

14 May 2021

Nukuhau: Private Plan Change Request  
C/- Tanya Running  
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Attention: Tanya Running

### **Nukuhau: Private Plan Change Request 37: Further Information Requested at close of Submissions**

Submissions on Plan Change 37 (**PC37**) closed on 5 March 2021, with some 59 submissions. The summary of submissions was notified for further submissions, which closed on 30 April 2021. One further submission was received.

The submissions have raised a number of matters with respect to the Plan Change Request. It was helpful discussing these at our meeting on 16 April 2021. There was considerable discussion as to addressing these matters through further information provided by the Proponent, such that a more efficient s42A Report was able to be drafted.

Accordingly, the following is comprised on those matters raised in submissions where it is considered that the Proponents of the Plan Change would be better to compile and provide a response in advance to initial drafting of evidence by the Council.

As agreed, such would also provide the ability for the Proponents to steer any amendments, within scope, to the Plan Change and accompanying ODP.

The attached request is not pursuant to either cl23 of Schedule 1, or s41(1)(b) of the Resource Management Act 1991. But seeks to ensure that a number of the matters raised by submitters, especially in relation to process, hui and consultation can be transparently addressed prior to the exchange of evidence.

Given that we have a hearing date in place, in order for this information to be considered within the section 42a report, it would need to be received by 11 June 2021. It would also assist our process if you have parts of the information ready earlier you provide them as they become available.

The request relates to the following matters:

**(1) Contact Energy.**

Section 10.3 of the Geotechnical Report accompanying the Request addresses the issue of Geothermal Induced Settlement.

There is no explicit references to discussions with Contact Energy in terms of the interface with the Wairakei-Tauhara Geothermal Systems (as classified a Development Geothermal System in the Waikato Regional Plan), and in particular land between Poihipi Road, Wairākei Drive and Contact's land to the north (i.e. the land legally described as Lot 2 DP 384060).

Information Requested	Matter
Contact Energy and Reverse Sensitivity	
<p>It is recommended the Proponents are consult with Contact Energy and outline how the Request addresses, or otherwise, those matters identified as (a) to (e) within the column identified as 'Reasons', within the framework of the Waikato Regional Policy Statement including <b>Objective 3.12(e), Policy 6.1(a)</b> and the Principles in <b>Section 6A(h) and (o) and Policy 6.3</b>, and Taupō District Plan</p>	<p>The submission from Contact Energy raises the following matters:</p> <ul style="list-style-type: none"> <li>a. Proximity of residential to contact site, and in particular the 'Medium Density' area proposed in terms of intensity of development, and sensitivity to Contact Energy operations.</li> <li>b. Reverse sensitivity, and in particular the extent to which the enabled development recognises the nature of the Wairakei-Tauhara Geothermal System, and Contact's activities so as to avoid, remedy or mitigate adverse effects on Contact's operations, noting that the area is not contained within existing encumbrance 7482571.4 held by Contact.</li> <li>c. Layout of Poihipi/Wairakei drive intersection, in particular in relation to the construction traffic associated with Stage 2 of the Te Mihi Power Station (which forms part of the existing environment) and appropriate measures put in place to manage those effects, and Contacts ability to meet its own consent conditions</li> <li>d. That Poihipi Rd should be realigned, enlarged and landscaped as a buffer for sensitive residential activities from Contact Energy's operations.</li> <li>e. Absence of consultation between the Proponents and Contact Energy.</li> </ul>

## (2) Iwi Consultation and Cultural Assessment

Section 4.1, Section 8.5 of the Request identifies:

*Consultation has been ongoing with Raukawa Charitable Trust, Te Arawa River Iwi Trust, Te Kotahitanga o Ngati Tūwharetoa and Tūwharetoa Maori Trust Board. With information provided to date*

and a copy [of the request] will be provided to the above identified parties for their comment at the time of lodgement.

It is noted that Section 9.3 of the Request states:

In terms of section 8, ongoing consultation with the relevant iwi groups will ensure that there are appropriate cultural inputs at the time of design and delivery of the development, therefore implementing the principles of the Treaty of Waitangi to the extent possible.

Section 5.6.1 of the Urban Design Assessment identifies the ‘intent’ to incorporate collaboration with iwi in terms of the: “...development of public art or gateway type features, and in the restoration of a higher amenity gully network”;

The ArchSite report is explicit that: “review does not present the views of local iwi regarding the significance of the area to them. Such assessments can only be made by tāngata whenua, as Māori concerns may encompass a wider range of values than those associated with archaeological sites. This advice is only for the project description provided, and does not account for any changes to project scope or design unless otherwise stated. This ArchCheck is only a preliminary guide to identify potential risk and is not a complete archaeological assessment”.

Appendix L – Feedback contains records of discussions with:

- Te Kotahitanga o Ngāti Tūwharetoa,
- Te Arawa River Iwi Trust (TARIT),
- Tūwharetoa Māori Trust Board,
- Raukawa Charitable Trust as:
  - River Iwi Authority, and
  - Iwi Authority in terms of Area of Interest and Statutory Acknowledgement
- Rangatira 8A17
- Rangatira A6B2

Information Requested	Matter
Tuhingamata/Ngati Te Urunga hapu/whanau, Nukuhau (Sub 17)  Rauhoto Land Rights RMA Committee (Sub 20), E Wharehinga (Sub 21), John Paki Te One Wineera (koro to Hiraina) (Sub 22), J and M Tamiuru (Sub 23), N Wineera (Sub 24), R Wineera (Sub 25), K Keremete (Sub 26), Rangihiroa Te Whetu Whanau Trust (Sub 27), R Hunia (Sub 28), William Wiremu, and Mate Taumaha Josephine Wineera Whanau Trust (Sub 29)  Heritage New Zealand (Sub 36)	Cultural Impact assessment and identification of mana whenua.
It is recommended the Proponents consult with the submitters and respond to matters (a) to (c), in particular where these matters have been addressed in the Plan Change and requested provisions.	The matters raised from Sub 17 and Sub 36  (a) Absence of a cultural Impact Assessment.

<p>The respective statutory matters to be considered include:</p> <ul style="list-style-type: none"> <li>• RMA1991, Clause 3(1)(d) and clause 4A of the First Schedule, as well as Section 8 and Section 32(4A).</li> <li>• Waikato Regional Policy Statement including <b>Objective 3.9, 3.18, Policy 4.3, Policy 6.1(a)</b> and the Principles in <b>Section 6A(q)</b>.</li> <li>• Taupō District Plan, including <b>Policy 3e.2.5(ii)</b>, and <b>Objective 3g.2.1</b> and associated policies.</li> </ul> <p>It is recommended the Proponents provide formal correspondence as to how this matter is to be addressed, including advice from an appropriate expert as to how this matter is, or will be addressed.</p>	<p>(b) How the CIA (in (a)) may impact on amendments to the Structure Plan and provisions.</p> <p>The matters raised from Sub 20, Sub 21, Sub 22:</p> <p>(c) Discussions have been undertaken with appropriate mana whenua hapu.</p>
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Information Requested	Matter
<p>Tuhingamata/Ngati Te Urunga hapu/whanau, Nukuhau (Sub 17)</p>	
<p>It is recommended the Proponents consult with the submitter and advise the Council as to the potential ramifications, and accordingly process steps in association with the matters raised in (a).</p> <p>This includes identification as to how the Plan Change, and associated enabled development would be able to progress in an integrated and co-ordinated manner should the Rangatira Block 8A6832 remain as Māori Freehold Land, including amendments (within Scope and accompanied by assessment) amendments to the ODP, and in particular stormwater management and 'pedestrian access and planting), and the proposed access (road) connections – ODP (and Provisions)<sup>1</sup>.</p>	<p>(a) The land holding Rangatira Block 8A6832 (9.8514ha) is identified as Maori Freehold Land, and only the Maori Land Court could amend the status to enable development as sought in the Plan Change. This also requires, amongst other caveats, that the land is beneficially owned by no more than 10 owners (ss135 – 137, Te Ture Whenua Māori Act 1993)<sup>2</sup>.</p>

### (3) Realignment of Stormwater Gullies

Information Requested	Matter
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<sup>1</sup> Request. Appendix C – Outline Development Plan.

<sup>2</sup> Request. Appendix A - Section C, 3.1 Legal Matters.

Waikato Regional Council (Sub 43), Jane Penton C/- Lakes and Waterways Action Group (Sub 53)	
<p>It is recommended the Proponents consult with the Waikato Regional Council and advise as to any amendments to the ODP and provisions, as considered appropriate.</p> <p>The respective statutory matters to be considered include:</p> <ul style="list-style-type: none"> <li>• Waikato Regional Policy Statement including <b>Policy 8.3, Policy 6.1(a)</b> and the Principles in <b>Section 6A(h)</b>.</li> </ul>	<p>(a) A conservative approach to stormwater design is required in the structure plan area due to highly erodible pumice soils and the history of flooding in the vicinity. This includes avoiding effects on the existing gully system, which is considered (by WRC Officers) to not be supported by the WRPS (Development Principle 6A(h).</p> <p>(b) Realignment of existing gullies is not supported as pumice soils are prone to erosion and are valuable stormwater management assets.</p>

#### (4) Archaeological Values

Information Requested	Matter
Heritage New Zealand (Sub 36)	
<p>The Request includes at Appendix K an 'ArchCheck' Report prepared by WPS.</p> <p>It is recommended the Proponents consult with the Waikato Regional Council and advise as to any amendments to the ODP and provisions, as considered appropriate.</p> <p>The respective statutory matters to be considered include:</p> <ul style="list-style-type: none"> <li>• Waikato Regional Policy Statement including <b>Objective 3.18, Policy 6.1(a)</b> and the Principles in <b>Section 6A(j)</b>.</li> <li>• Taupō District Plan Policy 3e2.5(ii), and <b>Objective 3j.2.1</b> (as appropriate).</li> </ul> <p>It is recommended the Proponents provide formal correspondence as to how this matter is to be addressed, including advice from an appropriate expert as to how this matter is, or will be addressed.</p>	<p>(a) HNZPT considers that a full archaeological assessment should be undertaken by a suitability qualified person, familiar with the Plan Change location, prior to decision making on Plan Change 37.</p> <p>(b) HNZPT advise that the 'ArchCheck' is inadequate for the purposes of informing the consideration of archaeology within the Plan Change. The ArchCheck advises that the whole site was not visited-"the size of the project area meant that the full area was unable to be comprehensively surveyed" and that the site is located within "the wider landscape (that) was extensively used prior to 1900 by Maori".</p>

#### (5) Council Infrastructure / Bridge / Local Park Area(s)

Information Requested	Matter
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<p>J Stillman (Sub 11), P Corbett, B MacLennan (Sub 8), E Waugh etc. – Transport capacity and Control Gates</p> <p>Tuhingamata/Ngati Te Urunga hapu/whanau (Sub 17), T Hendricks (Sub 18), R McKenzie (37) – Open Space</p>	<p>Appropriate provision of open space (local parks). Constrained capacity on the road network, and potential deferment staging until additional capacity is introduced.</p>
<p>The Request includes at Appendix E a Traffic Impact Assessment Report prepared by WPS. The TIA identifies that <i>'it is evident that by 2041, another bridge crossing will be required to cope with the traffic demand in Taupō with or without the Nukuhau Development'</i>. But then assumes, that the development enabled by PC37 should therefore be able to commence regardless.</p> <p>A Landscape Visual assessment is provided at Appendix G which provides support (in landscape terms) for the proposed reserve network and informal recreational opportunities – identifying; that the reserve network will be <i>typically narrow widths for the main purpose of pedestrian and cycleway access, and with amenity planting'</i>. There is no discussion (or provision) as to a local park (kick a ball) reserve contribution.</p> <p>It is recommended the Proponents consult with the Taupō District Council and advise as to any amendments to the ODP and provisions, as considered appropriate in terms of:</p> <ul style="list-style-type: none"> <li>• Reliance on northern corridor improvements, including the second 2 lane Control Gate Bridge.</li> <li>• Staging and sequencing as associated with increased capacity.</li> <li>• Provision of informal local purpose reserve.</li> </ul> <p>This last matter was also raised in the formal cl23 request and was not responded to: <i>'The proponent is asked to consider the provision of a neighbourhood / community park(s) of some 2,500m<sup>2</sup> to 3,000m<sup>2</sup> of a regular shape in an accessible location with adequate space to accommodate children's play equipment, substantial tree plantings and open space'</i>.</p> <p>The respective statutory matters to be considered include:</p>	<p>In terms of transport capacity and the Control Gates:</p> <ul style="list-style-type: none"> <li>(a) Sensitivity testing of the existing transport model.</li> <li>(b) Consideration as to whether staging of the development is necessary to ensure issues with additional road capacity (bridge) are addressed.</li> </ul> <p>In terms of reserves (Sub 17, Sub 18)</p> <ul style="list-style-type: none"> <li>(c) Why is there no provision for open space reserves, including immediately south of Rauhoto Marae as a large reserve / recreational area.</li> </ul>

<ul style="list-style-type: none"> <li>• Waikato Regional Policy Statement including <b>Objective 3.12(c)</b>, <b>Policy 6.1(a)</b> and the Principles in <b>Section 6A(d)</b>.</li> <li>• Taupō District Plan Policy 3e2.5(ii), and <b>Objective 3e.2.3</b> and <b>Objective 3f.2.1</b> and associated policies.</li> </ul>	
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**(6) Community Infrastructure – Schools and Spark**

Information Requested	Matter
Spark (Sub 51) Ministry for Education (Sub 38)	
<p>Spark have raised a number of matters associated with consultation and the provision of infrastructure to support communication technology.</p> <p>The Ministry for Education seeks consultation with the Proponents (and the Council) as to the demographics and potential impact on the school network.</p> <p>It is recommended the Proponents provide correspondence as to if, and how this matter is to be addressed (including identifying whether these Agencies are able to rely on other mechanisms). If formal changes are made to the Plan Change request these should be identified.</p>	<p>(a) Confirmation that an appropriate level of consultation has occurred with Spark, and the provision of communications technology is appropriately provided for (including by other mechanisms outside the Plan Change).</p> <p>(b) Confirmation that an appropriate level of consultation has occurred with the Ministry for Education.</p>

Many regards,

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