



15 June 2021

Matt Bonis & Hilary Samuel
Taupo District Council
Private Bag 2005
Taupo

SENT VIA EMAIL: matt@planzconsultants.co.nz; hsamuel@taupo.govt.nz

Response to further information request 14 May

2-37400

Dear Matt & Hilary

In response to your letter of 14 May 2021, which requested further information to address matters raised by submitters (your letter). We note that the request is not a formal further information request pursuant to provisions of the Resource Management Act 1991 (RMA) and that you have indicated that the information would be needed by 11 June 2021 to be able to be incorporated into the section 42a report.

As detailed below, we propose that minor amendments will be made to the plan change, all of which fall within the scope of the submissions and which remain within the scope of the plan change request, are intended to mitigate effects, and which will not be prejudicial to other parties or the public interest. We respond to the information requested (quoted in italics) under each of the headings as set out in your letter.

Contact Energy and Reverse Sensitivity

Information Requested: *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 Objective 3.12(e), Policy 6.1(a) and the Principles in Section 6A(h) and (o) and Policy 6.3, and Taupō District Plan.*

Response: Meetings with Contact Energy occurred on 20 May 2021 and 10 June 2021 and there has been additional correspondence. Prior to submission of the application a meeting with Contact Energy was held on 10 July 2018.

It is likely that Contact Energy will provide a letter in full support of the Private Plan Change, pending a signed Side Agreement between the CN Top Ltd (landowner) and Contact Energy. The below Contact Energy requests are agreed to in-principle by the landowner and will be included in the Side Agreement:

1. No complaints encumbrance over CN Top land that will drop down onto future residential sections. This encumbrance will be required to be registered on the title within 3 months following the approval of the Plan Change and expiry of appeals period (in the event the Plan Change is approved). Specifically, the no complaints register is to prevent complaints regarding the activities of Contact Energy, including the production of a reinjection well which can create noise, light and traffic effects for up to six months at a time.
2. Realign Poihipi Road such that it is aligned adjacent the northern boundary as much as practicable. To avoid an over-pronounced 'S' bend in Poihipi Road when approaching the site from the north, it is proposed to enter into a minor land-swap between CN Top and Contact Energy to better align this road. The purpose of this

- adjusted road is to provide greater distance from the future residential sections to the Contact Energy land. Please see attached Plans 2-37400.00 L001 Rev 'O' and 2-37400.00 L003 Rev 'A'. These plans and proposal is yet to be formally approved and agreed to by either party.
3. Planting strip along the south side of Poihipi Road (outside of road intersections) to create a further barrier between future residential sections and Contact Energy land.
 4. Move the medium density area further to the south, as shown on the attached updated Structure Plan Map.

There are further matters required by Contact Energy below which the applicant does not necessarily oppose, but which require the approval of Taupō District Council. As such, these matters are a current work-in-progress:

5. There is a request from Contact Energy that the road areas within the CN Top land be held in Records of Title at time of vestment to public road. The purpose of this request would be to prevent any person from making a complaint in regard to Contact Energy activities from any road reserve area. Vesting public roads with a Record of Title would be a highly unusual occurrence and is an operational matter for Taupō District Council to consider. Contact Energy had suggested this was undertaken at the nearby Huka Heights subdivision, hence creating precedent. On WSP review, it does not appear that is correct, and Contact Energy will advise if they are aware of any precedent set elsewhere. We will then discuss this with TDC's Denis Lewis, and act as an intermediary between CE and TDC if required.
6. Given the proposed Te Mihi Stage 2 development, Contact Energy requests confirmation that they will not be asked to contribute financially to the proposed intersection construction of Poihipi Road / Wairakei Drive, given they had previously done so for the Stage 1 Te Mihi development. We have explained to Contact Energy that the intersection would be required to meet the Code of Practice for Development of Land and the Austroads standard. The previous intersection did not meet that standard prior to the Te Mihi Stage 1 upgrade, hence the required upgrade at that time. It appears that there is little for Contact Energy to be concerned with on this point, and there is potential that they will not seek anything further in relation to this future intersection.

Iwi Consultation and Cultural Assessment

Absence of Cultural Impact Assessment

Information Requested: *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... (a) Absence of a cultural Impact Assessment (b) How the CIA (in (a)) may impact on amendments to the Structure Plan and provisions... (c) Discussions have been undertaken with appropriate mana whenua hapu... 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.*

Response: A number of submitters have raised the matter of a cultural impact assessment not having been provided with the Plan Change request. As a matter of background, we took advice on cultural matters at an early stage by Andrew Kusabs and Gloria McLaughlin. Andrew and Gloria are heavily involved in Rangatira 8A17 and are also involved with Rangatira E. We have consulted with Andrew and Gloria throughout the process of this proposed Plan Change and referred our cultural queries to them. Further, we understood that the views they gave were the views of māna whenua.

In our initial meeting with Gloria on 2 October 2017, along with her consultant David Rankilor, Neil Hickman who was representing a subject landowner, and Hamish Crawford of WSP, Gloria confirmed that it was not appropriate to involve the Rangatira E land in the Plan Change. She also confirmed that she would organise Affected Party support from Rangatira E. Notes of the meeting are below (as recorded by Hamish Crawford of WSP), however confidential elements of the meeting notes have been removed.



Gloria McLaughlin
 Dave Rankilor
 Neil Hickman
 Hamish Crawford

Communication Record

To	Date <u>2 Oct 17</u>	Memorandum	<input type="checkbox"/>
Copy to	Time	Telephone Record	<input type="checkbox"/>
Recorded by	File No.	File Note	<input type="checkbox"/>
Subject	Proj. No	Minutes of Meeting	<input type="checkbox"/>
	Page of	Feedback	<input type="checkbox"/>

CONFIDENTIAL - TEXT REMOVED

No interest in involving Rangatira E. Take it off the table. However, Rangatira E happy to provide Affected Party support.

Rangatira SA 17 keen to be involved. Gloria to mention to them in a meeting tomorrow about financial implications to get this through Plan Change.

Image 1: Notes of meeting from 2 October 2017 - with some text removed for confidentiality reasons.

A meeting of 19 February 2019 involved both Andrew and Gloria, Neil and Michelle Hickman as representatives of a subject landowner, and Hamish Crawford of WSP (who took these notes). In this meeting, Gloria and Andrew stated that a Cultural Impact Assessment would not be needed. In this meeting we understood that the views they gave were the views of māna whenua. They made it very clear that they knew the past knowledge of the land and confirmed that there were no sites of significance located on the land.

19/2/19 Nickman Structure Plan meeting



Andrew Kusabs
 Gloria McLaughlin } Rangitira SA
 Neil Hickman
 Hamish Crawford
 Michelle Hickman

Communication Record

To	Date	Memorandum	<input type="checkbox"/>
Copy to	Time	Telephone Record	<input type="checkbox"/>
Recorded by	File No.	File Note	<input type="checkbox"/>
Subject	Proj. No	Minutes of Meeting	<input type="checkbox"/>
	Page of	Feedback	<input type="checkbox"/>

- David Rankitor initial plans
- NO sites of significance. No cultural IA
- Happy for Rangitira E to provide land for reservoir.
- Does it need to go to hearing? Gareth Green apparently said hearing was discretionary
- Rangitira SA potential to come in as client.

CONFIDENTIAL - TEXT REMOVED

- permission received to access the property on Thursday

CONFIDENTIAL - TEXT REMOVED

- Rangitira SA to come on board with fees from today
- Don't want us to consult with Dave Rankitor.
- Rangitira SA to provide previous info to us. Re-David

CONFIDENTIAL - TEXT REMOVED

Image 2: Notes of meeting from 19 February 2019 - with some text removed for confidentiality reasons.

It was from these meetings, at the early stage of the Plan Change formation, that it was decided not to pursue a Cultural Impact Assessment. If we were to have one undertaken,

that would have been the appropriate time to initiate it, and that was why we specifically asked the question of whether we should commission a CIA. Since the submissions were received, we have approached Andrew for further comment on this issue and received a message from him that he was reluctant to get involved further and that all queries were to be sent to his consultant David Rankilor.

In addition to the above advice, we note that there is no statutory requirement for applicants or the council to prepare or commission a CIA, but that an assessment of impacts on cultural values and interests can assist in the preparation of the Assessment of Environmental Effects (AEE) of the RMA. We acknowledge that preparation of a CIA to accompany, or form part of an AEE, is good practice for any proposal that may have a significant effect on Part 2 matters pertaining to tangata whenua, including where there are sites or areas of historical or cultural significance to tangata whenua. Our engagement with māna whenua is set out in the AEE and it should be noted that no advice was received that a cultural impact assessment should be prepared and we have not been advised of any cultural values or interests that would suggest a CIA was needed or that there are any cultural values that should be recognised in the plan change.

We are also mindful of the consultation and engagement understood to have been carried out by Council in preparing the Growth Management Strategy TD2050, which identifies the area subject to this Plan Change request as “future residential growth” (refer Map 1-Northern Growth Areas). We also note the commitment of Council to work with the Rangatira E Trust to consider alternative development opportunities better suited to the land tenure in the District Plan review.

In preparing the Plan Change we have been mindful of the need to embed the maintenance, protection and enhancement of the mauri and the physical and spiritual health of the environment into the Structure Plan and Plan Change provisions.

Information Requested: *How the CIA may impact on amendments to the Structure Plan and Provisions*

Response: Without having undertaken a CIA it is difficult for us to respond to this. We can only assume, based on the information provided by Andrew and Gloria that a CIA is not required, that the impact of a CIA on this process would be negligible.

Realignment of Stormwater Gullies

Information Requested: *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.*

Response: The Plan Change includes the introduction of the Nukuhau Structure Plan, which identifies stormwater reserves. As noted in section 3.5 of the Plan Change request, resource consent may be required from WRC for stormwater discharges from the proposed stormwater solutions. The Plan Change provisions include the explanation of the Nukuhau Structure Plan Area:

The Nukuhau Structure Plan area is characterised by gully systems and natural flow paths, as such development of the land should protect and enhance these features. The future development of the land should respect and take advantage of the amenity, legibility and identity opportunities offered by existing topography and long-view opportunities.

It also includes a new objective 3a.2.3:

3a.2.3 To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan while maintaining and enhancing the local network of gullies and stormwater flow paths in a manner that contributes positively to residential amenity and character and minimises offsite effects.

The matters over which control is reserved for subdivision in new rule 4a.7.2 include:

h. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them, their character and value for amenity, and of the effects of any changes in the catchment flow or water quality characteristics on the downstream catchment and landowners.

Under rule 4a.7.3 any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is not in accordance with the Structure Plan in Appendix 9 is a discretionary activity.

The Structure Plan set out in Appendix 9 identifies “proposed stormwater reserve with pedestrian access, cycleway and planting”. The stormwater reserve shown in the Structure Plan illustrates a potential realignment that is discussed in more detail in Appendix F Stormwater of the Plan Change request. As discussed in Appendix F, this proposed scenario was discussed with WRC on 8 November 2019 and the informal recommendation of WRC that the natural gully system not be modified is noted.

Figure 5-2 of Appendix F Stormwater report identifies that it might be possible to seek approval (through submission of resource consent to Waikato Regional Council) to realign stormwater gullies. That is not a proposal of this Plan Change application, and it would be expected that should any future application be made to the Waikato Regional Council, that they would assess the application on merit. In explaining this to Waikato Regional Council, Hannah Craven verbally agreed that based on the explanation that it should be reasonable to fully support the proposed Plan Change Application, and that she would seek support of that opinion from her peers before providing it in writing to us. We will provide their response to Council when received.

The stormwater report identified that stormwater can be adequately addressed to ensure any proposed development will not exceed the pre-development flows.

Archaeological Values

Information requested: *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... (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. (b) HNZPT advise that the 'ArchCheck' is inadequate for the purposes of informing the consideration of archaeology within the Plan Change.*

Response: Through discussions with Heritage New Zealand Pouhere Taonga (HNZPT), it has been agreed that a fuller archaeological assessment should be undertaken by a suitably qualified person, familiar with the Plan Change location. It has been agreed with HNZPT that Kirsty Sykes (WSP - nee Potts) who reviewed the original *Archsite* Review and undertook the original site visit will undertake this further study. The field work is due to take place in the week of 5 July. It has been confirmed by HNZPT's Carolyn McAlley that if this full archaeological assessment is undertaken at this time, and assuming the results and

recommendations are adequate, that HNZPT would support the Plan Change. Please refer to email attached.

Council Infrastructure / Bridge / Local Park Areas

Information Requested: *The Request includes at Appendix E a Traffic Impact Assessment Report prepared by WSP. The TIA identifies that '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'. But then assumes, that the development enabled by PC37 should therefore be able to commence regardless...In terms of transport capacity and the Control Gates: (a) Sensitivity testing of the existing transport model. (b) Consideration as to whether staging of the development is necessary to ensure issues with additional road capacity (bridge) are addressed.*

Response: Our traffic expert will address these matters in expert evidence.

Information Requested: *There is no discussion (or provision) as to a local park (kick a ball) reserve contribution. 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... provision of informal local purpose reserve.*

Response: We will make minor amendment to the Plan Change to include appropriate reserve space. As background, Hamish Crawford of WSP met on site with Nathan Mourie, Council Senior Reserves Planner, on 13 November 2019. In that meeting, Nathan advised that the Council philosophy at that time was to incorporate recreational amenity into stormwater gullies and cycle / walkway connections between streets. The thought process was that walking and biking paths were far more popular, with less required maintenance than a rectangular, flat recreation reserve.

We are now informed that Council may want some additional reserve areas based on a generic calculation of

To identify an appropriate rate for the acquisition of suitable land the following approach is recommended:

- A 300m radial area covers a 28.3ha area
- 9000m² of reserve is envisaged to be required (being nominally a neighbourhood of approximately 7000m² plus pathways from one side to the other with a nominal 5m width (400x5)) within each service catchment, accepting that there may also be wider connectivity that comes from other local purpose/infrastructure reserves not within this area, or a realignment between the land required for pathways, and the size of a neighbourhood reserve)
- An analysis that generally 20% of any service catchment will likely be made up in roads or other LP reserve/gully networks), leaving 22.6ha for residential properties
- $9000/22.6ha = 3.98\%$ of the developable service catchment is likely required for reserves serving the recreational needs of that community

Received by email from Hilary Samuel on 8/6/2021

We support the use of the above proposal, conditional upon the fact that recreational amenity included in stormwater reserves is also factored in.

Community Infrastructure – Schools and Spark

Information Requested: *(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). (b) Confirmation that an appropriate level of consultation has occurred with the Ministry for Education. 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.

Response:

Spark

Please refer to minutes of a video call with Spark on 7 May (appended to the end of this letter). The outcome that Spark wanted in order to fully support the Plan Change was incorporation of a policy that identifies telecommunications (including fibre and mobile) as essential infrastructure that should be considered in future developments. Spark were to forward through the proposed wording which has not been received. In a further discussion with Fiona Matthews, she was going to try to action their required wording by week ending 18 June 2021. We will forward it on to you when received.

It is unlikely (pending the Spark proposal) that we would be able to support their proposal. As they acknowledged, Spark is only one of three mobile suppliers. There is the possibility that more suppliers come to market in future. Hence, implementing something into the Plan Change that favours particular companies would not be appropriate. Potentially the Plan Change could reference 'mobile suppliers'. However, it is noted that the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 gives mobile suppliers the permitted activity right to place a tower on any existing road reserve, up to 3m above the height of existing poles or allowable pole heights. Further, the Taupō District Plan (s4e.14 Network Utilities) provide for network activities as a permitted activity. As such, it is considered that the requirements for mobile suppliers is suitably catered for without further provision.

Ministry of Education

We tried to make contact with the Ministry of Education (MoE) and their consultant on 27 May 2021. No response from the consultant was received, and an instant reply from Hana Crengle of MoE let me know that she was on long service leave. Hana returned and sent an email again on 8 June, and we managed to have a discussion on 15 June 2021. My notes of the meeting have been sent to Hana for corroboration. We have sought full support to the proposed Plan Change from the ministry without any further changes made to the proposal.

In preparing the Plan Change it is our understanding that the identification of the subject area in the Growth Management Strategy TD2050 has been advised by Council to government agencies, telecommunication companies and the like. It is our position that no changes to the Plan Change are required as a result of discussions with Spark and MoE.

Yours Sincerely



Hamish Crawford
Head of North East & Business Manager Taupō

Att:

- Nukuhau Plan Change Version O



- Nukuhau Proposed Land Swap Plan
- Correspondence with
 - HNZPT
 - Ministry of Education
 - Spark
 - Waikato Regional Council

