

BEFORE THE WAIKATO DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the submission points made by Allen
Fabrics Limited on the zoning provisions
of the Proposed Waikato District Plan
(Submitter No. 584) – **Hearing 25**

**STATEMENT OF REBUTTAL EVIDENCE OF ANDREW JAMES
CUMBERPATCH**

PLANNER

ON BEHALF OF ALLEN FABRICS LIMITED

3 May 2021

1.0 INTRODUCTION

- 1.1 My name is Andrew James Cumberpatch and I am a Principal Planner at Boffa Miskell Limited.
- 1.2 I am acting for Allen Fabrics Limited (AFL) in support of the rezoning of their land to the proposed Kimihia Lakes Zone.
- 1.3 I outlined my qualifications, experience, project background and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief (EIC) dated 17 February 2021.

2.0 PURPOSE AND SCOPE OF REBUTTAL EVIDENCE

- 2.1 I have read Council's Section 42A Report (the Section 42A Report) prepared by Robert van Duivenboden as well as the following statements of evidence from submitters, dated 10 March 2021:
 - a) Mike Wood for Waka Kotahi NZ Transport Agency (Waka Kotahi); and
 - b) Miffy Foley for Waikato Regional Council (WRC).
- 2.2 This statement of rebuttal evidence addresses issues raised in the Section 42A Report and the evidence of other submitters.
- 2.3 In addition, this rebuttal evidence summarises the outcomes of further engagement between the Kimihia Lakes project team and submitters.

3.0 SECTION 42A REPORT

- 3.1 In short, I am in agreement with the findings and conclusions made by Mr van Duivenboden in the Section 42A Report dated 16 April 2021.
- 3.2 I will however provide comment and clarification the following matters raised in the Section 42A Report in my rebuttal evidence below:
 - a) Site area and extent of zoning;

- b) Zone boundaries;
- c) Appendix 1 – Table of submissions points; and
- d) Appendix 2 – Recommended amendments to provisions.

Site area and extent of zoning

3.3 The original October 2018 submission to Council on behalf of AFL included a number of site plans. Sheet A01-02 (Existing Zone Plan) from the submission matches Figure 1 from the Section 42A Report (Extent of the original submission from Allen Fabrics Ltd).

3.4 However, Sheet A01-03 (Context Site Plan) from the submission shows a reduced area in hatching as the site subject to the submission; with the adjoining AFL owned land to the south shown as Residential Zone (as proposed by Council in the PWDP as notified). Sheet A01-03 is replicated and this 'southern Residential Zone area' is annotated below for reference as Figure 1.

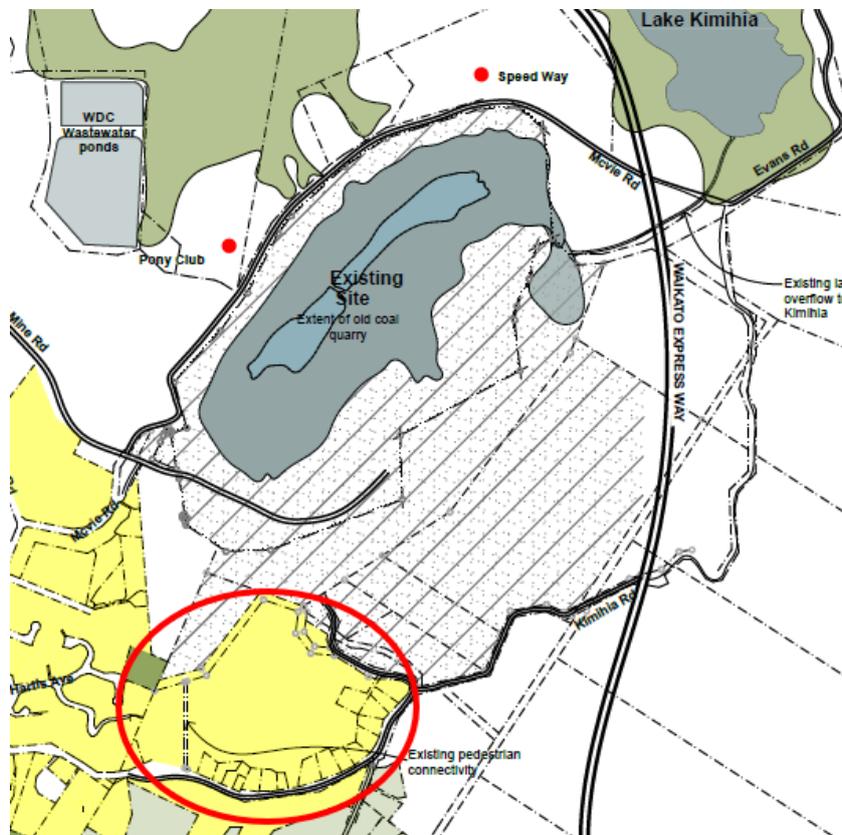


Figure 1 - Sheet A01-03 from October 2018 submission

3.5 Mr van Duivenboden states in the Section 42A Report:

21. The original AFL submission requested a residential precinct area within a new special zone to provide for residential development. This residential precinct area is no longer included in the submitter's request because sufficient neighbouring land was identified for residential purposes in the notified PWDP. This report assumes that the neighbouring land proposed urban (the large single lot marked x shown yellow (urban) below) is similar in statutory evaluation as the other Huntly Urban Zone extensions being considered.

22. For the purposes of this report, the urban land area notified (marked X) is excluded from this Kimihia Lakes Zone request and analysis.

3.6 I concur with the statement above, with the southern Residential Zone area marked X in the Section 42A Report.

3.7 However, I clarify that the October 2018 submission also originally sought to rezone the area of the site shown on Sheet A01-04 (Proposed Zone Plan) immediately north of the southern Residential Zone area from Rural to Residential. This area is shown in Figure 2 below.

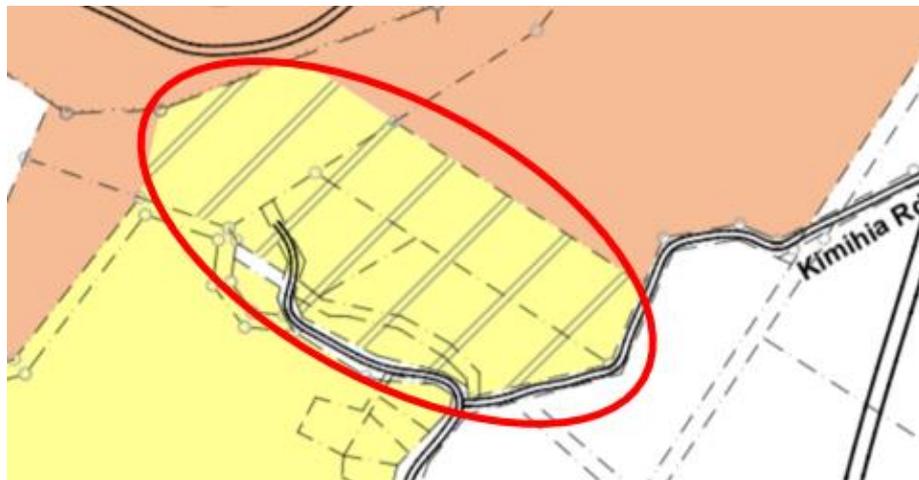


Figure 2 - Sheet A01-04 from October 2018 submission

3.8 It is the area shown in Figure 2 that I confirmed in my EIC¹ is now no longer sought for rezoning to Residential; with this area subject to the

¹ 5.9, 6.9 c) and 9.23 of my EIC

proposed Kimihia Lakes Zone. The map showing the extent of the proposed Kimihia Lakes Zone is included as Figure 3.

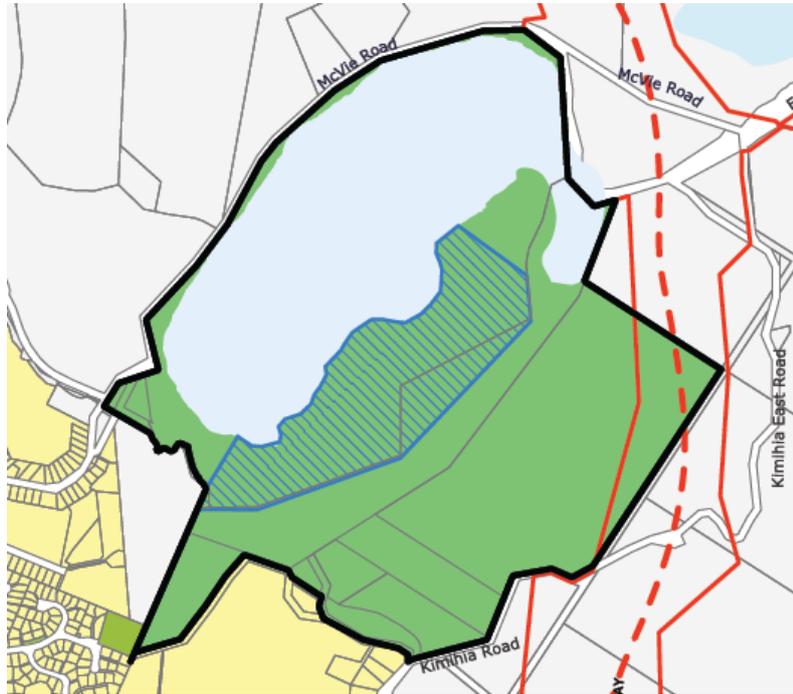


Figure 3 – Proposed Kimihia Lakes Zone extent

3.9 I consider it is important to clarify this point as the southern Residential Zone area did technically form the site area subject to AFL's original submission; however, no rezoning for this area was sought as such given it was Council that proposed the Residential zoning within the PWDP as notified.

3.10 Therefore, to confirm:

- a) No land is sought for Residential zoning by AFL beyond what was notified by Council in the PWDP; and
- b) AFL support Council's proposed rezoning of the southern Residential Zone area (the area marked X in the Section 42A Report).

Zone boundaries

3.11 The Section 42A Report considers a matter to be clarified is the eastern boundary of the proposed zone which is subject of discussion between Waka Kotahi and AFL.

- 3.12 Figure 13 of the Section 42A Report superimposes the proposed Kimihia Lakes Zone extent alongside the extent of Waka Kotahi’s Designation J19 for the Waikato Expressway within the PWDP as notified.
- 3.13 As outlined in 6.41 of my EIC, Waka Kotahi and myself are both aware that the extent of Designation J19 shown in the PWDP and Section 42A Report is inaccurate; with the designation extent shown in Figure 3 above reflecting the correct extent which is expected to be included in the decisions version of the PWDP.
- 3.14 AFL continue to be in discussions with Waka Kotahi and their property consultants in relation to the finalised boundaries. However, I am unable to provide anything meaningful in terms of a further update.
- 3.15 Regardless, I do not consider the extent of Designation J19 across the proposed Kimihia Lakes Zone to be problematic for the following reasons:
- a) An informal, albeit effective, boundary for the site to the east is formed by the now constructed Waikato Expressway;
 - b) The presence of the Waikato Expressway has been acknowledged in the Masterplan for the site; with no specific development envisaged for this far eastern side;
 - c) In the event that any works were proposed by AFL in this area based on the extent of Designation J19, Waka Kotahi’s approval under Section 176 of the Act would be required.
- 3.16 Overall, I concur with Mr van Duivenboden² that there are no reasons why a deferred decision on the proposed rezoning would be required.

Appendix 1 - Table of submissions points

- 3.17 Section 4 of the Section 42A Report provides a table summarising all the submissions received in relation to the proposed Kimihia Lakes Zone. Appendix 1 to the Section 42A Report replicates the same table

² 171 of the Section 42A Report

from Section 4 but includes the recommendations from Mr van Duivenboden in respect to each of the submission points.

- 3.18 A number of submissions³ included in Appendix 1 refer to the part of the site which was formerly proposed for rezoning to residential (shown in Figure 2 above), and specifically sought the following relief:

Amend the zoning of the parcels of land with the legal descriptions Allotment 746 Parish of Taupiri, Lot 20 DP 347582, Lot 21 DP 347582, Allotment 777 Parish of Taupiri and Lot 23A Section 463 Parish of Taupiri from Rural Zone to Residential Zone (See Table 6.1 of the submission for further details).

AND

Amend the Proposed District Plan to make consequential amendments as necessary to address the matters raised in the submission.

- 3.19 Mr van Duivenboden has recommended these submission points be accepted.

- 3.20 As no land is sought for Residential zoning by AFL beyond what was notified by Council in the PWDP, these submission points can be rejected by Council.

- 3.21 Furthermore, a number of submissions⁴ included in Appendix 1 also refer to the southern Residential Zone area (shown in Figure 1 above), and specifically sought the following relief:

Retain the Residential Zone on the parcels of land with the legal descriptions Lot 18 DP 347582, Lot 19 DP 347582, Sec 3 SO Plan 400374, Allot 515 Parish of Taupiri and Allot 789 Parish of Taupiri (See Table 6.1 of the submission for further details).

- 3.22 Mr van Duivenboden has also recommended these submission points be accepted.

³ 184.11 Vera Wennekers, 260.11 The Pam Fergusson Charitable Trust and Allen Fabrics Limited, 335.12 Willemien Wennekers, 584.11 Murray & Jennifer Allen for Allen Fabrics Limited and 880.4 Dave Falconer

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- 3.23 Whilst AFL do support the retention of the proposed residential zoning proposed by Council for these parcels of land, for the reasons set out in Clauses 21 and 22 of the Section 42A Report, for completeness and consistency it is considered that a recommendation on these submission points does not need to be made in the Section 42A Report.

Appendix 2 - Recommended amendments

- 3.24 Within Appendix 2 to the Section 42A Report, Mr van Duivenboden has replicated the provisions for the Kimihia Lakes Zone proposed by AFL.
- 3.25 As explained in Section 4 below, minor additions to the rules for the Kimihia Lakes Zone are now proposed in response to the statement of evidence on behalf of Waka Kotahi.
- 3.26 A copy of the updated Kimihia Lakes Zone provisions is attached as **Appendix 1** to this rebuttal evidence.

4.0 WAKA KOTAHI NZ TRANSPORT AGENCY

Submissions

- 4.1 The statement of evidence of Mr Wood on behalf of Waka Kotahi, dated 10 March 2021, makes a limited number of comments on the proposed Kimihia Lakes Zone.
- 4.2 I concur with Mr Wood that the relief sought in the submissions from AFL⁵ and Dave and Fransiska Falconer⁶ essentially seek the same outcome; being the rezoning of the former Solid Energy Huntly East Mine site from Rural to new Kimihia Lakes zoning with associated provisions.
- 4.3 Mr Wood confirms Waka Kotahi oppose the relief sought by Dave Falconer in his submission⁷. I can confirm the relief sought by Mr

⁵ 584.16 - Allen Fabrics - Requesting changes to Traffic Generation and Management Conditions for the Proposed Kimihia Lakes Recreation and Events Zone.

⁶ 271.1 - Dave and Fransiska Falconer - Add new zoning policy for a specific Kimihia Lakes Recreation and Events park zone, for the Lake Kimihia project and for the restoration of the former Solid Energy Huntly East Mine.

⁷ 880.4 - Dave Falconer - Amend zoning of a small portion of the land at Solid Energy's Huntly East Mine from Rural Zone to Residential Zone. This is to border historically Residential Zoned land.

Falconer no longer forms part of the Kimihia Lakes rezoning proposal; with no rezoning of land for residential purposes proposed by AFL⁸.

Waka Kotahi position

- 4.4 In 10.5 of his statement of evidence, Mr Wood confirms he is largely comfortable with the proposed rezoning, subject to resolution of two matters relating to signage and stormwater. I comment on these matters in the sections below.
- 4.5 On 1 April 2021, the Kimihia Lakes project team met with Mr Wood and other representatives from Waka Kotahi to discuss the project and the matters raised in Mr Wood's evidence.
- 4.6 Whilst signage and stormwater were not matters specifically raised within Waka Kotahi's original further submission in opposition⁹, the Kimihia Lakes project team are keen to work collaboratively with all parties with an interest in the project to address concerns where appropriate.

Signage

- 4.7 Mr Wood has sought the following additions to proposed Rule KLZ-R11 Signs:
- a) New clause limiting it to one sign on the site (consistent with PWDP proposed rule 22.2.6.1 Signs in Rural Zones); and
 - b) New clause which cross references the PWDP rule related to Signs – Effects on Traffic (a generic rule which applies across the PWDP zones).
- 4.8 Mr Wood considers these amendments are necessary to ensure consistency with the signage rules currently contained within the PWDP and so that Waka Kotahi can have input into any proposed signage which could give rise to safety effects along the new Huntly section of the Waikato Expressway.

⁸ 5.9, 6.9 c) and 9.23 of my EIC

⁹ It is noted the Section 42A Report has rejected Waka Kotahi's submission points

- 4.9 Given the scale of the Kimihia Lakes site and the various activities proposed, I am of the view that the inclusion of a performance standard requiring one sign per site is inappropriate in this instance.
- 4.10 Further, I consider that a number of the performance standards of PWDP Rule 22.2.6.2 (Signs – Effects on Traffic) are superfluous in the context of addressing safety effects on the Waikato Expressway as they refer to site entrances and intersections.
- 4.11 In considering the feedback from Waka Kotahi, the following performance standards from Rule 22.2.6.2 have been amended and included within proposed KLZ-R11 to apply to the Kimihia Lakes Zone:
- g) No more than one sign shall be directed at users of the Waikato Expressway and must:*
 - i. Not imitate the content, colour or appearance of any traffic control sign; or*
 - ii. Contain no more than 40 characters and no more than 6 symbols; and*
 - iii. Have lettering that is at least 200mm high.*
- 4.12 Based on email correspondence with Mr Wood, I am of the understanding that Waka Kotahi's concerns relating to signage provisions of the Kimihia Lakes Zone are resolved with the addition of the above¹⁰.
- 4.13 A copy of the updated Kimihia Lakes Zone provisions is attached as Appendix 1 to this rebuttal evidence.

Stormwater

- 4.14 As set out in 9.13b) of my EIC, a culvert was constructed under the new Huntly section of the Waikato Expressway at a level of RL 8.2m. The invert level of this culvert, located at the north-eastern corner of the site, effectively sets the future level of the lake within the former mine pit.

¹⁰ Email from Mike Wood to Andrew Cumberpatch, 7 April 2021

- 4.15 Mr Wood’s evidence states that Waka Kotahi is in discussions with the applicant around what consideration has been given (including the use of minimum floor levels) to addressing the downstream effects arising from potential blockage or failure of the culvert(s) that adjoin the site.
- 4.16 This matter was discussed at the meeting with Mr Wood and Waka Kotahi representatives on 1 April 2021.
- 4.17 It is was explained at this meeting that the Kimihia Lakes project team intend to undertake further technical investigations into the flood risks associated with the site and propose, if required, a minimum floor level for the site.
- 4.18 This work is currently being progressed and it is my intention to provide further information on this matter at the hearing.

5.0 WAIKATO REGIONAL COUNCIL

- 5.1 The statement of evidence of Ms Foley on behalf of WRC¹¹, dated 10 March 2021, states the following in relation to the Kimihia Lakes Zone:

The proposed rezoning allows for a non-urban form of development. WRC’s concerns in this instance are not at the strategic level but rather at a technical level relating to the management of the existing and proposed lakes and impacts on the existing drainage land area....

Withdraw opposition provided that WRC concerns around flooding and drainage can be addressed:

1. The stormwater reticulation for the proposed residential area having potential effects on the existing land drainage area.

2. Residual risk of flooding resulting from the possibility of a stopbank breach or overtopping in extreme events. The Waikato River current 100 year flood level affecting the area is RL 11.34 m. The area is protected from such a flood by the Huntly North Stopbank.

¹¹ It is noted the Section 42A Report has rejected WRC’s submission points

3. That minimum building platform levels can be established on the basis of modelling/ assessments of the following scenarios:

- a) Potential ponding levels resulting from a future (climate change) 100 year flow in the Waikato River causing a stopbank breach or overtopping*
- b) Potential ponding level resulting from a future (climate change) 100 year flow within the catchment with the drainage outlet (eg. Kimihia Floodgate) closed*
- c) Potential flood level for New Lake Kimihia resulting from a similar flood within the lake catchment.*

5.2 Again, I note drainage impacts were not a matter specifically raised within WRC's original further submission in opposition, which focussed on the strategic-level rezoning of land within the H2A corridor.

5.3 However, I respond to Ms Foley's comments below as follows:

- 1) No residential land is proposed as part of the Kimihia Lakes Zone.
- 2) To date no modelling has been undertaken to determine the residual risk of flooding resulting from the possibility of a breach to the Huntly North Stopbank or overtopping in extreme events.

It is noted that the site (as notified in the PWDP based on existing modelling) is located within the Defended Area, which does not require any specific mitigation requirements.

With WDC's Section 42A Report for Hearing 27C (Flood Hazards and Defended Areas) not recommending any amendments to these existing Defended Area requirements, it is considered undertaking any modelling for the wider catchment at this stage, until such time as decisions are made on Hearing 27C, would be potentially counter-productive.

- 3) As per 4.17 above, a minimum building platform for the site is being considered further.

5.4 It is my intention to provide further information on these matters at the hearing.

Andrew Cumberpatch

3 May 2021

Appendix 1 – Updated Kimihia Lakes Zone Provisions

Kimihia Lakes Zone (KLZ)

Table 1 - KLZ Objectives

KLZ-O1	The Kimihia Lakes Zone develops into a regionally significant facility, that provides for the recreational needs and well-being of people and communities.
KLZ-O2	Buildings, structures and activities do not adversely affect the amenity values or landscape character of the surrounding environment.

Table 2 – KLZ Policies

KLZ-P1: Operation and development	<ul style="list-style-type: none"> (a) Provide for buildings, facilities and infrastructure that will enable the development of the Kimihia Lakes Zone. (b) Provide for a range of activities that enable the operation of the Kimihia Lakes Zone, including recreation, sporting, educational and environmental activities.
KLZ-P2: Development Precinct	<ul style="list-style-type: none"> (a) The Development Precinct is characterised by a cluster of buildings, facilities, associated infrastructure and landscaping which forms an attractive, central lakeside hub for the Kimihia Lakes development. (b) The location of compatible activities within the Development Precinct supports the operational needs of the zone and its visitors.
KLZ-P3: Open Space	Areas of the Kimihia Lakes Zone outside of the Development Precinct are characterised by vegetated areas and open space that are retained for a range of rural, recreation and environmental enhancement activities.
KLZ-P4: Environmental Enhancement	Environmental initiatives are provided within the Kimihia Lakes Zone to enable the ongoing enhancement of the lake and surrounding natural environment.
KLZ-P5: Education	Educational initiatives which provide learning opportunities for students and youth are encouraged.
KLZ-P6: Tourism Significance	The on-going development of the Kimihia Lakes Zone as a regionally significant facility is enabled, whilst providing for the general public to use and enjoy the facilities.
KLZ-P7: Management of Adverse Effects	<p>Adverse effects are managed to ensure the operation of the site does not detract from the amenity of surrounding land uses, and in particular by:</p> <ul style="list-style-type: none"> (a) Encouraging development to occur within the Development Precinct, so that it is located centrally on site and away from neighbouring land uses; (b) Managing the interface of the zone with other zones so that adverse noise and lighting effects on the surrounding zones are minimised; and (c) Managing the adverse traffic effects to ensure the safe and efficient operation and functioning of the adjacent transport network and efficient access to surrounding facilities is maintained at all times; and (d) Ensuring signs that are visible from, or located in close proximity to, a public road are sited to ensure the safe functioning of the public road.

Table 3 - Kimihia Lakes Zone (KLZ) – Rules

All permitted activities must comply with the relevant activity specific conditions, as well as the general performance standards listed in Table 6.

Activity		Activity specific conditions
Permitted activities		
KLZ-R1	Buildings and structures	All buildings and structures must comply with the following standards: (a) The maximum height of any building must not exceed 10m. (b) The maximum building coverage of any individual building must not exceed 150m ² . (c) A building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary. (d) A building must be setback a minimum of: i. 12m from the boundary of a road (except East Mine Road where it is located within the Kimihia Lakes Zone); ii. 25m from the designation of the Waikato Expressway; iii. 12m from the boundary of a site that is within a separate zone; iv. 25m from the margin of any water body.
KLZ-R2	Construction of structures in and/or over the lake, including (but not limited to) jetties, piers, pontoons and walkways	Nil
KLZ-R3	Up to two dwellings	(a) The dwellings must be only for the use of a manager, caretaker, or other employee on the Kimihia Lakes site, and their household.
KLZ-R4	Operational facilities	Nil
KLZ-R5	Recreation activity and facilities	Nil
KLZ-R6	Outdoor education	Nil
KLZ-R7	Farming	Nil
KLZ-R8	Conservation activities	Nil
KLZ-R9	Bee keeping	Nil
KLZ-R10	Temporary event	(a) The duration of each event must be less than 72 hours; (b) The event may operate between 7.30am to 8:30pm Monday to Sunday; (c) Temporary structures must be removed no more than 3 days after the end of the event; (d) The site must be returned to its previous condition no more than 3 days after the end of the event; (e) Any activity attracting more than 1,100 people in any given hour must provide a Traffic Management Plan (TMP) for approval by the Road Controlling

		<p>Authority. The TMP must include, but is not limited to:</p> <ol style="list-style-type: none"> i. Proposed timing and scale of activities, including the contact details for the event organiser; ii. Consideration of potential conflict with events at the Huntly Speedway; iii. Details of active traffic management at the Great South Road / East Mine Road intersection; iv. Details of journey management initiatives reducing traffic demand at the Great South Road / East Mine Road intersection; v. Details of temporary on-site parking provision; and vi. Details of how off-site parking is to be controlled to avoid parking occurring on the local road network.
KLZ-R11	Signs	<ol style="list-style-type: none"> (a) A sign must not exceed 3m²; (b) The sign height must not exceed 10m; (c) Illuminated signs visible from the outside of the site must not: <ol style="list-style-type: none"> i. Have a light source that flashes or moves; ii. Contain moving parts or reflective materials; (d) Signs must be set back at least 7.5m from an external zone boundary; (e) Signs must be set back at least 15m from the designation of the Waikato Expressway; (f) Any sign visible from the outside of the site must relate to: <ol style="list-style-type: none"> i. An event within the Kimihia Lakes Zone; or ii. A property name sign. (g) <u>No more than one sign shall be directed at users of the Waikato Expressway and must:</u> <ol style="list-style-type: none"> i. <u>Not imitate the content, colour or appearance of any traffic control sign; or</u> ii. <u>Contain no more than 40 characters and no more than 6 symbols; and</u> iii. <u>Have lettering that is at least 200mm high.</u>
KLZ-R12	Earthworks	<ol style="list-style-type: none"> (a) Areas exposed by earthworks are re-vegetated must achieve 80% ground cover within 6 months of the commencement of the earthworks except where earthworks are for the purposes of creating infrastructure or facilities for recreation, events and access, no re-vegetation is required; (b) Sediment resulting from the earthworks must be retained on the site through implementation and maintenance of erosion and sediment controls; (c) The importation of fill material to site must meet the following conditions: <ol style="list-style-type: none"> i. Does not restrict the ability for land to drain; ii. Is not located within 1.5m of public sewers, utility services or manholes;

		iii. The sediment from fill material is retained on the site.
KLZ-R13	The use, storage or disposal of hazardous substances	(a) The aggregate quantity of any hazardous substances of any hazard classification on a site must be less than the quantity specified for the Kimihia Lakes Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances); (b) The storage or use of radioactive materials must be in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
Restricted Discretionary Activities		
KLZ-R14	Buildings and structures that do not comply with a condition listed in KLZ-R1	<u>Council's discretion is restricted to the following matters:</u> (a) Effects on amenity values; (b) Building location, bulk and design; (c) Proximity to the road and Waikato Expressway; (d) Effects on landscape character; and (e) Flooding effects.
KLZ-R15	Dwellings that do not comply with a condition in KLZ-R3	<u>Council's discretion is restricted to the following matters:</u> (a) Effects on amenity values
KLZ-R16	Signs that do not comply with a condition listed in KLZ-R11	<u>Council's discretion is restricted to the following matters:</u> (a) Effects on amenity values; (b) Effects on traffic safety; (c) Effects of glare and light spill; (d) Content, colour and location of the sign; and (e) Proximity to the road.
KLZ-R17	Earthworks that do not comply with a condition listed in KLZ-R12	<u>Council's discretion is restricted to the following matters:</u> (a) Contamination of fill material; (b) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (c) Flood risk, including natural water flows and established drainage paths; (d) Land instability, erosion and sedimentation; and (e) Proximity to underground services and service connections.
Discretionary Activities		
KLZ-R18	Events that do not comply with a condition in KLZ-R10	
KLZ-R19	The storage, use or disposal of hazardous substances that do not comply with a condition in KLZ-R13	
KLZ-R20	Any permitted activity that does not comply with a general performance standard in Table 6.	
Non-complying activities		
KLZ-R21	Any activity that is not listed as permitted, restricted discretionary or discretionary	

Table 4 - Kimihia Lakes Zone (KLZ) – Rules – Subdivision

Activity		Activity specific conditions
Restricted Discretionary Activities		
KLZ-R22	General subdivision	<p>General subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (a) The Record of Title to be subdivided must be at least 20 hectares in area; (b) The proposed subdivision must create no more than one additional lot, excluding an access allotment; (c) The additional lot must have a proposed area of between 8,000m² and 1.6ha; and (d) Land containing high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows: <ul style="list-style-type: none"> i. one lot must contain a minimum of 80% of the high class soil; and ii. the other lot may contain up to 20% of high class soil. <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) Subdivision layout and design including dimensions, shape and orientation of the proposed lot; (b) Effects on character and amenity values; (c) Effects on landscape values; (d) Potential for reverse sensitivity effects; and (e) Extent of earthworks including earthworks for the location of building platforms and accessways.
KLZ-R23	Boundary relocation	<p>The boundary relocation must:</p> <ul style="list-style-type: none"> (a) Not result in any additional lot; (b) The Records of Title must form a continuous landholding; and (c) Create one lot of at least 8,000m² <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) Subdivision layout and design including dimension, shape and orientation of the proposed lots; (b) Effects on character and amenity values; (c) Effects on landscape values; and (d) Potential for reverse sensitivity effects.
Discretionary Activities		
KLZ-R24	A boundary relocation that does not comply with a condition in KLZ-R24.	
Non-complying activities		
KLZ-R25	General subdivision that does not comply with a condition in KLZ-R23.	
KLZ-R26	Any subdivision not provided for.	

Table 5 - Development Precinct (DPREC) – Rules

Activity	Activity specific conditions
Permitted activities	

DPREC-R1	Any activity that is permitted in the KLZ in Table 3.	Refer to the activity specific condition as listed in Table 3, except that the activity specific conditions for KLZ-R1 do not apply to buildings and structures within the Development Precinct.
DPREC-R2	Buildings and structures	All buildings and structures within the Development Precinct must comply with the following standards: (a) The maximum height of any building must not exceed 15m. (b) A building must be set back a minimum of 25m from the margin of a lake.
DPREC-R3	Travellers accommodation	Nil
DPREC-R4	Restaurants and cafes	Nil
DPREC-R5	Ancillary retail	Retail activities must: (a) Be ancillary to any permitted activity within the KLZ; and (b) Not exceed 50m ²
DPREC-R6	Community facility	Nil
DPREC-R7	Museums	Nil
DPREC-R8	Ancillary office	Offices must: (a) Be ancillary to any permitted activity within the KLZ; and (b) Not exceed 50m ²
Restricted Discretionary Activities		
DPREC-R9	Buildings and structures that do not comply with a condition listed in DPREC-R2	<u>Council's discretion is restricted to the following matters:</u> (a) Effects on amenity values; (b) Building location, bulk and design; (c) Effects on landscape character; and (d) Flooding effects.
Discretionary Activities		
DPREC-R10	Retail activities that do not comply with a condition in DPREC-R5	
DPREC-R11	Offices that do not comply with a condition in DPREC-R8	
DPREC-R12	Any permitted activity which does not comply with a general performance standard in Table 6.	
Non-complying activities		
DPREC-R13	Any activity that is not listed as permitted, restricted discretionary or discretionary.	

Table 6 – General Performance Standards

<i>Rules KLZ(1) – (4) are general performance standards for all permitted and restricted discretionary activities in the KLZ.</i>	
KLZ(1)	Noise - General
	All activities must comply with the following noise standards:

	<p>(a) Noise measured within the notional boundary on any site in the Residential Zone and Rural Zone must not exceed:</p> <ol style="list-style-type: none"> i. 55dB (LAeq), 7am to 7pm every day; ii. 45dB (LAeq), 7pm to 10pm every day; and iii. 40dB (LAeq) and 65dB (LAm_{ax}), 10pm to 7am the following day. <p>(b) Noise measured within any site in any other zone not specified above must meet the noise levels permitted for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise.</p>
KLZ(2)	<p>Noise – Construction</p> <p>(a) Construction Noise must meet the limits in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise.</p>
KLZ(3)	<p>Noise – Noise Management Plan</p> <p>(a) Prior to development, a Noise Management Plan must be prepared and in place at all times that details the measures to be implemented to ensure that noise within the site does not exceed the limits specified in Rule KLZ(1).</p> <p>(b) The Noise Management Plan must as a minimum, provide details of the following measures:</p> <ol style="list-style-type: none"> i. Procedures and protocols for the setting up, installation and monitoring responsibilities (including reporting) of the noise monitoring device (microphone) located within the Kimihia Lakes development; ii. Procedures for the ongoing testing and calibration of the noise monitoring device (microphone); iii. The erection of any necessary barriers for the purpose of reducing noise emissions; iv. The design and operation of any public address system with respect to management of noise emissions; v. Procedures to monitor all activities and events that may meet the noise levels specified in Rule KLZ(1).
KLZ(4)	<p>Glare and artificial light spill</p> <p>(a) Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically from the boundary of a site that is within a separate zone;</p> <p>(b) Rule KLZ(4)(a) does not apply to streetlights, navigation lights or from vehicles or equipment used in farming activities.</p>

Table 7 - Amendments to Chapter 14: Infrastructure and Energy

Rule reference	Existing Rule	Proposed Amendment
14.12.1.1	<p>All activities must comply with the following vehicle access conditions:</p> <p>....</p> <p>(e) On a site with legal access to two roads, the activity only accesses the road with the lower classification in the road hierarchy in Tables 14.12.5.5 and 14.12.5.6 (where the roads have the same classification, access is only to the road with</p>	<p>Add underline:</p> <p>...</p> <p>(e) On a site with legal access to two roads, the activity only accesses the road with the lower classification in the road hierarchy in Tables 14.12.5.5 and 14.12.5.6 (where the roads have the same classification, access is only to the road with the lower average daily traffic movements) <u>except in the Kimihia Lakes Zone where this rule does not apply;</u></p>

	the lower average daily traffic movements);	
14.12.1.4	Any activity must comply with the following traffic generation conditions: ...	Add underline: ... <u>(j) Within the Kimihia Lakes Zone there is a maximum of 850 vehicle movements per hour and no more than 15% of these vehicle movements are heavy vehicle movements.</u>
14.12.1.8	Off-road pedestrian and cycling facilities that comply with all of the following conditions: ...	Add underline: ... (a) <u>In the Kimihia Lakes Zone there must be no activity specific conditions.</u>

Amendments to Appendix 5: Hazardous Substances

Add the Kimihia Lakes Zone to the table with the standards for Rural and Reserve Zone.

New proposed definitions:

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

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

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

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

Community facility (as proposed in the National Planning standards): Land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.