be uplifted from this area.
29. Mr Matheson does not support this approach but prefers to retain the **discretionary activity** requirement.
30. Any development in this area will require a 'comprehensive land development consent'. It is part of the integrated approach to the area. That is a **restricted discretionary activity**.
31. If the Commissioners are not mindful to remove the 'significant natural area' classification, then it may be appropriate to set this as a **restricted discretionary activity** for Lakeside. It can then be dealt with as is the appropriate mechanism as part of the 'comprehensive land development consent'. Otherwise the whole development defaults to the higher status of a discretionary activity. To undertake a full discretionary activity when the matter has been clearly worked through and identified in PPC20 including the solution to managing this area, is in my view inappropriate. Because of the provisions relating to biosecurity, the Regional Council will be involved in any consenting regardless.
32. In my view, at the very least, modifications to the stop bank should be a **restricted discretionary activity**. There is a public good interest in undertaking this work. It is a highly technical issue where the expertise sits with the two public bodies. There is no need for this to be opened up to notification matters. Furthermore, it is appropriately integrated with a 'comprehensive land development consent' and does not warrant triggering all aspects of an application being escalated to a full discretionary activity.

Precinct Plan 1

33. LDL has sought amendments to Precinct Plan 1 and 2 to simplify the primary road

network and in particular create direct view corridors from the community hub down to the iwi reserve. The current development shows in a road which has a particular hook at the bottom passing into the reserve. If the diagram base is changed there will be consequential changes to all diagrams of Lakeside.

34. An urban design analysis of the development has identified the benefit of setting up the view corridor from the community hub which is elevated, down the alignment of the road, across the iwi reserve and out to the lake. This is seen as having significant design and planning merit without compromising any transport functionality. Similarly the western road has a more straightforward alignment.
35. The Council officers support this approach and LDL asks that these submissions be agreed.

Mercury New Zealand Limited submission

36. Mercury New Zealand Limited have lodged a highly generic further submission opposing all of LDL's submissions. It covers all aspects of the LDL submission but for brevity I address it only once. The Mercury submission contends that the the flood hazard assessment should be analysed prior to the District Plan policy framework.
37. Mr Matheson addresses these at paragraph 26 and 27 of his section 42A report suggesting that the matter can be appropriately dealt with given that the Council is working on part 2 of the plan change review.
38. Unfortunately this is a highly generic further submission that does not seem to have taken account of any context or history in the development of the plan. The nature of the submission opposing everything is somewhat surprising as a number of the Lakeside provisions are to assist in flood management issues.
39. The key point that I would make to Commissioners is that the Lakeside development is in the flood management area of Lake Waikare. Issues of capacity, management and dealing with flood risk were extensively addressed by the District and Regional Council and LDL during the PPC20 process. It is simply

not correct to imply that no or limited work has been done on flood management issues as it relates to Lakeside. Mr Matheson recommends rejecting all of the further submissions from Mercury and I support that approach.

Residential: Restricted discretionary activities

Walkway flexibility

40. Lakeside is seeking flexibility in the 'comprehensive land development consent' rule for the location of walkways. Currently the walkway needs to be within 10m of that shown within the diagram on the plan. Lakeside is seeking to set a 30m flexibility. The discretionary activity flexibility would correspondingly go to 30m-50.
41. Mr Matheson is recommending support of this change.
42. In the detailed mapping associated with PPC20 becoming operative, it became clear that where the lake edge currently is and where the boundaries are shown do not necessarily coincide. At 10m, unintentionally, certain parts of the walkway ended up outside of the LDL land and therefore not able to be vested back into the Council. Furthermore, with wanting to avoid particular areas that might be susceptible to alligator weed or other matters, an element of flexibility in the location of the walkway is required.
43. It is still a restricted discretionary activity. It simply gives more flexibility to the Council and LDL to get the walkways in the best location.
44. If Commissioners accept this change for the residential zones, it will equally be applicable in the business and rural zones and to the 'comprehensive subdivision', rules..

Residential daylight admission

45. Sharp Planning Solutions (695.182) seek that the daylight control on the higher density zone be reduced from 3.5m plus 45° to 3.0m plus 45° on the front boundary and from 3m plus 45° to 2.5m plus 45° on other boundaries.

46. Mr Matheson recommends rejection of that submission.
47. The higher density zone is a key element of the Lakeside strategy. It is intended to do two things:
 - (a) to provide a different lifestyle choice within Te Kauwhata; and
 - (b) to assist in providing affordable housing through smaller section sizes.
48. Te Kauwhata benefits from having a variety of different residential standards allowing a range of different typologies. This includes the medium density 1:450 housing around the centre, through to some of the 750m² and 875m² in the special zones on the fringe, to the rural lifestyle blocks across the township boundary. What was lacking was the ability to create a higher density area where people who did not want large sections or could not afford large sections could still buy high quality homes. This was a key part of the Lakeside offer. The question then became how do you protect rural amenity. That was provided through the 43ha of what is effectively open space land that sits as public accessible and public usage property right within the Lakeside community.
49. There is clearly a significant portion of the community that cannot afford large sections or do not want the ongoing maintenance obligation of large sections. Lakeside provides for an element within the development for such higher density homes. The location is carefully chosen to ensure it is embedded within the Lakeside area, rather than at the interface. Consequently the development controls must facilitate this type of development. No private land other than that currently owned by LDL adjoins any higher density area. Anybody buying into the higher density area knows that their neighbours can build to these slightly more permissible development standards.
50. Reducing the height in relation to boundary controls will have a material and negative effect on the ability to achieve quality homes within these higher density areas. The standards at 3m plus 45° for side and rear boundaries and 3.5m plus 45° for front boundaries is a widely used control for medium density areas.

Residential living courts

51. A group of submitters is seeking to introduce a standard on living courts to prevent the overlooking of adjacent properties. Mr Matheson has largely supported this approach and is recommending that where a balcony is more than 1.5m above ground level and located alongside a side or rear boundary, a minimum separation distance of 5m is required between the balcony and those boundaries. He is suggesting this be applied in both the medium density and the higher density precincts.
52. I have a strongly held contrary view to this. To introduce such a control is not necessary and inappropriate for the following reasons. Furthermore it could undermine the very amenity in the higher density area that the provisions are seeking to achieve:
- (a) The issue for LDL is not with the rear yard where an upstairs balcony having a decent view would be a critical aspect anyway. The key issue is setting a 5m outlook set back from a side yard. Effectively what this means is that you cannot have any outdoor balcony living space from first floor living room accommodation facing a side boundary.
 - (b) Outdoor living areas should be orientated to the sun and/or views, both of which are extensive at Lakeside. Generally the views are to the east and south and the sun will be to the north and west. Careful design is put in place to maximise orientation and to design homes to take advantage of views and sun. Roads have been aligned to reduce the number of south-facing areas. This flexibility will be significantly compromised if this suggested rule is carried forward.
 - (c) The nature of the rule will lead to unintended consequences. For example, you cannot put a balcony within 5m of a side yard, but you can put floor to ceiling glazed windows along the same area which would give the same degree of overlooking of the neighbours. You could equally do ranchsliders with the modified Juliet balcony where the ranchslider line was at the wall line.

(d) These provisions apply to Lakeside only. People who move into this area know that these provisions apply. It is not like trying to protect residential properties that are long established and predate any plan change. Obviously there are a small number of properties which currently adjoin Lakeside, but they are relatively limited and none adjoin the higher density area.

(e) With the typical width of a section and with a 5m setback and the side yards applying on the other side of the property, there will be no room for the habitable rooms of the building plus a deck. What it will drive is small decks or no decks but large windows.

(f) The setback will significantly drive up cost. To fit a building envelope within a typical subdivision pattern will mean that there are big setbacks at the upper level. This will result in tanking costs for the deck as it inevitably builds out over the lower habitable floors.

53. With respect, I believe no change is required to the planning provisions in this matter and that the submissions should be rejected. Balcony setback will be controlled by yards and height in relation to boundary controls. Outdoor living on balconies should be encouraged and not penalised. The current controls are more than adequate to deal with amenity issues, particularly given this is a new zone where people are moving into an area/community where they understand the different nature, particularly in the higher intensity area.

Residential building setbacks

54. A group of submitters is seeking a variable setback on all front boundaries, or a 6m front yard.

55. Mr Matheson is recommending rejection of these submissions and I support his recommendation.

56. For the reasons outlined under daylight, the medium and higher density are a special residential package which will deliver a different range of lifestyle choices

than elsewhere within Te Kauwhata. The development controls have been carefully framed up to provide the residential outcomes set out within the Precinct Plan. A 6m front yard is not appropriate. The existing 3m control provides for good streetscape amenity, but enables larger rear yards and private open space than would apply with a 6m front yard.

Residential subdivision: General

Higher Density Area Subdivision

57. Two submitters (Ms Hume and Sharp Planning Solutions) seek the deletion of effectively the higher intensity precinct. Lakeside strongly opposes this. Mr Matheson recommends the submissions be declined.
58. The core structure of Lakeside has been well established through extensive consultation and stakeholder engagement process. It has been tested through PC20 and through the hearing process as part of PPC20.
59. It is part of creating a variety of housing opportunities in Te Kauwhata. It provides for those people who want to live in a community environment where open space is met in a mix of communal public open space and smaller private open space. That gives benefits in terms of land cost and in terms of ongoing property maintenance. It also assists in WDC meeting its growth management requirements.

Other Subdivision Controls

60. Lakeside also sought an amendment to the general subdivision controls which would allow a subdivision consent to be applied for concurrently with an application for a housing development.
61. Mr Matheson has suggested in the section42A report that this matter could be properly dealt with through the 'comprehensive subdivision' consents and therefore is not required.
62. It may be that I have not explained LDLs request well enough in the submission,

but this clause is intended for those developments that occur post obtaining 'comprehensive land development consent' and 'comprehensive subdivision' consent. For example, if a superlot is created, or terrace housing or papakainga housing is developed within a large lot approved under a comprehensive land development consent or comprehensive subdivision consent, then this provision would allow the development and subdivision of the superlot / terrace housing to be made as one single application. Otherwise the landowner is forced to make two applications. The first to get a land use consent and then the second one to get a subdivision consent.

- 63. The Council benefits from being able to scrutinise the development and the subdivision concurrently. The applicant benefits from a more efficient consenting process and greater certainty from a single rather than two consents.
- 64. While LDL does not anticipate that this would be an often used provision, nevertheless it is appropriate to allow the efficient consenting process by concurrently applying for the land use and subdivision component.

Section 17.5: Business Precinct and rules

- 65. LDL is seeking a number of minor drafting corrections to the business rules. These are supported by Mr Matheson. While these changes are generally minor, it is important that there is correct cross-referencing of the plan provisions.

Rural zone: General and application of rules

- 66. It would appear that in the drafting of the proposed plan, the Lakeside specific provisions relating to the general rules did not follow the same basis as the Lakeside rules and the Residential and Business zone. The LDL submission seeks to rectify this and bring that consistency. Mr Matheson supports that approach.

Rural permitted activities

- 67. LDL is seeking a number of changes to the permitted activity standards for the Rural zone as it relates to Lakeside. LDL is seeking to delete inappropriate uses

which are generally suitable in the general rural zone, but not suitable in Lakeside itself. This includes forestry activities (supported by Mr Matheson), farming practices and ancillary activities (not supported by Mr Matheson).

68. There is a context for lakeside that needs to be understood. When I first drafted PPC20 I had zoned all the open space as recreation zoning. In the pre-consultation with officers, they raised two points:

- The WDC Operative District Plan only provided for public land to be zoned Recreation/Reserve.
- At that stage a decision had not been made that the Council would accept vesting of all of the open space land.

Consequently Council officers suggested the land be zoned Rural because there was no appropriate zone within the WDC plan for open space. As a consequence, I developed and PPC20 was notified with effectively an open space overlay sitting across the Rural zone.

69. Demonstrably there are a number of activities which would normally be suitable in the Rural zone which are not suitable within the Lakeside overlay because of its primary open space function and because of its location within the flood plain. That is why the LDL submission seeks to remove these activities from the Rural zone that specifically and only applies to Lakeside. Changes LDL is seeking would have no flow-on effect anywhere else within the district. The plan is structured so that these exemptions would only apply within Lakeside.

70. The thrust therefore is to allow for pastoral farming but not other forms of farming and not associated uses. The section 42A report identifies that these type of uses are appropriate in the Rural zone and therefore the submission should be declined. I absolutely agree with Mr Matheson that the uses are generally appropriate in a Rural zone. What I think needs to be realised about this situation is that this zoning only applies for 43ha of land across the entire district. The question is what activities are appropriate within that 43ha. To make something a restricted discretionary or discretionary activity on 43ha of land, and then think it

could be appropriately turned down as being unsuitable, seems to me a difficult proposition in terms of managing a consenting process. Rather, I think the correct approach is to adjust the plan provisions so activities which are not suitable within the 43ha at Lakeside are not provided for. This land is demonstrably not part of the Rural Production Strategy for the region. Rather it is through the overlay tagged for open space activities. With respect, I think the correct question the Commissioners need to turn their mind to is 'what are the appropriate uses within the 43ha of Rural zone open space overlay at Lakeside'. In my view, those uses include pastoral but not other forms of farming, horticultural or quasi-residential uses such as homestays, home occupations etc. I believe the LDL submission should be supported in full.

Restricted Discretionary activities

71. This matter relates to the comprehensive land development consent matters addressed earlier in my evidence. I only highlight it here because this control was a significant omission from the Lakeside Rural section of the Proposed Plan as notified. It is a critical part of the control regime of the plan. If this correction is not made, then it would be possible to develop the open space land without going through the comprehensive land development consent process. This only detracts from getting an integrated planning approach for Lakeside. I support Mr Matheson's recommendation to include these provisions.

Discretionary activities

72. For the same principle as outlined for permitted activities, Mr Matheson has supported the deletion of a number of unsuitable uses including waste management, hazardous facilities, extractive industry, general industry etc. I support his recommendation.

Conclusion

73. LDL in principle is seeking to roll over the PPC20 provisions into the new proposed District Plan recognising there will be a requirement for some redrafting to fit the

format of the new plan.

74. With only very few exceptions, LDL supports the recommendations within the Council's section 42A report.
75. The critical issues which Mr Matheson has identified and is recommending which LDL strongly supports are:
 - (a) Amendments to the roading layout of Precinct Plans 1 and 2 to give better urban design outcomes.
 - (b) Retention of the higher intensity area within Lakeside recognising that this is a fundamental part of providing lifestyle choice and a range of housing typologies within Te Kauwhata. It also provides affordable housing opportunities.
 - (c) Adjustments to the comprehensive land development consent and comprehensive subdivision consents to allow flexibility around the location of walkways. This is primarily for biosecurity reasons. These remain restricted discretionary activity consents so Council still controls the outcome.
 - (d) Retaining the 3.5m + 45 degree daylight admission control in the higher intensity zones.
 - (e) Retaining the 3m front yard.
 - (f) Introducing the comprehensive land development consent control into the rural zone. This is important to ensure an integrated approach to the Lakeside development.
 - (g) Limiting inappropriate activities in the rural zone as they apply to the open space overlay and Lakeside.
76. The matters where LDL is seeking changes to the plan or a different recommendation to the Council's section 42A report are:

- (a) Deletion of the new stop bank area from the 'significant natural area' classification in the plan. An alternative that I have put forward in this evidence is to create works within the 'significant natural area' within the Lakeside Precinct as a **restricted discretionary activity** rather than a discretionary activity.
- (b) For Commissioners to reject the submissions seeking that outdoor living space (balconies) at the first floor be set back 5m from a boundary, particularly a side boundary. This change is supported in the Council's section 42A report. I hold a contrary view. Such a control is in my view detrimental to achieving the open space outcomes of the plan. The control is not necessary and will have a significant detriment impact on the design of any two storey buildings within the development. Seeing Lakeside is a very confined set of planning provisions, people moving into these areas are fully cognisant of the type of development that can occur at Lakeside.
- (c) To provide for a combined land use and subdivision consent for superlots or other forms of residential development. I see this as complementary to and not in substitution of a land use development consent. It provides appropriate mechanisms for the development of superlots.
- (d) The deletion of certain, what I believe are, unsuitable activities within the open space overlay applying to the rural zone within Lakeside. These include farming other than pastoral farming, horticulture or quasi residential uses such as homestays and home occupations.

77. In addition, Lakeside is requesting that the Commissioners gain a level of confidence from the appropriate Council officers that the Council will accept the vesting and maintenance of five parks. I only raise this because LDL believes it has had different feedback from the Council as to its ability to maintain this number of parks.

John Duthie