

WAIKATO DISTRICT COUNCIL: PLAN CHANGE 20

LAKESIDE DEVELOPMENT

EVIDENCE OF JOHN ROBERT DUTHIE: PLANNING

27 February 2018

INTRODUCTION

Qualifications and experience

1. My name is John Robert Duthie. I hold a Bachelor of Town Planning from the University of Auckland. I am a member of the New Zealand Planning Institute. I have 40 years' experience in planning in New Zealand in both the public sector and private sector. I have been involved in all fields of planning including rural, urban and coastal planning. I have provided planning advice in the masterplanning process and provided planning services to a range of major comprehensive developments. This has included work in planning policy, plan changes, masterplanning, consenting and development control.
2. I have been providing planning advice to Lakeside Development 2017 Limited since they first considered purchasing the Lakeside block in 2016. I have provided planning input into the masterplan process, participated in the consultation process, engaged with Council officers and appointed consultants over the key planning issues for Lakeside development, and I have been heavily involved in the preparation of this private plan change.
3. I prepared the planning report and co-authored the section 32 report forming part of this application. I wrote the initial plan change and have been directly involved in the discussions with the Council and other stakeholders as the initial draft has been refined to form the plan change currently before Commissioners.
4. I have visited the site on a number of occasions.
5. I am fully aware of the Environment Court Code of Conduct for professional experts and have prepared this evidence in terms of that code.

Scope of evidence

6. My planning report which accompanied this plan change request contains a detailed summary of the objectives and policies and methods of the plan change, the new zoning, the detailed site specific provisions and controls, and how the plan change will deliver the planning outcomes for Lakeside.
7. Mr Dawson, in the Council's report, has also summarised the intent and methods of the plan change. For reasons of brevity, I do not repeat that information in this evidence. These two analyses by myself and Mr Dawson include a detailed assessment of the effects of the plan change and consideration of the statutory tests which the Council must be satisfied of in granting this application. I do however adopt and rely on the information in this regard which I have set out in my original planning report for this plan change.
8. In this evidence I have focused on the key planning issues raised through submissions.

OVERVIEW

9. The Lakeside development as embodied in plan change 20 is fundamentally about:
 - (a) Providing for growth within the northern Waikato area. This growth is originating in part from Auckland and in part from the general Waikato area. These issues were extensively addressed in the section 32 reports.
 - (b) Providing greater lifestyle choice in part of the Lakeside area by introducing a higher density typology to the Te Kauwhata community than currently exists. This allows people who cannot afford large sections to enter the housing market. It also allows people who do not want the obligations of maintaining large properties to remain in or enjoy the Te Kauwhata community.
 - (c) Providing a form of neighbourhood with significant areas of common open space by making the current farmed flood plain into an accessible large open space area with dual flood management and open space landscape functions.

- (d) For the first time, opening up a substantial portion of the Lake Waikare foreshore to public access. This has significant amenity and passive recreational opportunities. It also could provide the first stage in a catalyst to the progressively upgrade water quality within Lake Waikare.
- (e) Through innovative technology in wastewater treatment and in best practice solutions in stormwater management, and by retiring dairy farmland adjoining the lake edge; to improve water quality entering the lake. The evidence will show significant improvement in the water quality entering the lake. The problem remains that the lake is so large and in such poor condition that once the significantly improved water quality from Lakeside enters the lake, the dilution with the existing poor quality will mean the benefits are there but minimal on a “whole of lake” evaluation.
- (f) Recognising the cultural and spiritual significance of Lake Waikare through:
- the vesting of a headland in mana whenua to acknowledge the history of this area;
 - the quality of environmental engineering; and
 - native regeneration of key parts of the land.
- (g) Reinforcing the Te Kauwhata town centre by extending the walkable catchment for the village and reinforcing the overall catchment. Complementing this is a limited community hub which will provide the necessary top-up services for local residents but constrain development so as not to undermine the economic viability of the village. In fact, the additional population will reinforce economic viability within the centre.
- (h) Ensure integrated comprehensive development of neighbourhoods through requirements for and controls on major subdivision and land development.
- (i) Provide the opportunity for a dedicated retirement village to provide specifically designed housing and associated services for the elderly.
10. All these issues were addressed in the plan change request and associated reports lodged with the Council. Where these issues have been raised in submissions, they are also addressed in the evidence either by myself or other witnesses called by LDL.

11. The plan change request addresses why Lakeside is the next logical development area within Te Kauwhata. Essentially:
- (i) This is the block of potential development land closest to the town centre and the greatest opportunity to extend the walkable catchment and reinforce the economic viability of the centre. It is noteworthy that Te Kauwhata has grown north to the Whangamarino wetland, east and west. The missing part is the southern portion of Te Kauwhata and providing an area of urban development adjacent to the southern part of the town centre.
 - (ii) This is the closest and best opportunity to open up public access to Lake Waikare, which is a significant objective of the Te Kauwhata Precinct Plan.
 - (iii) The land is unique in that, because it is a peninsula between the lake and the railway, it has the least impact on adjacent properties.
 - (iv) The land can successfully manage the interface with the rural area by providing that interface within the Lakeside block itself.
 - (v) The land is the next closest expansion area to the Te Kauwhata rail station, assuming the government proceeds with its election promise to reinstate passenger rail connections between Auckland and Hamilton.
12. In my view, the plan change is also consistent with the core regional strategy for growth. In particular:
- (a) This location reinforces the region's strategy that growth within Waikato should focus on Hamilton and existing established centres, rather than try to establish new centres.
 - (b) This growth capacity helps Waikato District Council meet its targets under the National Policy Statement on Urban Development Capacity 2016. It responds to the significant and accelerated growth within the northern Waikato which is currently in excess of earlier predicted trends. The support of the Futureproof Implementation Committee for the plan change illustrates this broader regional perspective that growth in the Te Kauwhata area is appropriate.

- (c) The development is proceeding in a planned integrated manner. This is done on the basis of both physical and social infrastructure, environmental considerations and the quality of landscape, urban design and neighbourhood amenity.
- (d) Innovative technologies are employed in wastewater infrastructure and best practice solutions in stormwater management. Issues of 'lack of certainty' over the wastewater solution have arisen because of the Waikato District Council review of long-term wastewater solutions. Lakeside delivers an approach which will provide both immediate wastewater treatment solutions which are capable of forming the long-term solution, or futureproofed to provide for the various pipeline options which WDC are currently investigating. This is expanded on in the evidence of Mr Gardiner.
- (e) During the process of this plan change, biosecurity matters have arisen. They were not adequately addressed in the plan change as notified but are specifically addressed in this evidence and appropriate biosecurity management practices adopted.

SUBMISSIONS AND FURTHER SUBMISSIONS

13. Thirty four submissions have been lodged to the application (including a late submission by KiwiRail), plus four further submissions. Submissions come from:
- statutory authorities such as Waikato District Council (WDC), Waikato Regional Council (WRC) and the Department of Conservation (DOC);
 - public interest groups;
 - individual property owners.
14. A number of submissions/further submissions raise multiple points.
15. The Council's report summarises the submissions. I agree that is a good summary of the issues and I do not repeat them here. Rather, this evidence focuses on the planning issues raised by submitters and offers my planning analysis of those matters.
16. I have grouped these planning issues into the following topics:

- (a) the whole plan;
- (b) the character of Te Kauwhata;
- (c) growth and density;
- (d) treatment of open space;
- (e) impact on Lake Waikare;
- (f) ecological and biosecurity matters;
- (g) issues for mana whenua;
- (h) wastewater;
- (i) stormwater;
- (j) flood plain;
- (k) transport;
- (l) reverse sensitivity – farming;
- (m) KiwiRail;
- (n) other matters raised in submission;
- (o) specific plan change provisions.

MODIFIED PLAN CHANGE REQUEST

17. Following the closing of submissions, I undertook a detailed analysis of the relief sought by all submitters and made a series of recommendations to LDL which LDL supported. In some cases this followed negotiations with submitters, particularly KiwiRail.

18. I then advised Council officers and the reporting planners of the changes LDL would promote at the hearing. These have helpfully been picked up in the tracked change version provided within the Council's section 42A report.

19. These changes included:

- cross-referencing to the Regional Policy Statement provisions;
- strengthening the assessment criteria on wastewater;
- strengthening provisions on managing the flood plain;
- policies and assessment criteria relating to biosecurity and alligator weed;
- a comprehensive range of amendments relating to KiwiRail and reverse sensitivity and road crossing effects;
- lifting the minimum site size in the higher density zone from one unit per 200m² to one unit per 225m²;
- assessment criteria on future public transport;
- assessment criteria on urban design and compliance with the Precinct Plan;
- assessment criteria recognising the dual stormwater and ecological functions of natural stormwater facilities.

20. The Council's section 42A report supports the rezoning and the plan change. A number of amendments are recommended to the provisions. I have analysed all those recommended amendments. With the exception of the provisions outlined in paragraphs 25 to 65 below, I support all the requested amendments within the section 42A report. LDL equally supports those changes. I appreciate the Council planning officers and consultants who have provided good feedback and a free flow of information over suggested changes to the plan change, some by LDL following review of the submissions and some by the reporting planners.

21. There are six recommended changes I do not support and one other amendment that I think needs to be made to the plan change. There are also five minor corrections or consequential amendments that I think also need to be made to the plan change.

22. I have set out below my views on the substantive issues I think need to be modified. These relate to:

- carparking;
- the trigger for building the second access road;
- urban design assessment criteria;
- notification issues for the Lakeside front walkway;
- sediment control during earthworks;
- road crossing review;
- open space impact on road crossing.

I have included an extract from the section 42A report and in particular the plan change attached to that report. The changes that I am supporting are highlighted in yellow.

23. I then list a series of minor corrections I think appropriate.

Carparking

24. The notified plan change provided for one car space per dwelling on sites up to 300m² and two spaces per dwelling on sites over 300m².

25. This meant that all dwellings within the medium density part of the precinct would provide two carparks and dwellings within the higher density zone would provide one carpark on the smaller sites and two carparks on the larger sites (greater than 300m²).

26. The Council's section 42A report is recommending that dwellings with only one bedroom provide one carpark per dwelling and with two or more bedrooms provide two carparks per dwelling.

27. I do not support this change. I believe the notified provisions are the correct method and standard to control parking. If there is to be a change it should not be based on bedrooms but rather on gross floor area (gfa). I am aware that Council's do trigger parking standards based on gfa. Mr Carr in his analysis identified a trigger of 150m² gfa as appropriate to distinguish between one car space and two car spaces. I support the plan change as publicly notified but would also support a control

which said that developments in the higher density zone with a gfa of 150m² gfa would require 2 car spaces.

28. The 42A Council report recommending a change in the way carparking is calculated has a very significant impact on this development and, with respect, does not achieve the planning outcomes that the original control was set up to achieve.
29. The parking control as notified provided one car space per site for sites under 300m² and two carparks for sites greater than 300m². All the medium density housing area therefore provides two car spaces. In the higher density zone there is an option of one or two car spaces depending on the size of the site. The minimum average is 250m² but obviously parts of the higher density area may contain sites of 300m² or more. That is why the control is set up on a site area basis rather than on a sub-precinct (medium/higher density) basis.
30. One of the key objectives of the higher density zone is to provide a greater range of market affordable housing in the Te Kauwhata area. It is common understanding in the development, planning, urban design and architecture community that a key tenet of market affordable housing is smaller homes on smaller sites. One of the key objectives and planning outcomes for Plan Change 20 will be to offer market affordable housing in Te Kauwhata in high quality landscaped neighbourhoods. Adding a second car space compounds the problem by adding both land cost and building cost.
31. My experience is that the vast majority of single household or couple household (husband and wife or partners) want two bedrooms. The second room will be used as an office, hobby room or other facility and a guest bedroom for visitors. Apart from social housing and apartment buildings, the market is not providing one bedroom standalone homes.
32. I do extensive work in retirement village planning. The vast majority of these developments seek two bedrooms, only one of which is used as a permanent bedroom. The other is used for an office, hobby room, and a place for grandchildren to stay when they visit.
33. One of the benefits about Lakeside is that there is choice. If people want two car garaging, then they can purchase sites where they can readily build that facility. If they need the more cost-effective construction, they can purchase a smaller site with single garaging.

34. In my view, the appropriate planning approach is to give people the choice of the number of parking facilities they purchase.
35. I have also given thought to the consequences of a cumulative number of people buying a single car garage property only to then have two cars.
36. The nature of the design of the neighbourhoods provides a significant amount of on-street parking anyway. However, surely the key consideration is that if there is a disproportionate amount of on-street carparking, the impact of that will be within the Lakeside development itself. This is not a small subdivision embodied within existing areas where any spill over carparking will be on to the surrounding street network outside other people's properties. In this case the effects will be contained within the Lakeside subdivision, a subdivision in which everybody buying into the higher density areas understands the parking situation.
37. In the higher density precinct, there can be a mix of two and three bedroom homes. Some owners will want a second car and there is the opportunity for those people to provide a space. However, if there is a requirement for each development to have two car spaces, then this affects:
- affordability because there needs to be more land area and more built area;
 - streetscape because you get a disproportionate number of double garage doors which will impact the visual perception of the street;
 - you get a lot of dual driveways which in turn reduces the amount of on-street parking;
 - tandem parking is possible but it still impacts affordability because you need more land area in the depth of the site.
38. In my view, the right planning approach is to set a control based on one car space for smaller sites. Then it is left to the choice of the owner as to whether they want to buy a larger site for more cars or want to reconfigure one of the smaller sites to provide for two cars.
39. In my opinion, the original control is publicly notified is the correct and most appropriate control to manage parking. It gives individual choice to people as the level of parking they want to procure. It prevents disproportionate areas of the site being set aside for parking if people only want the one vehicle. It helps achieve market affordable housing by not requiring someone to purchase more land and build more building on the off chance they might want an additional carpark.
40. The provisions I support are as follows. Essentially this is the notified version.

<p><u>21E.2.6</u> <u>Carparking</u></p>	<p><u>21E.2.6.1</u> <u>Any activity is a permitted activity if:</u></p> <p>(a) <u>for a residential activity on sites of 300m² or less with 1 bedroom, provide a minimum of one carparking space per dwelling for a residential activity</u></p> <p>(b) <u>for a residential activity on sites greater than 300m², with two or more bedrooms, provide a minimum of two carparking spaces per dwelling for a residential activity [TKCC 23.12]</u></p> <p>(c) <u>for a retirement village, it provides a ratio of 0.5 per dwelling and one visitor space for every 10 residents.</u></p> <p><u>These controls shall apply instead of the standards in Table 1 of Appendix A2.</u></p>
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Second access trigger

41. The second request from LDL relates to the trigger on building the second road access. It has been agreed between the Council and LDL, and the various traffic experts, that the second access must be built at the time either 400 sites are subdivided or dwellings built. The reason that dwellings were factored into the rule was that obviously the retirement village may end up on one title but with multiple dwellings (independent living units) within that title.
42. Currently the provisions as drafted refer to sites and/or dwellings. The difficulty is with the word “and”. LDL is asking that in each place where this provision occurs, it should read as “sites or dwellings”. The amendment I am recommending clearly addresses the issue of the retirement village and ensures that once 400 sites or homes are built, the second road is required.
43. The current drafting as “and/or”, means it is possible to subdivide 200 sites and then build a dwelling on each site. That would actually give 400 sites and dwellings.
44. This is clearly not the intention of the provisions, nor is it the evidence of any of the experts. It has simply been a drafting issue that has existed since notification.
45. I have considered the issue of scope. However, as this change would simply be a clarification of the clear intent of the rule as covered off in the section 32 report forming part of the notified plan change, I do not believe there is a scope issue.
46. This issue appears in a number of places within the plan change. I have set out all these occurrences in Appendix A to this evidence. Below is an example of how this applies to Rule 21E.2.1 dealing

with the secondary road access. This provision equally applies to the comprehensive land development consents.

Secondary Road Access Control

A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be open for traffic before the number of lots and/or dwellings in the Lakeside Precinct Plan Area exceeds 400.

For the purpose of this rule, exceedance of 400 lots shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of dwellings shall occur at the time of issue of building consent for the dwelling.

Urban design assessment criteria

47. The third aspect relates to the assessment criteria on urban design and visual assessment. In particular, the first criteria is “*the proposal integrates and connects with the Te Kauwhata township and the rest of the Lakeside Precinct as shown on the masterplan required by 21E.5.1, including the appropriateness of the development’s response to the medium density and high density precincts and the proposed urban form”.*
48. I fully support the black text dealing with integration with the township and the rest of the Lakeside Precinct as shown in the Precinct Plan. The words in red which state “*including the appropriateness of the development’s response to the medium density and high density precincts and the proposed urban form*” is vague and uncertain. In my view, any assessment criteria should assist the professionals making the application, and the professionals employed by the Council to assess the application, to have a reasonably clear understanding of what is expected.
49. This hearing will determine the nature of medium density and high density areas and the urban form for Lakeside. It is not appropriate that an application revisits those elements. If there are additional elements which the Council believes should be assessed as part of the application, in addition to those already set out within the extensive assessment criteria in part 21E.4, then these should be specifically spelt out.
50. As the provisions currently stand, in my view this clause should be deleted. The provision would then read:

Urban Design and Visual Amenity

The extent to which:

1. the proposal integrates and connects with the Te Kauwhata Township and the rest of the Lakeside Precinct as shown on the masterplan required by 21E.5.1, including the appropriateness of the developments response to the medium density and high density precincts and the proposed urban form.
2. The effect of any inconsistency with the Lakeside Precinct Plans on the visual amenity, rural character and urban character of the surrounding visual catchment.
3. The extent the proposed development is consistent with, or allows the implementation of the specific design proposal (as required by 21E.5.6). [WDC 6.3]

Notification issues for the Lakeside walkway

51. Two submitters (DOC and Fish & Game) want to be notified of the Lakeside walkway. The section 42A report consequently recommends deletion of the current notification clause. Other submitters who address the Lakeside walkway, support it.
52. LDL accepts that certain key agencies need to be involved in the detailed design of the walkway. These are WDC, WRC and DOC.
53. There is no justification to notify a resource consent to form these walkways. This plan change process and the associated Precinct Plans clearly define the alignment of the walkways and the contribution to an extensive network. The effects of the walkways are relatively minor but these are addressed in the assessment criteria. The correct approach is limited notification.
54. In my view, rather than delete the notification clause, it should be amended to simply state that the application will be limited notified to WDC, WRC and DOC. The clause below shows the deletion of the former clause and its substitution with the new provisions that I support.

25H.3.3

Applications for approval of a Comprehensive Subdivision (or amendments thereto) as a controlled activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons. [DoC 16.3]

25H.3.3 Applications for approval for a Comprehensive Subdivision as a restricted discretionary activity will be considered without public notification but with notice served on the following parties or their written approval obtained if the comprehensive subdivision within the open space overlay includes any part of the Lakeside walkway shown on Plan 25H.1.1.

- Waikato Regional Council;
- Department of Conservation.

Sediment control during earthworks

55. Clause 21E.2.7.1(j) deals with retaining sediment on the development site as part of any construction.
56. The word “site” is defined in the District Plan and is effectively the property boundary of the new subdivision or home. The reality is that the erosion and sediment control measures will need to be built downstream (in terms of overland flow) from the development site.
57. In my view, this clause should refer to the “construction area” rather than the development site.

<p><u>21E.2.7</u> <u>Earthworks</u> <u>(other than earthworks</u> <u>approved as part of a</u> <u>CLDC)</u></p>	<p><u>21E.2.7.1</u> <u>Any activity is a permitted activity if earthworks:</u></p> <ul style="list-style-type: none"><u>(a) do not disturb or move more than 200m³ within an individual site in a single calendar year except where the maximum area at any one time shall not exceed 400m², and</u><u>(b) in relation to the height of any cut or batter face do not exceed 2m, or</u><u>(c) are necessary for building works authorised by a building consent and:</u><ul style="list-style-type: none"><u>(i) the area of earthworks is no more than 150% of the area of those building works, or</u><u>(ii) the earthworks occur on land with an average gradient no steeper than 1:8, or</u><u>(d) is a back-filled trench for network utilities, or on or offsite utilities within the Te Kauwhata Lakeside Precinct Plan Area and original ground levels are reinstated, or</u>
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- (e) is necessary for the construction and maintenance of existing public roads or for construction of new roads in accordance with the Te Kauwhata Lakeside Precinct Plan, and
- (f) traffic associated with the works is managed in accordance with an Construction Traffic Management Plan approved by the Waikato District Council as the road controlling authority.
- (g) Are not in the flood risk area except for filling in accordance with 21E.2.9; and
- (h) Comply with Appendix B (Engineering Standards), and
- (i) Including any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced; and
- (j) Retain sediment on within the development site- construction area through the implementation and maintenance of sediment controls. [WRC 7.8, R Hulme 13.7]

Road crossing review

58. Rule 21E.5 dealing with information requirements, at paragraph 11, requires that the Integrated Transport Assessment on developments exceeding 800 lots or dwellings include a detailed Level Crossing Safety Impact Assessment. The way it is currently written it implies that this review is needed for the Integrated Transport Assessment provided at 800 dwellings, 1,200 dwellings and 1,600 dwellings.

59. The Beca report recommends that at the halfway point (in this case typified by 800 dwellings) there should be a review of the level crossing safety impact assessment.

60. That has been agreed with KiwiRail. This provision should be reworded to reflect the KiwiRail position. They are obviously satisfied, as is Beca, that the detailed analysis of the rail crossing safety with a further full report at 800 lots or dwellings is appropriate, but that is all that is needed. I have suggested rewording of this clause accordingly.

61. For the avoidance of doubt, Lakeside does accept that there would be an ITA at 800, 1,200 and 1,600 sites or dwellings.

62. The clause would then read as follows:

11. In preparation of the integrated transport assessment ~~When~~ development in the Lakeside precinct will exceed 800 lots or dwellings, the integrated transport assessment shall also take into account the Te Kauwhata Level Crossing and include a Level Crossing Safety Impact Assessment. ~~that is less than 3 years old.~~ [KWR 34.10, 34.11]

Open space impact on road crossing

63. In clause 25H.3.1, there is a reference to a detailed assessment for railway including the level crossing relating to the layout of the open space zoned facilities at Lakeside. In my view, this relates only to the development within the Living zone and Business zone. The type of activity provided for in the Open Space zone (there is no development opportunity) does not warrant a full assessment of the rail crossing.

64. The amended provisions for the Open Space zone would then read as below. Note this is an extract from Rule 25H.3.1.

Control is reserved over:

- (a) consistency with the Te Kauwhata Lakeside Precinct Plans in 25H.1.1, 21E.3.2 and 21E.3.3
- (b) matters identified in the assessment criteria in 21E.4 'Spatial Variety and Integration with the Natural Environment' and 'Infrastructure',
- (c) managing the effects of stormwater,
- (d) roading and railway network (including level crossing safety) [KW R 34.9] and compliance with a Council approved roading standard,
- (e) protection, restoration or enhancement of ecological features,
- (f) provision and location of existing and future utilities and connections,
- (g) location of roads and their connections,
- (h) provision for public access to Lake Waikare,
- (i) provision of open space, including linkages between residential areas, open space and Lake Waikare,
- (j) effects of natural hazards (including flooding), geotechnical and land contamination,
- (k) provision of the historic Iwi overlay area shown on Precinct Plan 21E.3.3.

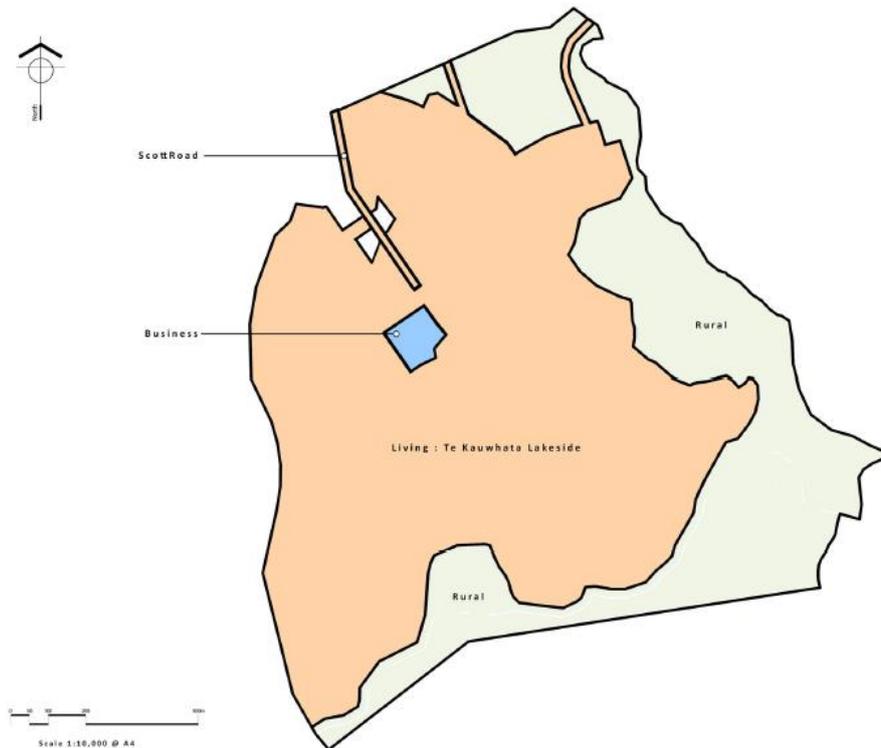
Minor corrections

65. In addition to the above significant amendments, the following additional changes are requested. I consider these to be tidy-ups.

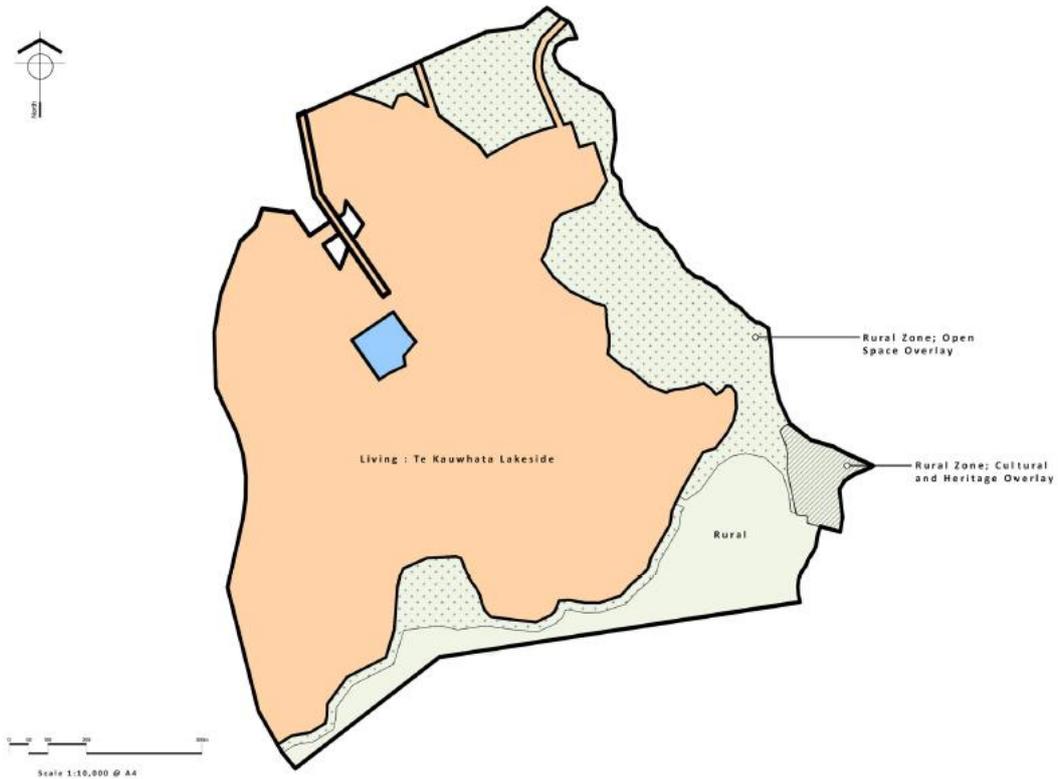
66. The zoning map in part A to the plan change and plan 25H.1.1 Lakeside Open Space and Lakeside Cultural and Heritage Overlay are not consistent with the three Precinct Plans in 21E.3.

67. The Council officers are recommending an amendment to the three plans within 21E.3. These deal with the configuration of the community hub and the alternate access from Rata Street into the development. The zoning map and the plan at 25H.1.1 also need consequential amendments to ensure consistency with the recommended changes, although the only change to the open space area is the shorter alignment and therefore lesser impact on the flood plain and open space area of the second road access to Rata Street.

Replacement zoning map so as to be consistent with the Precinct Plan map



Replacement for Plan 25H.1.1 – Lakeside Open Space and Lakeside Cultural and Heritage Overlay



68. In clause 15D.4.3 addressing the Te Kauwhata village character, there is an incorrect reference to objective 15D.3.5. The objective actually being referred to should be 15D.3.3.

69. In clause 15D.4.6, there is reference to the 'objectives' and associated policies relating to appropriate walkways and cycleways. I think that should be a reference to the "*policies*" in "*Precinct Plan 2*".

70. At the end of clause 21E.2.18.1, there is a cross-reference to compliance with previous clauses and how this is demonstrated. The reference is currently to clauses E and F. I think these should be to "*clauses (d) and (e)*".

71. In clause 21E.2.21.1, there is a reference to a "indicative movement network plan". This was the name given in an earlier draft of the plan change to Precinct Plan 2. The cross-reference how should read "*Precinct Plan 2*" as there is no longer an indicative 'movement network plan'.

WHOLE PLAN

72. Three submissions relate to the whole plan. One submitter seeks that the plan change be declined. This submission does not set out in any detail of the rationale for this.

73. The Futureproof Implementation Committee supports the whole of the plan change.

74. Nga Muka Development Trust also supports the whole of the plan change.

CHARACTER OF TE KAUWHATA

75. Thirteen submissions raise the issue of character and contend that the plan change will undermine the character of Te Kauwhata. Most of this is related to the higher density area which applies to 38.4% of the residential land within the plan change area.

76. Mr Barrett-Boyes in his evidence addresses this issue of character. I concur with his conclusion.

77. The character of Te Kauwhata is varied which is itself part of the character of the area.

78. The retail centre exhibits certain character and certainly contributes to the sense of place of Te Kauwhata. This plan change is careful not to compete with and undermine the retail centre, but rather to reinforce it by increasing the catchment of the centre including the walkable catchment. Character is retained and economic viability enhanced.

79. A key part of the Te Kauwhata character is a provincial township nestled in a rural community. The town boundary will certainly be expanded by this proposal but it will remain a medium-sized township settled within a rural environment. This aspect of character is similar.

80. The natural environment of Te Kauwhata is dominated by the Whangamarino wetland and Lake Waikare. The character of the township will be significantly enhanced as, for the first time, formal access will be open to Lake Waikare with 1.7km of the lake foreshore in Council ownership with full public access. This aspect of character is enhanced. Mr Barrett-Boyes describes the 43.4ha of public open space and states "The rural character and 'sense of space' this offer is significant and creates both visual relief and recreational amenity."

81. The subdivision character is of a variety of medium and low density areas with essentially medium density residential development within the traditional part of Te Kauwhata, low density around parts of the perimeter of the settlement and rural lifestyle blocks to the west. There is also an existing higher density retirement village within the centre of the settlement.

82. The Lakeside retirement village and the medium density housing will be similar in character to the current Te Kauwhata settlement. The main area where there is a change of character is the 50.9ha in the higher density area which equates to 26.4% of the plan change area (193ha).
- (a) The higher density area (50.9ha) represents about 10% of the Te Kauwhata Structure Plan area including the rural lifestyle blocks. It is a relatively small part of the Te Kauwhata settlement.
 - (b) The Lakeside development lies on a “peninsula” of urban development to the south of the Te Kauwhata settlement. Residents and visitors only pass through these neighbourhoods if they are heading for Lakeside itself. While the higher density is different to the rest of Te Kauwhata, it is in a confined area separate from the rest of Te Kauwhata.
 - (c) The Lakeside development offers a different approach to subdivision than the rest of Te Kauwhata. The higher density sites are offset by significant areas of public open space. The neighbourhood retains a spaciousness in terms of land area, albeit that, rather than spread private open space over multiple sites, the higher density area sees this open space land in small areas of private open space and significant areas of communal and public open space.
 - (d) The housing stock within Te Kauwhata tends to be detached single dwellings of various ages. Parts of the older areas of town have an older housing stock infilled with modern housing typologies. The newer subdivision areas are new housing typologies. Lakeside will obviously be all new buildings with only a couple of exceptions for the existing farm dwellings. The housing typologies will be similar, in that the vast majority will be detached one and two storey dwellings, each with some private open space. The size of private open space in the medium density will be the same as the private open space in the traditional parts of Te Kauwhata. The higher density areas will still have private open space and yards. This will be complemented by the significant communal and public open space.
83. Within Lakeside there is the opportunity for some duplex housing typologies.

84. Lakeside will be characterised by a high sense of streetscape amenity, street trees, berms, quality stormwater management areas, intermixed with a broad network of pedestrian walkways and cycleways. The assessment criteria for ‘comprehensive subdivision consents’ and ‘comprehensive land development consents’ provide the guidance for applicants to achieve this quality and the mandate for the Council to regulate this level of quality through the resource consent process.
85. This part of Te Kauwhata will offer its own aspect of character; one that I believe will complement Te Kauwhata and bring additional lifestyle choice.
86. Policy 15A.2.2 of the Te Kauwhata Structure Plan sets out the matters that contribute to Te Kauwhata village character. These matters are summarised below:
- A predominance of residential lots containing significant areas of open space;
 - Retaining amenity trees;
 - Public open space which is conveniently accessible and highly visible;
 - Retaining views to natural landscapes and features;
 - A strong association with rural amenity values;
 - A compact form which does not sprawl into the countryside;
 - Integrated development that reinforces the town centre as a community focal point;
 - Recognising cultural and historic values and land uses including horticulture, viticulture and traditional Maori values;
 - The integration of buildings, private open space and public open space;
 - A general consistency of building scale and form that integrates into the natural landscape;
 - Compliance with the Structure Plan and Urban Design Guide;
 - A strong association with the ecological values of the wetland environments, in particular Whangamarino Wetland and Lake Waikare.
87. The plan change is consistent with the above matters, particularly in relation to compact form, strong association with rural amenity, protection of cultural values and the provision of easily accessible open space. Whilst it is acknowledged that the higher density lots will not contain significant areas of open space, it is considered that this policy is still meet given that the policy relates to a “predominance” of lots with significant areas of open space and that the higher

density precinct only relates to 10% of the total Te Kauwhata Structure Plan area. Furthermore, the limited provision of open space on-site is offset by the provision of communal and public open space in the wider development.

88. In my view Mr Barrett-Boyes sums up the character issue when he states in his evidence “The “Peninsula” location of the site – an arm extending around the lake, away from the existing township, combined with and interwoven with, a natural substantial landscape provision means that the new residential neighbourhoods are, in a sense, engulfed by the open space and the rural character remains legible.”

GROWTH AND DENSITY

Growth

89. Six submissions raised key issues around growth. This includes the Waikato Regional Council and the Futureproof Implementation Committee which is the umbrella group for the regional and district councils of Waikato managing their growth strategy. The Futureproof Implementation Committee supports growth. WRC takes a neutral stance on growth but seeks that, if growth is to occur, a range of matters be addressed including infrastructure, transport, biodiversity.
90. The fundamental premise of the Waikato growth strategy and the Futureproof programme is to provide opportunities for growth which reinforce existing townships and provide for growth in a planned manner which is adequately serviced by physical and social infrastructure.
91. The report by Property Economics forming part of the plan change request addressed the significant growth trends occurring within the so-called Golden Triangle of Auckland, Hamilton and Tauranga, and particularly within the primary corridor between Auckland and Hamilton. The growth in places like Karaka, Drury, Pokeno and Te Kauwhata are examples of this. The completion of the four-laneing of the Waikato Expressway will only reinforce this growth corridor.
92. Te Kauwhata is strategically placed, being in travel time midway between Auckland and Hamilton, with access to employment districts in South Auckland, Hampton Downs and Te

Rapa/Hamilton. The Property Economics report also sets out the recent substantial increase in growth in Te Kauwhata as people move into the area for economic and lifestyle reasons. Te Kauwhata offers a provincial town lifestyle choice in a rural setting with high amenity in terms of social services and the surrounding natural environment, particularly the Whangamarino wetlands and Lake Waikare. It offers land and house package prices substantially cheaper than what could otherwise be obtained in South Auckland. It is within relatively quick travelling times from major employment nodes.

93. The National Policy Statement on Urban Development Capacity requires councils to have a 10 and 30 year strategy for growth. The regional and district council strategies seek to reinforce existing settlements within the district rather than establish new settlement areas. As set out in my original planning report in support of the plan change and in my section 32 analysis, the Lakeside development reinforces the NPS by delivering a key component of this strategy for Waikato District and is consistent with the regional and district strategy of reinforcing existing town centres as growth nodes, rather than establishing new nodes.
94. Under my discussion on character, I spoke about what I believe is the critical consideration in terms of lifestyle choice. These comments equally apply to this issue of density. The reality is that not everybody wants medium to large sections or rural lifestyle blocks. The benefit this plan change brings to Te Kauwhata is that it complements the range of housing choice that people can obtain. There are other parts of Te Kauwhata where rural lifestyle blocks are available. There are low density housing opportunities under certain zones, and reasonable areas of medium density zoning (although not many sites available). What is lacking is the opportunity for people who want a smaller section and the higher density lifestyle. This offers more affordable housing and, through reduced maintenance, increased recreational opportunities.
95. Housing affordability is a key issue throughout much of New Zealand. Apart from social housing which involves some sort of public sector subsidy, it is accepted that, for affordable market housing, one of the key issues is smaller houses on smaller sites. The real benefit of the Lakeside development is that it provides for this form of development in a masterplanned community. This gives density while still achieving very high amenity. Furthermore, the very significant amount of open space within the precinct retains a high neighbourhood spaciousness and amenity.

96. By way of example, if you took the 193ha of the Lakeside development and applied the normal 65% developable land rate for standard subdivision (the other 35% being roads, parks and other public amenities), and divided this by (say) 1,600 homes; then the average density is 1:784m². Even if 2,000 homes are eventually built at Lakeside, this would still only give an average density of 1:627. The 35% public facility itself is a generous figure. Now, in part, the low developable land percentage has been brought on by the flood plain associated with the Waikato River Management Scheme. Nevertheless, a total of 43.4ha is being retired from farming and committed to a variety of open space purposes which will substantially contribute to neighbourhood amenity.
97. One of the key considerations of Part 2 of the Act is land efficiency (section 7b). Some submissions advocate that any land expansion should be limited to rural lifestyle block development. Te Kauwhata has extensive land zoned for rural lifestyle blocks. Future residents wanting this lifestyle have choice of location. What Te Kauwhata does not have is opportunity for higher density living. Furthermore, a replication of large lot development to achieve the same growth capacity, is an inefficient use of land. If the same 132ha of residential land were to be developed at the minimum density for rural lifestyle blocks in Te Kauwhata West (1:875m²), and assuming a 65% developable land rate, then an additional 84ha of rural land would be required to accommodate the same 1600 dwellings.
98. In my opinion, for reasons of lifestyle choice, housing affordability, neighbourhood amenity and land efficiency; the density control with a dual, medium and higher density area, with a higher density, being an average of 1:250m² net site area and a minimum of 1:225m² net site area, is the appropriate density control for Lakeside.

Density

99. Nineteen submissions raise the issue of density and request that the maximum permitted density in the Lakeside block be 450m² per site; the same as the existing standard 'Living' zone density within the Te Kauwhata township.
100. Of 132.5ha of residentially zoned land within Lakeside, 72.9ha or 55% is zoned for medium density residential development with a minimum site area of 300m² net. LDL is agreeing to

make the average minimum net site area 450m² within the medium density precinct. This accords with the relief sought by some submitters and is consistent with the minimum subdivision standard in the Living zone within Te Kauwhata.

101. The other 50.9ha or 38.4% is zoned higher density. This is not a high density by New Zealand standards but is relative to Te Kauwhata – hence the description in the plan change of “higher” density. If no higher density was provided for and applying a minimum site area of 450m² then an additional 46.8ha of residentially zoned land would be required to achieve the same growth potential (assuming 15% land requirement for roading).
102. As outlined earlier in this evidence, the plan change request has been slightly modified. The modified proposal by LDL, which I support, is that for the higher density zone, the minimum average net site area be 250m² but with a minimum of 225m². The difference is the increased minimum from 200m² net site area in terms of the notified plan, to 225m² in terms of the current request from LDL.
103. Setting density is about balancing four factors:
 - (a) Character, addressed above.
 - (b) Providing for growth, addressed in this section.
 - (c) Ensuring adequate infrastructure, addressed later in this evidence.
 - (d) Ensuring site size to provide sufficient flexibility for a variety of house designs which meet on site amenity standards.
104. I have previously set out why I believe that Lakeside will complement the character of Te Kauwhata and certainly will not detract from the existing character. This is also addressed in the evidence of Mr Barrett-Boyes.
105. Mr Gardiner, in his evidence, makes it clear that the level of development is fully capable of being serviced by infrastructure including wastewater. I summarise the planning perspective of this later in this evidence.

106. One submission (sub 6: WDC) identifies an error in rule 21E.2.23.1 on minimum average subdivision size in the Higher Density Precinct. I support the change sought in the submission.

Activity status

107. The Waikato Regional Council submission is seeking discretionary activity status for development.

108. Plan change 20 is currently structured so that:

(a) This plan change specifically identifies the medium and higher density areas. It ensures that the higher density areas are located around the community hub, main transport routes, the futureproofed public transport route and are the closest and therefore within walking distance to the town centre. It also ensures that the higher density housing is not located hard against other privately owned land outside the precinct. It achieves an appropriate balance.

(b) The next stage in the development process is obtaining what will now be a restricted discretionary activity for a 'comprehensive subdivision consent' and/or a 'comprehensive land development consent'. This involves a full scrutiny with broad assessment criteria of the layout of the subdivision and any associated earthworks, infrastructure, land decontamination or other enabling development works. The matters of discretion for these activities are very broad and the assessment criteria enable the Council to address the full range of relevant issues for subdivision, infrastructure and enabling works.

(c) In my view, all potential issues are identified in the "matters for discretion" and are identified through the assessment criteria. If the submitter is aware of other factors, then these should simply be added to the matters of discretion and appropriate assessment criteria developed; rather than increase the activity status to discretionary activity.

109. A key point with the Lakeside development is that it is subject to these 'precinct provisions' which provide the planning framework for development of the land. This is not a case of development consents occurring on a "blank canvas" where no masterplanning or planning assessment of the nature of development, or planning outcomes to be achieved, has taken

place. Rather, the strategic issues have been developed through this Precinct Plan process and embodied within the plan change. The more detailed neighbourhood issues are then set out through the triggered consents of 'comprehensive subdivision consent' or 'comprehensive land development consent'. It is not necessary or warranted to arbitrarily trigger a full discretionary activity consent in these circumstances.

110. Theoretically it would be possible for someone to go straight for a standard subdivision consent without first obtaining a 'comprehensive subdivision consent' or a 'comprehensive land development consent'. Under this scenario, the modified plan provisions explicitly state:
- That any development of an underlying lot greater than 10ha is a discretionary activity;
 - Any subdivision of a site or any size that does not provide for reticulated water and wastewater or a stormwater or land drainage system is a non-complying activity.
111. As a discretionary/non-complying activity consent, the development would still be subject to the normal tests of the Resource Management Act in terms of notification. Where, for instance, the development did not meet certain infrastructure requirements or had unusual infrastructure solutions, then, as a non-complying activity consent, the Council would need to apply the normal tests of notification, limited notification and non-notification. For example, should a comprehensive subdivision consent be applied for prior to obtaining an agreed wastewater solution including a discharge consent for the wastewater treatment solution, then obviously the Waikato Regional Council would be an affected party and would be limited notified.

Other submissions

112. Submissions 12 and 13 at 58 Scott Road ask that the land between 58 and 74 Scott Road remains a green belt. This land is part of the medium density precinct and therefore will be developed for larger sections than those in the higher density precinct.
113. Submission 13 also requested that if the plan change does proceed, then they want the same development opportunity on their own property.
114. LDL would support this proposition. The reality is that the benefits of the plan change will accrue to this and other properties at the southern end of Scott Road.

115. If the Commissioners think there is a scope problem, then Commissioners could recommend to the Council that this land be rezoned from Rural to Residential as part of the District Plan review. The Council could then determine what the appropriate zoning would be for the submitters' site.

TREATMENT OF OPEN SPACE

116. Eleven submissions raise matters of open space and whether the development is:

- adequately serviced by open space; and
- has the right form and quality of open space.

117. This development provides extensively for open space. In particular:

- (a) The foreshore of Lake Waikare which will vest in the Council, and for the first time will open up public access to this part of the Lake edge.
- (b) The cultural reserve on the Lake headland that will vest in mana whenua in acknowledgment of the cultural history and spiritual importance of this area to iwi.
- (c) The extensive walkway and cycleway network around the lake foreshore and across the southern end of the Lakeside development and through the flood plain area connecting to the residential development. This network integrates with the street pattern.
- (d) The green fingers or linkages through the development which complement this walkway and cycleway area.
- (e) The equestrian area which is a core open space facility that will be made available to the local equestrian club.
- (f) The flood plain which will have a dual function as a flood plain in times of the occasional flooding that does occur, but will be retired from farming and will create a broad area of passive open space.

- (g) The elevated area of mature trees in the south-eastern portion of the block which forms a quality open space area.
- (h) A children's playground area and informal pocket park area to be provided as part of the community hub.
- (i) Either the creation of communal open space (effectively pocket parks for housing clusters) or, if in the final analysis that does not proceed, the creation of a neighbourhood park of some 2,000m² in the south-eastern portion of Lakeside. This optional neighbourhood park is discussed later in this evidence.

118. Of the 197ha within the area, 43.4ha is open space. This land is zoned Rural but with an overlay control which restricts this land to only open space activity. Initially I drafted the requested plan change on the basis that all this land would be zoned Open Space. In discussions with the Council, it became clear that:

- the Council was uncertain as to what, if any, open space land it wanted vested in the Council; and
- the current District Plan is set up so that only publicly owned open space can be zoned Open Space. The plan does not contemplate privately owned open space.

119. Subsequently, the Council has determined that it will accept the Lake foreshore land to be vested in the Council. It would be possible to zone this strip of land Open Space. However, at this stage the area of land the Council wants is not known. The conclusion I have come to is that this zoning matter can be picked up in the forthcoming review of the District Plan. In that review I would advocate an Open Space zone that does admit privately owned open space. However, if that is not the case, then at least the land that vests in the Council could be zoned Open Space.

120. The issue is then raised over the quality of the open space. A large part of the open space is within the flood plain and the flood plain will "flood" on certain occasions. The current owners have lived on the land for a significant timeframe. Their experience is that about every two years there is a flood event which would bring some flood water onto the flood plain. This invariably drains away over a couple of days. It is not unusual for open space land to be used

as a receiver of overland flow path or flood waters in extreme events. However, it must be remembered that:

- (a) The foreshore walkway and cycleway network is on the stop bank and hence, other than in very extreme events, is not subject to flooding.
- (b) There are significant areas of open space outside the flood plain including the equestrian facility, the south-eastern treed block and parts of the network.

121. In addition, LDL is conscious that the Council Parks department does not support the network of pocket parks proposed in the original masterplan and instead prefers a neighbourhood type park. The masterplan is being updated to this form of park i.e. reducing the communal open space and providing a neighbourhood park. It will be for the 'comprehensive subdivision consent' and 'comprehensive land development consent' applications to finalise the detailed private open space arrangement. The assessment criteria appropriately provide for this.

122. One submission (sub 6: WDC) requests a new assessment criteria on:

*"1. Neighbourhood parks and communal open space (public and private), within the Residential Medium Density Precinct and the Residential Higher Density Precinct shown on Plan 21E.3.1, provide for the amenity and safety of the community in terms of:
a mix of recreation opportunities, both public and private;
the application of CPTED principals: an ease and cost of maintenance (where the park not maintained or managed by Council)."*

123. I agree Lakeside should have a variety / mix of open space and recreational opportunities. It is also acknowledged that there will be a mix of both public and private open space. In my view, these matters are approximately dealt with at a precinct-wide level rather than just within the residential zone. For example, a substantial portion of the walkway and cycleway network is within the open space overlay. The equestrian centre, which is a significant open space asset, is also within the open space overlay. The cultural headland and the treed passive amenity area is within the open space overlay. The communal open space associated with the developments if they occur will be within the High Residential zone. The neighbourhood park

will be in the Medium/High Density zone. The community hub will have a recreation/park space.

124. The assessment criteria already address issues of public access, walkways, communal open space, and CPTED principles. The only matter raised by the Council not already included in the assessment criteria is the ease and cost of maintenance of the private open space. In my view, that is not a matter that needs to be addressed as part of the resource consent. If it is private open space, then it is for the Body Corporate or Residents Society, or whoever is controlling that space; to determine the balance they want to achieve between cost and maintenance.

IMPACT ON LAKE WAIKARE

125. Seven submissions raised matters relating to the impact on Lake Waikare. The views are divergent. Some submissions strongly support opening up the lake foreshore to public access and the network of walkways and cycleways planned as part of the development. Other submissions caution that the water quality in the lake is not suitable for human contact and therefore raise concerns about public access.
126. The Te Kauwhata precinct provisions which came into effect in 2012 have long held a policy position of opening up public access to the lake. Lake Waikare is a very significant ecological area as well as part of the amenity of Te Kauwhata. Over time hopefully water conditions in the lake will be significantly improved. However, it is recognised this is a long-term issue.
127. In my opinion, the more appropriate approach is to open up the lake edge to the walking and cycle network now. The detailed landscape plan and, if necessary, other provisions including signage, can manage people's knowledge and expectation of being able to swim in the lake. It would be a poor outcome if concerns about human contact meant that public access along the lake edge is denied. Walking along the stop bank and enjoying these areas is no different to what happens in other parts of New Zealand. Careful landscaping design can discourage entry into the water.
128. Other submissions raise the issue of water quality and state that development should only occur if it does not further detract from water quality issues within the lake or improves water quality.

129. In this I rely on the evidence of Dr Mike Stewart who has undertaken a detailed analysis of water quality issues. His evidence demonstrates that the retirement of 176ha of farm land adjoining the lake, and the quality of wastewater and stormwater treatment proposed within the Lakeside development will provide betterment in terms of water quality within the lake and will materially improve the water quality entering the lake.
130. The issue is that the lake is so extensive and the water quality so poor that while this will be a material improvement, having entered the lake the improvement will be barely perceptible because Lakeside is such a small percentage of the overall lake volume.
131. The key point is that this plan change will be an important step in improving water quality in the lake.
132. The submission by Fish & Game and DOC raises reverse sensitivity issues with domestic pets and their impact on bird life on the lake edge. Fish and Game also raise reverse sensitivity issues with the duck shooting season.
133. Lakeside represents 4.5% of the foreshore of Lake Waikare. The extensive rural zoning with the open space overlay along the lake foreshore means that the closest urban development is 32m from the lake. These are significant setbacks for urban areas.
134. It is certainly recognised that the Whangamarino wetland is a very significant ecological area. It is the secondary receiving environment for the Lakeside development. The analysis of Dr Stewart illustrates that the Lakeside development and the retirement of the dairy farm will have beneficial effects for both Lake Waikare and the Whangamarino wetland.
135. In the balance of providing for adequate growth and development within the Waikato townships, and the issues raised in the submissions, in my view the Lakeside precinct design achieves the appropriate balance.

ECOLOGICAL AND BIOSECURITY ISSUES

136. Three submissions raise ecological and biosecurity issues.

137. The Waikato Regional Council raises the issue of alligator weed. This presence and impact of this weed has become apparent through the plan change process. LDL accepts that this is a biosecurity hazard. It also acknowledges the alligator weed has not been appropriately managed on the site to date.
138. LDL commissioned Tim Martin of Wildlands to undertake a Biosecurity Management Plan focused on alligator weed. LDL has been in discussions with WRC to agree the management plan and its implementation. At the time of writing this evidence, work on that plan was well advanced but the plan not yet agreed with WRC. However, the 'principles' of the approach and the importance of this work is agreed between LDL and WRC.
139. LDL will have control of the eastern portion of the land from June 2018 and remainder of the land from June 2019. LDL is committed to implementing the biosecurity measures relating to alligator weed as soon as it has control of the land.
140. I have recommended changes to the issues, policies and assessment criteria to deal with alligator weed.

ISSUES FOR MANA WHENUA

141. This development raises a number of significant issues for mana whenua. LDL has been involved in an extensive range of hui with Nga Muka and Waikato Tainui. The key issues and the outcomes of the hui are outlined in the evidence of Mr Hill. I also understand Mr Tupuhi will give evidence to the panel on behalf of the Nga Muka Development Trust.
142. The key issues relate to:
- The spiritual and cultural significance of Lake Kopuera and Lake Waikare. This has particular significance to mana whenua due to the Waikato land wars and the critical settlement and battle relating to Rangariri Pa and the escape of mana whenua across Lake Waikare.
 - The mauri of Lake Waikare itself and the degraded water quality within the lake.
 - The key environmental considerations of wastewater, stormwater and earthworks.

- The reestablishment of native planting around the lake edge and in the Lakeside development generally.

143. These matters have been extensively addressed through the hui.

144. The response to this in plan change 20 is that:

- (a) A critical headland on Lake Waikare is identified for cultural reasons. This is protected through an open space heritage overlay. This land will vest in mana whenua.
- (b) The significant discussion over wastewater treatment and disposal, and how this is dealt with as part of the Lakeside development. This will largely reflect in a discharge consent currently before Waikato Regional Council.
- (c) The key consents of the 'comprehensive subdivision consent' and the 'comprehensive land development consent' which create an integrated comprehensive development for the Lakeside area; one which includes addressing matters of key significance to mana whenua.
- (d) The assessment criteria. These include:
 - The importance of the iwi reserve.
 - The network of open spaces.
 - The green corridors recognising natural landform.
 - Higher standard of stormwater management and treatment.
 - Management of earthworks.
 - Landscaping that integrates with the surrounding area and complements the natural character of Lake Waikare.
 - Wastewater upgrades and enhancement of water quality within the lake.
 - Impact of earthworks on Lake Waikare including water quality, ecological health and the mauri of water.

145. There are other opportunities for LDL and mana whenua to work together to achieve quality outcomes for Lakeside. This includes working with the Council on appropriate street names

which recognise the culture, events and history of the area, and work in assisting mana whenua in planning and developing the heritage reserve.

146. The submission by Nga Muka supports the plan change.

WASTEWATER

147. Five submitters, including both WDC and WRC, highlight the critical importance of wastewater to the Lakeside development.

148. This is addressed extensively in the evidence of Mr Gardiner. He addresses the constraints within the existing Te Kauwhata wastewater treatment plant, and the technical solutions proposed by LDL to address this issue, namely the membrane bioreactor wastewater treatment plant (MBR plant). The wastewater proposal is to establish an MBR plant capable of treating all Lakeside generated wastewater, and if the Council agrees, all of the Te Kauwhata and Hampton Downs/Springhill catchment. This plant could either be collocated at the current wastewater treatment plant or separately located within Lakeside. Treated effluent is then piped to the southern end of the Lakeside site where it is discharged into a created wetland for secondary treatment. It then flows through a 900m vegetated channel before entering Lake Waikare.

149. LDL has prepared a wastewater discharge consent application ready to lodge with WRC. LDL has been through a pre-application process with WRC and received feedback. At the time of writing this evidence the final matters raised by WRC were being addressed, ready to lodge the application. LDL is inviting WRC to limited notify this application to all parties to the 'memorandum of understanding' on wastewater issues for Lake Waikare, namely WRC, WDC, DOC, Nga Muka, Waikato Tainui and Waikato Fish & Game. It also invited WRC to limited notify the Department of Corrections, and Mr Lloyd – the only other submitter raising wastewater issues.

150. The WRC discharge application will be supported by:

- a detail assessment of environmental effects by Streamlined Environmental Limited;
- engineering assessment by Candor3;

- cultural assessment by Boffa Miskell; and
 - a planning assessment by myself.
151. LDL is fully conscious that WDC is currently working through the long-term solution for wastewater for Te Kauwhata including the Lakeside development. Mr Meehan in his evidence has outlined LDL's participation in this process, including LDL's strong support for the Housing Infrastructure Fund (HIF) which Te Kauwhata is a major recipient and beneficiary of, largely because of the Lakeside project.
152. With that in mind, the wastewater discharge application to WRC invites WRC to impose a condition that LDL will surrender either the full consent, or those parts of it which are not used in any final Waikato District Council solution for wastewater. So if options of a pipeline to Huntly or a pipeline to the Waikato River eventuate; then Lakeside will simply connect into this pipeline and surrender the relevant parts of its discharge consent. However, in the interim, a full high-quality wastewater management system is provided for Lakeside.
153. The key wastewater planning aspects for this plan change are:
- (a) Upgrading of the existing Te Kauwhata wastewater infrastructure is identified as a specific issue (15D.2);
 - (b) Integration of development and infrastructure is a key objective (15D.3.19);
 - (c) Wastewater capacity to ensure an enhanced high quality effluent treatment and a wetland to manage discharges or connection to a public system with sufficient capacity are key policies (15D.3.20);
 - (d) The reasons for the wastewater treatment process is outlined (15D.4.8);
 - (e) A development agreement between Council and LDL over wastewater treatment and disposal is addressed at 15D.5.2;
 - (f) All comprehensive subdivision and comprehensive land developments are now proposed to be a restricted discretionary activity (21E.2.1, 21E.2.2, 23C.3, 23C.4, 25H.3 and 25H.4);
 - (g) The assessment criteria for a restricted discretionary activity address the extent to which applications provide for wastewater upgrade and the medium and long-term opportunity

to enhance water quality. It also addressed future proofing the wastewater pipeline so that it connects into future pipelines to Huntly or the Waikato River.

154. In addition, and so as to address issues raised by the Waikato Regional Council, the following additional assessment criteria is proposed in the infrastructure section (21E.4):

“Any applicant holds or will obtain concurrent with the process a wastewater authorisation to connect to a consented public system or a discharge consent”.

STORMWATER

155. Two submissions raise stormwater. They address issues of contaminant loading on Lake Waikare and state this proposal should reduce contamination loads on the Lake. The submission also raises the need for proper stormwater management practices and that relevant regional consents will be required.
156. Mr Gardiner in his detailed infrastructure report forming part of this plan change request and in his evidence, outlines the treatment of stormwater. This will be to a high quality and follow best practice solutions for new subdivisions. He outlines how the proposal will use a “treatment train” approach to achieve high water quality prior to stormwater entering the lake.
157. The evidence of Dr Stewart demonstrates that the quality of stormwater coming off the Lakeside land will be improved and will provide betterment to the lake. However, the sheer size of the lake and the current degraded water quality means that the improvement is such a small percentage of overall lake volume that it will have a minimal but beneficial impact.
158. LDL fully accepts that it will need various regional consents including diversion and discharge consents and bulk earthworks consents as the development proceeds. This is in addition to the earthworks and infrastructure consents required from WDC.
159. Like all developments, there will need to be a series of district and regional consents. No works will be able to proceed until all relevant consents have been obtained.

FLOOD PLAIN

160. Three submissions raise issues relating to the flood plain. To a very large extent the Lakeside development sites are outside the flood plain area. However, at the margins there is some reconfiguration along the flood plain interface. This simply reflects that the current technical boundary of the flood plain is not necessarily the logical configuration in terms of roads and walkways. Some amendment at the margin will be necessary.
161. Any reconfiguration of the floodplain boundary will be subject to regional and district consents. The principle of this plan change is that there will be no material difference in the flood holding capacity of the flood plain. In rationalising some of the boundaries, there will be areas of reclamation into the flood plain and areas of declamation to compensate and create a greater area. This is set out in the evidence of Mr Gardiner.
162. WRC is requesting an amendment to policy 15D.3.6(g) to add a reference to the underlying purpose of the land for flood protection. I accept what WRC is wanting to achieve. I think this would be better met by having a specific statement which could come after (g) acknowledging that a portion of the rural zoned land is part of the Waikato catchment flood protection lands and provides holding capacity for flood water in extreme events.

TRANSPORT

163. Twelve submissions raise issues of transport.

Scott Road upgrade

164. Four submissions relate to Scott Road and raise concerns that the road is not capable of handling the traffic for Lakeside in its current configuration. This is accepted. In fact, LDL has an application before the Waikato District Council and the Waikato Regional Council for upgrades to Scott Road. This will include a proper carriageway and footpath initially on the eastern side of the road and eventually on the western side. The road upgrade needs to be completed in stages so that it can remain operational for existing residents. These works will only occur if the private plan change request is successful.

Second access

165. Other submissions raise the issue of the second access and the timing for that additional road access.
166. The plan change requires this alternate road to be in place by the time 400 sites are developed. In actual fact, LDL will put the road in early in the development process. Initially this will be a site access road so as to reduce construction traffic on Scott Road. The evidence of Mr Carr is that Scott Road will be more than adequate for development up to 400 homes.

Community hub

167. Lakeside Development has lodged a submission seeking to reconfigure the community hub so that, instead of straddling one of the primary roads, the business zoning is on one side of the road. Given the compact and relatively small scale of this Business zone, there is better pedestrian safety and functionality if the community hub can be contained on one side of the road. The corner building could still be given particular design features to enhance the urban design of the area.
168. The consequence of this business zone boundary adjustment is that there are changes to the primary roading network shown on the Precinct Plans. I support this change.

Public transport

169. WRC is requesting that the primary road network futureproof the provision of public transport. This has been a key part of the LDL design. The urban design report by Baxter Design forming part of the application showed a proposed public transport route. I do accept that this element is not explicit within the design criteria. I therefore support the Regional Council's view that assessment criteria at 21E.4 Permeability be amended by adding the following:

"The design and layout of the road network takes into account the future provision of public transport."

Scott Road operational matters

170. One submitter deals with Scott Road itself and a number of operational measures they seek. Some of these are under the control of the Council as roading authority. However, others are embodied within the plan change or the recommended changes within this evidence. This includes:

- The requirement for the second access.
- Intersection improvements at Scott Road.
- Traffic safety measures associated with the rail crossing and Scott Road intersection.

NZTA network

171. NZTA request the Commissioners to have confidence that plan change 20 will achieve integrated management of all factors including transport before approving the plan change.

172. Obviously this is a valid matter for consideration by the Commissioners. In my view, the plan change does exactly that. This is set out extensively in the background material and section 32 analysis forming part of this plan change request. It is also addressed in the evidence of Mr Carr.

173. In particular:

- Mr Carr's report demonstrates the capacity to deal with growth in terms of the connection to the Waikato Expressway.
- The Beca report and the changes proposed to the plan change, have fully addressed the issue of the rail crossing at Te Kauwhata Road, and the intersection with Scott Road. This report has been provided to KiwiRail who have reviewed it and signed off their support. The senior RMA adviser for KiwiRail has advised LDL that the LCSIA by Beca has been signed off and KiwiRail is not seeking any changes.
- The transport report of Mr Carr deals with the upgrade to Scott Road and the second access into the Lakeside development.
- The evidence of Mr Baxter and the plan change provisions, illustrate how a walking and cycling network is integrated into this development.

- Finally, the design of the area and the amendments suggested in this evidence futureproof the area for public transport.
- It should also be noted that the Lakeside development will be in close proximity to the Te Kauwhata rail station should the Regional Council/Crown reactivate the rail service between Auckland and Hamilton.

174. The NZTA submission makes the point that the futureproof strategy is still being worked through and therefore to ensure long-term consistency, the Commissioners should admit of the possibility to revisit the plan change in the future. I would make two comments:

- (a) The Futureproof Implementation Committee has lodged a submission in support of the plan change. At the time the application was notified, the first stage of the futureproof programme was still being worked through. The strong support of the Futureproof Implementation Committee illustrates that this plan change is consistent with their long-term thinking.
- (b) The Waikato District Council will publicly notify its reviewed District Plan in the next year or two. That plan process does provide the opportunity to relook at matters.
- (c) Given this is a 10-15 year construction programme, if there are future planning circumstances where the plan change should be modified, then the normal variation or plan change procedures would apply. This gives all affected parties the opportunity to be involved in any changes to the policy.

Required parking

175. One submitter is concerned that the plan requires only one car space per dwelling for lots less than 300m². They are seeking greater provision of carparking. I consider that the level of required parking is appropriate. Mr Carr addresses this in his evidence.

Walking and cycling

176. One submitter asked for better integration with the walking and cycling network into Te Kauwhata. Other submissions support the extent of cycling and walkway network. One submission seeks that rule 21E.2.26 be amended by including cycleways in the reference to

walkways. In my view, this plan change will deliver an extensive network of walkways and cycleways and is one of the benefits of the Lakeside development. Cycleways will connect to the township through Scott Road and the new alternate access in the north-east. A connection to the sportsfields is futureproofed should the intervening private land be developed and that owner agree to extend the walkway/cycleway.

177. There is an extensive network of walkways and cycleways within the precinct itself which is shown on the precinct plans. If the plan change is approved, as part of the purchase arrangement LDL will get an access right across the farm to the south which would then connect on to the Ohinewai Strait. Among other things this could facilitate extension of the walkway/cycleway network. In my view this plan change could not do more to encourage the walkway and cycleway network.

178. I support the requested change to rule 21E.2.26.

REVERSE SENSITIVITY - FARMING

179. Two submissions raised the issue of reverse sensitivity and the impact on farming. Their implication is that this plan change would have a negative impact on farming for reverse sensitivity issues.

180. In my opinion, the reverse is actually the case. Lakeside is the only practical development that will enable expansion of Te Kauwhata and not have a reverse sensitivity impact on farming. Lakeside is uniquely located. In particular its:

(a) northern boundary adjoins a small number of rural lifestyle blocks and then the township.

(b) eastern boundary is Lake Waikare.

(c) western boundary is the North Island main trunk rail line.

(d) southern boundary is the only land which adjoins active farming (in this case dairy farming).

This Lakeside plan change provides a 17ha buffer along the southern boundary. The interface between the urban uses of the residential zone and the farming uses to the south

actually occurs on the Lakeside property. This is not the case of bringing urban zoning to the boundary with (say) a 10m yard to try and address reverse sensitivity. In this case a whole strip of land (17ha) is retained as rural.

KIWIRAIL

181. The KiwiRail submission raises three basic issues.

(a) Full safety audit of the rail crossing at Te Kauwhata Road.

(b) A noise standard for reverse sensitivity reasons adjacent to the rail.

(c) A vibration standard for noise sensitive reasons adjacent to the rail.

Te Kauwhata Road rail crossing

182. Beca have undertaken a Level Crossing Safety Impact Assessment (LCSIA). Their conclusions are addressed specifically in the evidence of Mr Hancock. The report finds that the Lakeside development and, in particular, the improvements at the intersection of Te Kauwhata Road and Scott Road, and the construction of the alternate access road into the Lakeside area, will improve the safety rating of the crossing.

183. The report also recommends a range of initiatives which would further enhance safety. LDL has met with KiwiRail and agreed the improvements to be implemented. Mr Carr outlines these. These enhancements have also been signed off by KiwiRail.

184. I have considered what modifications are needed to the plan change. It already requires the construction of the alternate road access by the time 400 sections are subdivided on the site or 400 dwellings constructed. The Scott Road/Te Kauwhata Road intersection is an assessment criteria for 'comprehensive subdivision consent'. I have however recommended a further criteria to pick up the additional enhancements identified in the Beca report.

Noise and vibration

185. KiwiRail seek to apply the Norwegian standard to deal with noise and vibration reverse sensitivity issues. This is in addition to the special yard setback from the rail line.
186. LDL accepts the principle of the KiwiRail approach. Mr Whitlock in his evidence has outlined the actual analysis he undertook in applying the Norwegian standard embodied within the KiwiRail submission. Mr Whitlock identified that a vibration control should be applied within 40m of the rail line and a noise control within 100m of the rail line. Mr Whitlock's report has been provided to KiwiRail. KiwiRail have indicated their support for the modified plan change provisions. They accept in the particular circumstances of the Lakeside development and given the analysis of Mr Whitlock, that the 40m application of the Norwegian vibration standard is appropriate. They also accept that the noise and vibration reverse sensitivity issues can be managed and mitigated. KiwiRail has therefore supported the suggested drafting of provisions as put forward in this evidence.
187. Relying on Mr Whitlock's evidence, I have added an additional noise and vibration rule to the plan change based on his setbacks.
188. The KiwiRail submission seeks that the vibration standard be measured up to 60m from the rail line and the noise standard 100m from the rail line. This was a generic submission before KiwiRail had done any particular on site investigation.
189. It is obviously onerous on the new section owners to have to work through the Norwegian standard and undertake the necessary design changes. Where there is a reverse sensitivity issue, i.e. 40m for vibration and 100m for noise from the rail line, then this rule is warranted. Where the actual analysis demonstrates that there is no issue beyond these distances, the rule is not warranted. Consequently, the rule I have recommended is consistent with the research by Marshall Day.
190. I have set out earlier in this evidence the suggested additional controls to noise and vibration which would apply to plan change 20. These generally accord with the submission requested by KiwiRail as modified by the detailed research of Mr Whitlock. What his work identifies is that there are practical solutions to achieve the vibration standards for homes within 40m of

the rail line and even more straightforward solutions for noise related issues for homes within 100m of the rail line.

191. The control states that the habitable room within any dwelling within the requisite distance (40m for vibration and 100m for noise) must meet the specified standards. These are the Norwegian standards sought by KiwiRail. The noise and vibration standards are measured from the edge of the rail track closest to the proposed dwelling.
192. I have slightly amended the text requested by KiwiRail. The submission uses the term 'avoid, remedy and mitigate'. I prefer 'manage and mitigate'. There is train noise and vibration close to the track. It cannot be avoided or remedied. What the rule does is manage/mitigate this by design and technology requirements in the buildings. I have removed reference to train depots as this does not apply. I have identified KiwiRail as an affected party rather than set their written consent as a pre-requisite within the rule. The normal RMA notification provisions should apply. KiwiRail is clearly an affected party.

Other plan change matters relating to KiwiRail

193. KiwiRail requested some consequential changes to the issues and policies part of the precinct. These are accepted. They also requested consequential changes to the business and open space requirements. However, I believe it is now recognised that these reverse sensitivity issues are now not relevant to the small community hub or open space area. Reverse sensitivity issues really relate to the residential environment of the living zone. Furthermore, the business and recreation zoned land is some considerable distance from the rail line and outside the area of sensitivity identified by Mr Whitlock.

OTHER MATTERS RAISED IN SUBMISSIONS

Archaeological features

194. New Zealand Historic Places Trust supports the application in that there has been an archaeological assessment of the proposed residential area, but states there has not been an archaeological analysis of the rural/open space area. Given this is the lake foreshore, this area is seen as archaeologically important.

195. The foreshore has been modified through previous works associated with flood management. The creation of stop banks and modifications on the flood plain are a factor.
196. Notwithstanding that, LDL fully accepts that it will need an archaeological investigation of the open space/rural areas within the precinct.

House washing

197. A couple of submitters are seeking that their houses be washed on an annual basis to control dust impacts on roof water tanks.
198. As part of a previous resource consent on show homes, this matter was raised by an adjoining resident. LDL agreed to wash the house. The Hearing Commissioner on that consent noted this offer and imposed it as an augier condition.
199. LDL confirms that it will undertake identified annual house washing following the bulk earthworks and infrastructure consents which are in proximity to existing residents. This is best dealt with as an augier condition on the 'comprehensive subdivision' or 'comprehensive land development consents', rather than put within this plan change.

Outdoor living court

200. One submission seeks that the outdoor living court areas be increased from 60m² to 80m². This applies in the medium density area. Mr Barrett-Boyes addresses this in his evidence. 60m² is a widely accepted minimum size for an outdoor living court area. When this is added to the other controls, particularly on yards and building coverage, this creates an appropriate balance between the amenity of the site and the cost of development.

Broader walkway network

201. A number of submissions support the enhancement of the walkway from Rangiriri Pa, along the edge of Lake Kopuera to join the walkways at Lake Waikare.

Equestrian facility

202. A submission supports the equestrian park.

Medical services

203. One submission seeks adequate space be made in the community hub for potential future medical centre.

204. The community hub is of a relatively small size that achieves the balance between not creating a large centre that will compete with the existing Te Kauwhata town centre, and yet adequately servicing local residents. The proposed size of the Community Hub will cater for uses like a dairy, café and medical practice.

205. LDL has worked collaboratively with the submitter and understands the medical practice is satisfied with the proposal for the community hub and supports the plan change.

SPECIFIC PLAN CHANGE PROVISIONS

206. There are a number of specific plan change provisions raised by submitters which are either technical amendments sought to the provisions, or are additional matters not related to the topic summarised earlier in this evidence.

207. One submitter (sub 6: WDC) seeks to add 'urban design and visual amenity' into the assessment criteria. The requested relief is:

"The extent to which:

- a) The master plan (as required by 21E.5.1) integrates with the Te Kauwhata township and its surroundings, including the appropriateness of the development response to the medium density precinct and the higher density precinct and the proposed urban form;*
- b) The effect on visual amenity, rural character and urban character with the application site and on the surrounding visual catchment;*

c) The proposed development is consistent with, or allows the implementation of the specific design proposal (as required by 21E.5.6)."

208. In my view, the significant majority of the existing assessment criteria relate to urban design. They cover core issues of permeability, spatial variety and integration with the natural environment and lot design. They also cover non-urban design issues such as infrastructure and contaminated land.
209. The permeability criteria particularly require the integration with the Te Kauwhata township. This is in terms of road connections, the walking and cycleway network, access to the lake, futureproofing for public transport.
210. What is not clear to me is what the Council is seeking by way of the requested additional criteria "appropriateness of the development response to the medium density precinct and the higher density precinct and the proposed urban form". I have commented on this earlier in this evidence.
211. The plan change itself through the precinct plans and provisions sets these core parameters. The precinct plans embody the core planning elements of the development. The 'comprehensive subdivision consent' and the associated 'comprehensive land development consent' and the assessment criteria applying to those consents in my view fully achieve the matters of integration and appropriate urban form. I do not support the type of assessment criteria which either an applicant or the processing planner cannot readily understand what is the intended planning outcome. In my view the requested change is not necessary.
212. In a similar way, I am not clear what is envisaged in the second requested criteria relating to 'visual amenity, rural character and urban character'. I think the plan change already addresses these issues in terms of:
- setting urban development back from the lake edge, and creating a large visual buffer along the foreshore;
 - creating the interface between the southern portion of the housing area and the farmland to the south;
 - the landscape treatment outlined in the evidence of Mr Lines;
 - essentially ensuring development is at one and two storey consistent with the rest of Te Kauwhata;

- the landscape and design matters addressed in the assessment criteria of the plan change

213. What I do agree with the Council submission is that the assessment criteria could usefully be expanded by including

- “1. the masterplan (as required by 21E.5.1) integrates with the Te Kauwhata township consistent with Precinct Plan 21E.3.1, 21E.3.2, and 21E.3.3
2. the proposed development is consistent with, or allows the implementation of the specific design proposals (as required by 21E.5.6).”

While these aspects are implicit within the plan change, I accept there is benefit in making them explicit.

214. The Council section 42A report recommends an urban design and visual amenity criteria. With the exception of the clause *“including the appropriateness of the development’s response to the medium density and high density precincts and the proposed urban form”*. I agree with the recommendation.

215. One submission (sub 6: WDC) seeks that the assessment criteria in 21E.4 be referred to as “Factors”. I note that the recommendation is now to retain the term “assessment criteria”. That is my preference also.

216. One submission (sub 6: WDC) seeks to amend the policy 15D3.6(h) so as to remove the word “highly”. I support this.

217. One submission (sub 6: WDC) seeks to amend the thresholds relating to rules associated with the comprehensive subdivision consents and comprehensive development consents. The current rules refer to (say) up to 50 and above 51. The intention of the submission is to, in all such similar examples, to ensure a contiguous control. I support this.

218. One submission (sub 6: WDC) seeks to amend rule 21E.2.23.1(a) to include in the issues to which the Council reserves its right over to include site “size” as well as the range of other criteria.

219. The rule itself sets minimum and average lot sizes. I fully accept that this is a key issue of debate within this plan change. At the end of this hearing process the Commissioners will determine

what is the appropriate minimum and average size in the medium density and higher density zones. In my view, that then deals with the issue of size. Council does not need to reserve to itself matters of discretion over size. The plan change already has controls over shape, location, orientation, variation in allotment size, infrastructure standards, amenity and streetscape, vehicle and pedestrian networks. Those discretions are broad and encompass the appropriate examination that the Council should undertake on what will now be a restricted discretionary activity consent. Size should not be added as a matter of discretion.

220. One submission (sub 7: WRC) seeks a 7m strip of land beside one of the key Lakeside drains. As LDL understands it, this land is all within the rural zone. None of it is identified for development. LDL has formally offered to provide the easement that WRC seeks and fully recognises that WRC must have access to maintain this public drain. In my view this is appropriately dealt with as agreement between LDL and WRC. Were it on developable land, it might be a case of putting special provisions in the plan change. In my view this is not necessary. However, if WRC feels strongly about this point, then in principle LDL will agree to some form of plan notation of the location of the drain and the 7m strip, and setting an assessment criteria on comprehensive subdivision consents that an easement be granted to the WRC.
221. A couple of submissions raised the issue of staging and timing of the development.
222. Detailed staging and timing issues are appropriately dealt with at the 'comprehensive subdivision consent' and 'comprehensive land development consent' stage.
223. However, it is accepted that, particularly the two councils, need a reasonable indication of the core flow-on effects of infrastructure where this impacts beyond the development land.
224. In this regard:
- (a) LDL is already seeking consents for the upgrade of Scott Road from WDC. If this plan change is approved, then LDL will implement the upgrade of Scott Road.
 - (b) The plan change makes it clear that the alternate access via Rata Street must be put in place by the time 401 sections are provided within the development.

- (c) The new assessment criteria on wastewater recommended in this evidence makes it clear that no development can proceed until LDL holds the appropriate authorisation to connect to an approved wastewater system. That might be the public Te Kauwhata treatment plant, a discharge consent held by LDL for Lakeside and/or Te Kauwhata, or connection into a WDC future pipeline to an approved outfall.
- (d) Other key infrastructure aspects are worked through at the time of the individual resource consent. The assessment criteria already require the staging of development to correspond with the provision of infrastructure.
225. In my view the key timing aspects are already addressed for this development and in the plan change. It is not clear to me what additional elements would be provided.
226. One submission (sub 7: WRC) highlights the dual role that stormwater and flood management areas can give in terms of ecological corridors. The submitter seeks an amended policy and assessment criteria in this regard.
227. I agree that stormwater corridors do have these dual functions. Certainly the work by Baxter Design, Boffa Miskell, and SEL have embraced these concepts within the design.
228. I do think that the assessment criteria could usefully identify this. Policy 15D.3.13 already refers to “ecological corridors are established for the management of stormwater which are designed to minimise erosion and minimise ecological or water quality integration in Lake Waikare arising from Lakeside development”. This could be rewritten to read: “Ecological corridors established for the *dual function of* management of stormwater which are designed to minimise erosion and minimise ecological or water quality integration in Lake Waikare arising from Lakeside development, *and to complement the wildlife corridors, particularly between Lake Waikare and the Whangamarino wetland.*”
229. One submission (sub 6: WDC) requests that the criteria relating to streetscape design and the comprehensive nature of landscaping theme and the quality of materials should be “complementary to other parts of Te Kauwhata”. The streetscape amenity within the legal road proposed in Lakeside will be enhanced from that in the majority of the streets currently within Te Kauwhata. For example, street trees and themed planting are proposed for Lakeside. This enhancement should be encouraged. I do not support this change.

COMMENTS ON THE COUNCIL OFFICER'S REPORT

230. I have read the section 42A report. As previously indicated, I support the vast majority of the conclusions and recommendations contained within that report. There are a couple of issues of detail where I hold a different view. I have expressed those in terms of the modifications I am suggesting to the plan change.

231. In the 42A report, the comment was made that the section 32 assessment did not adequately address clause 6.16 Commercial development in the Future Proof area, policies (a) to (f). LDL was invited to address this as part of evidence.

Management of the built environment in the **Future Proof area** shall provide for varying levels of **commercial development** to meet the wider community's social and economic needs, primarily through the encouragement and consolidation of such activities in existing commercial centres, and predominantly in those centres identified in Table 6-4 (section 6D). Commercial development is to be managed to:

- a. support and sustain the vitality and viability of existing commercial centres identified in Table 6-4 (section 6D);
- b. support and sustain existing physical resources, and ensure the continuing ability to make efficient use of, and undertake long-term planning and management for the transport network, and other public and private infrastructure resources including community facilities;
- c. recognise, maintain and enhance the Hamilton Central Business District as the primary commercial, civic and social centre of the Future Proof area, by:
 - i. encouraging the greatest diversity, scale and intensity of activities in the Hamilton Central Business District;
 - ii. managing development within areas outside the Central Business District to avoid adverse effects on the function, vitality or amenity of the Central Business District beyond those effects ordinarily associated with trade competition on trade competitors; and
 - iii. encouraging and supporting the enhancement of amenity values, particularly in areas where pedestrian activity is concentrated.
- d. recognise that in addition to retail activity, the Hamilton Central Business District and town centres outside Hamilton are also centres of administration, office and civic activity. These activities will not occur to any significant extent in Hamilton outside the Central Business District in order to maintain and enhance the Hamilton Central Business District as the primary commercial, civic and social centre;
- e. recognise, maintain and enhance the function of sub-regional commercial centres by:
 - i. maintaining and enhancing their role as centres primarily for retail activity; and
 - ii. recognising that the sub-regional centres have limited non-retail economic and social activities;
- f. maintain industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in industrially zoned land; and

232. Te Kauwhata is one of the identified existing commercial centres. The impact of Lakeside on the Te Kauwhata commercial centre has been reviewed from an economic perspective by Mr Heath, from an urban design perspective from Mr Baxter and from a planning perspective from myself. One of the core objectives of the plan change and a key message that arose through the consultation process leading up to the plan change was to ensure the community hub as part of Lakeside did not undermine the commercial viability of Te Kauwhata centre. The level of commercial floor space allowed will achieve this. Commercial development is limited. It is targeted at providing local top-up shopping and services for the immediate neighbourhood but that the core retail offer will be within the existing Te Kauwhata centre. The objectives, policies

and rules reinforce this. I note there are no submissions from any existing retailers or retail property owners concerned that the community hub will detract from the existing centre.

233. In terms of the specific criteria within the Regional Policy Statement:

- The increased population within Lakeside, particularly the northern portion which is within a readily walkable distance of the shops, will actually help sustain the viability and vitality of the existing centre.
- The limitations in terms of the objectives, policies and rules on development within the community hub will assure it does not undermine the existing centre.
- The connections in walkways, cycleways and roading will enable the residents of Lakeside to get ready access to the existing centre.
- The small scale of the community hub will not have any impact on the Hamilton Central Business District.
- There is no administration or civic activity promoted as part of the community hub. There are amenities because these are to service the immediate neighbourhood.
- For the reasons stated above, Lakeside will actually reinforce Te Kauwhata as a sub-regional centre because it will provide a significant catchment to the south of the centre which is currently very limited.
- There is no industrial activity provided as part of the community hub.

CONCLUSION

234. In my opinion, this plan change as modified in terms of the recommended changes to the text and plans attached to this evidence will deliver the planning outcomes set out in the objectives and policies.

235. From a regional perspective, the issue is should there be provision for growth and is this the right location. I consider Te Kauwhata is the right location because:

- (a) There is demonstrable demand for growth in the northern Waikato and in the Auckland-Hamilton corridor. Futureproof and their work with the joint Regional and District Councils through their submission underpin the need to provide for and manage growth. This is also a requirement of the National Policy Statement on urban development capacity.

- (b) The regional and district policies target growth in existing centres including Te Kauwhata.
- (c) There is a general recognition of the significant population growth rates in the northern Waikato and that there does need to be additional capacity for growth.
- (d) Te Kauwhata is well located in terms of the transport network and is suitable for growth provided adequate infrastructure can be developed. The key issue here is wastewater and this plan change and the associated work with the District and Regional Councils provide a viable wastewater solution.

236. From a district perspective, the issues above also apply. In addition the following aspects of plan change 20 are relevant:

- (a) It will provide for necessary and appropriate growth within Te Kauwhata focusing to the south which is the closest undeveloped land to the town centre and avoiding the important natural feature of the Whangamarino wetlands.
- (b) It will provide for a range of lifestyle choices appropriate to the area.
- (c) It will reinforce the Te Kauwhata centre by providing additional catchment within walking distance and a high degree of connectivity through to the centre.
- (d) In terms of character, the District Plan talks about the character in terms of the Whangamarino wetlands, the two lakes and the village core. All of these aspects are protected or reinforced by plan change 20. When it comes to residential character, the District Plan only refers to spaciousness. Plan change 20 does provide for spacious environment but it provides it in a different form. In some parts the spaciousness is provided on site, in other areas it is partly provided on site and partly in the larger areas of open space which form part of the plan change. It will provide for a quality neighbourhood which, while a different character to parts of Te Kauwhata, does retain the core issue of spaciousness. Significant areas of public open space are created within the development.
- (e) For the first time it opens up public access to Lake Waikare.

(f) Infrastructure is designed to improve water quality in the lake, albeit that the sheer size of Lake Waikare and the current water quality issues mean that this proposal will have a beneficial effect but one that is masked by the sheer size of current issues with the lake.

(g) The new provisions provide the confidence the District and Regional Councils want in understanding the staging, provision and method for infrastructure.

237. In my opinion, this plan change meets the tests of the Resource Management Act and should be approved in its modified form.

Appendix A

The schedule below identifies the locations in which “and/or” needs to be amended to read “or”.

Clause	Amendment
15D.3.24	<p><u>15D.3.2024</u></p> <p><u>Subdivision and development shall occur in an orderly sequence dictated by the provision of the following infrastructure.</u></p> <ul style="list-style-type: none"> <u>(a) stormwater management practices to provide a “treatment train” for stormwater including swales, rain gardens and wetlands. This shall be set out in a stormwater management plan;</u> <u>(b) wastewater capacity to service the development which will ensure an enhanced high quality effluent treatment;</u> <u>(c) a wetland in the southern end of the precinct to manage discharge from the wastewater plant or connection to a public system with sufficient capacity;</u> <u>(d) adequate potable water, energy and telecommunications to service growth within the subdivision;</u> <u>(e) in the reformation of the extent and shape of the flood plain and in the allowance for the public facilities within the flood plain, the same storage capacity of water shall be retained;</u> <u>(f) a secondary access roading connection into the Te Kauwhata Lakeside Precinct Plan Area must be open for traffic once the number of new lots and/or dwellings in the Lakeside Precinct Plan Area exceeds 400.</u>
15D.4.8	<p><u>15D.4.8 Infrastructure</u></p> <p><u>Residential development within the Te Kauwhata Lakeside Precinct Plan Area must be supported by a full range of infrastructure including roading, water supply, wastewater disposal and stormwater management as well as energy and telecommunications services.</u></p> <p><u>Provision of the services must be timely to appropriately support each stage of residential development and contribute to an efficient outcome for the land as a whole. Development of these services within the Precinct Plan Area will be a requirement of a Comprehensive Subdivision.</u></p> <p><u>Infrastructure will be staged as part of the development of subdivided sites within the Precinct Plan Area. Opening up access to Lake Waikare will be part of the first stage development.</u></p> <p><u>The existing wastewater plant will be upgraded or Lakeside will have a stand-alone plant if a public network of sufficient capacity is not available. This will not only enable high quality treatment for the Lakeside development but will also be done in a manner which will enable the Council to expand the plant and connect the entire Te Kauwhata settlement. The wastewater solution and/or</u></p> <p><u>associated pipeline will be futureproofed so it can connect to any possible future pipeline to Huntly or other alternative public system. This is seen as a significant benefit and may enable retirement of the existing wastewater treatment facility.</u></p> <p><u>This wastewater upgrade will allow the decommissioning of the existing wastewater treatment ponds and creation of public reserve.</u></p> <p><u>A second access road to the Te Kauwhata Lakeside Precinct Plan Area will be open for traffic once the number of new lots and/or dwellings in the Lakeside Precinct Plan Area exceeds 400.</u></p>

21E.2.1.1	<p><u>Secondary Road Access Control</u> <u>A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be open for traffic before the number of lots and/or dwellings in the Lakeside Precinct Plan Area exceeds 400.</u></p> <p><u>For the purpose of this rule, exceedance of 400 lots shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of dwellings shall occur at the time of issue of building consent for the dwelling.</u></p>
21E.2.2.1	<p><u>Secondary Road Access Control</u> <u>A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be opened for traffic before the number of lots and/or dwellings in the Lakeside Precinct Plan Area exceeds 400.</u></p> <p><u>For the purpose of this rule, exceedance of 400 lots shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of dwellings shall occur at the time of issue of building consent for the dwelling.</u></p>
21E.2.3.1	<p><u>Secondary Road Access Control</u> <u>A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 21E.3.2) must be opened for traffic before the number of dwellings and/or independent living units within a retirement village in the Lakeside Precinct Plan Area exceeds 400.</u></p> <p><u>For the purpose of this rule, exceedance of 400 dwellings shall occur at the time of issue of building consent for a dwelling and/or independent living unit within a retirement village.</u></p>
21E.4	<p><u>Permeability</u></p> <p><u>The extent to which:</u></p> <ol style="list-style-type: none"> 1. <u>Scott Road provides primary road access to the Lakeside Precinct Plan Area,</u> 2. <u>Enhanced permeability is achieved by opening up a second access to the north-east and connecting to the village, once more than 400 sites and/or dwellings are developed in the Lakeside Precinct Plan Area,</u> <p>and</p> <p><u>Infrastructure</u></p> <p><u>The extent to which:</u></p> <ol style="list-style-type: none"> 1. <u>all residential development is serviced by wastewater, stormwater, potable water, energy and telecommunication infrastructure,</u> 2. <u>the wastewater upgrade provides a medium and long-term opportunity to enhance water quality in Lake Waikare,</u> 3. <u>wastewater infrastructure has been futureproofed so that the southern end of the Lakeside pipeline could connect into any possible future public wastewater pipeline to Huntly, [WRC 7.3]</u> 4. <u>stormwater management minimises effects on Lake Waikare and [WRC 7.8] achieves good water quality using street berms and wetlands to manage water quality,</u> 5. <u>roading upgrades to create a second access to the Lakeside Precinct Plan Area once the development exceeds 400 new sites and/or dwellings has been achieved;</u>

Part G	<p>6. Insert the following as a last paragraph in 15A.3.10 Transport:</p> <p>“Once the Lakeside development exceeds 400 sites and/or dwellings, a second access road will be constructed in the north-east linking the Lakeside Precinct to the Te <u>Kauwhata</u> urban area in the vicinity of Rata Street.”</p>