

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Plan Change 37 - Nukuhau (private) by AN Rajasingham LPT Trustees No 124 Limited anors to the Taupō District Council to rezone c.78ha of land in the Nukuhau area from Rural Environment to a mix of General Residential and Mixed Density Residential with a Neighbourhood Shopping Centre overlay.

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**STATEMENT OF EVIDENCE OF CHERYL LOUISE CLEARY (PLANNING)**

**Dated 20 October 2021**

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BARRISTER

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## INTRODUCTION

1. My full name is Cheryl Louise Cleary.
2. I have a Bachelor of Town Planning (University of Auckland), Bachelor of Anthropology (University of Auckland) and Master of Arts (1<sup>st</sup> Hons) in Political Studies (University of Auckland). I joined WSP Ltd in May 2021 as a Technical Director – Planning, and I am based in the Hamilton office. I am a full member of the New Zealand Planning Institute. I have accreditation as a Hearings Commissioner under the Ministry for the Environment Making Good Decisions programme.
3. I have 34 years of experience as a planner. I have particular expertise in plan preparation, structure planning, spatial planning and the assessment of private plan change requests. Experience particularly relevant to this evidence includes preparing clause 25 assessments, section 42A reports and assisting Hearings Panels in preparing decisions on private plan changes: Proposed Plan Change 8 relating to the urbanisation Pararekau and Kopuahingahinga Islands; Winstone Aggregates Ltd Private Plan Change, to extend a quarry zone at Whangarei; Spinnaker Bay Ltd for residential development at Kelly’s Cove, Beachlands; and Villa Maria Ltd Private Plan Change to introduce a Special Policy Area to the Mangere-Puhinui Rural Zone.
4. My experience in preparing structure plans and spatial plans, includes assisting local authorities in the preparation of amendments and decisions on Proposed Plan Change 5 Hingaia; and leading the preparation of the spatial plans for Whitford Village growth strategy and Beachlands growth strategy; Albany Structure Plan; Greenhithe Structure Plan; Te U Kaipo structure plan; Oruarangi Structure Plan and Westney Road Structure Plan.

5. Also of relevance is my extensive experience in preparing and leading teams preparing proposed plans, plan changes, variations, s32, s32A and s42A reports for local authorities on district-wide issues, including residential, rural, commercial, industrial, heritage and airport noise.
6. I have been engaged by the applicant to provide planning evidence in respect of Private Plan Change 37: Nukuhau Private Plan Change (**PC37**).
7. My role with PC37 commenced after it had been publicly notified and submissions had been made; and I was not the author of PC37, assessment of environmental effects, or the s32 report. I have not been involved in the consultation for the plan change. I have provided advice to the Project Director, Mr Crawford and others in the WSP team and met with Waikato Regional Council (**WRC**) staff to discuss the WRC submission on 30 July 2021 and 10 September 2021.
8. I have visited the site and am familiar with PC37 as notified. I have reviewed the additional information provided by WSP to Taupō District Council (**TDC**) dated 22 September 2021; the section 42A report prepared by Mr Bonis dated 6 October 2021 (**the s42A report**) and the Attachments to the s42A report. I have reviewed the WSP 12 October 2021 traffic memo and participated in the Joint Traffic Experts Conferencing on 12 October 2021. I have read the Joint Witness Statement prepared by Mr Swears, Ms Cui and Mr Smith dated 18 October 2021.

#### **CODE OF CONDUCT**

9. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or

facts known to me that might alter or detract from the opinions I have expressed.

#### **SCOPE OF EVIDENCE**

10. In preparing my evidence I have referred to and rely on the evidence of:

- a) Mr Hamish Crawford – consultation and planning.
- b) Mr Robert Swears – transport.
- c) Ms Ruihan Cui – traffic modelling.
- d) Mr Warren Bird – three waters.
- e) Mr Tim Heath – residential land supply.
- f) Ms Kirsty Styles – archaeology.
- g) Mr John Turner – ecology.
- h) Mr Stefan Steyn – landscape and visual effects.
- i) Mr James Gladwin – soil contamination, soils and geology.
- j) Mr Ian Gray – geotechnical.
- k) Mr Nick Aiken – urban design.

11. I have also considered:

- a) The s42A report.
- b) Statutory and higher order planning documents as referred to in my evidence, including the Resource Management Act 1991 (**RMA**), the

National Policy Statement on Urban Development 2020 (**NPS-UD**),  
and the Waikato Regional Policy Statement (**WRPS**).

12. My evidence is structured as follows:
- a) PC37 provisions and Nukuhau Structure Plan.
  - b) Statutory Assessment.
  - c) Effects on the environment and submissions.
  - d) Proposed amendments to PC37.

#### **SUMMARY OF EVIDENCE**

13. PC37 was notified on 3 February 2021 and will rezone approximately 78 ha from Rural Environment to General Residential environment and Medium Density Residential Environment in the Taupō District Plan (**TDP**). PC37 will introduce the Nukuhau Structure Plan into the TDP, and amend the Residential Environment objectives, policies and rules of the TDP.
14. The Nukuhau Structure Plan area relates to the 'future residential growth' area identified on Map 1 Northern Growth Areas of the TDC growth management strategy Taupō District 2050 (**TD2050**). The TDP identifies the importance of ensuring a pattern of urban development that is consistent with the identified urban growth areas (TDP policy 3e.2.1.ii), and the Nukuhau Structure Plan will give effect to that outcome. The explanation for TDP Objective 3e.2.1 and Policy, is that the location of the urban growth areas has been the result of a comprehensive process of evaluation carried out as a part of the development TD2050, and that the strategy was the result of the need

to provide for greater direction in the integrated management of identified future growth and its associated effects.

15. The Nukuhau Structure Plan area is well-located to support a compact urban form and is situated only some 2-3km from the Taupō CBD. Positive amenity and urban design benefits will be achieved by PC37. Extensive open space and stormwater reserves will provide a high level of visual and recreational amenity for residents. The creation of walking and cycleways within the main gully system within the Structure Plan, and the enhancement of these areas with planting, will achieve a high level of amenity for residents and ensure the low impact stormwater design concept for the Structure Plan is fulfilled.
16. The Nukuhau Structure Plan is able to be supported by adequate three waters infrastructure. PC37 includes Policy 3a.2.3(v) and rules 4a.7.1 and 4a.7.2, which together require that subdivision consent is subject to the existing Council wastewater network having been upgraded to accommodate the anticipated wastewater flows from the Nukuhau Structure Plan, or that Council is satisfied that there is a solution to suitably dispose of the anticipated wastewater flows. As Mr Bonis notes in the s42A Report, this is a matter that will be addressed at the time of subdivision.
17. The statutory considerations for PC37 include the need to give effect to the NPS-UD. Under the NPS-UD, Taupō is an urban environment, and Taupō district is a Tier 3 local authority. Key aspects of the NPS-UD that are particularly relevant to consideration of PC37, include the national significance of providing sufficient development capacity to meet the different needs of people and communities and to ensure that there are adequate opportunities for land to be developed to meet the

community's housing needs. It also recognises the national significance of having well-functioning urban environments.<sup>1</sup>

18. Policy 2 of the NPS-UD requires councils to provide, at minimum, enough capacity to meet the diverse demands of their communities. Under the NPS-UD, every tier 1,2 and 3 local authority is to meet expected demand for housing in the short, medium and long term. In the NPS-UD this entails development capacity that is plan enabled, infrastructure ready, and feasible and reasonably expected to be realised. The Property Economics Ltd 2021 report on residential demand forms Appendix D to the s42A report. This identifies that using StatsNZ projections, there is sufficient capacity in the Taupō District as a whole until at least 2033, without the need for additional land to be zoned for housing development.
19. However, I understand that a closer examination of demand and capacity for the area north of the Waikato River paints a different picture. This matter is addressed in the evidence of Mr Crawford and Mr Heath, and to summarise their analysis, it seems that the PC37 land will be needed to ensure sufficient capacity in this locality earlier than 2033.
20. I note that in terms of NPS-UD Objective 6 relating to being responsive to proposals that would supply significant development capacity, PC37 will add significant development capacity (some 9.5% of the high projection number of dwellings at year 2050, or 15.8% of the medium projection).

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<sup>1</sup> Ministry for the Environment, National Policy Statement Urban Development – what it does, why it is needed, <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-urban-development/> accessed 11 October 2021

21. In relation to whether PC37 will contribute to achieving a well-functioning urban environment, the s.42 Report writer, Mr Bonis, considers that the matter of the capacity of the roads in the vicinity of the Control Gates Bridge necessarily defines PC37 as not being consistent with a 'well-functioning urban environment'.
  
22. Objective 1 of the NPS-UD is that New Zealand will have well-functioning urban environments. Policy 1 provides a "non-exhaustive"<sup>2</sup> list of features of well-functioning urban environments for councils to use as an outcomes framework for planning and decision making. In my opinion, PC37 will give effect to Policy 1 in relation to:
  - a) Enabling a variety of homes that meet the needs in terms of type, and location. The Medium Density area of the Structure Plan will enable low-rise apartments, semi-detached or terraced housing, and multi-unit development, as well as retirement villages;
  
  - b) Having good accessibility for people between housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport. The Nukuhau Structure Plan is some 2-3km from the Taupō CBD and the Structure Plan identifies cycle and walking connections.
  
23. The WRPS and the TDP have not yet been amended to give effect to the NPS-UD. Those documents must be read as a whole as guidance, for now, on what a well-functioning urban environment entails within the local Taupō context. Particularly relevant, in my opinion, are the Development Principles in 6A of the WRPS, including (i) relating to promoting a compact urban form to minimise energy and carbon use,

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<sup>2</sup> Ministry for the Environment. 2020. Introductory guide to the National Policy Statement on Urban Development 2020. Wellington: Ministry for the Environment, p8



minimise the need for private motor vehicle use, encourage walking, cycling and multi-modal transport connections, and maximise the opportunities for people to live, work and play within their local area.

24. PC37 will promote a compact urban form, as an extension to the existing urban area close to the Taupō CBD. It will make a positive contribution to a well-functioning urban environment by providing housing choice and opportunities for active transport modes. The proximity of PC37 area to the Taupō CBD and Lake Taupō means that it would provide good accessibility of residents to employment, services and recreational facilities.
25. Another important element of the NPS-UD and the WRPS (including in the 6A Development Principles) is the strong direction of seeking to ensure that planning for urban development growth is coordinated with infrastructure provision. If it is accepted that PC37 will increase the amount of traffic that the existing roading infrastructure of and in proximity to the Control Gates Bridge must cater for, then there may be a question of whether a staged approach to the development of the Nukuhau Structure Plan is necessary to avoid adverse effects on the efficient and effective operation of the roading infrastructure.
26. However, I note that Objective 4 of the NPS-UD requires that recognition is given to the fact that urban environments, including amenity values, will develop and change over time in response to the needs of people and communities. In PC37's case the need is that for housing choice – and noting that PC37 enables a range of housing typologies in the medium density zoning and a location in proximity to Taupō CBD.
27. The amenity effects, of additional travel times that people may experience as a consequence of urban growth and development, might

be considered as the sort of change in urban environments that Objective 4 recognises.

28. I understand from Mr Swears and Ms Cui's evidence that there will be traffic delays affecting the Control Gates Bridge and its vicinity as a result of growth that will take place in Taupō north of the Waikato River. It is less clear, as discussed in Ms Cui and Mr Swears evidence<sup>3</sup>, that approving PC37 will worsen those delays if one takes the view that supplying land for housing at Nukuhau will not increase the demand for dwellings and therefore will not increase the number of houses built to the north of the Waikato River or the traffic that results from that development. From Mr Heath's evidence it appears to be a realistic premise, that PC37 will not materially change the demand for housing to the north of the Control Gates Bridge, and therefore not materially alter congestion levels at Control Gates Bridge, to that modelled as occurring from already zoned land, appears.
29. However, the modelling of traffic effects does identify traffic delay effects, and I have to agree with Mr Bonis that those effects may mean that PC37 needs to be modified to ensure that the effects are appropriately avoided, remedied or mitigated and to ensure that PC37 gives effect to the objectives and policies of the WRPS relating to ensuring land uses do not adversely affect the efficient and effective functioning of infrastructure and regionally significant infrastructure. I acknowledge the strong direction in the NPS-UD, WRPS and TDP regarding the need to integrate the planning for urban growth with infrastructure to support that growth. I consider the mechanism to achieve this in the case of PC37 is a discretionary activity resource consent application for subdivision, with a requirement that an

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<sup>3</sup> Swears, para 16

Integrated Transport Assessment (**ITA**) addresses the traffic effects (amongst other matters usual in an ITA).

30. The s42A Report identifies that there are two matters in relation to WRPS 6A Development Principles to be addressed, and notes that “not that such values represent an insurmountable hurdle to the request”. Those matters relate to (j) maintaining or enhancing landscape values and providing for the protection of historic and cultural heritage, and (q) consider effects on the unique tangata whenua relationships with respect to an area. The s42A Report also says there are “residual issues” in determining cultural and archaeological values associated with PC37.
31. The s42A Report suggests that the panel needs to consider whether the applicant has engaged with appropriate māna whenua<sup>4</sup>. Mr Crawford explains the engagement that he and his colleagues carried out with iwi authorities and hapu. In my opinion, engagement with māna whenua is important to understand and identify potential cultural effects and to ensure that the RMA requirements in Part 2 of the RMA are met, including in relation to the exercise of kaitiakitanga (s7(a) of the RMA), and recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s6(e)) and the protection of historic heritage from inappropriate subdivision, use, and development (s6(f)).
32. It should also be recognised that, while an applicant needs to assess environmental effects of the proposal against Part 2 of the RMA and relevant requirements of policy statement and plans, such duty for consultation and engagement that there is for a private plan change, rests with the local authority.

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<sup>4</sup> S.42A Report, para 129

33. I consider that before subdivision and development proceeds, a cultural impact assessment of the Nukuhau Structure Plan area should be prepared and provided to TDC. Given that TDC prepared the TD2050 and identified the Nukuhau area as a growth area, following a consultation and engagement process, I consider the suitability of the area for urbanisation has already been determined. The Structure Plan process is to determine the form of the development, and cultural values need to be better understood and addressed in the form of the subdivision and development of the area. Therefore, I propose an amendment to PC37 to require the provision of a Cultural Impact Assessment (**CIA**) for subdivision applications.
34. PC37 will give effect to the WRPS in relation to Objective 3.19 Ecological Integrity and indigenous vegetation, and the amendment proposed in the s42A Report, to require a survey and management plan in relation to bats, lizards and pipits is agreed as improving the extent to which PC37 will achieve those WRPS provisions. PC37 includes provisions to address Crime Prevention Through Environmental Design principles, and some suggestions made in the s42A to enhance these provisions are agreed.
35. PC37 will also achieve and implement the relevant provisions of the TDP in relation to natural hazards. The assessment by Mr Farquhar contained in Attachment L to the s42A report concludes that the geotechnical and natural hazard risks arising from development under PC37 can be addressed at the subdivision stage. Notwithstanding these conclusions in the s42A, the applicant has proposed amendments to address the WRC's submission in relation to managing the risks of erosion and flooding in the gully systems within the Structure Plan area. With those minor amendments, I agree with Mr Bonis that PC37 will achieve Objective 3I.2.2 and implement the associated policies of the TDP.

36. Amendments have been made to the Nukuhau Structure Plan to address the potential reverse sensitivity matters raised in the submission by Contact Energy. A revised Structure Plan was provided to TDC on 22 September 2021. A further minor revision to remove an area of residential zoning that was shown on the 22 September Structure Plan as remaining abutting the Contact Energy site, is proposed in a revised Structure Plan (**Attachment 1**).
37. In my opinion, with the amendments that I have proposed, PC37 will be able to achieve the purpose of the RMA, recognise and provide for matters of national importance, has had particular regard to the relevant s7 matters, and will give effect to the NPS-UD and the WRPS. Accordingly, I recommend that PC37 with the amendments set out in **Attachment 2** to my evidence be approved.

#### **PC37 PLAN PROVISIONS AND NUKUHAU STRUCTURE PLAN**

38. PC37 was notified on 3 February 2021 and had 59 submissions and one further submission lodged. The s42A report provides a list of the submissions and I refer to that list in my discussion of submissions.

#### **Overview of PC37**

39. PC37 proposes the following changes to the TDP:
- a) Make amendments to Chapter 3a Residential Environment, Objectives and Policies, to refer to the Nukuhau Structure Plan Area and the Nukuhau Residential and Medium Density Areas in the Introduction and Explanation.
  - b) Introduce a new Objective and Policy (3a.2.2A) and explanation.

- c) Introduce a new section 'Nukuhau Structure Plan Area', with Objective and Policies (3a.2.3).
- d) Amendment of 3a.3 Methods (i) Performance standards and introduction of a new method xii.
- e) Introduce new Anticipated Environment Outcomes to 3a.5.
- f) Make amendments to Chapter 4a Residential Environments, Rules and Standards, to amend 4a.1 Performance Standards and Development Controls to introduce the Nukuhau General Residential and the Nukuhau Medium Density Residential.
- g) Introduce 4a.7 Nukuhau Structure Plan Area Rules.
- h) Introduce new criteria for subdivision in 4a.7.17 Subdivision (renumbered by PC37 to 4a.8.17).
- i) Introduce a new Appendix 9 Outline Development Plan, which includes 9.7 Nukuhau Structure Plan.
- j) Rezone 77.78 hectares of Rural Environment zoned land to General Residential (70.65ha) and Medium Density Residential (6.9ha) with a Neighbourhood Shopping Centre (Shops) overlay over 0.25ha in the proposed General Residential Zone.

#### **Appendix 9 Outline Development Plan and Nukuhau Structure Plan**

40. Mr Crawford has explained the approach taken to the development of the Nukuhau Structure Plan and provided an overview. Key details of the 'Appendix 9 Outline Development Plan' (**ODP**) and the Nukuhau Structure Plan include:

- a) The ODP includes plans that identify spatially how areas within the Nukuhau Structure Plan will be managed. Figure 9.7 is the Nukuhau Structure Plan. The Nukuhau Structure Plan as notified is attached to my evidence **Attachment 3**.
- b) The Nukuhau Structure Plan spatially identifies the areas for general residential and medium residential zones; overlays of neighbourhood shopping centre (shops) and stormwater reserve with pedestrian access, cycleway and planting; and landscaping strips. It also identifies the indicative location of the major roads within the Structure Plan area.
- c) Sections 9.1 – 9.5 set out cross sections illustrating the landscape design approach to the landscape strips, stormwater reserves, roads and planting requirements. The landscape design includes a 10m landscape strip between the boundary of Wairakei Drive and the residential subdivision (Figure 9A).
- d) Section 9.6 of the ODP illustrates in Figure 9-H, the principal walkway and cycleway pathway connections. This also identifies a new gateway at the intersection of Wairakei Road and the realigned Poihipi Road.
- e) A new section 4a.7 Nukuhau Structure Plan Area Rules is proposed in PC37, and this will apply in addition to the General and Subdivision Rules for the Residential Environment.
- f) Section 4a.7 includes rules that:
  - i) Require wastewater servicing for subdivision.
  - ii) Enables subdivision that is in accordance with the Structure Plan in Appendix 9 as a controlled activity.

- iii) Lists matters over which council reserves control relating to subdivision as a controlled activity.
  - iv) Identifies that subdivision that is not in accordance with the Structure Plan in Appendix 9 is a discretionary activity.
  - g) A new criterion for subdivision is included in PC37, as an addition to 4a.7.17 Assessment Criteria (which is renumbered to 4a.8.17 by PC37). This new criterion relates to landscape planting, stormwater infrastructure and walking and cycling pathways network as indicated in the Nukuhau Structure Plan Appendix 9.
41. An amendment to Figure 9.7 Nukuhau Structure Plan as the result of Mr Crawford's consultation with Contact Energy is explained in Mr Crawford's evidence. These amendments are all to address the reverse sensitivity issues raised by Contact Energy, relating to the activities of Contact Energy on land to the north of the Nukuhau Structure Plan area. The amendments to address the Contact Energy submission were identified in Mr Crawford's letter dated 22 September 2021 to TDC, and a modified Nukuhau Structure Plan was included with the letter (**September 2021 Structure Plan**). I include a copy of the September 2021 Structure Plan to my evidence as **Attachment 4**.
42. As Mr Crawford has explained, the proposed amendments to the Nukuhau Structure Plan include an amendment to the alignment of Poihipi Road, a planting strip along the south side of Poihipi Road, and moving the medium density housing zone further south. These amendments will result in a greater separation of the residential development within the Nukuhau Structure Plan area from the Contact Energy site, and in this manner address potential reverse sensitivity effects.
43. One minor modification of the September 2021 Structure Plan is required in order to fully meet Contact Energy's concern that residential zoned land



not about the site of the Contact Energy activities. A revised Structure Plan is attached to my evidence (October 2021 Structure Plan). The October 2021 Structure Plan is the Nukuhau Structure Plan that the applicant wishes to have included in the TDP through PC37. The October 2021 Structure Plan removes two small areas of residential zoning from the north side of the proposed realignment of Poihipi Road. The October 2021 Structure Plan is included as **Attachment 1** to my evidence.

44. In response to matters raised in submissions and as a response to the recommendations of the s42A report, the applicant proposes amendments to PC37. Those proposed amendments are discussed and set out later in my evidence.

#### **STATUTORY CONSIDERATIONS**

45. The relevant statutory provisions for consideration of PC37 include:

- a) Part 2 of Schedule 1 RMA;
- b) Part 2, Sections 31, 32, 72, 74, 75 RMA;
- c) NPS-UD;
- d) WRPS;
- e) TDP; and
- f) Other relevant documents.

46. The matters that need to be addressed in a plan preparation matter are those that were set out in *Colonial Vineyard Ltd<sup>5</sup> v Marlborough DC* and *Reiher v Tauranga City Council<sup>6</sup>*, as follows:

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<sup>5</sup> (2014) NZEnvC 55.

<sup>6</sup> (2014) NZEnvC 121.

In examining a provision under the Act, including Section 32, we must consider:

- a. Whether it assists the territory authority to carry out its functions in order to achieve the Purpose of the Act
- b. Whether it is in accordance with Part 2 of the Act
- c. If a rule, whether it achieves the objectives and implements the policies of the plan; and
- d. Whether having regard to efficiency and effectiveness, the provisions are the most appropriate way to achieve the objectives of the proposed plan, having regard to the benefits, the costs and the risks of not acting.

In doing so the Court must take into account the actual and potential effects that are being addressed to consider the most appropriate provisions, if any, to respond to this.

47. As stated in the s42A report, PC37 is a request for a change to the TDP, made pursuant to clause 21 of Part 2 of Schedule 1 of the RMA. The procedure under clause 29 of Part 2 of Schedule 1 of the RMA is that after considering the requested change, undertaking a further evaluation of the change in accordance with s32AA, and having particular regard to that evaluation, the local authority may decline, approve or approve with modifications the change, and must give reasons for the decision. Except as provided in clause 29(1A)-(9), Part 1 of Schedule 1 of the RMA applies to any plan change request, including provisions for the making of submissions, decisions and appeals.

## **Part 2**

48. Part 2 of the RMA is the Purpose and Principles. Section 5 is the Purpose of the RMA, and this is to promote the sustainable management of natural and physical resources. Section 6 contains the matters of national importance that must be recognised and provided for. Section 7 contains the matters that particular regard must be had to. Section 8 requires that all persons undertaking functions and powers under the RMA must take into account the principles of the Treaty of Waitangi – Te Tiriti o Waitangi.

49. As discussed below and in the assessment of environmental effects, the s6 and s7 matters that are considered particularly relevant to consideration of PC37 include:

Section 6

the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi-tapu and other taonga;

- (h) the management of significant risks from natural hazards.

Section 7

- (a) Kaitiakitanga

- (aa) the ethic of stewardship

- (b) the efficient use and development of natural and physical resources

- (c) the maintenance and enhancement of amenity values

- (f) maintenance and enhancement of the quality of the environment

- (g) any finite characteristics of natural and physical resources

50. In relation to s5, PC37 will enable people and communities to meet their needs for housing, in a location that is close to the Taupō town centre. The Nukuhau Medium Density zone will enable a range of housing typologies, and meet diverse housing needs. Creating additional zoned land for residential development will add to the supply of housing in Taupō and this may have a positive effect on the affordability of housing.
51. Positive amenity and urban design benefits will be achieved by PC37. Extensive open space and stormwater reserves will provide a high level of visual and recreational amenity for residents. The creation of walking and cycleways within the main gully system within the Structure Plan, and the enhancement of these areas with planting, will ensure create a high level of amenity.
52. Section 5 requires that adverse effects are avoided, remedied or mitigated. The s42A report and the evaluation contained in the sections below both conclude that PC37 meets the relevant objectives and policies relating to avoiding effects on Taupō District's lakes and waterways.

53. PC37 includes provision for wastewater, with a rule that wastewater servicing must be available for subdivision to be finalised. Comment received from iwi on drafts of the plan change and the supporting technical reports identified a concern related to wastewater being reticulated across the Waikato River has not been able to be specifically addressed in PC37.
54. Comment received from iwi on drafts of the plan change and the supporting technical reports identified concerns relating to stormwater, which have been addressed. The Stormwater Management Report for PC37 (Appendix F to the PC37 Request), recognises the importance of avoiding adverse effects on Lake Taupō.
55. A revision proposed to PC37 is to include that a cultural impact assessment is prepared for subdivision within the Nukuhau Structure Plan. This is intended to ensure that any cultural effects of the development of the Structure Plan are addressed in how the development proceeds. This includes the design and layout of the subdivision.
56. The medium density residential zoning will enable an efficient use of land, maximising the housing yield from this area, while ensuring, by limiting the extent of that density of development, the amenity values of the area are maintained.
57. However, the traffic effects of the development of the entire Nukuhau Structure Plan area prior to increased capacity at the Control Gates Bridge, or an alternative crossing of the Waikato River to enable access to the CBD, mean that PC37 as it is proposed will result in cumulative effects, causing traffic delays and queuing, particularly in the vicinity of the Control Gates Bridge.

58. A further option that has not been considered in Mr Bonis' evaluation<sup>7</sup>, is that of enabling a staged development of PC37, so that a part or parts of the Structure Plan area could be subdivided and developed ahead of the increase in roading capacity that will be provided by a second river crossing. A discretionary activity status with ITA option would enable a process for evaluation of a staged approach to the subdivision and development of the Nukuhau Structure Plan.

### **Section 31**

59. Under s31(1) of the RMA, TDC as a territorial authority has a number of functions for the purpose of giving effect to the RMA in its district, including:

- a) The establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;
- aa) the establishment, implementation and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district;
- b) The control of any actual or potential effects of the use, development, or protection of land...

### **Section 32**

60. Under clause 22(1) of Schedule 1 of the RMA, a private plan change request must "contain an evaluation report prepared in accordance with s32 for the proposed plan...change".

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<sup>7</sup> Section 42A Report, Table 2, p32

61. Section 32 of the RMA provides that an evaluation report required under clause 22 of Schedule 1 must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA, and whether the provisions in the proposal (i.e. policies, rules and other methods) are the most appropriate way of achieving the objectives.
62. The s32 evaluation must also consider the efficiency and effectiveness of a proposal, taking into consideration the benefits and costs and the risks of acting or not acting.
63. PC37 is an 'amending proposal' under s32(3) because it seeks to amend the existing district plan, being the TDP. As an amending proposal, the evaluation of the proposal against the 'objectives' is limited to new objectives that are part of the proposal and any objectives of the TDP that are relevant to the proposed new objectives.
64. A s32 evaluation formed a part of the PC37 Request documentation (Section 11, PC37 Request). In summary, the s32 evaluation identified that the rezoning of the subject land from Rural to General Residential and Medium Residential, and the creation of an overlay of an area for a neighbourhood shopping centre is the most appropriate mechanism for achieving the objectives of the TDP and to enable housing supply.
65. The s32 evaluation identified that the proposed provisions are effective and efficient in as much as they will enable an increase of housing density, a variety of housing choice, and contribute to housing affordability.

**Section 72**

66. The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.

**Section 74**

67. Section 74 requires that a territorial authority must prepare and change its district plan in accordance with matters that include: its functions under s31, the provisions of Part 2, a national policy statement, and its obligation to have particular regard to an evaluation report prepared in accordance with s32.
68. Section 74 also requires that regard must be had to, among other things, any proposed regional policy statements or proposed regional plans, management plans and strategies prepared under other Acts, and the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities. Account must be taken of any relevant planning document recognised by an iwi authority and lodged with the territorial authority to the extent that its contents has a bearing on the resource management issues of the district.
69. Relevant plans and strategies are addressed in the following sections below.

**Section 75**

70. In addition to setting out what a district plan must and may state, s75(3) requires that a district plan must give effect (relevantly) to:
- a) Any national policy statement; and

- b) Any regional policy statement.
71. The evaluation of PC37 contained in this evidence concludes that development of the entire Nukuhau Structure Plan area ahead of an increased roading capacity at or duplicating the Control Gates Bridge, will give rise to traffic effects that mean the plan change will not achieve the objectives and policies of the WRPS in relation to:
- a) The integration of land use with infrastructure planning (WRPS Objective 3.12 (c));
  - b) Maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure (WRPS Policy 6.3(a)(ii));
  - c) That new development does not occur until provision for appropriate infrastructure (WRPS Policy 6.3 (a)(iv));
  - d) The efficient and effective functioning of infrastructure, including transport corridors is maintained (WRPS Policy 6.3(c));
  - e) Urban growth is supported by adequate infrastructure (WRPS Policy 6.11); and
  - f) The effectiveness and efficiency of existing and planned regionally significant infrastructure is protected (WRPS Policy 6.6).
72. Options for PC37 include enabling subdivision and development as a discretionary activity, subject to an Integrated Transport Assessment, which is recommended by TDC's traffic expert, Mr Smith; a deferral of any development until increased roading capacity is provided (the recommendation of Mr Bonis; or enabling a staged approach to the development of the Structure Plan area.



## National Policy Statement on Urban Development

73. The NPS-UD came into force in August 2020 and applies to all local authorities that have all or part of an urban environment within their district, and to planning decisions by any local authority that affect an urban environment.<sup>8</sup>
74. The term ‘urban environment’ is defined in the NPS-UD as:
- Urban environment: means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:
- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.
75. As noted in the s42A Report (para 64), Taupō is accepted to be an urban environment under the NPS-UD. As identified in the Property Economics Report contained in Appendix D of the s42A report (**PEL 2021**), the 2020 population of the Taupō district is 40,100. Taupō comes under the definition of a Tier 3 urban environment, being an urban environment that is not listed as a Tier 1 or Tier 2 local authority in the Appendix of the NPS-UD.
76. The NPS-UD recognises the national significance of providing sufficient development capacity to meet the different needs of people and communities, and to ensure that there are adequate opportunities for land to be developed to meet community housing and business needs. It also recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural well-being, and for their health and safety<sup>9</sup>.

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<sup>8</sup> Section 1.3 Application, National Policy Statement on Urban Development 2020

<sup>9</sup> Ministry for the Environment, National Policy Statement Urban Development – what it does, why it is needed, <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-urban-development/> accessed 11 October 2021

77. The intent of the NPS-UD is explained in the Ministry for the Environment’s guidance as:

The NPS-UD is designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to open up more development capacity, so more homes can be built in response to demand. The NPS-UD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.<sup>10</sup>

78. In the NPS-UD development capacity is defined as:

“development capacity means the capacity of land to be developed for housing or for business use, based on:

- a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and
- b) the provision of adequate development infrastructure to support the development of land for housing or business use”

79. There is a range of matters that need to be considered or had particular regard to, in order to determine whether PC37 gives effect to the NPS-UD. They include the objectives and policies of the NPS-UD, which I discuss in Table 1 below.

**Table 1 NPU-UD Objectives and Policies – Comment in relation to PC37**

Provision	Comment
“Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.	The term ‘well-functioning urban environment’ is defined in the NPS-UD as having the meaning in Policy 1. I address whether PC37 contributes to a well-functioning urban environment in the sections below.
Objective 2: Planning decisions improve housing affordability by	Objective 2 sets an objective for councils to contribute to housing

<sup>10</sup> Ministry for the Environment. 2020. Introductory guide to the National Policy Statement on Urban Development 2020. Wellington: Ministry for the Environment, p6

Provision	Comment
supporting competitive land and development markets.	affordability through planning decisions that support competitive land and development markets <sup>11</sup> . The rezoning of rural land that has been identified for urban growth for housing will result in an increase in the supply of lots and houses. The NPS-UD seeks to increase the supply of housing as a means of improving housing affordability.
Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: (a) the area is in or near a centre zone or other area with many employment opportunities (b) the area is well-serviced by existing or planned public transport (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.	Objective 3 sets an objective for councils to enable development in areas of high access or demand. PC37 is near a centre zone. It is well placed in relation to the Taupō town centre. Public transport is available. There is a relatively high demand for land on the north side of Lake Taupō within the TDC (refer PEL 2021).
Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.	Objective 4 recognises that urban environments will change over time. PC37 is expected to have an effect on the operation of roading infrastructure in the vicinity of the Control Gate Bridge. The extent of the traffic effects from PC37 on travel times and delays is discussed in Ms Cui’s and Mr Swears’ evidence. There may be some additional travel times and delays as a consequence of PC37 (the extent of which depends on the assumptions made about supply and demand of housing and the extent to which road users respond

<sup>11</sup> Ministry for the Environment. 2020. Introductory guide to the National Policy Statement on Urban Development 2020. Wellington: Ministry for the Environment, p8

Provision	Comment
	<p>to delays by switching to active transport modes and/or peak spreading occurs). An increase in travel times and experiencing delays may be an adverse effect on the amenity values for people travelling to and from the north side of Taupō to the Central Business District (CBD) and back at peak times. However, Objective 4 requires that recognition is given to the fact that urban environments, including amenity values, will develop and change over time in response to the needs of people and communities. In PC37's case the need is that for housing choice – and noting that PC37 enables a range of housing typologies in the medium density zoning and a location in proximity to Taupō CBD .</p>
<p>Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p>	<p>Objective 5 reinforces the requirements of s.8 of the RMA. The applicant consulted with iwi authorities during the preparation of the plan change and has taken into account the matters raised in that consultation in the development of PC37. This matter is discussed in more detail in the following sections below in relation to cultural effects.</p>
<p>Objective 6: Local authority decisions on urban development that affect urban environments are:</p> <p>(a) integrated with infrastructure planning and funding decisions; and strategic over the medium term and long term; and</p> <p>(b) responsive, particularly in relation to proposals that would supply significant development capacity.</p>	<p>I address Objective 6(a) infrastructure provision in Sections below.</p> <p>PC37 is a proposal to supply significant development capacity. It would enable the creation of approximately 780 dwellings, which would represent some 16% of the total medium projected demand for dwellings at the year 2050 (780 dwellings is 15.79% of the medium projection demand of 4940 dwellings at year 2050</p>

Provision	Comment
	identified in Figure 1 PEL 2021). If the high projection figures for 2050 are used, then PC37 would supply 9.45% of the dwellings required as identified in Figure 1 of the PEL 2021). This can be considered supplying a significant development capacity.
Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.	The traffic assessment produced by WSP and included in PC37 Request assessed the traffic effects of the plan change. This information was supplemented by further modelling carried out by Ms Cui and her colleagues, and which is discussed in the evidence of Mr Swears and Ms Cui. The PEL 2021 contains information on residential capacity and dwelling demand to help inform the planning decision in relation to PC37.
Objective 8: New Zealand’s urban environments: (a) support reductions in greenhouse gas emissions; and (b) are resilient to the current and future effects of climate change.	Mr Smith for TDC explains that the PC37 area is 2-3km from the town centre and that this is a 30min walk or 10 min cycle ride <sup>12</sup> . Mr Swears discusses in his evidence, how the proximity of the PC37 area will support cycling to school and work. Mr Swears notes that PC37 presents an opportunity to reduce motor vehicle trips when compared to other development locations.
Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: (a) have or enable a variety of homes that:	Policy 1 provides a “non-exhaustive” list of features of well-functioning urban environments for councils to use as an outcomes framework for planning and decision making. <sup>13</sup>

<sup>12</sup> Smith, para 4.6

<sup>13</sup> Ministry for the Environment. 2020. Introductory guide to the National Policy Statement on Urban Development 2020. Wellington: Ministry for the Environment, p8

Provision	Comment
<p>(i) meet the needs, in terms of type, price, and location, of different households; and</p> <p>(ii) enable Māori to express their cultural traditions and norms; and</p> <p>(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</p> <p>(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</p> <p>(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</p> <p>(e) support reductions in greenhouse gas emissions; and</p> <p>(f) are resilient to the likely current and future effects of climate change.</p>	<p>I address Policy 1 well-functioning urban environment in discussion below.</p>
<p>Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</p>	<p>Policy 2 requires councils to provide, at minimum, enough capacity to meet the diverse demands of their communities.<sup>14</sup></p> <p>I address sufficient development capacity in the discussion below.</p>
<p>Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of: the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or relative demand for housing and business use in that location.</p>	<p>Guidance on the NPS-UD prepared by MFE, explains that the intensification policies (Policies 3, 4 and 5) seek to improve land-use flexibility in the areas of highest demand – areas with good access to the things people want and need, such as jobs and community services, and good public transport services. These factors are indicators of the best areas for development, and there is strong evidence to demonstrate that</p>

<sup>14</sup> Ministry for the Environment. 2020. Introductory guide to the National Policy Statement on Urban Development 2020. Wellington: Ministry for the Environment, p8

Provision	Comment
	reducing constraints on development in these locations would have the biggest impact.
<p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p>...</p> <p>(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</p> <p>(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity</p> <p>(e) the likely current and future effects of climate change.</p>	I discuss 'well-functioning urban environment and development capacity in the paragraphs below.
<p>Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:</p> <p>(a) unanticipated by RMA planning documents; or</p> <p>(b) out-of-sequence with planned land release.</p> <p>Clause 3.8 Unanticipated or out-of-sequence developments</p> <p>(1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.</p> <p>(2) Every local authority must have particular regard to the development capacity provided</p>	Policy 8 requires councils to be responsive to plan changes for unanticipated or out-of-sequence developments. PC37 relates to an area that is anticipated in TDC's TD2050 Growth Management Strategy, so it cannot be considered to be unanticipated. As noted above, PC37 will add significantly to development capacity. I address well-functioning urban environment below.

Provision	Comment
by the plan change if that development capacity: (a) would contribute to a well-functioning urban environment; and (b) is well-connected along transport corridors; and (c) meets the criteria set under subclause (3); and	
Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must: (a) involve hāpu and iwi in the preparation of RMA planning documents...”	The s.42A Report does not identify whether TDC has involved hāpu and iwi in its processing of the PC37 request.

### NPS-UD - Well functioning Urban Environment

80. Policy 1 of the NPS-UD is cited in Table 1 above. It sets out what a well-functioning urban environment will have as a minimum. Policy 1 is not a definition of a well-functioning urban environment and does not provide an exhaustive list of factors that contribute to well-functioning urban environments<sup>15</sup>. Having only come into effect in August 2020, it is my understanding that there is not yet case law on how Policy 1 or the term “well-functioning urban environment” should be interpreted.
81. Local authorities will identify what a ‘well-functioning urban environment’ means within the local context, and I understand that until such provisions are introduced into the WRPS and the TDP, the operative WRPS is considered to be a guide.<sup>16</sup> I discuss the guidance provided by the WRPS

<sup>15</sup> Ministry for the Environment, National Policy Statement on Urban Development 2020, Well-functioning urban environments, p2

<sup>16</sup> Auckland Council, Practice and Guidance Note, National Policy Statement – Urban Development, August 2021, p7



and TDP as to what a well-functioning urban environment means within the Taupō context at the end of this section.

82. Below I address each aspect of Policy 1 in relation to the requirement “to enable a variety of homes”:

(a)(i) meet the needs, in terms of type, price and location, of different households

83. PC37 will enable a variety of homes in terms of typology. The amendments included in PC37 include the introduction of a “Medium Density” area. A new Objective is proposed in PC37 to apply to the Nukuhau Structure Plan area:

3a.2.2A A range of housing types and densities is available to meet the needs of all communities and the growth of Taupō.

POLICIES

- i. Enable a variety of housing types in the Residential and Medium Density Zone, including integrated residential development such as low-rise apartments, semi-detached or terraced housing, and multi-unit development; and retirement villages.

(a)(ii) enable Māori to express their cultural traditions and norms

84. As discussed in sections below, comment received from iwi authorities on drafts of PC37 and the supporting technical reports, identified concerns relating to stormwater, which have been addressed. A concern related to wastewater being reticulated across the Waikato River has not been able to be specifically addressed in PC37. I have recommended an amendment to the Nukuhau Structure Plan rules to include a cultural impact assessment for subdivision and this would be an appropriate mechanism to ensure enabling of Māori to express cultural traditions and norms.

(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size

85. PC37 includes a neighbourhood shopping centre of 0.25ha that is explained in Mr Crawford's evidence as being intended to enable commercial activity such as convenience stores.

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;

86. Taupō CBD is only some 2-3km to the southeast and Lake Taupō is close to the south of the PC37 area. Mr Swears discusses in his evidence, how the proximity of the PC37 area will support cycling to the CBD.<sup>17</sup>

87. As stated in Mr Swears evidence in relation to public transport, there are two current scheduled bus routes that operate close by to the PC37 area and he considers that specific public transport routes will be needed based on the configuration of the transport network within the plan change area. Mr Swears recommends<sup>18</sup> a plan provision requiring the road network to be able to accommodate efficient routing of public transport. I support that recommendation and consider the matters for control for subdivision should include such a provision (refer recommended amendments that I discuss below). In his overview of the plan change, Mr Crawford's evidence explains the provision of stormwater reserves that will provide for pedestrian access, cycleways and planting, and that these areas will retain the existing openness and provide for recreational activities.

(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets

88. I discuss the matter of development capacity below. I rely on the facts provided in the PEL 2021 for information of the supply and demand for

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<sup>17</sup> Swears, para 83.

<sup>18</sup> Swears, para 168.

dwellings, and note that I am not an expert in the competitive operation of land and development markets and cannot offer an opinion on that matter. Mr Crawford and Mr Heath also provide evidence in relation to the supply and demand for dwellings.

(e) support reductions in greenhouse gas emissions

89. Mr Swears provides his opinion in relation to carbon emissions.<sup>19</sup> He states that:

The Project presents that opportunity because it is located closer to the Taupō CBD than other residential development areas on the northern side of the River and it presents significant potential for some motor vehicle journeys to be replaced with active mode and / or public transport journeys. Therefore, from a transport engineering perspective, it appears the Project will provide positive effects in relation to climate change.

(f) are resilient to the likely current and future effects of climate change

90. The technical reports prepared for PC37 include Appendix F to the Request, which addresses stormwater management. That report identifies that it has taken climate change into account in the design rainfall events<sup>20</sup> and in the hydraulic modelling<sup>21</sup>.

91. Objective 1 of the NPS-UD broadens the considerations that are relevant to the matter of whether PC37 would be or contribute to a well-functioning urban environment, to include enabling “all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future”. In his s42A report (at para 83) Mr Bonis states that the provision of housing in the PC37 area in the absence of capacity in the vicinity of the Control Gates Bridge to

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<sup>19</sup> Swears, para 170.

<sup>20</sup> PC37 Request, Appendix F Nukuhau Plan Change Stormwater Management, p11-12

<sup>21</sup> Ibid, p15

accommodate traffic associated with the plan change “would not be fully consistent with achieving a ‘well-functioning urban environment’”.

92. In my opinion, Mr Bonis has treated an adverse effect on traffic travel times and delays as the sole determinate of whether PC37 will contribute to a well-functioning urban environment. I do not agree with that approach. Objective 1 and Policy 1 describe a well-functioning urban environment in a way that includes many factors. In my opinion enabling more people to live in a location close to the CBD, as well as enabling an increased variety of housing options / typologies, will support a well-functioning urban environment that enables people and communities to provide for their social, economic, and cultural wellbeing (NPS-UD objective 1).
93. As noted earlier, until the WRPS and TDC are amended to give effect to the NPS-UD, these documents must be read as a whole as guidance to what a well-functioning urban environment entails within the local context. The WRPS and TDP each in their entirety are relevant to this matter. I acknowledge that these documents both have a strong policy direction of seeking to ensure that planning for urban development growth is coordinated with infrastructure provision. I consider WRPS Development Principles 6A (i) relating to promoting a compact urban form is also particularly relevant:
- i) promote compact urban form, design and location to:
    - i) minimise energy and carbon use;
    - ii) minimise the need for private motor vehicle use;
    - iii) maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;
    - iv) encourage walking, cycling and multi-modal transport connections; and
    - v) maximise opportunities for people to live, work and play within their local area;

94. PC37 will promote a compact urban form, as an extension to the existing urban area close to the Taupō CBD. It will make a positive contribution to a well-functioning urban environment by providing housing choice and opportunities for active transport modes. The proximity of PC37 area to the Taupō CBD and Lake Taupō means that it would provide good accessibility of residents to employment, services and recreational facilities.
95. A well-functioning urban environment might include areas of housing in a location that enables, due to proximity, people to walk and bicycle to the CBD. I do not agree that the matter of the capacity of the roads in the vicinity of the Control Gate Bridge necessarily defines PC37 as not being consistent with a 'well-functioning urban environment'.
96. I understand from Mr Swears and Ms Cui's evidence that there will be traffic delays affecting the Control Gates Bridge and its vicinity as a result of growth that will take place in Taupō north of the Waikato River. It is less clear, as discussed in Ms Cui and Mr Swears evidence<sup>22</sup>, that approving PC37 will worsen those delays if one takes the view that supplying land for housing at Nukuhau will not increase the demand for dwellings and therefore will not increase the number of houses built to the north of the Waikato River or the traffic that results from that development. From Mr Heath's evidence it appears to be a realistic premise, that PC37 will not materially change the demand for housing to the north of the Control Gates Bridge, and therefore not materially alter congestion levels at Control Gates Bridge, to that modelled as occurring from already zoned land, appears.
97. The traffic effects from the Nukuhau Structure Plan will depend on a number of factors, and assumptions need to be made to predict those

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<sup>22</sup> Swears, para 16

effects. Various traffic modelling scenarios have been produced by Ms Cui and are discussed in Mr Swears' evidence.

98. The positives of the PC37 in terms of the NPS-UD concept of a well-functioning urban environment, include providing housing choice with the medium density housing; an extension of the existing urban area to assist in ensuring a compact urban form; housing with an extensive network of reserves (for stormwater and recreation purposes), and in proximity to the CBD.
99. If PC37 will increase the amount of traffic that is not able to be accommodated by the capacity in the vicinity of the Control Gates Bridge, then this would be a negative on the balance sheet of determining whether PC37 contributes to a well-functioning urban environment. However, as I have commented, the other factors that I have discussed need to be considered in deciding whether PC37 contributes to a well-functioning urban environment.

#### **NPS-UD Sufficient Development Capacity of Housing**

100. Under the requirements of the NPS-UD, sufficient development capacity must be provided by every tier 1, 2 and 3 local authority to meet expected demand for housing in the short, medium and long term, and categorised by type and location<sup>23</sup>. In the NPS-UD: short term means within the next 3 years, medium term means between 3 to 10 years, and long term means between 10 to 30 years.
101. In order to be 'sufficient' to meet expected demand for housing, the development capacity in Tier 3 local authority areas must be:

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<sup>23</sup> Ministry for the Environment, Fact Sheet, National Policy Statement, Housing and Business development Capacity Assessments, monitoring requirements and providing development capacity, p3.

- a) Plan enabled.
  - b) Infrastructure ready.
  - c) Feasible and reasonably expected to be realised.
102. The NPS-UD requires tier 1 and 2 territorial authorities to have a margin of development capacity over and above expected demand, in order to support choice and competitiveness in housing markets. Those margins are 20% for the short and medium term and 15% for the long term.<sup>24</sup> The NPS-UD encourages tier 3 councils to follow the same requirements of the NPS-UD as the tier 1 and 2 councils<sup>25</sup>.
103. Development capacity is plan-enabled for housing if in relation to short term, it is zoned in an operative plan; in relation to medium term is zoned for housing in a proposed district plan; and in relation to long term it is either zoned for housing in a proposed district plan or on land identified for future urban use in any relevant plan or strategy.
104. In the NPS-UD, development capacity is 'infrastructure-ready' if:
- a) in relation to the short term, there is adequate existing development infrastructure to support the development of the land.
  - b) in relation to the medium term, either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan.
  - c) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is

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<sup>24</sup> National Policy Statement for Urban Development 2020, section 3.22.

<sup>25</sup> Ibid, section 1.5.

identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

105. For convenience I have summarised the NPS requirements in a table form and identify the development capacity identified in the PEL 2021 report:

Table 2 Summary of NPS-UD requirements and TDC Development Capacity

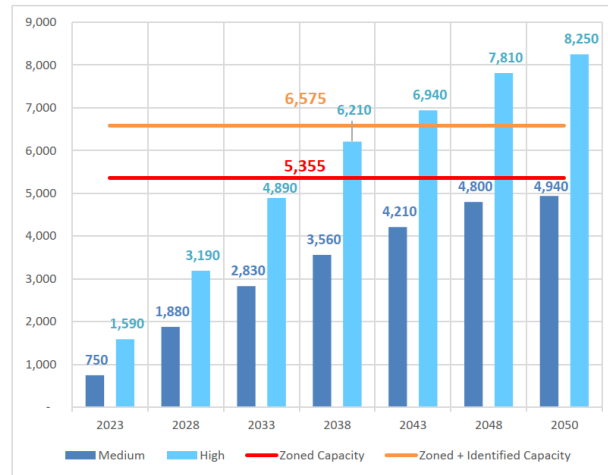
NPS-UD requirement	Short term 3 years	3 Medium term-10 years	Long term 10+ years
Plan enabled	Zoned in an operative plan	Proposed in a proposed plan	Identified in a relevant plan or strategy
Infrastructure ready	Existing adequate infrastructure	Funding for adequate infrastructure is identified in the LTP	Identified in the infrastructure strategy
Feasible and reasonably expected (TDC figures in PEL 2021 report)			>2033 high growth projection is demand will exceed supply

106. The PEL 2021 report identifies that there are a total of 5355 vacant or developable lots in the Taupō district with the majority being in the northern half of the lake. It also states that under the medium growth project there will be sufficient capacity to meet demand beyond 2050, but under the high projection additional capacity will be required to meet sufficient capacity before 2038<sup>26</sup>. Figure 1 in the PEL 2021 report illustrates that sometime between 2033 and 2038, if a high projection is used, the demand for dwellings will exceed the supply. For convenience I reproduce Figure 1 Comparison of Projected Dwelling Demand (including NPS Buffer) and Supply from the PEL 2021 report:

<sup>26</sup> Section 42A Report, Attachment D, Property Economics Ltd, p8.



FIGURE 1: COMPARISON OF PROJECTED DWELLING DEMAND (INCLUDING NPS BUFFER) AND SUPPLY



Source: Property Economics, StatsNZ

107. The PEL 2021 report notes there are an additional 1220 dwellings that would be provided by PC37 and another rezoning, which would bring the capacity to 6,575 dwellings. As shown in the PEL 2021 figure, this capacity would be needed at some point after 2038 and before 2043.
108. Table 2 of the PEL 2021 identifies the NPS-UD capacity requirements as requiring by 2033, an additional 2830 dwellings under a medium projection and an additional 4,890 dwellings under a high projection by 2033. These NPS-UD capacity figures include the 20% 'buffer' that the report states is required by the NPS-UD<sup>27</sup>. In my opinion, the fact that the demand figures include a 20% buffer for the short and medium term mean the figures need to be seen as already catering for any unexpectedly high population growth that exceeds the NZStats projections.
109. The NPS-UD refers to "expected demand". The information available on expected demand is the PEL 2021 report. As noted, the PEL 2021 report has built in a 20% buffer in the short and medium term and 15% in the long term. According to the PEL 2021, the PC37 sites are not needed before

<sup>27</sup> Section 3.22 of the NPS-UD requires Tier 1 and Tier 2 local authorities to provide a competitiveness margin over and above the expected demand of 20% in the short and medium term and 15% for the long term. This is not a requirement, and is optional, for Tier 3 local authorities.

2033 to meet expected demand or to ensure that TDC is meeting its obligations under the NPS-UD to provide sufficient capacity.

110. In relation to whether the PC37 area is 'infrastructure ready'. I discuss the transport infrastructure matters in the assessment of environmental effects sections below. I note that the NPS-UD states that infrastructure ready means in the short term there is adequate existing development infrastructure to support the development of the land, and in the medium term, either there is existing development infrastructure, or funding for adequate infrastructure to support development of the land is identified in a long-term plan. As set out in the PC37 proposed plan provisions, in rule 4.a.7.1, wastewater is not yet provided to the area and a rule is included in the plan change that a s.224(c) certificate for subdivision cannot be granted until the council wastewater network has been upgraded to accommodate the anticipated wastewater flows from the Nukuhau Structure Plan area or council is satisfied there is another solution. As noted in the s42A Report, the wastewater connection necessary to serve Nukuhau is programmed in the LTP for 2021 – 2023<sup>28</sup>.
111. The s42A report has recommended deferral of subdivision until there is additional capacity for motor vehicle traffic to cross the Waikato River, through either duplication of the existing the Control Gates Bridge or a second bridge that provides access to the CBD.
112. The issue in contention here, in relation to an evaluation of PC37 under the NPS-UD, is whether PC37 requires the additional capacity that would be created by a second bridge across the Waikato River in order to be considered to be 'infrastructure ready'. As noted above, under the NPS-UD the issue is whether the existing roading infrastructure in the vicinity of the Control Gate Bridge can be considered to be "adequate".

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<sup>28</sup> Bonis, Section 42A Report, para 80.3

113. I discuss this matter in detail in the assessment of environmental effects, where I also address the relevant provisions of the WRPS and TDP.
114. The Traffic Joint Witness Statement prepared by Mr Swears, Ms Cui and Mr Smith agrees a volume of traffic as the capacity of the Control Gates Bridge,<sup>29</sup> and that any additional residential development to the north of the Control Gates Bridge will exacerbate congestion.<sup>30</sup> Mr Swears considers that if the amount of development is no different as a result of PC37 then the effect of PC37 on congestion will be no worse than neutral.<sup>31</sup> The Traffic Experts agree that the Control Gate Bridge is operating at or near capacity and further development will extend delays and queues at the bridge and adjacent intersections.<sup>32</sup> It appears that it is not possible to conclude that the roading infrastructure required to service not just PC37, but also other, already zoned, land to the north of the Waikato River is adequate, due to the existing at-capacity or nearly at-capacity status of the Control Gates Bridge.

### **Other Relevant National Policy Statements**

115. Attachment H to the s42A report contains an assessment of PC37 by Mr Shaw in relation to ecology. Mr Shaw suggests (para 13) that while the Proposed NPS on Indigenous Biodiversity currently has no statutory weight it does provide useful national-level context. The Ministry for the Environment information as to the status of a NPS for indigenous biodiversity is that it is under development and is not finalised or in effect.<sup>33</sup> I do not agree that PC37 should be assessed against a draft NPS, and note that the range of submissions made on the draft Proposed NPS Indigenous Biodiversity that was consulted on in 2019 would suggest that

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<sup>29</sup> Traffic Joint Witness Statement, 18 October 2021, para 2.2.c

<sup>30</sup> Ibid, para 2.2(d)

<sup>31</sup> Idem

<sup>32</sup> Joint Witness Statement, para 5.1(b)

<sup>33</sup> Ministry for the Environment, <https://environment.govt.nz/acts-and-regulations/national-policy-statements/proposed-nps-indigenous-biodiversity/> accessed 13 October 2021

it's final form at the time it comes into effect may be very different from the draft.

116. Mr Bonis notes that the National Policy Statement Fresh Water Management 2020 is also relevant, and that it is understood that the nitrogen discharge through wastewater that could discharge to Lake Taupō associated with PC37 has been accounted for.

### **Waikato Regional Policy Statement**

117. Section 75(3) RMA requires that a district plan must give effect to a regional policy statement. The relevant regional policy statement is the WRPS.
118. The WRPS aims to achieve integrated management and protection of Waikato's natural and physical resources by identifying and addressing resource management issues in the region. The WRPS must give effect to National Policy Statements. I note that the WRPS has not yet been amended to give effect to the NPS-UD. The WRPS is an extensive document and I do not evaluate PC37 against all of the objectives and policies because I agree that those that Mr Bonis has identified in the s.42A report are the particularly relevant objectives and policies for considering PC37.
119. I note that Mr Bonis did not address this part of the WRPS in the s42A report. The Nukuhau Structure Plan area is not within the area identified on Map 2-1 Area Covered by the Vision and Strategy for the Waikato and Waipa Rivers. For that reason I have not addressed Te Ture Whaimana o Te Awa o Waikato in this evidence.
120. I note that Section 2-General Interpretation of the WRPS provides guidance as to how some terms used in the WRPS are to be interpreted, as follows:

This Regional Policy Statement has adopted the following standard terminology:

- a. 'Shall' has been used where methods are of a directive nature, where little discretion is intended to be exercised, and where it is intended that district or regional plans shall give effect to the method.
- b. 'should' has been used where it is intended that the direction should be followed, except where there are good reasons not to, as demonstrated in a s32 report or other appropriate evaluation or analysis.
- c. 'Will' has been used in those methods that apply to only the Waikato Regional Council and where it is intended that the direction should be followed, except where there are good reasons not to, as demonstrated in a s32 report or other appropriate evaluation or analysis.

### Indigenous Biodiversity

121. I agree with Mr Bonis' identification of Objective 3.19 Ecological Integrity and indigenous vegetation, and Policy 11.1 Maintain or enhance indigenous biodiversity as being the particularly relevant provisions of the WRPS to consider. In Attachment H to the s42A Report, Mr Shaw recommends that an assessment of ecological effects will be needed at the time of subdivision or land use consent (Shaw, para 27), and should include a comprehensive acoustic survey to determine whether long-tailed bats are present and if present, a Bat Management Plan to identify actual or likely roost trees and flight paths, and tree management protocols, and other measures to ensure there are no adverse effects on bats.

122. Mr Bonis in turn recommends additional rules in the subdivision provisions of section 4a.7 of PC37. I agree with Mr Bonis, that with this amendment, PC37 can be considered as giving effect to the relevant provisions of the WRPS. The amendments recommended by Mr Bonis (at para 220) are:

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a controlled activity.  
For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:

...

- d. Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value, **including comprehensive surveys for bats, lizards and**

pipits (including for pipits during the breeding season (August to February), and identify measures including management plans for how any identified adverse effects will be avoided or mitigated.

### **Landscape Amenity and Urban Design**

123. I agree with Mr Bonis' identification of Objective 3.21 Amenity: The qualities and characteristics of areas and features, valued for their contribution to amenity are maintained or enhanced, as being particularly relevant. In discussing amenity, Mr Bonis refers to the evidence of Ms Ryder on landscape and visual effects included as Attachment I to the s42A report.
124. Attachment I to the s42A Report contains a review of the WSP Landscape and Visual Assessment & Urban Design Report (**LVA**), which was Appendix G to the PC37 Request. Attachment I concludes with support for the findings overall within the assessment, notwithstanding the need to further assess the associative tangata whenua values and effects upon these (Attachment I, para 49). It also notes that in May 2021 a new draft landscape assessment guideline has been released and acknowledges that this was after PC37 was publicly notified, and that the LVA was prepared in accordance with best practice at that time. Ms Ryder has recommended that the associative community and tangata whenua values be assessed.
125. Mr Bonis concludes that PC37 in its current form will give effect to the amenity provisions of the WRPS (Bonis, para 95). However, I note that Ms Ryder has suggested that the Cross Section 9 in the LVA be depicted in the Structure Plan (para 47). Cross Section 9 is illustrated in the LVA and I am not aware as to why it was not included in the ODP of PC37. Mr Crawford addresses this matter in his evidence.

126. In Attachment I, Ms Ryder has suggested additions to the matters for control for subdivision, and from a planning perspective, I agree with those additions:

- 4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a controlled activity. For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:
- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, application of Crime Prevention Through Environmental Design (CPTED) principles specifically in terms of open space provision, and adequate management of stormwater. And
  - d. Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value including specific provision for large framework tree planting and retention.

127. With the above noted amendments, I agree with Mr Bonis' evaluation of PC37 as giving effect to the amenity provisions of the WRPS.

### **Geotechnical Risk**

128. Mr Bonis evaluates PC37 in relation to WRPS provisions relating to natural hazards, and concludes that PC37 gives effect to those provisions (Bonis, para 99). I note that in my discussion of submissions below, I address the amendments requested by WRC to address natural hazard provisions. The amendments that I recommend add to the extent to which PC37 gives effect to the WRPS provisions relating to natural hazards.

### **Historic and cultural heritage**

129. I agree with Mr Bonis that the relevant provisions of the WRPS to consider historic and cultural heritage, include Objective 3.18 historic and cultural heritage, and the policies identified in the WRPS as achieving that objective.

## Objective 3.18 historic and cultural heritage

"Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato regions and New Zealand's history and culture".

130. I agree with Mr Bonis that Policies 10.1 Managing historic and cultural heritage; Policy 10.2 Relationship of Maori to taonga; and 10.3 Effects of development on historic and cultural heritage are particularly relevant. I note that Policy 10.3 is manage subdivision, use and development to give recognition to historic and cultural heritage and to integrate it with development where appropriate. I also note that Policy 6.1.8 Information to support new urban development and subdivision refers to information identifying how existing values and valued features of the area, including heritage values, will be managed.
131. Mr Bonis relies on the advice provided by Ms Walter in Attachment G to the s42A Report in his assessment of whether PC37 gives effect to the relevant provisions of the WRPS. Ms Walter's advice is that additional archaeological assessment is required. Mr Crawford explains the work that WSP's archaeologist is carrying out in his evidence.
132. Mr Bonis identifies (at para 106.7) there are two WRPS 6A Development Principles matters associated with cultural heritage and māna whenua relationships that should be addressed by the Proponent through evidence (matter j) and (matter q). Mr Bonis states "not that such values represent an insurmountable hurdle to the request".
133. The relevant principles of 6A identified by Mr Bonis, are:
- "j) maintain or enhance landscape values and provide for the protection of historic and cultural heritage";
  - "q) Consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise



tangata whenua connection within an area should be considered.”

134. I discuss these matters in the assessment of environmental effects section. I conclude that assessment with a recommendation that an additional matter for control for subdivision be added that requires a cultural impact assessment in relation to identification of cultural values, and an additional assessment criterion relating to the extent to which historic and cultural heritage within the Nukuhau Structure Plan is recognised and provided for, and adverse effects are avoided, remedied or mitigated.

### **Growth Management and Infrastructure**

135. The WRPS contains objectives, policies and methods that direct specific action in district plans. The Environment Court has identified that in the WRPS there is a strong emphasis on the integration of land use and infrastructure, and the roading hierarchy’s role in achieving those outcomes.<sup>34</sup> Objective 3.12 Built environment, Policies 6.1, 6.3, 6.11, and 6A Principles are set out in **Attachment 5** to my evidence.
136. I note that a regional policy statement is required to give effect to a national policy statement, and in the case of the NPS-UD the WRPS has not yet been amended to give effect to it.
137. Evaluating the extent to which PC37 gives effect to the relevant objectives and policies of the WRPS relating to urban growth management, I note that:
- a) The PC37 area is within the urban growth area identified in Taupō District 2050, and as such gives effect to Policy 6.1.

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<sup>34</sup> A&A King Family Trust v Hamilton City Council, ENvC229, para 112

- b) PC37 satisfies Policy 6.11b, having been through a structure plan and plan change process.
- c) In relation to Policy 6.11c, PC37 was publicly notified and is being tested on its merits through the assessment and hearings process.
- d) In relation to WRPS 6A development principle i) promote compact urban form, design and location to minimise energy and carbon use and minimise the need for private motor vehicle use, PC37 being located some 2-3km from Taupō town centre, and accessible walking and by bicycle and as identified in Mr Swears' evidence,<sup>35</sup> achieves this principle.

138. Turning to address the aspects of the WRPS growth management objectives and policies that Mr Bonis is concerned with. Mr Bonis states that there is a tension with Development Principle 6A d, Policy 6.3.(a)(iv) and Policy 6.11(a)v).

139. Significant transport corridors are identified in Map 6-1 of the WRPS and this identifies Wairakei Drive as a 'significant road corridor'. Significant transport corridors as defined in Map 6.1 and 6.1A are included in the definition of 'regionally significant infrastructure'. The explanation for Policy 6.6 explains that these corridors reflect the national, regional and sub-regional significant transport corridors in the Regional Land Transport Plan. Under Implementation methods 6.6.1 district plans:

shall include provisions that give effect to Policy 6.6, and in particular that management of the built environment:

- a) avoids as far as practicable, adverse effects on the function of significant transport corridors as defined in Maps 6.1 and 6.1A...and otherwise remedies or mitigates any adverse effects that cannot be (sic) practicably be avoided."
- ...
- f) provides for infrastructure in a manner that:
- ...

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<sup>35</sup> Swears, section 7.1

- iii) does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure.

140. The explanation to Issue 1.4 outlines that “efficient and effective infrastructure is crucial for our economic progress in social and visible wellbeing. However, land use change change adversely affects this, for example ribbon development along arterial roads can result in the slowing of traffic and may consequentially affect the efficiency of transport along these routes”. From this it would seem that slowing of traffic can be considered as compromising the efficient operation of roading infrastructure. The key issue therefore, is what the cumulative effects of the traffic from PC37 on the speed at which traffic on the routes in the vicinity of and across the Control Gates Bridge.

141. I discuss the traffic effects of PC37 in the assessment of environmental effects section below, with reference to Mr Swears discussion of the Control Gates Bridge traffic volumes and the modelling of traffic volumes.<sup>36</sup> From that discussion I conclude that, with reference to the evidence of Mr Swears, the traffic delays at peak times modelled as a result of the PC37 development may be mitigated to some extent by a possible change in human behaviour as a result of those delays. However, it is not possible, I understand, to quantify the extent of that mitigation.

142. In relation to the other aspects of the WRPS objectives and policies that Mr Bonis suggests PC37 will not give effect to, I consider that these appear to relate to two key issues:

- a) New development is coordinated with the development, funding, implementation and operation of infrastructure and does not occur until provision of **appropriate infrastructure** necessary to service the development is in place (Policy 6.3.(a)(iv)); and

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<sup>36</sup> Swears, para 39-43

- b) Growth in the Taupo district will be managed in a way that recognises that Taupo District 2050 provides for the management of future growth including by ensuring that staging of development in the urban growth areas is efficient and consistent with and supported by **adequate infrastructure** (Policy 6.11 (a)(v)).

143. The modelled traffic effects of PC37 provide the evidence for addressing the adequacy and appropriateness of the roading infrastructure to support the growth of PC37. Mr Swears and Ms Cui have identified that PC37 will result in queuing and delays, and Mr Swears states:

As demonstrated by Ms Cui, the Project is not the primary factor that results in low levels of service on the Bridge and at nearby intersections. Motor vehicle trip generation associated with the Project will exacerbate queuing and delay. However, as noted previously, because of its proximity to the CBD, the Site also presents an opportunity for reducing motor vehicle trip generation.<sup>37</sup>

144. In summary in relation to the matter of whether PC37 gives effect to the growth management objectives and policies of the WRPS, I conclude that the cumulative effects of PC37, which Mr Swears and Ms Cui have identified as exacerbating queuing and delay, mean that PC37 cannot achieve the WRPS objectives and policies.

145. The development of the entire Nukuhau Structure Plan area ahead of an increased roading capacity at or duplicating the Control Gates Bridge, will give rise to traffic effects that mean the plan change will not achieve the objectives and policies of the WRPS in relation to:

- a) The integration of land use with infrastructure planning (WRPS Objective 3.12 (c)),

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<sup>37</sup> Swears, para 131

- b) Maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure (WRPS Policy 6.3(a)(ii),
- c) That new development does not occur until provision for appropriate infrastructure (WRPS Policy 6.3 (a)(iv)),
- d) The efficient and effective functioning of infrastructure, including transport corridors is maintained (WRPS Policy 6.3(c))
- e) Urban growth is supported by adequate infrastructure (WRPS Policy 6.11), and
- f) The effectiveness and efficiency of existing and planned regionally significant infrastructure is protected (WRPS Policy 6.6).

## **TAUPŌ DISTRICT PLAN**

### **Section 3e Land development**

146. Relevant parts of the TDP include Chapter 3e Land Development. Mr Bonis sets out a summary of the TDP that are particularly relevant to considering PC37. I generally agree with Mr Bonis' summary but do not agree fully with all aspects of Mr Bonis' analysis.
147. I agree that Section 3e of the TDP, which sets out the objectives and policies for land development and urban growth management in the district is particularly relevant.
148. I agree that Objectives 3e.2.1 – 3e.2.5 and the associated policies are all relevant.
149. I agree with Mr Bonis' analysis of PC37 against Objective 3e.2.1 and its policies, and note that PC37 provides for urban growth, which will enable people to meet their needs for housing and will provide a choice in location

and housing typology; and that PC37 will enable urban development that is consistent with the identified Urban Growth Areas identified in section 3e.6.1 'Northern Growth Areas' (illustrated in Figure 2 of the s.42A report on page 10).

150. I agree with Mr Bonis' analysis in relation to Objective 3e.2.2 including in relation to his analysis of PC37 against Policy iv. Ensure that staging of development in the Urban Growth Areas is efficient, consistent with and supported by adequate infrastructure; and Policy v. Ensure that the planning and development of Urban Growth Areas adequately takes into account the efficient and effective functioning of supporting and surrounding infrastructure. Mr Bonis says that PC37 will not achieve Policy 3e.2.2(v). I discuss the effects of PC7 on transport infrastructure in the assessment of effects section of my evidence and conclude that while the effects of PC37 are not clear, Mr Swears and Ms Cui have identified that PC37 will exacerbate traffic delays and queuing. Those effects might be reduced by a staged approach to the development of the Nukuhau Structure Plan. Otherwise, I am of the opinion that an assessment of the traffic effects of any subdivision should be required for the Nukuhau Structure Plan area, until such time as the capacity of the crossing of the Waikato River to the CBD has been increased.
  
151. I agree with Mr Bonis' analysis of PC37 in relation to Objective 3e.2.3 including his evaluation against Policy iv. Which is "Avoid, remedy or mitigate the adverse effects of new development and activities on the safe and efficient functioning of the existing and future roading networks including those identified through the Taupō District Structure Plan Process." Mr Bonis says PC37 will not achieve this Policy. In my opinion full development of the Nukuhau Structure Plan area will not achieve Policy iv. A staged approach to subdivision and development of the Structure Plan area may be able to meet the policy.

152. Mr Bonis refers (para 113.3) to Mr Smith's evidence:

Mr Smith has outlined his reasoned concerns associated with capacity at the Control Gate Bridge to accommodate development enabled by the Request. It is understood that in all other aspects, including modal choice, roading network connections and the efficient and effective integration of demand associated with the 79ha of residential development facilitated by the request into the roading network, that Mr Smith supports the Plan Change.

153. I agree with Mr Bonis<sup>38</sup> (para 113.6) that the applicants for PC37 are not able to expedite TDC's planned increase in capacity of the existing Control Gates Bridge. I note that the need for a second bridge crossing has been recognised by TDC for some time and in various strategies, as discussed in Mr Bonis' evidence<sup>39</sup>, and therefore, a nexus between the demands of PC37 and the full costs of providing a second bridge crossing does not exist. I also agree that PC37 cannot include a mechanism to bind TDC to provide the funding for a second bridge, as that is a matter for TDC to address under the Local Government Act, the Long Term Plan, transport infrastructure strategy, and using consultation processes of the Local Government Act.

154. Mr Bonis concludes that in the absence of increased capacity, PC37 will not achieve Policy 3e2.2.v or Policy 3e.2.3 iv. Mr Bonis is of the same view in relation to Objective 3f.2.1 and associated policies (cited at para 123 of the s.42A Report). I note that PC37 would, as discussed in Mr Swears evidence,<sup>40</sup> assist in achieving Policy 3f.2.1(iii) in encouraging the use of alternative modes of transport such as cycling and public transport.

155. Mr Bonis recommends<sup>41</sup> that PC37 should be approved with a deferral mechanism. In my opinion, as I discuss in more detail in the assessment of environmental effects section below, a discretionary activity resource consent for subdivision with the requirement for an ITA would be more efficient mechanism, until such time as the capacity of the crossing of the

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<sup>38</sup> Bonis, para 113.6

<sup>39</sup> Bonis, para 113.7

<sup>40</sup> Swears, section 7.1

<sup>41</sup> Bonis, para 193

Waikato River is increased. A staged approach to the subdivision and development of the Nukuhau Structure Plan is another approach that could be explored.

156. Objective 3e.2.3 of the TDP seeks to ensure the maintenance of an appropriate and sufficient level of community infrastructure. Mr Bonis discusses a request by TDC for provision of local reserves, and concludes that subject to this being included he considers that PC37 would achieve Policy iii, by ensuring that developments contribute to the provision and standard of reserves and open space amenity to meet the needs of the community. I agree with Mr Bonis' analysis. I note Mr Crawford discusses the provision of local purpose reserves in his evidence.
157. Objective 3e.2.4 of the TDP and associated policies relate to avoiding degradation of Taupō District's lakes, waterways and aquifers from wastewater. I agree with Mr Bonis' assessment that PC37 achieves this Objective and policies.
158. Objective 3e.2.5 seeks to ensure that land development does not detract from the amenity value or the qualities of the local environment. The policies to achieve this objective include:
  - i. Ensure that proposals for the subdivision and development of land assess the particular amenity values of the area including the physical characteristics of the land and avoids, remedies or mitigates any adverse effects.
  - ii. Subdivision and subsequent development shall either maintain or enhance, but not detract from, the significance of features or areas of cultural, spiritual, historical, landscape or natural value, (as identified through the provisions of this Plan).
159. Mr Bonis states that the landscape and urban design reviews by experts on behalf of TDC (Mr Hugo and Ms Ryder) identify that positive amenity and urban design benefits can be accrued from PC37 (Bonis, para 120).



However, Mr Bonis says there is a 'residual issue' with determining cultural and archaeological values associated with PC37.

160. Mr Crawford recounts the consultation that he and the WSP team carried out in preparing PC37 and following the public notification of PC37. He explains that he was told that a Cultural Impact Assessment would not be beneficial or required. It is my understanding that the absence of a response or the limited responses to letters sent by WSP to iwi authorities, as explained in Mr Crawford's evidence, was considered as a confirmation that there were no cultural values that needed further examination, including by the commissioning of a cultural impact assessment. I agree with Mr Bonis that a further examination of the cultural effects is required.
161. Objective 3g.2.1 is that the cultural and spiritual values of Tangata Whenua are recognised and provided for in managing the effects of activities within the District. Associated policies include ensuring activities have regard for the cultural values of Tangata Whenua as Kaitiaki of their culture, traditions, ancestral lands, water and other taonga; and ensuring activities on or near Sites of Significance to Tangata Whenua are undertaken in a manner which provides for the cultural and spiritual value and significance of the site.
162. Mr Bonis says<sup>42</sup> that the matter of consultation with māna whenua is contested by submitters "all of which question whether there has been appropriate consultation with the correct iwi authority with māna whenua and therefore the Proponent has failed to engage with correct iwi authority (consulted with TMTB not with Te Kotahitanga)". Mr Bonis says that he is unable to identify which group has māna whenua for the PC37 area<sup>43</sup>, and the Panel will need to consider whether the PC37 applicant has "engaged with appropriate māna whenua".

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<sup>42</sup> Bonis, para 125.

<sup>43</sup> Bonis, para 127.

163. I do not agree with Mr Bonis that there is an issue as to whether the applicant for PC37 has engaged with appropriate māna whenua. I note that in discussing the issue of consultation and engagement I am not, for the time being, discussing the adequacy of the assessment of effects on cultural values. There are duties and responsibilities on local authorities to engage with tangata whenua through iwi authorities in preparing or changing policy statements or plans. However, while it is good practice for private plan change applicants to engage with māna whenua early and often in the development of a plan change, there is no RMA duty for private plan change applicants to consult with any party. However, it is a requirement for the s32 report prepared by a private plan change applicant to summarise any advice received from iwi authorities and the regard that has been had to it.
164. I was not involved with the preparation of PC37 and have not been involved with consultation for PC37, noting that I joined WSP a time after PC37 was publicly notified and submissions had closed. Therefore, I cannot provide any first-hand information to the Hearings Panel on this matter. Mr Crawford sets out in his evidence that the consultation that he and WSP planners carried out as the plan change was prepared included providing copies of draft reports in 2020 to: Te Kotahitanga o Ngāti Tūwharetoa; Te Arawa River Iwi Trust (**TARIT**); Tūwharetoa Māori Trust Board; and Raukawa Charitable Trust as River Iwi Authority and iwi authority in terms of area of interest and statutory acknowledgement.
165. Mr Bonis concludes the discussion regarding this matter by saying “where the Panel considers that the Proponent has engaged with appropriate māna whenua I consider that the Proposal achieves the objectives and associated policies”<sup>44</sup>. I would reframe this conclusion to say that if the panel considers the cultural effects of PC37 have been sufficiently

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<sup>44</sup> Bonis, para 129.

identified and addressed in PC37 then a conclusion may be drawn that PC37 achieves the objectives and policies of the WRPS and TDP in relation to cultural heritage. I discuss cultural effects in the section of my evidence relating to assessment of effects and issues raised by submitters.

### **Section 3I Natural Hazards**

166. Objective 3I.2.3 seeks to ensure the enhancement of areas of natural value in the Taupō district. Policy (iii) seeks to recognise and encourage development that enhances areas of natural value. Mr Shaw has identified (in Attachment I to the s42A Report) that some additional provisions in the subdivision matters for control to ensure surveys are carried out will ensure that PC37 achieves this objective. I have discussed that proposed amendment, and note that I agree it should be included in the plan change.
167. Objective 3I.2.2 relates to activities not creating, accelerating, displacing or increasing the effects of a natural hazard, with associated policies to achieve that objective. The assessment by Mr Farquhar contained in Attachment L to the s42A report concludes that the geotechnical and natural hazard risks arising from development under PC37 can be addressed at the subdivision stage and Mr Bonis concludes that PC37 achieves and implements the relevant provisions of the TDP. I note that in addressing the assessment of environmental effects and submissions relating to the gullies, I recommend some minor amendments to address the risk of erosion in the gullies. With those minor amendments, I agree with Mr Bonis that PC37 will achieve Objective 3I.2.2 and implement the associated policies of the TDP.

### **Section 3a Residential Environment**

168. PC37 will add a new residential environment “Nukuhau Residential and Medium Density Areas”, which will be subject to the Residential

Environment objectives and policies in 3a.2.1, and add objectives and policies specific to the Nukuhau Structure Plan Area. PC37 will achieve Objective 3a.2.1 maintaining and enhancing the character and amenity of the Residential Environment, through the performance standards added to the 4a Residential Environment performance standards and the Nukuhau Structure Plan Area Rules introduced to 4a Residential Environment.

### **Section 3o Geothermal Activity**

169. Objective 3o.2.2 relates to avoiding reverse sensitivity effects arising from incompatible land uses establishing or expanding on Geothermal Areas identified on a map in section 3 of the TDP. Mr Crawford discusses the consultation he had with Contact Energy regarding matters raised in their submission relating to reverse sensitivity and a modified Structure Plan has been prepared and was provided to TDC in Mr Crawford's letter of 22 September 2021. An amended version of that plan (removing small areas of residential zone as a consequence of the realignment of Poihipi Road) is attached to my evidence (**Attachment 1**). I discuss the submission by Contact Energy and the amendments proposed to PC37 to address that submission in the assessment of environmental effects and submissions portion of my evidence below. With those amendments to PC37, I concur with Mr Bonis that PC37 will achieve Objective 3o.2.2 of the TDP.

### **Taupō District 2050 -District Growth Management Strategy**

170. The Taupō District 2050 -District Growth Management Strategy (TD2050) was prepared by TDC in 2018, and is an update on the previous growth strategy prepared in 2006. It is described as a growth management strategy which outlines where TDC anticipates future urban growth to occur and the nature and scale of such growth.<sup>45</sup> It focuses on “ensuring

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<sup>45</sup> Taupō District 2050 -District Growth Management Strategy, p5.

there is a sufficient supply of land for the anticipated residential, commercial and industrial growth<sup>46</sup>.

171. The TD2050 identifies the future development pattern for the Taupō district, and on Map 1 Northern Growth Areas, identifies the Nukuhau area that is included in PC37, as “future residential growth”. Map 2 illustrates southern growth areas. I have reproduced Map 1 which is included as **Attachment 6** to my evidence.

172. The TD2050 identifies actions, including “amend the District Plan to reflect the land settlement pattern as per Maps 1 and 2), with the process for how this will be done stated as being “District Plan Review”<sup>47</sup>. The TD2050 is stated as setting a proposed land use pattern that will be implemented through the review of the District Plan.<sup>48</sup> Mr Crawford has explained the applicants’ reasons for not waiting until the forthcoming district plan review. I note that TDC now say that only some parts of the TDP will be reviewed, and the subjects that will be reviewed do not appear to include planning for growth.<sup>49</sup>

173. The TD2050 states that if ongoing monitoring shows land being taken up faster than anticipated or updated population projections radically shift, then a review of TD2050 will need to occur.<sup>50</sup>

174. The TD2050 includes goals in relation to preventing the urbanisation of the rural environment and protecting functional activities within the rural

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<sup>46</sup> Idem.

<sup>47</sup> Ibid, p11

<sup>48</sup> Ibid, p22

<sup>49</sup> TDC website on District Plan Review states due to uncertainty with RMA Reform the whole district plan will not be reviewed, and only parts of the plan will be reviewed, <https://www.taupodc.govt.nz/council/consultation/district-plan-review>, accessed 15 October 2021.

<sup>50</sup> Taupō District 2050 -District Growth Management Strategy, p22

environment; consolidating retail and office activity within the Taupō town centre; and ensuring adequate industrial land supply.<sup>51</sup>

175. The TD2050 also sets out a goal in relation to multiply-owned Maori land, and identifies that TDC will work with owners including Rangatira E Trust to consider alternative development opportunities better suited to the tenure.<sup>52</sup>
176. The TD2050 identifies that there are risks of an oversupply of land for future development and a cost to the community in providing infrastructure to new growth areas.<sup>53</sup> A goal of compact, vibrant and adaptable communities will be achieved by placing limits on the extent of new growth areas.<sup>54</sup>
177. The TD2050 does not set out the process that TDC used for identification of the suitability of the land included within the Northern Growth Areas, including the level of analysis of the capacity of infrastructure to service that area.

### **Iwi and hapū Management Plans**

178. As noted in Mr Bonis' s42A Report, the PC37 Request assessed the plan change against iwi management plans. Under s74(2A) RMA, iwi management plans must be taken into account in the preparation of district plans to the extent that its content has a bearing on the resource management issues.
179. The Ngāti Tūwharetoa Environmental Iwi Management Plan (**EIMP**) establishes Ngāti Tūwharetoa environmental baselines, policies and

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<sup>51</sup> Ibid, p12-14.

<sup>52</sup> Ibid, p15

<sup>53</sup> Ibid, p21

<sup>54</sup> Idem

methods of implementation/tools. The EIMP sets goals that include: Exercising kaitiakitanga in accordance with the kawa and tikanga o nga hapū o Ngāti Tūwharetoa; Te Waipuna Ariki (water), Papatuānuku (land), and Ngā Otaota Me Ngā (flora and fauna).

180. In relation to the exercise of kaitiakitanga, the policies relating to active participation as a partner in the resource management decision-making is a matter that an applicant for a private plan change request can only address to a partial degree, through engagement with Ngāti Tūwharetoa and hapū of Ngāti Tūwharetoa in the preparation of a plan change, and also at the stage of proposing to carry out development and subdivision. A further aspect of the exercise of kaitiakitanga is the policy in the EIMP that mechanisms to protect taonga are promoted and initiated. Mr Crawford gives an account of the engagement that he and his colleagues carried out in the preparation of PC37 and the feedback on this not raising any matters relating to taonga within the PC37 area itself.
181. In relation to Te Waipuna Ariki (water), the discharge of stormwater is an issue in the EIMP identified as threatening Ngāti Tūwharetoa's ability to protect and enhance the mauri of the land for future generations. PC37 has addressed this issue through the stormwater design explained in Mr Bird's evidence, as involving on-site treatment and disposal of stormwater through stormwater detention areas.
182. In relation to Papatuānuku (land), the assertion and exercise of tino rangatiratanga and Kaitiakitanga of ngā hapū o Ngāti Tūwharetoa over land within the Tūwharetoa rohe and the protection of the mauri of the land in accordance with Ngāti Tūwharetoa tikanga and kawa are identified in the EIMP.
183. In relation to Ngā Otaota Me Ngā (flora and fauna), the EIMP identifies threats from the destruction of significant habitats adversely affecting

indigenous flora and fauna. The ecological report prepared for PC37 identified low ecological values as well as no areas of significant indigenous vegetation. An amendment to PC37 to require surveying of species prior to subdivision has been recommended in the s42A Report and agreed to by the applicant.

184. Mr Crawford sets out the consultation with Tūwharetoa Māori Trust Board, and the advice received in relation to the effects of stormwater and development on Taupō Waters. As noted above, PC37 includes measures to avoid, remedy or mitigate adverse effects arising from stormwater. PC37 is also subject to controls on earthworking, and I recommend amendments to enhance the provisions in relation to addressing the risks of erosion.

#### **Conclusion on Statutory Assessment**

185. Mr Bonis concludes that “the Control Gates Bridge capacity issue” means that any development enabled by PC37 would not represent a contribution to well-functioning urban environments as required by the NPS-UD; give effect to WRPS Development Principle 6A d; Policy 6.3(a)(iv) and Policy 6.11(a)(v) or achieve Objectives 3.2.1, 3e2.3, 3e.2.5 and 3f.2.1.
186. I consider that the well-functioning urban environment Policy of the NPS-UD requires a broader consideration, taking into account the positive benefits of PC37. However, I agree with Mr Bonis that the traffic effects of the development of the entire Nukuhau Structure Plan area prior to increased capacity at the Control Gates Bridge, or an alternative crossing of the Waikato River to enable access to the CBD, mean that PC37 as it is proposed will not achieve the objectives and policies of the WRPS and the TDP in relation to the integration of land use with infrastructure planning (WRPS Objective 3.12 c), that development not occur until the provision of appropriate infrastructure to service the development; that new development does not occur until provision for appropriate infrastructure



(WRPS Policy 6.3 (a)(iv)), urban growth is supported by adequate infrastructure (WRPS Policy 6.11, TDP Policy 3e.2.2(iv)), and in relation to ensuring that land uses does not adversely affect the efficient and effective functioning of infrastructure (TDP Policy 3e.2.2(v)) and regionally significant infrastructure (WRPS).

187. However, I consider that enabling a staged development of PC37, through a discretionary activity resource consent application assessment of effects, prior to additional capacity at the Control Gates Bridge, may meet the statutory tests that apply to PC37. A discretionary activity resource consent assessment will ensure that the traffic effects of the activities that the subdivision will enable, are assessed and any such adverse traffic effects are avoided, remedied or mitigated.

#### **ASSESSMENT OF EFFECTS AND ISSUES RAISED BY SUBMITTERS**

188. The PC37 Request provided an Assessment of Environmental Effects of the plan change. This addressed, with reference to technical reports appended to the PC37 Request, water and wastewater effects, transportation effects, stormwater effects, landscape and visual effects, land contamination effects, effects on the supply and demand of residential land, geotechnical effects, ecological effects, archaeological effects, and positive effects. The summary of the environmental effects of PC37 concluded that the adverse effects of the plan change are generally minor and effects can be avoided, remedied or mitigated (Section 7.11 Summary of environmental effects, PC37 Request).
189. I do not repeat all of the assessment of environmental effects and instead structure this part of my evidence to reflect the matters addressed in the s42A Report.

### Three Waters Infrastructure

190. Mr Bird explains the approach taken in PC37 to water, wastewater and stormwaters (three waters infrastructure). He also addresses issues raised in submissions in relation to those matters.
191. The PC37 Request contained a Stormwater Management Report as Appendix F to the Request. That report identified stormwater management strategies and stormwater effects. Mr Bird discusses the stormwater design concept, which, he explains, recognises the importance of preserving Lake Taupo water quality<sup>55</sup>.
192. The PC37 Request included a report that addressed the wastewater needs of the plan change and examined the existing wastewater network. Mr Bird outlines the design concept for wastewater and discusses that some upgrading of the downstream wastewater system will be required for the PC37 area, with the precise extent and location depending on the final development patterns and staging. Mr Bird notes that the most significant matter for wastewater is the size of the pipe that crosses the Waikato River and that TDC's Long Term Plan makes provision for upgrading this. The options that were examined when PC37 was prepared are discussed by Mr Bird (para 5.8), and he notes that there are interim and long-term options available for wastewater servicing of the PC37 area.
193. PC37 includes Policy 3a.2.3(v) and rules 4a.7.1 and 4a.7.2 that together require that subdivision consent is subject to the existing Council wastewater network having been upgraded to accommodate the anticipated wastewater flows from the Nukuhau Structure Plan or that Council is satisfied that there is a solution to suitably dispose of the

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<sup>55</sup> Bird, para 6.3.

anticipated wastewater flows. As Mr Bonis notes in the s.42A Report, this is a matter that will be addressed at the time of subdivision.

194. The PC37 Request also contained a report relating to water supply. Mr Bird explains the existing water network and how the Nukuhau Structure Plan area will be serviced with potable water. As Mr Swindell identified in his report for TDC (Appendix C to the s42A Report), the appropriate water infrastructure is able to be supplied to meet demand associated with the PC37.
195. Mr Bonis concludes that the development PC37 will enable will be able to be supported by adequate three waters infrastructure and I agree with his conclusion.

### **Open Space**

196. The Nukuhau Structure Plan identifies stormwater reserves that will include provision for pedestrian access, cycleways and planting. Mr Crawford explains the intent of these reserve areas<sup>56</sup>. As Mr Crawford explains, local purpose recreation reserves have also been identified on the edges of the Structure Plan to act as buffers to the neighbouring existing residential sections<sup>57</sup>.
197. TDC advised WSP in June 2021 of the wish to see the following local purpose reserve provision within PC37:
- a) A 300m radial area covers a 28.3ha area.
  - b) 9000m<sup>2</sup> of reserve is envisaged to be required (being nominally a neighbourhood of approximately 7000m<sup>2</sup> plus pathways from one side to the other with a nominal 5m width (400x5)) within each

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<sup>56</sup> Crawford, para 19.

<sup>57</sup> Crawford, para 23.

service catchment, accept 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).

- c) 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.
- d)  $9000/22.6\text{ha} = 3.98\%$  of the developable service catchment is likely required for reserves serving the recreational needs of that community .

198. Mr Crawford has stated in his evidence that he supports the use of the above proposal, conditional upon the fact that recreational amenity included in the proposed stormwater reserves is factored in.

199. I note that the TDP 3e.7 Taupō District Structure Plan Process includes that potential future land use considerations include open space and reserve requirements. While I agree with Mr Bonis that provision should be made within the PC37 Structure Plan for local reserves, I note that Mr Bonis acknowledges that the Structure / Outline Plan identifies a substantial amount of open space, albeit with much, but not all, within the gully systems in facilitating a comprehensive linear pedestrian and cycle linkages throughout the Plan Change area<sup>58</sup>.

200. I note that the Nukuhau Structure Plan will be subject to the general rules of the TDP including the requirements for reserve contributions, although it would be preferable to identify in Structure Plan an indicative location for local purpose reserves so that as development proceeds the reserve can be created in the location that will best serve the community.

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<sup>58</sup> Para 183.

## Transport Effects

201. The s42A report<sup>59</sup> provides a summary of the submissions that raise infrastructure (transport) themes and I agree with that summary and do not repeat it here.
202. I consider the traffic effects of PC37 in the context of the relevant objectives and policies of the NPS-UD, WRPS and TDP in relation to PC37 and the transport infrastructure, and summarise those considerations as:
- a) The need to integrate land use and transport planning, including that there is adequate roading infrastructure to support urban development.
  - b) The management of effects on the function of transport infrastructure and the transport hierarchy.
  - c) The importance of the safe, efficient and effective operation of infrastructure corridors and regionally significant infrastructure.
203. The s42A report sets out TDC's planning for providing additional capacity at the Control Gates Bridge and identifies it as being clearly flagged across a number of Council plans and strategies<sup>60</sup>. I note that the TDC Long Term Plan 2021-31 identifies funding for \$390,000, which I understand is for investigations into a second bridge. The relevant extract from the Long Term Plan is included in **Attachment 7**.
204. Mr Bonis refers to Mr Smith's assessment that there remains uncertainty as to timing of a second bridge crossing the Waikato River to provide access to the CBD. I agree with Mr Bonis' analysis that PC37 cannot include a

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<sup>59</sup> Para 187.

<sup>60</sup> Section 42A Report, para 113.7

requirement that would bind Council to agreeing to the installation of additional capacity at the Control Gates Bridge or a duplicate bridge.

205. The Traffic Joint Witness Statement prepared by Mr Swears, Ms Cui and Mr Smith agrees a volume of traffic as the capacity of the Control Gates Bridge,<sup>61</sup>and that any additional residential development to the north of the Control Gates Bridge will exacerbate congestion.<sup>62</sup> Mr Swears considers that if the amount of development is no different as a result of PC37 then the effect of PC37 on congestion will be no worse than neutral.<sup>63</sup>
206. Mr Swears, Ms Cui and Mr Smith agree that the analysis of rates and quantities of residential development are outside of their area of expertise.<sup>64</sup> Predicting whether more traffic would result by the year 2030 from adding PC37 to the supply of land available for development north of the Control Gates Bridge, is outside of my area of expertise. However, in planning terms, increasing the capacity for development of housing by zoning land for residential development, is assumed to ultimately increase the number of houses built and occupied, and this would appear to me to be the very premise of the NPS-UD.
207. Mr Smith is of the view that any worsening of the performance of the Control Gates Bridge is unacceptable<sup>65</sup> . Mr Swears and Ms Cui consider that TDC has already accepted worsening of the performance of the Control Gates Bridge, as a result of rezoning of other land to the north of the bridge.<sup>66</sup> While this may reflect a pragmatic viewpoint, the RMA requires that the ‘cumulative effects’ of PC37 must be considered. Additionally, s5 of the RMA requires that adverse environmental effects (including cumulative effects) must be avoided, remedied or mitigated.

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<sup>61</sup> Traffic Joint Witness Statement, 18 October 2021, para 2.2.c.

<sup>62</sup> Ibid, para 2.2(d)

<sup>63</sup> Idem

<sup>64</sup> Ibid, para 2.2(f)

<sup>65</sup> Smith, para 4.19

<sup>66</sup> Ibid, para 2.2(l)

208. To understand what the traffic effects of PC37 are, I rely on the expert traffic evidence. Mr Swears identifies that trip generation from PC37 will exacerbate queuing and delay.<sup>67</sup> However, Mr Swears notes that it is important to realise that despite its capacity limitations, the Control Gates Bridge is able to carry significant volumes of traffic<sup>68</sup>
209. Mr Swears' opinion is that it is unlikely the queuing and delay increases described in Ms Cui traffic modelling (October 2021 memo) will eventuate<sup>69</sup>. He says: "If queuing and delay of the magnitude described began to develop I expect that peak spreading would occur."<sup>70</sup>
210. Mr Swears and Ms Cui consider that while, if all else is equal, trip generation associated with PC37 will increase queuing and delay on the existing bridge and associated intersections, it also presents the best opportunity for motor vehicle trips to be reduced through reassigning journeys to active modes and public transport<sup>71</sup>. They consider that PC37 could be used as a method to mitigate the queuing and delay that will arise as a result of residential development (including, but not limited to, that associated with the Plan Change) north of the bridge<sup>72</sup>.
211. The NPS-UD and WRPS considerations of whether "appropriate infrastructure necessary to service the development is in place" can be examined by looking at the traffic expert's analysis. The Control Gates Bridge is in place, and will be able to service the PC37 development. Whether this is "appropriate infrastructure" in terms of the congestion effects and traffic delays is less clear cut. The modelling suggests that PC37

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<sup>67</sup> Swears, para 131

<sup>68</sup> Swears, para 9

<sup>69</sup> Swears, para 150

<sup>70</sup> Swears, para 150

<sup>71</sup> Joint Witness Statement, para 3.1(e)

<sup>72</sup> Joint Witness Statement, para 5.2

will add to the delays of traffic crossing the Control Gate Bridge, and the magnitude of that effect depends on what assumptions are used.

212. Mr Swears' evidence identifies (in Table 7) that the additional travel time resulting from adding traffic from an assumed 30% of Nukuhau Structure Plan to other land north of the Control Gates Bridge being fully developed, is between 1.1 to 1.2 minutes. Adding traffic from an assumed 80% of Nukuhau Structure Plan other land north of the Control Gates Bridge being fully developed is between 2.1 to 3.3 minutes. Mr Swears is of the opinion that the travel times resulting from 100% of the Nukuhau Structure Plan developed in addition to other land north of the Control Gates Bridge being fully developed would be unacceptable.

213. However, Mr Swears says:

If the Project is permitted to develop, and the total amount of increased traffic is no greater than could occur without the Project, the resultant effects will be neutral. However, because of its proximity to the town centre, the Project presents the opportunity for traffic volumes (and therefore travel time) to decrease if motor vehicle trips are replaced by active mode trips.<sup>73</sup>

214. I note that Mr Smith states that the proximity of the PC37 area "provides an opportunity for relatively high levels of active transport mode share which would require excellent provision for these modes...(and) the Plan Change could readily be serviced with public transport"<sup>74</sup>.

215. Mr Bonis has suggested a rule for deferment of subdivision, and Mr Smith has suggested a discretionary activity resource consent with a matter for discretion being the traffic impacts in the vicinity of the river crossing. Mr Bonis examines the efficiency and effectiveness of four options that he has identified in Table 2 of the s42A Report. Mr Bonis recommends (para 193) that PC37 should be approved with a deferral mechanism.

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<sup>73</sup> Swears, para 114

<sup>74</sup> Smith, para 6.31



216. Mr Bonis states:

“Fundamentally, if the Panel agreed that the additional capacity was necessary for the Request to be ‘the more appropriate’ in terms of achieving both the relevant WRPS provisions and those ... in Objective 3e.2.3 and associated Policy (v); then in my view deferment until additional capacity is provided is the most effective and efficient means to ensure that these provisions are achieved, and only where the Proponents of the Plan Change acknowledge that that risk is one the Proponent is prepared to make”.<sup>75</sup>

217. I am of the opinion that the option suggested by Mr Smith presents the more efficient and effective option. This would entail subdivision being a discretionary activity and subject to the provision of an ITA. This would enable the traffic effects of the proposed extent of development within the Nukuhau Structure Plan to be assessed in terms of the (then) known and predicted extent of development on the north side of the Control Gates Bridge, the timing for commissioning of the Control Gates Bridge.

218. A further option that has not been considered in Mr Bonis’ evaluation<sup>76</sup>, is that of enabling a staged development of PC37, so that a part or parts of the Structure Plan area could be subdivided and developed ahead of the increase in roading capacity that will be provided by a second river crossing. The discretionary activity status with ITA option would enable a process for evaluation of a staged approach to the subdivision.

219. Mr Swears and Ms Cui identify and discuss possible scenarios for the effect of development of the Nukuhau Structure Plan on travel times. The extent to which there will be traffic effects and the extent to which the proximity of the Structure Plan area to the CBD will enable behavioural change is unclear. It appears that PC37 may affect the efficient and effective operation of the roading corridors and the regionally significant route. The degree to which that can be mitigated by supporting behavioural changes,

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<sup>75</sup> Section 42A Report, para 115

<sup>76</sup> Section 42A Report, Table 2, p32

with the provision of walking, cycling and public transport has not been quantified by the traffic experts. The requirement for a discretionary activity resource consent, with an ITA as an information requirement, will ensure that the traffic effects of the proposed subdivision and development, are avoided, remedied or mitigated.

### **Internal Roading and Cycling Network**

220. PC37 includes in 9.6 Principal Walkway and Cycleway Pathway Connections a Figure 9-H Proposed Walk-Cycle Links. This has been updated as discussed in Mr Swears evidence. I include it here with my evidence as **Attachment 8.**

221. TDC's urban design review by Mr Hugo raises a potential CPTED concern related to visibility of gully systems, and seeks amendments in the Structure Plan to identify that a portion of road network fronts the stormwater gully system to improve visibility. Mr Hugo has identified that the metrics of such are a rule requiring 30% of the total length of stormwater reserve edges to have active road frontage and proposed trees in Section 6: Low Volume Road cross section. Mr Crawford discusses the design of the stormwater reserves and that properties fronting the main stormwater reserves will be set back to accommodate a shared path, with dwellings to overlook the reserve by encouraging low fences to provide passive surveillance and to prevent the 'tunnel' like effects arising from long lines of tall front fences.

### **Cultural Effects**

222. Mr Bonis identifies in paragraph 12.6 that there is "a contested matter as whether the Proponent has appropriately engaged with māna whenua, which has consequential considerations in terms of cultural effects as well as archaeology and historic heritage". In discussing cultural effects, Mr

Bonis states that he is unable to determine which group has māna whenua and kaitiaki for the PC37 area and that this is contested. He then proceeds to discuss whether appropriate engagement has been undertaken and whether the issues of cultural significance and impacts have been appropriately considered within the formulation of the plan change. (Bonis, para 198).

223. Firstly, it should be noted that the preparation of a cultural impact assessment is not a requirement of the RMA, and there is no duty under the RMA for an applicant for a private plan change to consult with any person. However, I agree that both consultation and engagement with māna whenua, and the preparation of a cultural impact assessment can assist in ensuring that environmental effects are identified and addressed in preparing a plan change. This includes addressing the RMA requirements in Part 2 RMA, including s6 and s7 matters.
224. I note that Part 1 of Schedule 1 of RMA does require a local authority to consult with “the tangata whenua of the area who may be so affected, through iwi authorities” clause 3(1)(d). A local authority may consult anyone else during the preparation of a policy statement or plan. It is not evident from the s42A Report whether TDC consulted with mana whenua about PC37 as it was being developed or after public notification, and if so, whether any comments were received.
225. A cultural impact assessment prepared by appropriately authorised and mandated māna whenua is, in my experience, the appropriate method for identification of potential cultural effects of a proposal and for identification of the means of avoiding, remedying or mitigating those effects and providing for kaitiakitanga. My understanding from the reading the Request documentation, Mr Crawford’s letter of September 2021 and Mr Crawford’s evidence, is that no or limited responses were received to written material sent to the bodies named above. Consultation with hapū

took place in July 2021, and I understand that as yet there have been no comments provided on PC37 by those hapū as the result of Mr Crawford's contact.

226. The s42A report suggests that the archaeological study and the LVA have not sufficiently addressed cultural effects. In relation to the former, Ms Walter says further investigation of some areas of the Structure Plan area is needed, and if this finds that there are no archaeological features present or a low probability then rezoning will be appropriate (Walter, p13). In relation to the latter, Ms Ryder says that the LVA does not capture the associative values attributed to the landscape by tāngata whenua and the wider community (Ryder, para 48). However, Ms Ryder does say she supports the findings of the LVA overall, notwithstanding the need to further assess these associative values and the effects of PC37 on them (Ryder, para 49).
227. Due to the absence of a cultural impact assessment or written confirmation from the relevant iwi authorities or māna whenua that one is not needed, I agree that it is difficult to be certain that effects on cultural values have been avoided, remedied or mitigated (as required by s5 RMA) or that the relationship of Maori and their culture and traditions with ancestral lands, sites, waahi tapu and other taonga, or the protection of historic heritage from inappropriate subdivision, use and development have been recognised and provided for in PC37 (as required by s6 RMA). It is also difficult to be certain that particular regard has been had to kaitiakitanga (as required by s7 RMA).
228. Mr Crawford discusses the engagement with iwi authorities and hapū that he and other staff at WSP have conducted. My understanding is that engagement has resulted in some feedback on the plan change in relation to stormwater and wastewater management, and that Mr Crawford understood that iwi authorities did not wish for a cultural impact

assessment to be commissioned in relation to the Nukuhau Structure Plan area. Mr Crawford and his colleagues do not appear to have been directed by any person they engaged with to relevant hāpu. On that basis, it is not clear that the applicant could have had a cultural impact assessment prepared or more fully engaged with the iwi authorities.

229. I note that the TD2050 identifies the Nukuhau area as an area for future growth, and that TDC have proceeded with this after public consultation. I do not have any information about the extent to which TDC engaged with māna whenua regarding the identification of Nukuhau as ‘future residential growth’ area. Although not definitive, because the TDP envisages a structure plan process under the RMA, it does suggest to me that TDC considered that the cultural significance of the area was not such that it should not be identified for future residential growth.
230. The EIMP discusses methods for ensuring effective participation in policy development and states that partnership and consultation should always be undertaken in accordance with the tikanga and kawa of ngā hapū o Ngāti Tūwharetoa, for example [but not limited to]: “Kanohi ki te kanohi” – issues should be discussed face to face, in preference to written documents, or telecommunications; by holding hui on Marae; by giving representatives seeking out consultation the appropriate mandate to deal with various issues<sup>77</sup>. The partnering aspect of this policy is aimed at local government, but also illustrates preferred methods of engagement, which I acknowledge.
231. I note that the applicant can continue to pursue dialogue, and build relationships with māna whenua to seek inputs into the design of the subdivision and development. At this stage, it is not clear that a cultural impact assessment report is what iwi authorities, hapū or māna whenua are seeking.

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<sup>77</sup> Ngāti Tūwharetoa Environmental Iwi Management Plan, p18

232. The EIMP identifies methods for achieving a policy of right to exercise of kaitiakitanga, which includes conditions on consent that provide for the involvement of Ngāti Tūwharetoa in the monitoring and review process of resource consents; and to make submissions on resource consent applications that are of concern to Ngāti Tūwharetoa, to ensure that the physical and spiritual relationship between tangata whenua and their ancestral lands, waters, wāhi tapu and other taonga are recognised, protected and provided for<sup>78</sup>. I would suggest that the latter approach taken prior to and during the preparation of plans for subdivision and proposals for earthworking would be appropriate.

233. Rule 4a.7.2(d) of PC37 reserves as a matter of control for applications for subdivision consent “any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural values”. Potential cultural effects might be able to be appropriately addressed through a requirement that applications for subdivision and earthworks within the Structure Plan area need to be accompanied by either a cultural impact assessment or a cultural effects report prepared by a suitably qualified person, or written confirmation from the appropriate iwi authority representatives and māna whenua that no cultural impact assessment is required. In my opinion, an associated assessment criterion relating to historic and cultural heritage is also necessary.

234. The additional matter for control and assessment criterion I suggest, could read along the following lines:

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a controlled activity.

For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:

...

d. Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value. **Effects on areas or**

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<sup>78</sup> Ngāti Tūwharetoa Environmental Iwi Management Plan, p19

features of cultural value will be considered in relation to a cultural impact assessment provided by the applicant and prepared by or on behalf of the appropriate iwi authority representatives and māna whenua representatives or otherwise appropriately qualified person, or written confirmation from those representatives that no cultural impact assessment is required. Note: it is envisaged that a cultural impact assessment will be prepared for the entire Nukuhau Structure Plan area and that will provide an assessment of cultural effects for all subsequent applications for subdivision consent.

4.78 Assessment Criteria

4a.78.17 Subdivision

...

o. The extent to which historic and cultural heritage within the Nukuhau Structure Plan is recognised and provided for, and the extent to which adverse effects on historic and cultural heritage are avoided, remedied and mitigated, including through the design and layout of the subdivision.

235. I note that similar provisions could potentially be extended to apply to earthworks, and include that hapū representatives are involved onsite for monitoring of earthworks within the Nukuhau Structure Plan area.
236. An alternative approach that the Hearings Panel may wish to consider, is a rule identifying that māna whenua will be considered an affected party for any earthworking and subdivision within the Nukuhau Structure Plan. Such a rule would then promote engagement with māna whenua in the preparation of plans for subdivision and development of the area. I have not recommended that approach, as I consider that the cultural effects of the whole Structure Plan area should be considered in a single assessment of cultural effects, in a cultural impact assessment.
237. In conclusion on this matter, subject to views to be expressed by māna whenua at the hearing, I am of the opinion that the feedback on the PC37 proposal from iwi authorities (relating to stormwater and wastewater); the absence of a submission on PC37 by an iwi authority; and the limited response (to date) from hapū may indicate that cultural effects might be able to be appropriately addressed through a requirement that applications for subdivision and earthworks within the Structure Plan area need to be accompanied by either a cultural impact assessment or written

confirmation from the appropriate iwi authority representatives and māna whenua that no cultural impact assessment is required.

### **Archaeology**

238. Mr Crawford explains the reports that WSP's archaeologist prepared. He explains that an Archaeological Authority is being prepared and will be lodged with Heritage New Zealand Pouhere Taonga (**HNZ**).

239. My understanding is that the purpose of obtaining the archaeological authority is to be able to determine whether two depressions are actually archaeological sites, as a visual inspection has been unable to come to a determination. My understanding is that the two depressions are not recorded in the New Zealand Archaeological Association (**NZAA**) Site Recording Scheme or in the historical records that the WSP archaeologist has examined and there is no information to suggest that the depressions are archaeological sites.

240. If the depressions are found to be archaeological sites and protection of them is desirable, then I consider the matters for control, including the recommended additional matter relating to a cultural impact assessment, will ensure appropriate protection of cultural heritage in the subdivision design and layout.

### **Ecological Effects**

241. The Ecological Assessment is set out at Appendix J of the Request. It identifies that there are no notated Significant Natural Areas, and that the site has low ecological value and no areas within the site qualify as significant indigenous vegetation.



242. In attachment H to the s42A Report, Mr Shaw recommends that an assessment of ecological effects will be needed at the time of subdivision or land use consent (Shaw, para 27), and should include a comprehensive acoustic survey to determine whether long-tailed bats are present and if present, a Bat Management Plan to identify actual or likely roost trees and flight paths, and tree management protocols, and other measures to ensure there are no adverse effects on bats.
243. Mr Bonis in turn recommends additional rules in the subdivision provisions of section 4a.7 of PC37. I agree with Mr Bonis, that with this amendment, PC37 can be considered as giving effect to the relevant provisions of the WRPS. I suggest some minor changes to the amendments recommended by Mr Bonis (at para 220) so that the provision relates to the matters that council has reserved control over:

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a controlled activity.  
For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:

...

- d. Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value, **including:**  
**(i) comprehensive surveys for bats, lizards and pipits (including for pipits, during the breeding season, August to February), and management plans for how any identified adverse effects on those species will be avoided, remedied or mitigated.**

### **Landscape and Urban Design**

244. The Urban Design and Landscape Assessment is Appendix G to the Request. The Assessment identifies the principles underpinning the overlap of Landscape and Urban Design outcomes that drive the structure plan. Elements built into PC37 include principles of CPTED, in proposed rule 4a.7.6 Fencing, Walls and Hedges that require these

elements on sites adjoining any stormwater or recreation reserve be no higher than 1.2m in height, be visually permeable and contain a gate.

245. However, Mr Hugo (Appendix J to the s42A Report) raises a potential CPTED concern related to visibility of gully systems, and seeks amendments in the Structure Plan to identify that a portion of road network fronts the stormwater gully system to improve visibility. Mr Hugo has identified that a rule requiring 30% of the total length of stormwater reserve edges to have active road frontage and proposed trees as shown in Section 6: Low Volume Road cross section. The LVA (Appendix G to the PC37 Request) identified low volume roads for the residential edge fronting the gully reserves in cross sections 7. Mr Hugo also suggests that the Structure Plan should show the secondary road network, and specifically show locations where road frontages will run along gully areas (Hugo, para 32).

246. Mr Crawford discusses this matter in his evidence. My understanding is that there is currently no requirement in PC37 that subdivision provide roads along the edge of the gullies identified on the Structure Plan. The cross sections in the LVA do not form a part of PC37.

247. Ms Ryder has recommended additional controls in terms of both recognising opportunities to integrate larger scale trees where present during subdivision, and the consideration of CPTED provisions:

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a controlled activity

For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:

a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, **application of Crime Prevention Through Environmental Design (CPTED) principles specifically in terms of open space provision** and adequate management of stormwater.

...

d. Any actual or potential effects on some areas or features of cultural, ecological, historic landscape or natural

value, including specific provision for large framework tree planting and retention.

248. I agree these amendments will contribute to a high level of amenity for the reserves and residential areas, and include them in the revised PC37 appended to my evidence as **Attachment 2**.

### **Demand, Shops Overlay and Communities Facilities**

249. I have discussed the contribution that PC37 will make to housing supply in Table 1 above, in relation to NPS-UD Objective 6. As I note in that discussion, PC37 will make a significant contribution to housing supply for Taupō.

250. Mr Bonis says, he considers that the Request provides residential housing supply and types that will appropriately meet demand, consolidates existing urban form, and would not lead to the inefficient provision of supporting infrastructure (Bonis, para 245). I concur.

251. I agree with Mr Bonis' assessment that the 'Neighbourhood Shop' overlay of 2,500m<sup>2</sup> and location will facilitate the convenience and accessible wellbeing needs of the local community, including those facilitated by the Plan Change. It is not of a scale that would give rise to the distribution effects on the Town Centre. As Mr Smith and Mr Swears have identified that the provision of local shops will provide benefits in terms of reducing (to an undefined extent) transport trips.

### **Geotech**

252. The Plan Change as notified contained a comprehensive Detailed Site Investigation (DSI - Appendix H) and Geotechnical Report (Appendix I). The TDC reviewers of these reports did not recommend any modifications and Mr Bonis concludes (para 260) that PC37 is appropriate in terms of

contaminated land and geotechnical and natural hazard. I largely agree with Mr Bonis' conclusion on this matter, although I do recommend some additional provisions to address the natural hazard matters raised in the WRC submission.

#### Stormwater and Gully System

253. Mr Bird has explained the stormwater design concept for PC37 and described the gullies that are present within the plan change area. Mr Bird explains that the stormwater design concept includes detention in the gullies as one of the measures to ensure effects on Lake Taupō are avoided. The stormwater design strategy is to provide soakage as close to the source as possible, for both the individual sites and for the roads) where necessary flow will be then led to detention / soakage devices in the gully floors.
254. Mr Crawford has explained the reasons for the notation on the Structure Plan for PC37 as a "Proposed Overlay" of "proposed stormwater reserve with pedestrian access, cycleway, and planting". A notation on the Structure Plan as "Indicative Features" includes "4. Precise Location and Size of Stormwater reserves". A modified version of the Structure Plan was provided to TDC by Mr Crawford on 22 September 2021, which identifies a cycling and walking route through the main gullies shown on the Nukuhau Structure Plan.
255. I note that PC37 introduces Rule 4a.7.2 for subdivision, which includes control reserved over matters that include the identification of natural hazards, and the effect that development will have on natural water courses and drainage gullies. PC37 also introduces an assessment criterion for subdivision, in 4a.8.17 that landscape planting, stormwater infrastructure and walking/cycling pathways in the gully network.

256. The s42A report discusses the review that has been carried out by TDC by Mr Farquhar and his conclusion that an appropriate level of assessment has been conducted to support the rezoning in the PC37 Request; and that any residual matters “can be addressed through further geotechnical investigation and assessment, and engineering controls and land engineering works at subdivision stage, as per industry practice and as set out in the Outline Development Plan submitted with the Plan Change’ (Bonis, para 97). I note that Mr Farquhar’s assessment (para 8.5-8.7, Attachment L to the s42A Report) of the submissions relating to the gullies (WRC, Lakes & Waterways Action Group Trust and Tukairangi Trust) are that he supports the reasoning of the submitters, as the gullies are pumice soils that are prone to erosion. However, Mr Farquhar does not recommend any changes to PC37 to address those submissions, and concludes that these constraints can be addressed through further geotechnical investigation and assessment, engineering controls and land engineering works at subdivision stage, as per industry practice and as set out in the PC37 (Farquhar, para 9.3)
257. The s42A report notes in the recommendations on whether to accept or reject submissions relating to the gullies: “TDC considers that gully realignment must be managed through a subsequent resource consent process” and “gully modification can allow reduction in flow velocity and erosion” and “TDC supports the use of WRC Stormwater Guidelines for stormwater management” (comments on recommendation to accept submissions by Lakes & Waterways Action Group (submissions 53).
258. The submission by WRC opposes the realignment of natural gully systems and states this is not supported by the WRPS. A submission by Lakes and Waterways Action Group Trust (submission 53) express concern about the possible realignment of gullies.

259. In order to understand the issues raised in the WRC submission, I participated in meetings with WRC on 30 July 2021 and 10 September, together with Mr Crawford and Mr Bird. I understand some WRC staff carried out a site visit with Mr Crawford in August, and I was not present for this.

260. The concerns of WRC are understood to be with the risk of erosion and exacerbation of flood risk and the WRC considers these risks should be identified in PC37 and mitigated through provisions that seek to protect the natural gully system and avoid gully realignment.

261. WRC staff provided requested amendments to PC37 by email on 13 August 2021, which are set out in **Attachment 9**. I discuss each of the requested amendments in turn.

262. WRC have requested an amendment to reword PC37's proposed Objective 3a.2.3:

Objective

~~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.~~

To enable residential development of the Nukuhau Structure Plan Area as envisaged by the plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:

- a. Protecting the natural gully systems to prevent erosion and exacerbation of flood risk downstream; and,
- b. maintaining and enhancing stormwater flow paths.

263. I consider this requested amendment in the context of the relevant provisions of the WRPS. This includes Development Principle 6A for new development and the objectives and policies in relation to natural hazards.

264. Development Principle 6A includes:

m: avoid as far as practicable adverse effects on natural hydrological characteristics and processes...soil stability, water quality and aquatic

ecosystems, including through methods such as low impact urban design and development (LIUDD).”

265. Other relevant parts of the WRPS are those that relate to risks from natural hazards, including Policy 13.2:

Policy 13.2

Manage activities to reduce the risks from natural hazards

“Subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level including by:

- a) ensuring risk is assessed for proposed activities on land subject to natural hazards;
- ...
- c) avoiding intolerable risk in any new use or development in areas subject to natural hazards;
- d) minimising any increase in vulnerability due to residual risk,.”

266. To address the concerns relating to modification of the gullies raised by WRC and a number of other submitters, and in the context of the above-cited WRPS provisions, I consider Objective 3a.2.3 should be amended to read:

To enable residential development of the Nukuhau Structure Plan Area as envisaged by the plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:

- a. Ensuring the risk of erosion of, and exacerbation of flood risk downstream from, the major gully systems within the Nukuhau Structure Plan are avoided, remedied or mitigated; and,
- b. maintaining and enhancing the major gullies as stormwater flow paths as far as practicable.

267. WRC have requested a new policy for PC37:

- vi. Retain the natural gully systems in their current location, recognising that they are a receiving environment with direct connection to Lake Taupō through groundwater.

268. WRC have also requested an amendment to the method proposed in PC37:

3a.3 Methods

- xii. Subdivision design guidance for the development of the Nukuhau Structure Plan area to enhance character and amenity and access to open space for a mixture of general and medium

density residential development **whilst protecting the existing natural gully systems.**

269. Discussions with the WRC regarding the requested use of the term “natural gullies” identified that this is not a term that is defined in the WRPS or any other technical guidance, such as the WRC Stormwater Guidelines for Stormwater Management. It would, therefore, appear to create potential uncertainty to attempt to use such an undefined term. As Mr Bird discusses, the gullies within the PC37 area have been modified to a significant extent in some cases, possibly by farming practices and grazing over many decades, and for that reason some, if not all, might not be considered to be ‘natural’.
270. The policy requested by WRC seems to go further than addressing a concern with natural hazard risk, and to relate to an intent to not presume any modification of the gullies. It is not clear whether this relates to all gullies or just the major gullies that are shown on the Nukuhau Structure Plan. The WRC Stormwater Guidelines provide the process and criteria for assessing stormwater designs and I consider this is the appropriate methodology for determining whether and how the existing gullies would be used for stormwater receiving and detention. For these reasons I do not support the requested new policy. A policy that is directed at the issue, of natural hazards, would be appropriate. I suggest a policy such as:

3a.2.3

Policies

**vi. The risks of significant erosion and flooding within the gullies shown on the Nukuhau Structure Plan is avoided, remedied or mitigated.**

271. The WRC have also requested an additional ‘anticipated environmental outcome’ in section 3a.5 of PC37:

**Erosion is prevented and flood risk is mitigated through the protection of the natural gully systems within the Nukuhau Structure Plan area.**



272. I agree that the prevention of erosion and flood risk should be identified as an anticipated outcome, but, as discussed above the reference to “protection of the natural gully systems” is not likely to provide the certainty of outcome that the WRC are seeking, due to the lack of a definition of ‘natural gully systems. I suggest that the anticipated outcome should be:

**viii. Risks of significant erosion and flooding within the gullies shown on the Nukuhau Structure Plan are avoided, remedied or mitigated.**

273. WRC have also requested, an addition to the Nukuhau Structure Plan Area Rules contained in PC37, to include a new matter for control for subdivision and amendment of another matter for control included in PC37:

**ii) The management of stormwater in accordance with the Waikato Regional Council Stormwater Guidelines and to ensure that stormwater is treated onsite so that the existing natural gully systems are not used as stormwater treatment devices.**

iii) The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application. **The Waikato Regional Council Erosion and Sediment Control Guidelines should be followed.**

274. The discussions with WRC appeared to indicate that some use of the gully system for stormwater detention purposes would be acceptable. This would appear to be a matter that could be addressed through the consenting requirements for stormwater management, with application of the Erosion and Sediment Control Guidelines and the WRC Stormwater Management Guidelines being the appropriate documents. The addition of this wording appears to be unnecessary, as the consenting requirements for stormwater management will apply to the Nukuhau Structure Plan as they do in other areas of the Waikato Region.

**Reverse Sensitivity**

275. A submission from Contact Energy raises concerns regarding potential reverse sensitivity impacts on the use, management and development of the Wairakei-Tauhara Geothermal System. That concern relates, in particular, to the operation of reinjection drills and other activities that are either provided for by resource consents or as permitted activities under WRP. My understanding is that Contact Energy's concern relates to the proposed residential activity, specifically the proposed higher density areas and the effects that this may have on Contact Energy's energy generation activities.
276. The Wairakei-Tauhara Geothermal Feature used by Contact Energy, which shares a boundary with the PC37 area, is a regionally significant industry in terms of the WRPS. Policy 4.4 of the WRPS requires that the potential for reverse sensitivity effects on regionally significant industry is avoided or minimised. Section 6.1.2 of the WRPS states consideration should be given to discouraging new sensitive activities locating near existing and planned land uses or activities that could be subject to effects, including noise and light spill.
277. Mr Crawford consulted with Contact Energy personnel, as explained in his evidence, and an amendment to the Structure Plan has been proposed and provided to TDC in Mr Crawford's letter of 22 September 2021. Mr Crawford explains the amendment made to realign Poihipi Road. I agree that the amendments proposed to the Structure Plan appear to satisfactorily address potential reverse sensitivity effects on Contact Energy's operations.

## OTHER ISSUES RAISED BY SUBMITTERS

### Schools

278. Submission 19 suggests that the provision of a school to the north of the bridge would have a positive impact on reducing traffic across the Control Gates Bridge. The only school in the vicinity of the PC37 area is St Patrick's Catholic School on Acacia Bay Road, which is a state-integrated primary school. The decision to establish a new school or schools is not one that the applicant can determine. The Ministry of Education has responsibility for public schools.

### Minor Amendments

279. Mr Bonis has recommended minor amendments to Objective 3a.2.2A to confine that objective to the Nukuhau Structure Plan Area and I agree that this is an appropriate amendment to make:

#### OBJECTIVE

3a.2.2A A range of housing types and densities is available in the Nukuhau Structure Plan Area to meet the needs of all communities and the growth of Taupō.

#### POLICIES

- i. Enable a variety of housing types in the Nukuhau General Residential and Nukuhau Medium Density Zone, including integrated residential development such as low-rise apartments, semi-detached or terraced housing, and multi-unit development; and retirement villages.

### Conclusion on Environmental Effects

280. With the amendments that I have set out in the above discussion, I conclude that the environmental effects of PC37 can be avoided, remedied or mitigated.

281. In particular the potential traffic effects can be managed by way of a discretionary activity resource consent application, with an information requirement for an Integrated Transport Assessment.

### **Proposed Amendments to PC37**

282. The revisions that I recommend to address matters raised in submissions are set out in **Attachment 2**.

288. Below I outline the recommended revisions and provide the relevant extracts (with additions shown here as bold underlined font, and deletions struck through).

289. Revisions to require an Integrated Transport Assessment for subdivision consent applications within the Nukuhau Structure Plan area:

- a. Additions to the discussion of the Nukuhau Structure Plan Area to explain the need for an Integrated Transport Assessment:

**Council Investigations of options for a second Taupō bridge, possibly near the existing Taupō Control Gates Bridge, will determine the preferred location and alignment of a new bridge. A new bridge will be needed to cater for the development capacity that Council needs to ensure, in order to fulfil its responsibilities under the National Policy Statement Urban Development 2020. Until Council has provided this infrastructure, development of areas to the north of the Control Gates Bridge may result in traffic that causes delays and queuing at the Control Gates Bridge, and/or the intersections on either side. This issue gives rise to the need for an assessment of the traffic effects of the subdivision and development of the Nukuhau Structure Plan area, before it can proceed. Resource**

**consent applications for subdivision will need to provide an Integrated Transport Assessment so that the traffic effects at and around the Control Gates Bridge and the intersections on either side, can be assessed and the effectiveness of any proposed mitigation measures considered.**

b. Addition to Policy 3a.2.3 (v):

Subdivision in the Nukuhau Structure Plan Area should only occur where the resulting lots will be connected to Council's wastewater network infrastructure and **where significant adverse traffic effects on the safe, efficient and effective operation of existing roading infrastructure can be avoided, remedied or mitigated.**

c. Amendment to 4a.7 Nukuhau Structure Plan Area Rules to make subdivision a discretionary activity:

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a ~~controlled~~ **discretionary** activity.

For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:

**The matters that Council will consider when assessing an application for subdivision within the Nukuhau Structure Plan Area includes, but is not limited to:**

...

**(j) The provision of an Integrated Transport Assessment, which addresses:**

**(i) the potential effects of the development that the subdivision will enable on the safe, efficient and effective operation of the exiting roading network of the Control**

**Gates Bridge and intersections either side of the bridge;**  
**and**  
**(ii) the measures to avoid, remedy or mitigate significant effects on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge.**

- d. Amend 4a.8 Assessment Criteria to add additional criteria for subdivision:

**p. The extent to which the Integrated Transport Assessment for subdivision within the Nukuhau Structure Plan identifies measures to ensure significant adverse effects on the safe, efficient and effective operation of the Control Gates Bridge and intersections either side of the bridge can be avoided, remedied or mitigated.**

290. To address the WRC submission relating to public transport, add to the matter for control for subdivision within the Nukuhau Structure Plan area as follows:

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 ...

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, **efficient routes for public transport**, suitable building platforms to

accommodate future complying buildings, and adequate management of stormwater.

291. To address ecological effects, an amendment to the matters for control for subdivision within the Nukuhau Structure Plan area as follows:

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is ...

...

d. Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value, **including comprehensive surveys for bats, lizards and pipits (including for pipits during the breeding season (August to February), and identify measures including management plans for how any identified adverse effects will be avoided or mitigated.**

292. To address the submission by WRC a number of amendments are proposed:

(i) Reword Objective 3a.2.3 to read:

To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan, in a manner that contributes

positively to residential amenity and character and minimises offsite effects, while:

- a. Ensuring the risk of erosion of, and exacerbation of flood risk downstream from, the major gully systems within the Nukuhau Structure Plan are avoided, remedied or mitigated; and,
- b. maintaining and enhancing the major gullies as stormwater flow paths as far as practicable.

(ii) Add a new policy to give effect to the amended objective 3a.2.3

**vi. The risks of significant erosion and flooding within the gullies shown on the Nukuhau Structure Plan is avoided, remedied or mitigated.**

(iii) Add a new Anticipated Environmental outcome to 3a.5

**viii. Risks of significant erosion and flooding within the gullies shown on the Nukuhau Structure Plan are avoided, remedied or mitigated.**

293. Amend 4a.7.2 to address the urban design and landscape matters raised in the s42A report:

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is ...

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, **efficient routes for public transport**, suitable building platforms to accommodate future complying buildings, **application of Crime Prevention Through Environmental Design (CPTED) principles**



specifically in terms of open space provision, and adequate management of stormwater.

d. Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value **including:**

**(i) comprehensive surveys for bats, lizards and pipits (including for pipits during the breeding season, August to February), and management plans for how any identified adverse effects on these species will be avoided, remedied or mitigated;**

**(ii) specific provision for large framework tree planting and retention;**

**(iii) effects of the proposed subdivision on areas or features of cultural value will be considered in relation to a cultural impact assessment provided by the applicant and prepared by or on behalf of the appropriate iwi authority representatives and māna whenua representatives or otherwise appropriately qualified person, or written confirmation from those representatives that no cultural impact assessment is required.**

**Note: it is envisaged that a cultural impact assessment will be prepared for the entire Nukuhau Structure Plan area and that will provide an assessment of cultural effects for all subsequent applications for subdivision consent.**

#### 4a.8. Assessment Criteria

##### 4a.8.17 Subdivision

**n. Whether the proposed roading layout for subdivision within the Nukuhau Structure Plan will enable efficient routes for public transport.**

**o. The extent to which historic and cultural heritage within the Nukuhau Structure Plan is recognised and provided for, and the extent to which adverse effects on historic and cultural heritage**

**are avoided, remedied and mitigated, including through the design and layout of the subdivision.**

294. Amendments to the Nukuhau Structure Plan are proposed to address the submission by Contact Energy relating to reverse sensitivity. A revised Structure Plan is included in **Attachment 1**. The amendments relate to the matters set out in Mr Crawford's letter to TDC on 22 September 2021:

- a) Moved medium density area (moved slightly further south);
- b) Realigned Poihipi Road along northern boundary;
- c) Slight movement of Acacia Bay Road further to the west;
- d) Slight movement of Watene Lane where it meets Poihipi Road further to the east;
- e) 10m landscape strip to the south of Poihipi Road; and
- f) Proposed land swap with the Contact Energy land to the north (to allow better alignment of the proposed Poihipi Road).

295. The s42A Report recommended making Objective 3a.2.2A and the associated policy specific to the Nukuhau general residential and

Nukuhau Medium Density Zone. The applicant agrees that such an amendment is appropriate.

296. TDC has raised that an amendment proposed by PC37 was inadvertently not identified as an amendment. This is within the Explanation for Objectives and policies 3a.2:

In some cases, such as Kinloch, **and Nukuhau**, structure plans have been undertaken, and contain useful and relevant information in respect to what is an appropriate density, scale or form of development for that particular area.

## **CONCLUSION**

297. I agree with Mr Bonis that the traffic effects of the development of the entire Nukuhau Structure Plan area prior to increased capacity at the Control Gates Bridge, or an alternative crossing of the Waikato River to enable access to the CBD, mean that PC37 as it is proposed will not achieve the objectives and policies of the WRPS and the TDP in relation to:

- a) The integration of land use with infrastructure planning (WRPS Objective 3.12 c),
- b) That new development does not occur until provision for appropriate infrastructure (WRPS Policy 6.3 (a)(iv)),
- c) Urban growth is supported by adequate infrastructure (WRPS Policy 6.11, TDP Policy 3e.2.2(iv)), and
- d) In relation to ensuring that land uses does not adversely affect the efficient and effective functioning of infrastructure (TDP Policy 3e.2.2(v)) and regionally significant infrastructure (WRPS).

298. However, PC37 will have a number of positive benefits, including the provision of housing choice and housing typology, as well as providing additional housing development capacity, in way that is consistent with the NPS-UD.
299. In my opinion, PC37 should be approved subject to an amendment that introduces rules and criteria that would enable a staged development of PC37, so that a part or parts of the Structure Plan area could be subdivided and developed ahead of the increase in roading capacity that will be provided by a second river crossing.
300. A discretionary activity status for subdivision, subject to the provision and assessment of an integrated Transport assessment, would enable a process for evaluation of a staged approach to the subdivision. This would ensure that before consent is granted to subdivision that the traffic effects have been assessed and determined as not having significant adverse effects on the efficient and effective operation of the roading infrastructure.
301. My recommendation is that PC37 be approved, with amendments to address the potential traffic effects, by way a discretionary activity rule, and a number of other amendments to address matters raised by submitters.

**Cheryl Louise Cleary**

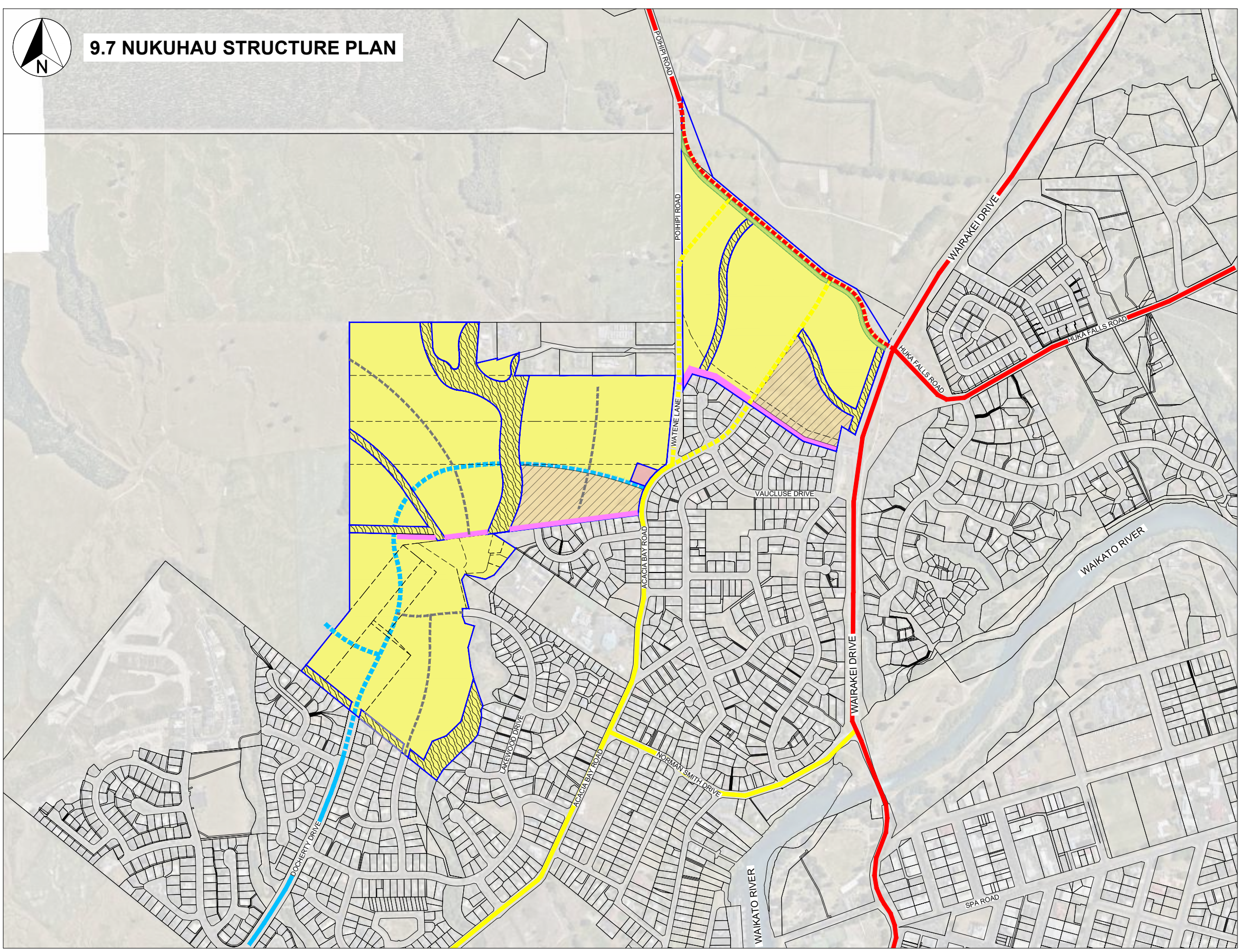
**20 October 2021**

## **Attachment 1**



# 9.7 NUKUHAU STRUCTURE PLAN

300 mm  
200  
100  
50  
0 10 mm



## LEGEND

- PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE
- PROPOSED GENERAL RESIDENTIAL ZONE

## URBAN ROAD HIERARCHY

- ARTERIAL
- PROPOSED ARTERIAL
- PRIMARY COLLECTOR
- PROPOSED PRIMARY ARTERIAL
- SECONDARY COLLECTOR
- PROPOSED SECONDARY COLLECTOR
- PROPOSED ACCESS AND LOW VOLUME

## PROPOSED OVERLAYS

- PROPOSED NEIGHBOURHOOD SHOPPING CENTRE (SHOPS)
- PROPOSED STORMWATER RESERVE WITH PEDESTRIAN ACCESS, CYCLEWAY, AND PLANTING
- RECREATION RESERVE, 10-12m WIDE, WITH PEDESTRIAN ACCESS, CYCLEWAY AND PLANTING
- 3m WIDE LANDSCAPING STRIP - NO DRIVEWAY ACCESS
- 10m WIDE LANDSCAPING STRIP

## NOTES

- FIXED FEATURES:**
- GENERAL LOCATION OF VARIOUS ZONES.
  - LOCATION OF PROPOSED AND EXISTING ROAD INTERSECTIONS, WITH THE EXCEPTION OF THE PRECISE LOCATION OF THE PROPOSED ARTERIAL ROAD / POIHIPI ROAD INTERSECTION.
  - ROAD CLASS FOR PROPOSED ROADS.
  - POSITION OF LANDSCAPING STRIPS.
- INDICATIVE FEATURES:**
- POSITION/ NUMBER OF INTERNAL ROADS.
  - LOCATION OF PROPOSED ARTERIAL ROAD / POIHIPI ROAD INTERSECTION .
  - PRECISE LOCATION AND SIZE OF VARIOUS ZONES.
  - PRECISE LOCATION AND SIZE OF STORMWATER RESERVES.
  - PRECISE LOCATION OF WHERE PROPOSED ROADS WILL INTERSECT WITH NEIGHBOURING LAND.
  - WIDTHS OF LANDSCAPING STRIPS.

FOR CONCEPT

1:5000 @ A1  
1:10000 @ A3

Original Sheet Size A1 [841x594] Plot Date 2021-10-06 at 9:51:22 AM Path U:\Projects\NZ\23\2-37400.00 nukuhau structure plan\home\Drawings\L) Landscaping & Urban Design\AutoCAD\2-37400.00 Nukuhau Project V16.dwg L001(0)

Revision	Amendment	Approved	Revision Date
I	SW RESERVE, CENTRE ZONE, LEGEND	HC	22/11/2019
J	REPLACED RECREATION WITH SW RESERVE	HC	27/11/2019
K	OVERLAYS AND SW RESERVE HATCH REVISED	T.R.	31/07/2020
L	PROPOSED LOCAL CENTRE ZONE REVISED	T.R.	10/08/2020
M	SHOPPING CENTRE RESIZED, NOTES ADDED	H.C.	27/10/2020
N	LEGEND AMENDED	T.R.	04/12/2020
O	CHANGED POIHIPI ROAD ALIGNMENT	H.C.	14/06/2021
P	RE-ISSUED FOR INFORMATION	H.C.	06/10/2021

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 Drawn: P. FIEREK

Approved: T. RUNNING  
 Scales: 1:5,000 @ A1, 1:10,000 @ A3

Approved Date: 04/12/2020

Project	TAUPO DISTRICT PLAN
Sheet	PRIVATE PLAN CHANGE NUKUHAU PROJECT
Project No.	2-37400.00
Sheet No.	L001
Revision	P

## Attachment 2

## 3a RESIDENTIAL ENVIRONMENT

### 3a.1 Introduction

The District contains a variety of residential areas, referred to in the Plan as the Residential Environment. These include the major communities of Taupō, Turangi, and Mangakino, as well as smaller lakeshore and rural settlements. While each community has a distinct character, determined primarily by its size and setting, the basic elements of each are the same. The predominant activity within the Environment is residential, with the character of the existing activities established through conformity with past planning controls, resulting in the establishment of a shared and recognisable amenity. Maintenance of this established character and amenity is important to those who reside within the Residential Environment, with the expectation that these 'residential' levels will be retained.

Elements of the character of the Residential Environment which the majority of residents value include an attractive streetscape; a reasonable ratio of private to public open space; a degree of consistency in the size, scale, density, and style of buildings; a need for privacy; shared access to outlook, sunlight or views; low levels of environmental effects such as traffic movements to and from sites, noise, vibration, odour, and dust; and a safe and functionally effective environment for traffic and pedestrians.

However, the Residential Environment can accommodate a range of 'non-residential' activities without a loss of amenity, just as these areas can suffer from a 'residential' activity of an inappropriate scale or intensity. Therefore all activities are required to meet the identified minimum standards, protecting the amenity and character of the Residential Environment, while also allowing a wide range of appropriate activities to occur.

The Residential Environment has been identified in the Plan and on the Planning Maps in a number of different forms. To provide clarity the following mapped or planned areas are considered to be part of the Residential Environment and all appropriate rules and performance standards (note that those that relate specifically to that type of Residential Environment should be considered first):

- Residential
- High Density Residential
- Low Density Residential
- Kinloch Rural Residential Area
- Kinloch Low Density Residential Area
- Kinloch Residential Area
- New Residential Environment
- Unserviced Residential Environment
- Mapara Residential Environment
- [Nukuhau Residential and Medium Density Areas](#)



- Development Area (as consented under Rules [4f.1.7](#) or [4f.1.8](#))

### **3a.2 Objectives and Policies**

#### OBJECTIVE

**3a.2.1** The maintenance and enhancement of the character and amenity of the Residential Environment.

#### POLICIES

- i. Maintain and enhance the character and amenity of the Residential Environment by controlling the bulk, location and nature of activities, to ensure activities are consistent with a residential scale of development, including an appropriate density and level of environmental effects.
- ii. To enable a range of small scale home based employment opportunities, and local community facilities and services to establish in Residential Environments, subject to:
  - a. compatibility with Residential Environment amenity and character;
  - b. avoidance of adverse effects on the function and amenity of the Taupō Town Centre, and the adjoining road network; and
  - c. a consistent scale of non residential buildings and activities that maintain residential coherence and amenity.
- iii. To provide for a number of small scale convenience based retail, commercial and community facilities as identified as a “Shop” on the Planning Maps where these:
  - a. provide a high standard of urban amenity; and
  - b. remain compatible with the scale of the surrounding residential environment.
- iv. To have regard to the physical resource and investment of existing business activities within the KTHD area when considering their on-site development
- v. Any relevant Structure Plans, strategies or guidelines should be taken into account in the design of any development within the residential environment.
- vi. Encourage a wide range of appropriate activities and development within the Residential Environment while ensuring any adverse effects are avoided, remedied or mitigated.
- vii. Maintain Specific Requirement Areas through protecting the established character of these areas in locations where the resulting amenity is valued.
- viii. Protect the character of the District’s lake and river margins from buildings which are visually obtrusive and/or result in the loss of amenity of the foreshore area, by controlling the scale and location of structures.

- ix. Avoid, remedy or mitigate adverse effects of subdivision, use and development in the residential areas on cultural, historic, landscape and natural values, as identified through the provision of this Plan.
- x. Recognise the important role of reserves and their existing infrastructure and services (including those provided by commercial operators) in providing recreational opportunities for the community.

#### EXPLANATION

A typical scale and character of development and level of environmental effects has been established over time, creating a valued level of amenity within the Residential Environment.

To ensure the amenity and character of the Residential Environment is maintained and enhanced, minimum performance standards have been identified. These standards reflect past practice and the normal range of activities which occur within the Residential Environment. The standards allow for an appropriate amount of change and development to occur within the Environment. Therefore any effect of an activity meeting these minimum standards is likely to be no more than minor.

Accordingly, any activity which does not meet one or more of the minimum standards can be expected to have a higher probability of generating an effect which may be more than minor, with the potential to detract from the amenity and character of the Residential Environment. As such, the activity will be subject to a full and comprehensive assessment of environmental effects through the resource consent process.

Threats to the character and amenity of the Residential Environment include structures and activities of an inappropriate or 'non-residential' scale, location or density. Provision for sufficient daylight and privacy, outlooks not dominated by bulky buildings, the maintenance of a residential streetscape and open space, as well as provisions addressing vehicle safety including access, movements and manoeuvrability, are required to maintain the character of the areas and ensure the amenity values of the Residential Environment are not adversely affected.

Other documents prepared under the Local Government Act 2002 and other relevant legislation can also be appropriate to be utilised in the assessment of resource consents as other relevant documents through section 104(1)(c) of the Resource Management Act 1991. Whilst these documents do not have any statutory weight they are prepared via a process of community consultation and contain information and guidance pertinent to development in the District.

Provision is made for small scale home based employment opportunities, and local community facilities and services which could appropriately be located in Residential Environments in terms of compatible effects. Such effects can relate to matters such as traffic generation, visual detraction, hours and scale of operation, noise and outdoor advertising. However, providing Residential amenity values are preserved, allowing small scale home-based employment opportunities to locate in living areas will contribute to the economic development of the District. The provision of local community facilities and services can also assist in providing for the social wellbeing, and health and safety needs of nearby residents, enriching such communities.

A limited number of identified local convenience centres, notated as 'Shops' on the Planning Maps, are also provided for within the Residential Environment in recognition of the important role such centres have in meeting local convenience needs for goods, services and community activities. These centres have been established for many years, and are conveniently located generally within walking distance of the areas they serve. Local shop areas will be required to operate in a manner compatible with the surrounding Residential Environment so as not to cause a nuisance or adversely affect amenity.

Limitations to the scale and extent of such non-residential activities are necessary to ensure that residential amenity, character and coherence can be maintained. It is also important that there is not a significant dispersal of such activities from those Environments which are better suited or more appropriate to accommodate such activities.

The location of retail and office activities in the Residential Environment has the potential to undermine the continued agglomeration of retail and office activities within the Taupō Town Centre Environment with a reduction in the associated economic and social benefits. Those benefits are supported through the objectives and policies of Section 3 *Buisness Distribution*. Small scale retail and office activities are provided for in the Residential Environment, however as these activities increase in scale their impacts on the function and viability of the Taupō Town Centre Environment and the character and amenity of the surrounding Residential Environment need to be assessed. Provision has been made for slightly larger office activities within the KTHD area to the east of the Taupō Town Centre Environment. This recognizes the close proximity of this area to the Taupō Town Centre Environment and its appropriateness for accommodating emerging office activities that are commonly larger than a home occupation.

Some Residential areas of the District have been established through special provisions or consent conditions. These areas have been designed to protect significant values or to maintain a preferred character or amenity. In the Plan, they have been recognised through the formation of specifically identified High Density, [Medium Density](#), Low Density and Specific Requirement Areas. Performance standards individual to the standard of development existing within the particular area will protect the area's valued character and amenity.

High Density Areas are predominately residential in character and amenity, but can contain a greater variety of activities. The resulting development is often undertaken at a higher scale and intensity than within other areas of the Residential Environment, and includes intensive residential units, and commercial accommodation activities. As such, the performance standards for these areas have been identified at a higher level of density to reflect the difference in the character of the areas.

[Medium Density Areas are residential in character and amenity but at a higher intensity than general residential development, while still being of a lesser scale and intensity than High Density Areas; such as semi-detached and terraced housing, low rise apartments, detached housing on smaller sites, and other compatible activities. Performance standards for these areas have been identified to reflect a higher level of development intensity that is still strongly residential in character.](#)

Low Density Areas of the Residential Environments have often been referred to as the "rural residential" areas of the District. These areas provide for a special form of residential lifestyle with a semi-rural outlook. The predominant activity is still 'residential' in nature, resulting in the residential amenity and

character of the area. As such, these areas have been identified within the Residential Environment, with performance standards which reflect the lower level of density than in the other parts of this Environment.

Specific Requirements Areas and lakeside settlements exist in various locations within the District and include such areas as Rangatira Point, Kinloch and Motuoapa Hill. These areas have been established to a particular character, often through conditions of resource consent, to establish a desired level of amenity, unique in comparison with the general amenity provisions of the District. This form of planning for communities will continue, with the Plan encouraging the retention of existing areas and the development of new areas with appropriate requirements recognising special features and amenity of a particular locality.

In some cases, such as Kinloch, ~~and Nukuhau~~, structure plans have been undertaken, and contain useful and relevant information in respect to what is an appropriate density, scale or form of development for that particular area.

Additionally, Height Restrictions and Foreshore Protection Areas have also been established through past planning provisions. These areas will be maintained, and other appropriate areas included, where there is the potential for structures to adversely affect valued foreshore areas. These areas will protect the views, both from and to the shore, from excessively bulky or visually obtrusive development and protecting the interface between land and water, to preserve the natural character of the District's lakes and rivers and their margins, and the maintenance and enhancement of public access, in accordance with Section 6 of the Act.

Nuisance factors can cause an adverse effect, changing the character and causing a loss of amenity within the Residential Environment. These nuisances can come in various forms including inappropriate levels of vehicle movements, car parking demand, noise and artificial light levels and signage.

Accordingly, activities will be managed to ensure the protection of the amenity values of the Residential Environment as well as the safe and efficient operation of the roading network. Excessive vehicle movements, including associated noise and vibration nuisances and insufficient onsite parking all have minimum standards which are required to be met. Noise and artificial light levels will also be managed, with their effects minimised to avoid adverse effects on the amenity of the Residential Environment. The provision of signage will be balanced between the public information role, traffic safety and the protection of the amenity values of an area.

Sediment and dust levels are included for control within the Plan but only at nuisance level. Although these effects are predominantly Regional Council concerns, they have been included due to their potential impact on the character and amenity of the Residential Environment. Compliance with the standards does not preclude activities from compliance with the relevant Regional Council provisions also covering these issues.

## OBJECTIVE

**3a.2.2** To ensure that development in the Residential Environment takes into account the capacity of the supporting infrastructure.

## POLICIES

- i. Subdivision and development in the Unserviced Residential Environment should be able to be effectively serviced without creating adverse effects on the supporting infrastructure.

## EXPLANATION

Subdivision and development can result in increased pressure on the supporting infrastructure and services. For the purposes of Objective 3a.2.2 and associated policy, supporting infrastructure is considered to be for drinking water, wastewater, roading (including the local and state roading networks) and stormwater. For those areas of the Residential Environment which are identified on the District Planning Maps as unserviced, development must ensure that the increased loading on services will be able to be effectively managed whilst avoiding remedying or mitigating any associated adverse effects.

## OBJECTIVE

3a.2.2A A range of housing types and densities is available in the Nukuhau Structure Plan area to meet the needs of all communities and the growth of Taupō.

## POLICIES

- i. Enable a variety of housing types in the Nukuhau General Residential and Nukuhau Medium Density Zones including integrated residential development such as low-rise apartments, semi-detached or terraced housing, and multi-unit development; and retirement villages.

## EXPLANATION

There is a need to provide a range of housing typologies to accommodate the diverse needs that exist in the community, including families, single or two person households, options for extended families and housemate arrangements. In order to meet the needs of an ageing population there is also a need to provide a range of housing options with an appropriate range of facilities. The location of some housing typologies, in particular those at a higher intensity of development such as Medium Density should also consider convenient accessibility to open space.

## OBJECTIVE

**3a.2.3** To maintain and enhance the existing amenity and character of the Kinloch residential area and provide for appropriate residential development in the Kinloch Community Structure Plan Area.

## POLICIES

### KINLOCH COMMUNITY STRUCTURE PLAN AREA

- i. Encourage development within the Kinloch Residential Area to be carried out in a manner consistent with the amenity and character of the existing settlement and reflects the intent of the Kinloch Community Structure Plan.

- ii. Enable and Encourage development in the Kinloch Low Density Residential and Rural Residential Areas to be carried out in a manner which reflects the intent of the Kinloch Community Structure Plan.
- iii. Subdivision, and resulting development, that creates lots which are smaller than the minimum lot size than specified in Table 4.1 of this plan, should be designed so that the resulting development is clustered and is integrated into the landscape, coupled with a strong framework of tree and vegetation planting.
- iv. Subdivision in the Kinloch Community Structure Plan Area should only occur where the resulting lots will be connected to community wastewater network infrastructure.

#### KINLOCH LANDSCAPE POLICY AREA

- v. Subdivision design should make use of existing landform and landscape features to ensure that the built form complements the character of the area and does not detract from it.
- vi. Buildings should be located to minimise earthworks that may adversely affect the character of the area.
- vii. Buildings should be integrated into the site so that the built form is not dominant.

#### KINLOCH COMMUNITY STRUCTURE PLAN AREA

The Kinloch Community Structure Plan Area is identified on the Planning maps and in Appendix 1 of this Plan. Through the structure planning exercise it has been identified that the Kinloch Residential Area has a character and amenity that is unique to this area and new subdivision and development should be consistent with this. The intent of the Kinloch Community Structure Plan is reflected in the Structure plan map contained in Appendix 1 of this plan. Appendix 1 provides guidance in to what density and form of subdivision and development is appropriate within parts of the structure plan area.

There will be situations where it may be appropriate for subdivision to occur to densities which are characterised by smaller lot sizes than those identified in table 4.1 of the Plan. Such development need be designed in a way where any effects to the amenity or character of the area are suitably avoided remedied or mitigated. These more intensive areas for development should be offset by expansive areas of open space and/or planting to retain the lower density character of the Kinloch Community Structure Plan Area. A strong framework of tree and vegetation planting should also be carried so that the development is not out of character with the wider structure plan area.

As mentioned above nuisance factors can cause an adverse effect in the residential environment. On site waste water systems can potentially create such nuisance effects and are therefore inappropriate in the residential environment. Although parts of the Kinloch Community Structure Plan Area are characterised by larger lots, the risk is intensified by there being a high concentration of such lots. Like dust and sediment they have been included due to their potential impact on the character and amenity of the Residential Environment, but unlike dust and sediment they can potentially cause wider issues, such as in relation to health. Connection to the community waste water system will also improve the effective and efficient use of the infrastructure resources in the structure plan area.

Policies relating to the Kinloch Landscape Policy Area provide for the consideration of an appropriate style of development within this area. The ridgeline area has been identified as providing a green backdrop to the Kinloch residential area and development needs to consider this.

#### OBJECTIVE

**3a.2.4** To enable the New Residential Environment to be developed in a manner which reflects the characteristics of the land and minimises offsite effects.

#### POLICIES

- i. Subdivision and development in the New Residential Environment should be in a form and layout that includes a range of built densities that are appropriately suited to the physical, landscape and amenity characteristics, natural values and constraints of the land.
- ii. Subdivision and development in the New Residential Environment should not adversely affect the amenity of the wider Residential Environment.

#### EXPLANATION

Whilst the New Residential Environment has been identified as suitable for residential development, the physical and landscape characteristics of the site require that the form and built densities of that development would have to be more sensitive to such factors. This is especially pertinent for the New Residential Environment in Kuratau with parts of that Environment affected by landscape values, natural values and flooding. Such matters would need to be considered and assessed as part of any consents lodged.

#### LAKE OHAKURI DEVELOPMENT ZONE

Lake Ohakuri Development Zone (LODZ) is a holiday destination based around the amenity of the lake and surrounding hill country. The Lake Ohakuri Site is a unique site within the Taupō District with a history of resort style holiday accommodation. It has been envisaged as a 'bach-like' low intensity zone controlled by open space, block pattern and building standards. There is great stock taken in creating and maintaining a forest environment with clear and accessible open space network, walkways and cycleways.

The waterfront is defined by an extensive public waterfront reserve interspersed with the development opening up with arms of parkland connecting the ridge to the lake – a large central domain at the promontory being the focal point. This is reinforced by pathways that follow the gully systems up at either end of the site and connect with the surrounding hill country and forest.

The centre is defined by grouping of buildings and houses that create a sense of centre. More intensive housing and commercial facilities create a vibrant and active heart focused on an enhanced lakefront wharf and square.

The remainder of the site is occupied by lower density residential housing arranged along a loop pattern made up of blocks with internal courts. This network of blocks is interlaced with both public and private open space. Cars are largely contained to the internal loop road and development block parking courts.

## OBJECTIVE

**3a.2.5** Enabling the Lake Ohakuri Development Zone as a holiday resort.

## POLICIES

- i. Ensure a pattern of development in the Lake Ohakuri Development Zone that:
  - a. is in general accordance with the block pattern and structure in [Appendix 4](#) and on map D4, and
  - b. is consistent with the key principles of development as described in Section 1 of [Appendix 4](#), and
  - c. exhibits the Essential Qualities identified in Section 2 of [Appendix 4](#), and
  - d. is in general accordance with the Aims and Objectives of quality places in section 3 of [Appendix 4](#), and
  - e. is in general accordance with the indicative typology plan in Section 4 [Appendix 4](#).
    - ii. A variety of open spaces should be provided, passive and natural, private and public, suitably located and connected to enhance and mitigate the effects of built development in the zone.

## EXPLANATION

The Lake Ohakuri Development Zone is a unique site with a history of resort style holiday accommodation, to be developed in a manner that results in a high quality resort environment characterised by well designed spaces and places. Map D4 and [Appendix 4](#) identify and describe the resulting use of the site. The guidance contained in the map and Appendix needs to be considered as the primary guide to achieving the anticipated development in the zone. Building typologies and mixes have been identified that best suit the zone; these are described in performance standards and in Section 4 of [Appendix 4](#).

### [NUKUHAU STRUCTURE PLAN AREA](#)

[The Nukuhau Structure Plan Area is identified on the Planning maps and in Appendix 9. The intent of the Nukuhau Structure Plan is reflected in the Structure plan map contained in Appendix 9 of this plan which provides guidance as to what density and form of subdivision and development is appropriate within parts of the structure plan area.](#)

[As at November 2020, the existing wastewater network does not have capacity to service the development of this land. Therefore development can only occur when the wastewater infrastructure has been upgraded to the satisfaction of Council.](#)

**Council investigations of options for a second Taupō bridge, possibly near the existing Taupō Control Gates Bridge, will determine the preferred location and alignment of a new bridge. A new bridge will be needed to cater for the development capacity that Council needs to ensure, in order to fulfil its**



**responsibilities under the National Policy Statement Urban Development 2020. Until Council has provided this infrastructure, development of areas to the north of the Control Gates bridge may result in traffic that causes delays and queuing at the Control Gates Bridge, and/or the intersections on either side of the bridge. This issue gives rise to the need for an assessment of the traffic effects of the subdivision of the Nukuhau Structure Plan area, before it can proceed. Resource consent applications for subdivision will need to provide an Integrated Transport Assessment so that the traffic effects at the Control Gates Bridge and the intersections on either side, can be assessed and the effectiveness of any proposed mitigation measures considered.**

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. Key amongst these opportunities are the relationships between residential properties and the gully-open space network, and the long views towards the Lake and volcanic cones, views of the Punatekahi hills and the gully network within the western area of the Structure Plan area. Through the structure planning exercise it has been identified that given the proximity of the land to the CBD and ability to provide convenient access to open space, this location is suitable for areas of general and medium density residential zoning to enable development of a variety of housing in Taupō.

#### OBJECTIVE

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.

**To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:**

**a. Ensuring the risk of erosion of, and exacerbation of flood risk downstream from, the major gully systems within the Nukuhau Structure Plan are avoided, remedied or mitigated; and,**

**b. maintaining and enhancing the major gullies as stormwater flow paths as far as practicable.**

#### POLICIES

- i. Encourage development in the Nukuhau Structure Plan area to be carried out in a manner which reflects the intent of the Nukuhau Structure Plan.
- ii. Achieve an appropriate level of residential amenity and character.
- iii. Enable the development of a range of housing types, to provide a choice of living environments.
- iv. Achieve a connected open space and walking-cycling network centered on stormwater reserves, gullies and street corridors with a high amenity interface with the residential uses.

i-v. Subdivision in the Nukuhau Structure Plan Area should only occur where the resulting lots will be connected to Council's wastewater network infrastructure and where significant adverse traffic effects on the safe, efficient and effective operation of existing roading infrastructure can be avoided, remedied or mitigated .

vi. The risks of significant erosion and flooding within the gullies shown on the Nukuhau Structure Plan is avoided, remedied or mitigated.

### 3a.3 Methods

- i. **Performance standards** for permitted activities which protect the character, amenity and functioning of the Residential Environment and take into account the density of development.
- ii. **Environmental assessment** of activities which do not comply with performance standards through the resource consent process.
- iii. **Conditions** on resource consents such as consent notices and covenants on titles.
- iv. **Education** and information on the existing environmental levels, values, and amenity associated with the Residential Environment.
- v. Payment of **Financial Contributions** for reserves and roading. Refer to Section 5 of the Plan.
- vi. **Council Policy** such as through Structure Plans to guide the growth of the District.
- vii. Compliance with Council's **Development Guidelines** to ensure a suitable standard of infrastructure.
- viii. Allocation of funds through the **Strategic and Annual Plan** processes.
- ix. Rules and policies within any relevant **Regional Plan or Policy Statement**.
- x. **Other legislation** and Council **Bylaws**.
- xi. The implementation of any Joint Management Agreement between Council and Iwi.
- \*i-xii. Subdivision design guidance for the development of the Nukuhau Structure Plan area to enhance character and amenity and access to open space for a mixture of general and medium density residential development.

### 3a.4 Principal Reasons for Adoption

A typical scale and character of development and level of environmental effects has been established over time within the Residential Environment. This has resulted in a particular character and amenity within the Residential Environment, which is valued by residents of the area.

Threats to the character and amenity of the Residential Environment have been identified in the District wide issues, policies, rules and performance standards and are further discussed within the explanation for this Environment.

This section of the Plan recognises the changes to the Residential Environment, which occur over time and the desire of the community for minimum controls over activities, while also retaining the valued amenity and character of the Environment.

Accordingly the approach within this section is to place emphasis on assessing the potential environmental impacts through a series of standards which must be met in order for any activity to be permitted. Failure to meet one or more of these standards requires that an activity obtain resource consent, at which time a full and comprehensive assessment of environmental effects would be undertaken.

This approach will protect the character and amenity of the Residential Environment while allowing for a range of activities to occur.

The Residential Environment has different types of character that have established over time. This has resulted in different levels of amenity, which are accordingly provided for through the recognition of the different character types. Specific policies are needed to recognise and protect these areas.

### **3a.5 Anticipated Environmental Outcomes**

- i. Whilst predominantly consisting of Residential activities, a variety of activities and development compatible in scale, amenity and character with development within the Residential Environment.
- ii. New development does not create adverse impacts in terms of overshadowing, excessive building scale, vehicle movements or lack of privacy.
- iii. Protection of the wider environment and community from nuisances such as excessive dust, noise, glare, odour and stormwater.
- iv. The recognition and protection of the different types of character and levels of development within the Residential Environment.

iv-v. A range of choice in housing types and densities in appropriate locations able to be adequately serviced by **roading infrastructure**, utilities and open space infrastructure.

vi. The development of the Lake Ohakuri Development Zone occurs in a manner consistent with **Appendix 4**.

vii. The development of the Nukuhau Structure Plan area occurs in a manner consistent with **Appendix 9**

**viii. Risks of significant erosion and flooding within the gullies shown on the Nukuhau Structure Plan are avoided, remedied or mitigated.**

4a RESIDENTIAL ENVIRONMENT

Section Index:

[4a.1 Performance Standards and Development Controls](#)

[4a.2 General Rules](#)

[4a.3 Subdivision Rules](#)

[4a.4 Kinloch Structure Plan Area Rules](#)

[4a.5 Lake Ohakuri Development Zone Rules](#)

[4a.6 Pukawa C Development Zone](#)

[4a.7 Nukuhau Structure Plan Area Rules](#)

[4a.7-4a.8 Assessment Criteria](#)

**4a.1 Performance Standards and Development Controls**

*Please note: Where land has been identified as a Specific Requirement Area this means that there are additional Performance S*

**PERFORMANCE STANDARDS - DEVELOPMENT CONTROLS - For Each Residential Area**

	i.	ii.	iii.	iv.	v.	vi.	<a href="#">Vii</a>	<a href="#">Viii</a>	
	Residential	High Density Residential	Low Density Residential (incl Kinloch Low Density)	Kinloch Residential Area	Kinloch Rural Residential Area	Neighbour-hood Shops	<a href="#">Nukuhau General Residential</a>	<a href="#">Nukuhau Medium Density Residential</a>	
<b>4a.1.1</b>	<b>Maximum Building Coverage</b>	30%	50%	5%	a. 25% b. 30% within a Height Restricted Area	2.5%	50%	<a href="#">30%</a>	<a href="#">55%</a>
<b>4a.1.2</b>	<b>Maximum Plot Ratio</b>	40%	100%	7.5%	a. 30% b. 40% within a Height Restricted Area	N/A	N/A	<a href="#">40%</a>	<a href="#">100%</a>
<b>4a.1.3</b>	<b>Maximum Total Coverage</b>	50%	a. 75% b. 3m landscape strip along front boundary	N/A	50%	N/A	100%	<a href="#">50%</a>	<a href="#">80%</a>
<b>4a.1.4</b>	<b>Minimum Building Setback – Front Boundary</b>	5m	a. 5m b. 10m  if property fronts Lake Tce between Rifle Range and Taharepa Roads.	10m  Unless otherwise provided for within an existing subdivision consent.	a. 5m b. 7.5m  if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	a. 10m b. 20m  if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and	Nil setback	<a href="#">5m</a>	<a href="#">5m</a>

		i.	ii.	iii.	iv.	v.	vi.	Vii	Viii
		Residential	High Density Residential	Low Density Residential (incl Kinloch Low Density)	Kinloch Residential Area	Kinloch Rural Residential Area	Neighbour-hood Shops	<a href="#">Nukuhau General Residential</a>	<a href="#">Nukuhau Medium Density Residential</a>
<b>4a.1.5</b>	<b>Minimum Building Setback – all other boundaries</b>	a. 1.5m b. 5m  Fore-shore Protection Area boundary.	1.5m	10m  Unless otherwise provided for within an existing subdivision consent.	a. 1.5m b. 7.5m  if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	a. 10m b. 20m  Lake Shore reserves.  if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	1.5m	<a href="#">a. 1.5m</a>	<a href="#">a. 1.5m</a>
<b>4a.1.6</b>	<b>Minimum Building Setback – common wall boundaries (for the physical extent of the common wall only)</b>	0m						<a href="#">0m</a>	<a href="#">0m</a>
<b>4a.1.7</b>	<b>Maximum Building Height</b>	a. 8m  5m within Height Restricted Areas unless otherwise indicated on planning map D2.			a. 7.5m b. 4.5m within Kinloch Height Restricted Area and for Dwellings within 50m of the Whangamata, Okaia, Otaketake scenic reserves and Lake Shore reserves.		8m	<a href="#">8m</a>	<a href="#">8m</a>
<b>4a.1.8</b>	<b>Maximum Height to Boundary</b>	2.5m  height at the boundary with a 45° recession plane except for common wall boundaries.						<a href="#">a. 2.5m</a>  <a href="#">height at the boundary with a 45° recession plane, except:</a>  <a href="#">b. 3.5m</a>  <a href="#">Height at the boundary with a 45° recession plane where a common wall boundaries in place as provided for by 4a.1.5</a>	

**PERFORMANCE STANDARDS – For Each Residential Area**

	i.	ii.	iii.	iv.	v.	vi.	vi.	Viii	iX
	Residential	High Density Residential	Low Density Residential	Kinloch Residential	Kinloch Low Density	Kinloch Rural Residential	Neighbour-hood Shops	<a href="#">Nukuhau General Residential</a>	<a href="#">Nukuhau Medium Density Residential</a>
<b>4a.1.9 Maximum Equivalent Vehicle Movements</b>	24	100	24	24	24	24	100	<a href="#">24</a>	<a href="#">100</a>
<b>4a.1.10 Maximum Signage</b> <b>Total Face Area in one sign per allotment</b>	0.25m <sup>2</sup>	4m <sup>2</sup>	0.25m <sup>2</sup>	0.25m <sup>2</sup>	0.25m <sup>2</sup>	0.25m <sup>2</sup>	Multiple signs up to 4m <sup>2</sup> total face area per site	<a href="#">0.25m<sup>2</sup></a>	<a href="#">0.25m<sup>2</sup></a>
<b>4a.1.11 Maximum Signage</b> <b>Style</b>	a. Signage must relate to the activity undertaken on the allotment. b. No flashing, reflectorised or illuminated signs.  One temporary sign per allotment, 1.08m <sup>2</sup> total face area, 4m maximum height, for the sale of land or buildings.								
<b>4a.1.12 Maximum Earthworks</b> <b>Disturbance of the allotment at any one time while redeveloping<sup>[1]</sup></b>	50%	No Maximum	50%	50%	10%	5%	50%	<a href="#">50%</a>	<a href="#">No Maximum</a>
<b>4a.1.13 Maximum Earthworks</b> <b>Outside Building Setback<sup>[1]</sup></b>	1.5m	Vertical ground alteration outside the minimum building setback in a new face or cut and / or fill.							
<b>4a.1.14 Maximum Earthworks</b> <b>Inside Building Setback<sup>[1]</sup></b>	1.5m	Vertical ground alteration within the minimum building setback requirement.							
<b>4a.1.15 Maximum Earthworks</b> <b>Dust or silt nuisance</b>	No dust or silt nuisance beyond the boundary of the allotment.								

## PERFORMANCE STANDARDS – General for All Residential Areas

- 4a.1.16 Parking, Loading and Access** In accordance with Section 6: Parking, Loading and Access.
- 4a.1.17 Maximum Artificial Light Levels** 8 LUX  
(lumens per square meter) at the boundary.
- 4a.1.18 Maximum Noise Limits** The noise level arising from any activity measured within the boundary of any residential environment site or the notional boundary of any rural environment site, other than from the site where the noise is generated, shall not exceed the following limits:
- i. 7.00am – 7.00pm 50dBA Leq
  - ii. 7.00pm – 10.00pm 45dBA Leq
  - iii. 10.00pm – 7.00am 40dBA Leq and 70dBA Lmax
- 4a.1.19 Maximum Noise Measurement** The noise levels shall be measured in accordance with the requirements of NZS 6801:1999 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:1991 Assessment of Environmental Sound.
- 4a.1.20 Maximum Noise Construction Noise** All construction noise shall meet the requirements of New Zealand Standard NZS 6803:1999 Acoustics Construction Noise.
- 4a.1.21 Maximum Noise Telecom-munication and electricity equipment** Noise from telecommunication equipment and electricity substations and transformers located in the road reserve permitted by the plan shall comply with the noise limits specified in 4a.1.18 above as measured at a point 1m from the closest façade of the nearest dwelling.
- 4a.1.22 Maximum Odour** There shall be no discharge of offensive or objectionable odour at or beyond the boundary of a site.
- Notes:
- i. In determining whether an odour is offensive or objectionable, the Council shall have regard to the assessment guide contained in schedule 7.7.
  - ii. The Regional Council may also require that resource consent be obtained for discharges to air (including odour discharges).
- 4a.1.23 Stormwater**
- i. All stormwater from buildings and impermeable surfaces is to be disposed of on-site to meet a 10 year return period of 1 hour duration (45mm).
  - ii. The function of existing secondary flow paths across the allotment shall be retained and the existing discharge point off the site shall remain unaltered as to position.
  - iii. EXCEPTION: Stormwater from impermeable surfaces can be disposed of via a primary or secondary stormwater drainage system within an area identified on the Planning Maps as a Stormwater Disposal Area, provided Council authorisation has been given.
  - iv. EXCEPTION: Omori, Kuratau, Pukawa and Whareroa Stormwater Disposal Systems (shown on Planning Maps) - Roof water may be disposed of to the street system.

## Refer also to Subsection E – DISTRICT WIDE RULES

### 4a.2 General Rules

#### 4a.2.1 Any activity that:

- i. complies with all of the performance standards for the Residential Environment; and
- ii. complies with all the District Wide Performance Standards; and

iii. is not identified as a controlled, restricted discretionary, discretionary or non complying activity within the Residential Environment;

and iv. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules, is a **permitted activity**.

**4a.2.2** Any temporary activity, being an activity of up to a total of three operational days in any one calendar year, which exceeds any performance standard(s), is a **permitted activity**, provided that:

- i. There are no new permanent structures constructed; and
- ii. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to the activity commencing; and
- iii. An allowance of five non-operational days associated with the activity is not exceeded, during which time any breach of any performance standard(s) shall only be to the extent reasonably necessary to undertake any relevant aspect of the activity.

**4a.2.3** Any education, spiritual or health facility is a **permitted activity**, provided that:

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m<sup>2</sup>.
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle

movements.

iv. The hours of operation are limited to between the following hours 0700 - 2200 Monday to Friday, and

0800 - 2200 Saturday, Sunday and public holidays

Where the maximum total number of hours the facility is open to visitors, clients or deliveries for any activity other than a residential activity shall not exceed 50 hours per week.

v. Landscaping shall be established and maintained to provide an average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. Where more than one tree is required they shall be planted no closer than 5 metres apart and no further than 7 metres apart. Specimen trees required shall be planted along the road frontage. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.

vi. The facility is located on a front site, and:

- a. any residential activity on an adjoining front site or front site separated by an access with frontage to the same road, is left with at least one residential neighbor; and
- b. the residential block is not left with more than two non-residential activities in that block.

Any activity which does not comply with any one part, or more, of this standard for permitted education, spiritual or health facility activities, is a restricted discretionary activity, with Council's discretion being restricted to only the matter(s) of non-compliance.

**4a.2.4** Any education, spiritual or health facility located within the **KTHD area**, is a **permitted activity**, provided that:

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m<sup>2</sup>.
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle movements.
- iv. The hours of operation are limited to between the following hours

0700 - 2200 Monday to Friday, and

0800 - 2200 Saturday, Sunday and public holidays

Where the maximum total number of hours the facility is open to visitors, clients or deliveries for any activity other than a residential activity shall not exceed 50 hours per week.



- v. Landscaping shall be established and maintained to provide an average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. Where more than one tree is required they shall be planted no closer than 5 metres apart and no further than 7 metres apart. Specimen trees required shall be planted along the road frontage. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
- vi. The facility is located on a front site

Any activity which does not comply with any one part, or more, of this standard for permitted education, spiritual or health facility activities, is a restricted discretionary activity, with Council's discretion being restricted to only the matter(s) of non-compliance.

**4a.2.5** Any office activity located within the **KTHD** area is a **permitted activity** where:

- i. The office activity is located on a front site; and
- ii. Total on-site office space is less than 50m<sup>2</sup> gross floor area per site; Or
- iii. The office activity is on a property identified on Planning Maps C10 and C15 and Schedule 7.9, where the floor space does not exceed the gross floor area listed in Column 3 of the Schedule.

**4a.2.6** Any office activity located within the **KTHD** area is a controlled activity where:

- i. The office activity is located on a front site;
- ii. Total on-site office space exceeds 50m<sup>2</sup> but does not exceed 100m<sup>2</sup> gross floor area per site;
- iii. Opening hours of the office are restricted to 8am to 6pm Monday to Friday;
- iv. Otherwise the performance standards and development controls contained in Rule 4a.1 shall apply as for residential high density.

The matters over which the council reserves control for the purposes of assessments are:

- a. The manner in which the activity meets the standards for controlled activities and in particular the gross floor area limit
- b. The extent to which the activity contributes to retaining a residential amenity and character consistent with the surrounding area
- c. The extent to which the design and location of car parking area minimises the commercial appearance of the office activity
- d. The extent to which landscape treatment minimises the commercial appearance of the office activity
- e. The extent to which the design and location of any signs minimises the commercial appearance of the office activity

**4a.2.7** Any office activity which does not comply with 4a.2.5 or any one of the criteria in 4a.2.6 is a discretionary activity.

**4a.2.8** Any activity which does not comply with any one part of performance standards 4a.1.12, 4a.1.13, 4a.1.14, and 4a.1.15 and/or one of the development control performance standards for permitted activities, including (where a standard contains more than one control) one part thereof, is a **restricted discretionary activity**, with Council's discretion being restricted to only the matters on non-compliance specified in that standard.

**4a.2.9** Any activity which does not comply with two or three development control performance standards for permitted activities including (where a standard contains more than one control) two or three parts thereof, or is not a permitted, controlled activity or restricted discretionary activity is a **discretionary activity**.

**4a.2.10** Any retail activity within the **KTHD** area that exceeds 50m<sup>2</sup> of gross floor area per site is a **discretionary activity**.

**4a.2.11** Except where identified as a "Shop" on the Planning Maps [30 – 162;163;164;166;167;168], any retail or office activity within the Residential Areas that exceeds two full time equivalent persons who permanently reside elsewhere than on the site, or 50m<sup>2</sup> of gross floor area per site (whichever is the lesser), is a **discretionary activity**.

**4a.2.12** Any activity within the **KTHD** area listed in Column 4 of Schedule 7.9 is a permitted activity on the property specified in Columns 1 and 2 of that Schedule, provided that the floor space for that activity does not exceed the gross floor area listed in Column 3 of Schedule 7.9.

**4a.2.13** Any activity which does not comply with four or more development control performance standards for permitted activities including (where a standard contains more than one control) four or more parts thereof, is a **noncomplying activity**.

#### **4a.3 Subdivision Rules**

**4a.3.1** Provided that the activity has not been identified as a Restricted Discretionary, Discretionary or Non Complying activity by another rule in the plan, any subdivision in the Residential Environment which demonstrates compliance with all of the performance standards for the proposed future land use, or for which a land use resource consent has already been granted, is a **controlled activity**.

**4a.3.2** Any subdivision of land for the sole purpose of providing for infrastructure, access lots, or legal protection in perpetuity of Significant Natural Areas, is a **controlled activity**.

NOTE: 4a.3.2 does not relate to the creation of Bonus Lots, but subdivision of all or part of a Significant Natural Area for reasons of covenanting etc., that Area.

For the purposes of Rules 4a.3.1 and 4a.3.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.

**4a.3.3** Any subdivision within unserviced areas of the Residential Environment or any activity which results in a new public road or extension of existing public roads, water, stormwater or wastewater utility services is a **restricted discretionary activity**.

The matters over which the Council reserves discretion for the purposes of assessment are:

- a. Those matters of control identified in Section 4a.3 above;
- b. The impact of the resulting development on the ability of the wastewater, storm water and drinking water infrastructure to service the new development;
- c. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;
- d. Whether or not the lots will be adequately serviced for drinking water;
- e. The effect that the development will have on the storm water catchment.

**4a.3.4** Any subdivision in the New Residential Environment, and any other subdivision which is not identified as a controlled, restricted discretionary, or non complying activity, is a **discretionary activity**.

**4a.3.5** Any subdivision of land where more than nine (9) allotments share a single common access in the Residential Environment is a **discretionary activity**. **4a.4**

#### **Kinloch Structure Plan Area Rules**

*Also refer to the General and Subdivision Rules for the Residential Environment.*

Subdivision Rules for the Kinloch Structure Plan Area

**4a.4.1** Minimum and average lot sizes for Density Areas in the Kinloch Structure Plan Area

a.	b.	c.
Kinloch Residential	Kinloch Low Density	Kinloch Rural Residential

i. **Minimum Lot Size** 800m<sup>2</sup> 1 hectare 2 hectares

ii. **Average Lot Size** 1,000m<sup>2</sup> 1.5 hectares 2.5 hectares

**4a.4.2** Any subdivision within the Kinloch Structure Plan which creates allotments that meet the minimum and average lot sizes identified in 4a.4.1 is a **controlled activity**.

For the purposes of Rule 4a.4.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes
- h. The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.
- i. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.
- j. Whether or not the new allotments are to be connected to a centralised waste water treatment plant.

**4a.4.3** Any subdivision within the Kinloch Structure Plan Area which creates allotments that are less than the minimum lot size, but not less than the average lot sizes identified in 4a.4.1 is a **discretionary activity**.

**4a.4.4** The creation of more than one dwelling per allotment in the Kinloch Community Structure Plan Area is a **discretionary activity**.

**4a.4.5** Any subdivision within the Kinloch Structure Plan Area, which is not identified as a controlled or discretionary activity is a **non complying activity**.

**4a.4.6** Any subdivision within the Kinloch Structure Plan Area, where by the newly created lots are unable to be connected to community wastewater network infrastructure is a **non complying activity**.

The following matters will be considered in respect to rules 4a.4.3, 4a.4.5 and 4a.4.6:

- a. The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.
- b. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.
- c. Whether or not the new allotments are to be connected to a centralised waste water treatment plant.

*Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the Regional Council. **4a.5***

## Lake Ohakuri Development Zone Rules

Also refer to the General and Subdivision Rules for the Residential Environment.

**4a.5.1** Subdivision in the Lake Ohakuri Development Zone that is consistent with 4a.5.2 will be a **controlled activity**.

For the purposes of rule 4a.5.3 the matters which the Council reserves control for the purposes of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads and adequate management of storm water.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. The provision of maintenance of open space.
- f. Maintenance of forested areas, including long term revegetation.
- g. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.

Note: Each lot will identify on the title what typology from Table 4a.5.2 that lot is to be developed for.

**4a.5.2** Distribution and lot sizes for typologies in the Lake Ohakuri Development Zone

	a.	b.	c.	d.	e.	f.	g.	h.
	Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster	Maximum zone yield
i. <b>Max. % of Total Village Yield</b>	8%	11%	21%	48%	7%		8%	150-190 units
ii. <b>Average Lot Size (m<sup>2</sup>)</b>	400	320	520	650	1000		2180	
iii. <b>Lot Range</b>	350-500	250-400	400-600	600-800	800-1500	1000-2500	<4000	
iv. <b>Min. Lot Frontage to public realm (m)</b>	10m	7m	10m	12m	14m	16m	20m	
v. <b>Max. % Coverage</b>	40%	40%	35%	30%	30%	25%	20%	
vi. <b>Location (as shown on Map D4)</b>	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Rush Resort	Bush Resort	Lake Forest Environment	

**4a.5.3** Subdivision and development in the Lake Forest Environment that:

- i. minimum Site Size (including Balance Land) is 10ha, and
  - ii. maximum intensity of development (ha of total area/dwelling) of 1 per 2ha, and
  - iii. no less than 10% of public open space vested or covenanted
  - iv. a balance allotment of 70% of the site to be held in common ownership
  - v. have a balance lot which must be contiguous and provide connection to publicly accessible areas outside the Site,
- and
- vi. revegetation and landscape in the balance land is subject to a management plan, and

vii. individual lots have a defined area for the house site as well as defined yards for private regeneration areas, will be

considered a **controlled activity**

**4a.5.4** Providing development can meet rule 4a.5.6, subdivision and development in the Lake Ohakuri Development Zone that does not meet rule 4a.5.3 or 4a.5.4 will be considered a **restricted discretionary activity** with discretion being restricted to the following:

- i. Those points of deviation from the rule in question
- ii. Policies 3a.2 i – iv

**4a.5.5** Subdivision that results in the creation of more than 190 lots within the Ohakuri Development Zone will be considered as a **non-complying activity**.

The following rules apply to development within the Lake Ohakuri Development Zone.

**4a.5.6** Any activity that:

- i. complies with all of the performance standards in 4a.5.8; and
- ii. complies with all performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; and
- iii. complies with all the District Wide Performance Standards; and
- iv. is not identified as a controlled, restricted discretionary or discretionary activity; and
- v. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules,  
is a **permitted activity**.

**4a.5.7** Any activity which does not comply with:

- i. any one of the standards for that typology in 4a.5.8
- ii. performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; is a **discretionary activity**, with Council's discretion being restricted to only the matters on non-compliance specified in the table or standard, and policies 3a.2.5 i and ii.

**4a.5.8** Building Typologies: Performance Standards

	a.	b.	c.	d.	e.	f.	g.
	Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster
i. <b>Maximum Height (Storeys)</b>	10–12m (2.5)	7-8m (2)	7-8m (1.5)	3-4m (1.5)	6-7m (1)	3-4m (1)	3-4m (1)
ii. <b>Street Set Back</b>	0-2m	0-4m	0-4m	2-6m	2-8m	10m+	10m+
iii. <b>Minimum Side Yard</b>	0 or 1.5m	0 or 1.5m	1.5m	2m	4m	6m	10m
	[2]	[2]	[2]	[2]	[2]	[2]	[2]
iv. <b>Maximum % Coverage</b>	40%	40%	35%	30%	30%	25%	20%
v. <b>Location</b>	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Bush Resort	Bush Resort	Lake Forest Environment

#### 4a.6 Pukawa C Development Zone

4a.6.1 Any activity in the Pukawa C Development Zone is subject to the rules contained in [Appendix 2](#).

#### 4a.7 Nukuhau Structure Plan Area Rules

[Also refer to the General and Subdivision Rules for the Residential Environment.](#)

4a.7.1 The development of land within the Nukuhau Structure Plan area shall not be complete\* until either:

- i. [the existing Council wastewater network has been upgraded to accommodate the anticipated wastewater flows from the Nukuhau Structure Plan, or](#)
- ii. [Council is satisfied that there is a solution to suitably dispose of the anticipated wastewater flows.](#)

\*Advisory note: 'Complete' in this instance refers to the signing of the Council Completion section 224(c) Certificate.

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a **controlled discretionary-activity**.

[For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:](#)

**[The matters that Council will consider when assessing an application for subdivision within the Nukuhau Structure Plan Area includes, but is not limited to:](#)**

- a. [The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, \*\*efficient routes for public transport\*\*, suitable building platforms to accommodate future complying buildings, \*\*application of Crime Prevention Through Environmental Design \(CPTED\) principles specifically in terms of open space provision\*\*, and adequate management of \[stormwater\]\(#\).](#)
- b. [The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.](#)
- c. [Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.](#)
- d. [Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value \*\*including:\*\* \(i\) \*\*comprehensive surveys for bats, lizards and pipits \(including for pipits during the breeding season, August to February\), and management plans for how any identified adverse effects on these species will be avoided, remedied or mitigated;\*\* \(ii\) \*\*specific provision for large framework tree planting and retention;\*\* \(iii\) \*\*Effects of the proposed subdivision on areas or features of cultural value will be considered in relation to a cultural impact assessment provided by the applicant and prepared by or on behalf of the appropriate iwi authority representatives and māna whenua representatives, or otherwise appropriately qualified person, or written confirmation from those representatives that no cultural impact assessment is required.\*\*](#)
- e. [The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.](#)
- f. [A Landscape Planting Plan for the stormwater gully reserve network and areas of open space along Wairakei Drive and Poihipi Road](#)
- g. [The creation of a safe network of walking and cycle pathways that provide or improve linkages to and through reserves and the roading network.](#)
- 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.](#)
- i. [Any requirements of Rule 4a.7.4, Rule 4a.7.5 and 4a.7.6 and/or the ability for such requirements to be achieved by subsequent development.](#)
- j. **[The provision of an Integrated Transport Assessment, which addresses:](#)**
  - [\(i\) the potential effects of the development that the subdivision will enable on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge; and](#)**
  - [\(ii\) the measures to avoid, remedy or mitigate significant effects on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge.](#)**

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**.

4a.7.4 Any subdivision within the Nukuhau Structure Plan Area, where by the newly created lots are unable to be connected to Council wastewater network is a **non-complying activity**.

[The following rules apply to development within the Nukuhau Structure Plan Area.](#)

#### 4a.7.5 Landscaping

- (i) Any lot boundary fronting a Stormwater Reserve with Pedestrian Access, Cycleway and Planting, shall have a 10m wide Stormwater Reserve and a 10-m wide Landscape Strip with a shared path as illustrated on Figures 9-A and 9-B and in accordance with Standards 9.1a to 9.1c in Appendix 9.
- (ii) Any lot boundary fronting a 10m wide Landscape Strip as shown on the Structure Plan map, shall provide a Landscape Strip as illustrated on Figures 9-C and 9-D and in accordance with Standard 9.1d in Appendix 9

#### 4a.7.6 Fencing, Walls and Hedges

Front boundary fences, walls and/or hedge plantings between buildings on the site and any Stormwater or Recreation Reserve shall be no higher than 1.2m in height. Fence design and materials shall retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the public walkway or reserve. To be deemed transparent any fence must meet the following requirements:

- i. Uses materials with continuous vertical gaps of at least 50mm width to create 50% or more see through visibility; or
- ii. Uses any materials for the lower half of the fence, wall or hedge, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 75% or more see through visibility on the upper half.

In addition all fences on boundaries between residential zoned sites and any Stormwater or Recreation Reserve, or any road, cycleway or pathway must contain a gate of not less than 1m in width, not less than 50% visual permeability and not greater than 1.5m in height.

#### 4a.7.7 Streetscape, Walking and Cycling Access

- (i) The design and layout of the subdivision shall provide a connected network of roads, streets and walking and cycling pathways in accordance with the Nukuhau Structure Plan in Appendix 9 and Crime Prevention through Environmental Design.
- (ii) The design and layout of the subdivision shall provide a shared walkway and cycleway along at least 75% of the full length and on at least one side the length of the stormwater gully network as shown in Appendix 9.

4a.7.8 Any activity that does not comply with Rules 4a.7.5, 4a.7.6 and 4a.7.7 is a non-complying activity.

#### **4a.87 Assessment Criteria**

*Please note: The assessment criteria used when assessing Restricted Discretionary Activities will be those criteria pertaining to the failed performance standard(s). When assessing Discretionary Activities the list of assessment criteria is not exclusive as other effects can be considered during assessment.*

##### **4a.87.1 GENERAL CRITERIA**

- a. Impact of the activity on the amenity and character of the Residential Environment, surrounding allotments and other Environments.
- b. Potential for conflict between the activity and other existing activities within the Residential Environment.
- c. Consideration of any relevant Structure Plan, Growth Management Strategy, Management Plan, Design Guidelines or Strategy as guidance during the resource consent process.

##### **4a.87.2 DEVELOPMENT**

- a. Whether the desired environmental outcome, with a consistent and appropriate standard of infrastructure, is achieved such as through compliance with the Council's Development Guidelines, Growth Management Strategy and relevant Structure Plans.

##### **4a.87.3 NON RESIDENTIAL ACTIVITIES**

- a. The extent to which the form and scale of commercial activity (including office and retail activity) may disperse commercial activity to the detriment of the efficient operation, function, viability and sustainability of the Taupō Town Centre and in such a way that any office gives clear effect to the Taupō Town Centre and Business Distribution objectives and policies.
- b. The extent to which the activity is likely to be incompatible with existing and permitted future residential activities, and the potential for reverse sensitivity effects.
- c. The extent to which the activity, either alone or in association with other nearby activities, is likely to have an adverse effect upon the safety and efficiency of the road network.
- d. The extent to which the activity (having regard to its proposed size, composition and characteristics) is likely to have an adverse effect upon the amenity values and vitality of the Taupō Town Centre Environment and its ongoing ability to provide for the future needs of their communities.
- e. The extent to which the convenient access of communities to community facilities may be positively or adversely affected by the proposed activities.
- f. The extent to which the site is self-contained in respect of appropriate off-street parking for customers and employees and as to goods delivery service arrangements.
- g. Any cumulative effect of the loss of residential activity in conjunction with other non-residential activities in the vicinity
- h. The extent to which the surrounding area retains a residential amenity and character, rather than being dominated by non-residential activity.

##### **4a.87.4 BUILDING HEIGHT**

- a. The extent to which the extra height will:
  - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
  - ii. reduce the privacy of adjacent allotments by comparison with the effects of a complying activity

- ii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effects of a complying activity
  - iii. have an overbearing effect on sites within the Residential Environment.
- b. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
- i. the extent to which topography, alternative design, planting, or setbacks can mitigate the adverse effects of the extra height.

#### 4a.87.5 HEIGHT TO BOUNDARY

- a. The extent of additional shading from the projection, including the amount of shadow cast and the period of time the adjacent allotments are affected.
- b. The nature of the activities undertaken on any affected portion of adjoining allotments, noting in particular any adverse effect on outdoor living areas.
- c. The extent to which the projection is necessary due to the shape or nature and physical features of the allotment.
- d. The extent to which the projection leads to a loss of privacy and/or outlook for nearby allotments, by comparison with the effects of a complying activity.
- e. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
  - i. the ability to mitigate the adverse effects through the use of screening, planting or alternative design.

#### 4a.87.6 COVERAGE, TOTAL COVERAGE AND PLOT RATIO

- a. The extent to which the increased coverage, total coverage, and/or plot ratio will:
  - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
  - ii. reduce the privacy and outlook of adjoining allotments by comparison with the effects of a complying activity
  - iii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effect of a complying activity
  - iv. result in a building or building(s) that is inconsistent with the character of the area due to long unbroken building facades along one or more boundaries
  - v. significantly shade useable outdoor living space on an adjacent allotment.
- b. Proposed methods for avoiding, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
  - i. The design and location of the building(s) to avoid long unbroken building facades along one or more boundaries
  - ii. Design of buildings or groups of buildings which reflect the scale of the surrounding environment
  - iii. The ability to mitigate adverse effects through the imposition of conditions such as landscaping.

#### 4a.87.7 BUILDING SETBACK

- a. The extent to which the reduced setback will:
  - i. adversely affect the amenity of the area including the effect on reserves and foreshore Protection Area, including the ability to maintain and enhance the openness and existing character and avoid the visual dominance of buildings in relation to those areas
  - ii. significantly reduce the privacy of adjacent allotments by comparison to the effect of a complying activity
  - iii. limit the safe and visible access of vehicles using the allotments.
- b. The extent to which the reduction in the setback is necessary due to the shape or nature and physical feature of the allotment.
- c. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
  - i. the ability of existing topography or vegetation to mitigate any adverse visual effects on the streetscape
  - ii. the ability to mitigate adverse effects of the reduced setback through screening, landscaping, planting and alternative design.

#### 4a.87.8 NOISE

- a. Ambient sound levels and the impact of any cumulative increase.



- b. The degree to which the sound is intrusive and contrasts with the level, character, duration and timing of the existing sound environment.
- c. The length of time and the level by which the noise limits will be exceeded, particularly at night.
- d. The nature and location of nearby activities and the effects they may experience resulting from the increase in sound levels.
- e. Whether the noise levels are likely to detract from the amenity or general environmental quality of the immediate area.
- f. The topography of the allotment and any influence this may have on sound propagation.
- g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
  - h. Insulation, barriers and isolation of the source of the noise.

#### 4a.87.9 PARKING, LOADING AND ACCESS

- a. Extent to which the safety and efficiency of the roading network, road hierarchy or users of the road would be adversely affected.
- b. Whether there will be any adverse effects on the safety of pedestrians using the allotment, road, footpath or vehicle crossing.
- c. The type of vehicles using the site, their intensity, the time of day the allotment is frequented and the likely anticipated vehicle generation.
- d. Any adverse visual or nuisance effects on the amenity and character of the surrounding area and the Residential Environment.
- e. Effect of factors in the surrounding roading network including the position and function of the road within the road hierarchy, the actual speed environment of the road, volume of traffic using the road and any other factors that will prevent congestion and confusion between vehicles.
- f. Adequacy of parking to be supplied on site for the needs of the activity and whether it can be demonstrated that a less than normal demand is anticipated.
- g. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
  - i. measures to improve visibility to and from the vehicle crossing point and alternative construction, location or design
  - ii. alternative options for the supply of the required parks.

#### 4a.87.10 VEHICLE MOVEMENTS

- a. Effect on the safe and efficient operation of the roading network within the area, including any cumulative effect and the degree to which the existing flow and type of traffic will be affected by the potential traffic generated.
- b. Detraction from the amenity of adjoining allotments and the Residential Environment, in terms of such matters as frequency and timing of vehicle movements, headlight wash, noise, odour, dust and glare, occurring as a result of the increase in vehicle movements.
- c. Necessity to upgrade road to accommodate the increased traffic.
- d. Factors in the surrounding area, including the location of the unformed part of the legal road and the position of the formed carriage way.
- e. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

#### 4a.87.11 ARTIFICIAL LIGHT

- a. Extent to which the light source will adversely impact on the amenity of the Residential Environment, including adverse effects on adjoining allotments.
- b. Impact of light direction on the safe and efficient operation of the roading network within the area.
- c. Necessity for the light for reasons of safety or security, enhanced amenity or public enjoyment.
- d. Duration and operating hours of activity and associated lighting.
- e. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
  - f. height, direction, angle and shielding of the light source.

#### 4a.87.12 SIGNAGE

- a. Location (off or on the allotment), design and appearance of the sign.
- b. Compatibility with the scale and character of the allotment and of the surrounding Residential Environment, including the nature and proximity of other signage within the area.
- c. Any adverse effects on the visual amenity of the locality and whether the proposed sign would be visibly obtrusive, particularly from roads or public open spaces in the vicinity.
- d. Effect on the openness and attractiveness of the streetscape.

- e. Effect on the amenity of adjoining allotment in terms of such matters as noise, artificial light and glare occurring as a result of the sign.
- f. Necessity of the sign to direct people to the activity.
- g. Effect on the safe and efficient operation of the roading network within the area including the possible distraction or confusion of motorists.

#### 4a.87.13 EARTHWORKS

- a. The extent to which the earthworks will change the ground level of the site, including the relationship of the site to adjacent reserves, and foreshore protection areas, and adjacent sites.
- b. The degree to which the finished ground levels reflect the contour of adjoining the sites, and any potential impacts on stability of neighbouring properties and existing stormwater flow patterns.
- c. The degree to which the earthworks will enable building facades to be extended below natural ground level and result in buildings that are more visually dominant off-site and inconsistent with the character of the Environment.
- d. Detraction from the amenity of adjoining allotments in terms of such matters as noise and dust occurring as a result of the earthworks, and the resulting impact on the use of these allotments.
- e. Potential for the creation of a nuisance effect for residents within the area, including vehicle movements, hours of operation, dust and vibration.
- f. The degree to which an Earthworks Management Plan prevents adverse effects arising, in particular sediment discharges and dust nuisance.
- g. The extent of any vegetation removal and the time period for which soil will be exposed.
- h. Proposed methods and timing for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
  - i. planned rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation
  - j. Whether there are any Archaeological sites, and the potential effect of the earthworks on these sites.
  - k. The location and scope of earthworks, including its movement to, from and on the site.

#### 4a.87.14 ODOUR

- a. Detraction from the amenity of other allotments, including the potential for the creation of nuisance effects for residents within the area, and the resulting impact on the use of these allotments.
- b. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

#### 4a.87.15 STORMWATER

- a. Whether there will be any actual, potential or cumulative adverse effects of additional private connections on the stormwater reticulation system.
- b. Whether there will be a requirement to upgrade the stormwater reticulation system if additional private connections are made.
- c. Whether there will be any adverse effects on the environment of not providing for the onsite disposal of stormwater and/or adequate secondary flowpaths.
- d. Proposed methods for the avoidance, remedying or mitigating of the adverse effects, of climatic conditions on stormwater management during development, construction and rehabilitation phases.
- e. The assessment of any existing or potential adverse effects if the unauthorized disposal of waste and pollutants to the stormwater system, and the methods for monitoring, and methods used to reduce adverse effects.

#### 4a.87.16 TWO OR MORE DWELLINGS PER ALLOTMENT (KINLOCH COMMUNITY STRUCTURE PLAN AREA)

- a. Whether infrastructure can sustainably service the actual or potential cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- b. The extent to which the additional dwellings will, singularly or cumulatively, have an adverse effect on the amenity and character of the existing or proposed built environment, as identified in the District Plan and any relevant structure plans.

#### 4a.87.17 SUBDIVISION

- a. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.
- b. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. The clearance or planting of vegetation, including its location, species and maintenance.
- d. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.

- e. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- f. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value as identified in the plan.
- g. In respect to the New Residential Environment the appropriateness of the design, layout and density of the subdivision, having particular regard to any:
  - i. flood risk (Kuratau New Residential Environment only),
  - ii. setback from any water body or river appropriate to mitigate any risk from erosion (Kuratau New Residential Environment only).
  - iii. relevant stormwater catchment management plan,
  - iv. geotechnical and topographical considerations, (including potential liquefaction effects for subdivision within the Kuratau New Residential Environment),
  - v. landscape issues (particularly as they relate to any Amenity Landscape Area),
  - vi. natural values and any infrastructural servicing issues.
- h. The densities and proposed landuses shown in the Kinloch Community Structure Plan (refer [appendix 1](#))
- i. Whether infrastructure can sustainably service the actual or cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- j. The effect of the proposed subdivision on the utilisation of geothermal energy resources of Development and Limited Development Geothermal Systems.
- [k.](#) Whether there is suitable and appropriate physical and legal access to allotments based on the number of new allotments created and any necessary title security of ownership and maintenance.
- [l.](#) [Landscape planting, stormwater infrastructure and walking and cycling pathways network, including \(but not restricted to\) the integrated use and provision of the stormwater gully network to address all three matters as indicated in the Nukuhau Structure Plan \(Appendix 9\).](#)
- [m.](#) [Provision for a new urban gateway at Wairakei Drive \( Nukuhau Structure Plan only\).](#)
- [n.](#) [Whether the proposed roading layout for subdivision within the Nukuhau Structure Plan will enable efficient routes for public transport.](#)
- [o.](#) [The extent to which historic and cultural heritage within the Nukuhau Structure Plan is recognised and provided for, and the extent to which adverse effects on historic and cultural heritage are avoided, remedied and mitigated, including through the design and layout of the subdivision.](#)
- [p.](#) [The extent to which the Integrated Transport Assessment for subdivision within the Nukuhau Structure Plan identifies measures to ensure significant adverse effects on the safe, efficient and effective operation of the Control Gates Bridge and intersections either side of the bridge can be avoided, remedied or mitigated.](#)

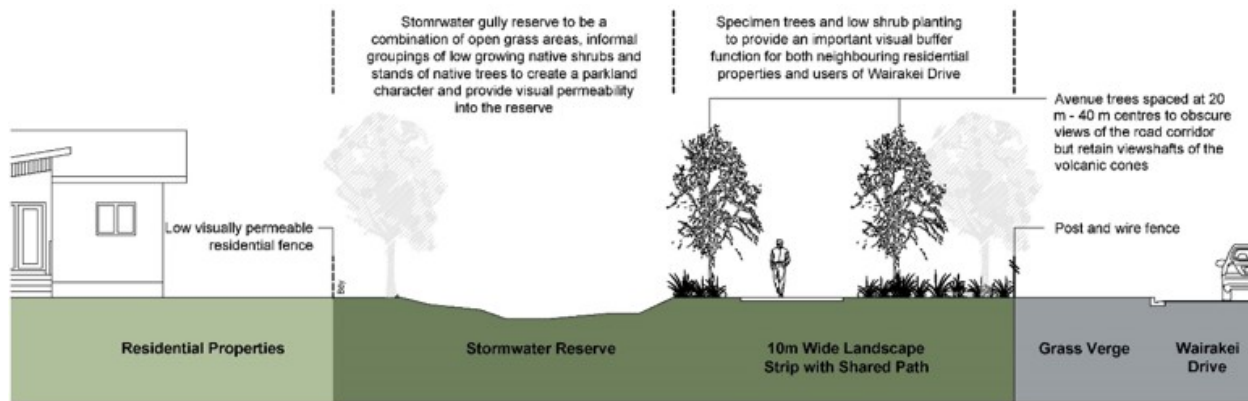
*Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the relevant Regional Council. Refer also to [Subsection E](#) –*

#### **DISTRICT WIDE RULES**

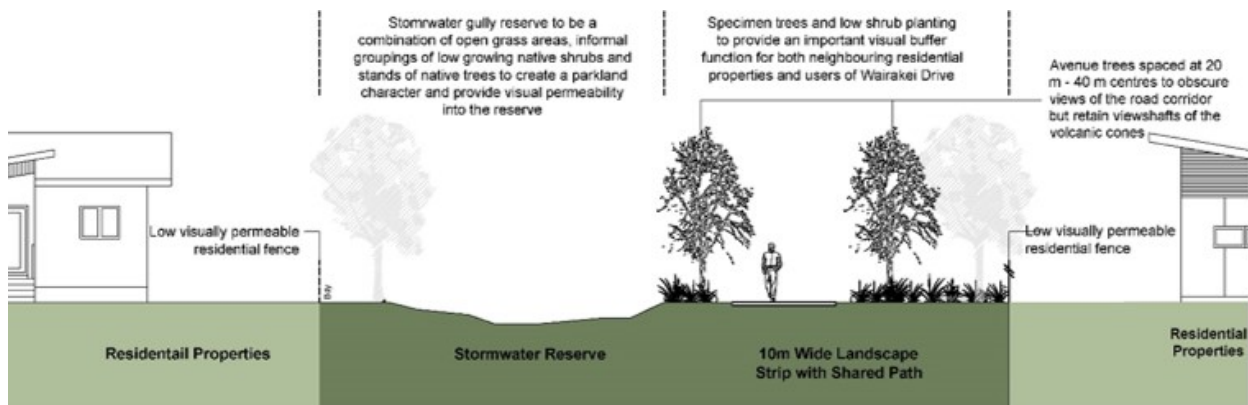
## APPENDIX 9 OUTLINE DEVELOPMENT PLAN

### 9.1 Any lot boundary fronting a Stormwater Reserve with Pedestrian Access, Cycleway and Planting - refer Rule 4a.7.5(i)

Requires a 10m wide Stormwater Reserve and a 10 m wide Landscape Strip with a shared path as shown in Figures 9-A (for Wairakei Drive frontage) and 9-B below and in accordance with the requirements of standards 9.1a to 9.1c



**Figure 9-A:** Cross section illustrating the Wairakei Drive road frontage design



**Figure 9-B:** Cross section illustrating the Stormwater Reserve frontage

#### Standard 9.1a Planting Requirements 10 m wide Landscape Strip

The 10m wide Landscape Strip illustrated in Figure 9-A is proposed to protect viewshafts from dwellings towards the volcanic cones. In terms of tree planting, an avenue of specimen trees is suggested, with a height requirement of 10 – 20 metres at maturity. Trees should be spaced at 20 metre intervals and lower native shrubs with a maximum height of 1 metre. This softens the interface between proposed residential development and the Wairakei Drive corridor and retains the existing sense of openness, avoiding the ‘wall’ effect that would occur from more dense planting.

### Standard 9.1b Planting requirements for the Shared Path within the 10 m wide Landscape Strip

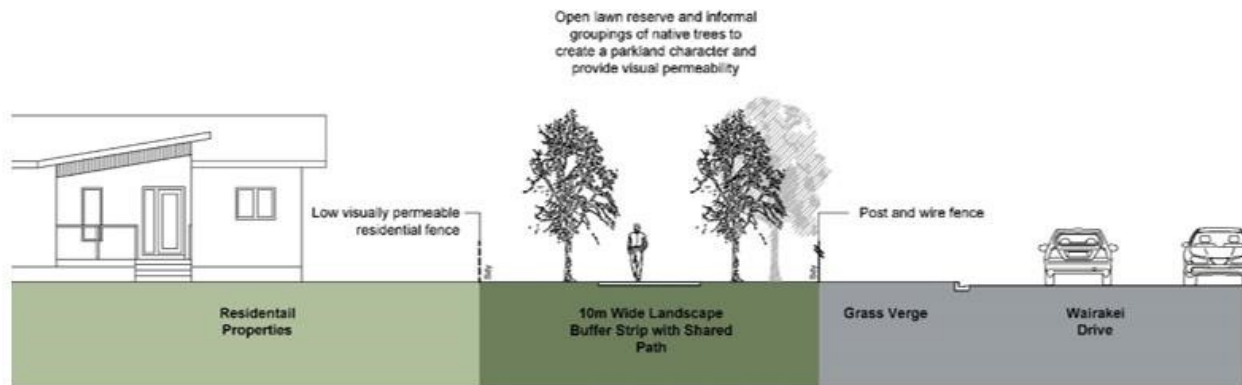
A pedestrian and cycle path will extend down the centre of the 10 m wide Landscape Strip illustrated in Figures 9-A and 9-B, with a clear planting envelope around the path for safety. Either grass or low planting to 400 mm is acceptable within this envelope. Plant selection is important as it will create a sense of arrival, provides the first impressions and create a positive visual environment for the community, travelling public and tourists.

### Standard 9.1c Planting Requirements for the 10m wide Stormwater Reserve

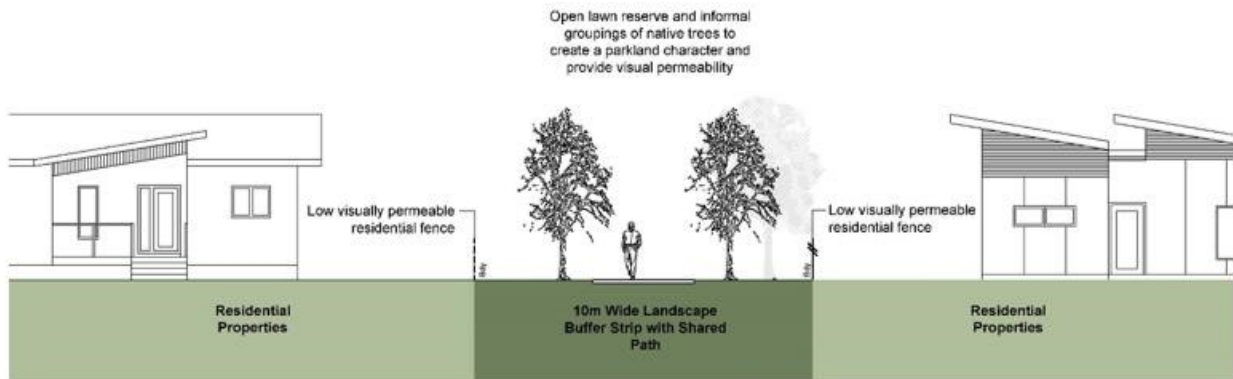
Within the 10m wide Stormwater Reserve grass areas are combined with informal groups of clear stem specimen trees (native and exotic) to provide a parkland-aesthetic for residential properties backing onto this Stormwater Reserve. This will encourage dwellings to have internal or external living spaces that overlook the Stormwater Reserve.

### 9.2 Any lot boundary fronting a 10m wide Landscape Strip - refer Rule 4a.7.5(ii)

Requires a 10m Landscape Buffer Strip with a Shared Path as shown in Figures 9-C (for Wairakei Drive frontage) and 9-D below and in accordance with the requirements of standard 9.1d.



**Figure 9-C:** Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path to the Wairakei Drive road frontage design



**Figure 9-D:** Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path

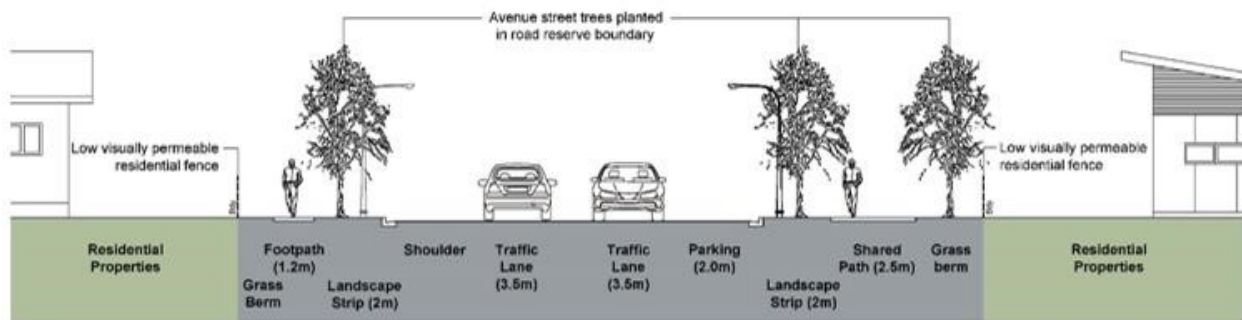
### Standard 9.1d Planting Requirements for the 10m wide Landscape Strip

A 10-metre-wide native and exotic Landscape Strip is to screen and buffer views from the road corridor towards the Structure Plan area. A mixture of native shrubs and trees are recommended, with a height requirement of 10 – 20 metres at maturity. Where a shared path is used, a clear planting envelope should be achieved. Either grass or low planting to 400 mm is acceptable within this envelope.

### 9.3 Arterial Roads

Arterial Roads as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9E below with a road reserve width of 22m are generally fixed in their location. These corridors are to comprise grass berms, pedestrian footpaths and shrub planting on both sides of the corridor. It is intended that a 2.5 metre shared path be set between two rows of trees on one side of the road and a standard footpath on the other side of the road. A 2-metre-wide planting strip will extend along the length of the corridor on both sides of the road to give character and definition to the arterial. Shrub planting should be a combination of low growing (400 mm), low maintenance native shrubs. An avenue of clear stem native specimen trees has been included within the planting strip to provide visual continuity with surrounding residential developments and to provide safety benefits through increased passive surveillance.

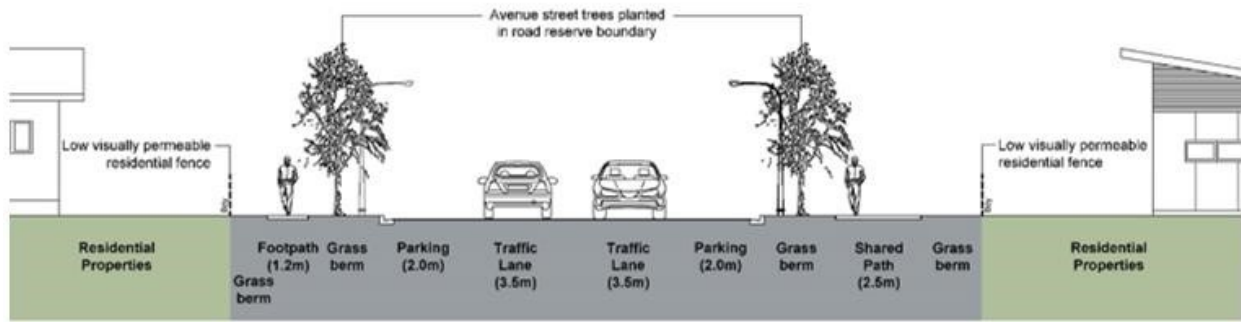
Ultimately, tree selection for Arterial Roads should ensure the Structure Plan Area is well connected physically and visually to the open space framework and streetscape network and surrounding residential developments.



**Figure 9-E:** Cross section of an Arterial Road

### 9.4 Collector and Secondary Collector Roads- General Residential Zone

Collector and Secondary Collector Roads in the General Residential Zone as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9-F below with a road reserve width of 22m. They are to comprise grass berms, pedestrian footpaths and on street carparks on both sides of the corridor. To provide visual continuity with surrounding residential developments and soften the streetscape an avenue of clear stem specimen trees has been included in the grass berms. Trees should be well spaced so as not to obstruct viewshafts to the volcanic cones.

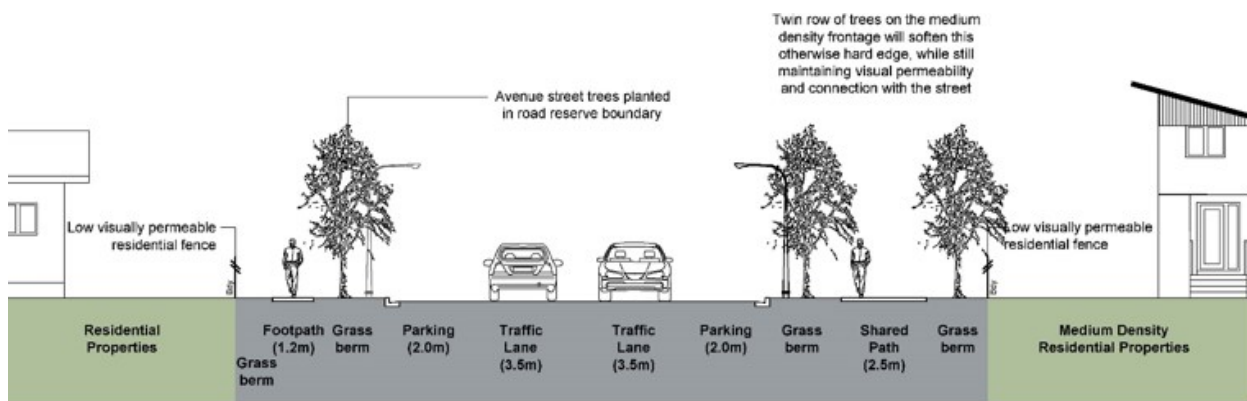


**Figure 9-F:** Cross section of Collector and Secondary Collector Roads in the General Residential Zone

### 9.5 Collector and Secondary Collector Roads- Medium Density Residential Zone

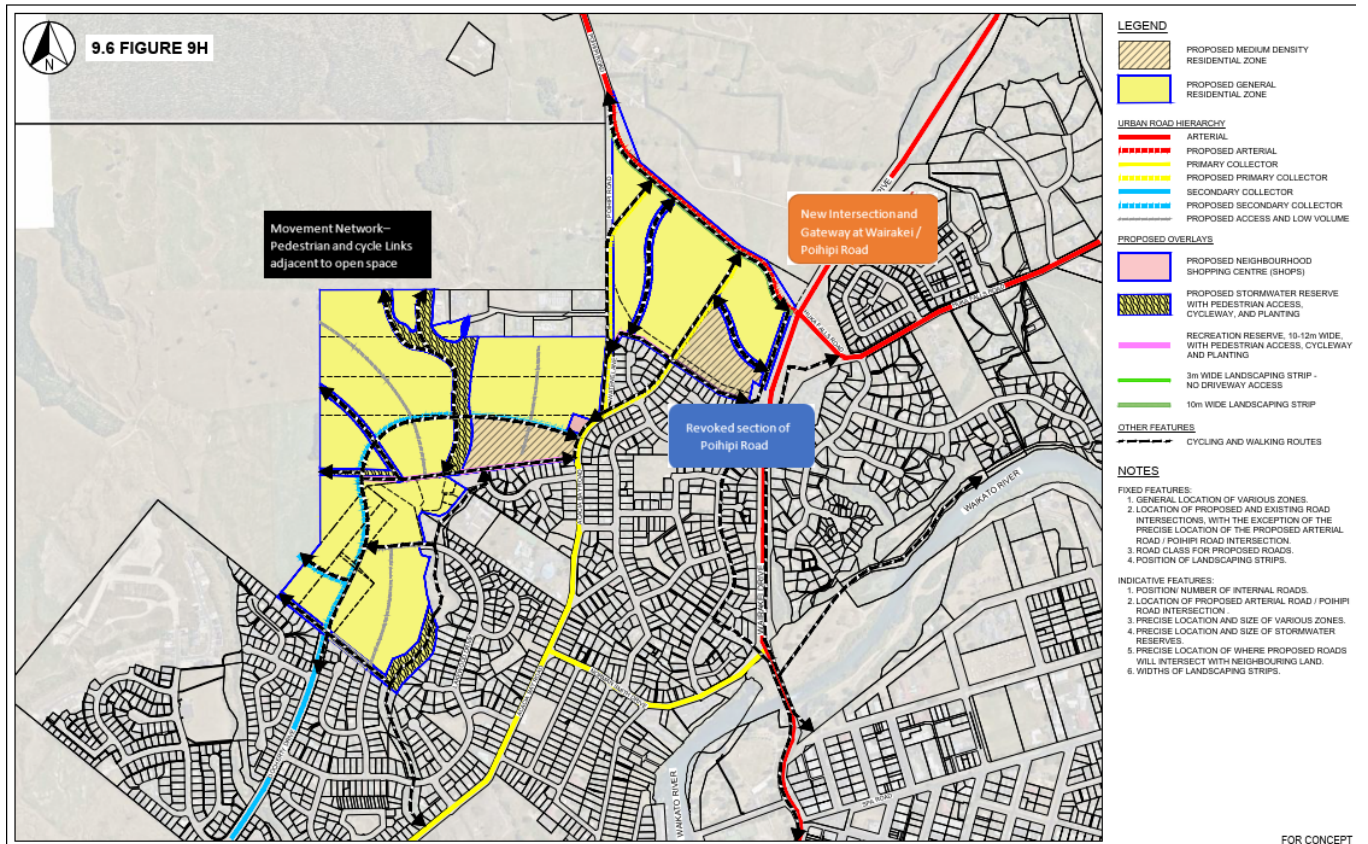
Collector and Secondary Collector Roads in the Medium Density Residential Zone as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9-G below with a road reserve width of 22m. They are to comprise grass berms, pedestrian footpaths and on street carparks on both sides of the corridor. To provide visual continuity with surrounding residential developments and soften the streetscape an avenue of clear stem specimen trees has been included in the grass berms. Trees should be well spaced so as not to obstruct viewshafts to the volcanic cones.

The harder edge of medium density development and likelihood of greater use given its location is softened by repeating the twin rows of trees used on the Arterial Roads. This also recognises that great development density and proximity to gully reserves areas and the commercial node is likely to result in this corridor having the potential to be more significant for cyclists and pedestrians than other Collector or Secondary Collector Roads.



**Figure 9-G:** Cross section of Collector and Secondary Collector Roads in the Medium Density Residential Zone

## 9.6 Principal Walkway and Cycleway Pathway Connections



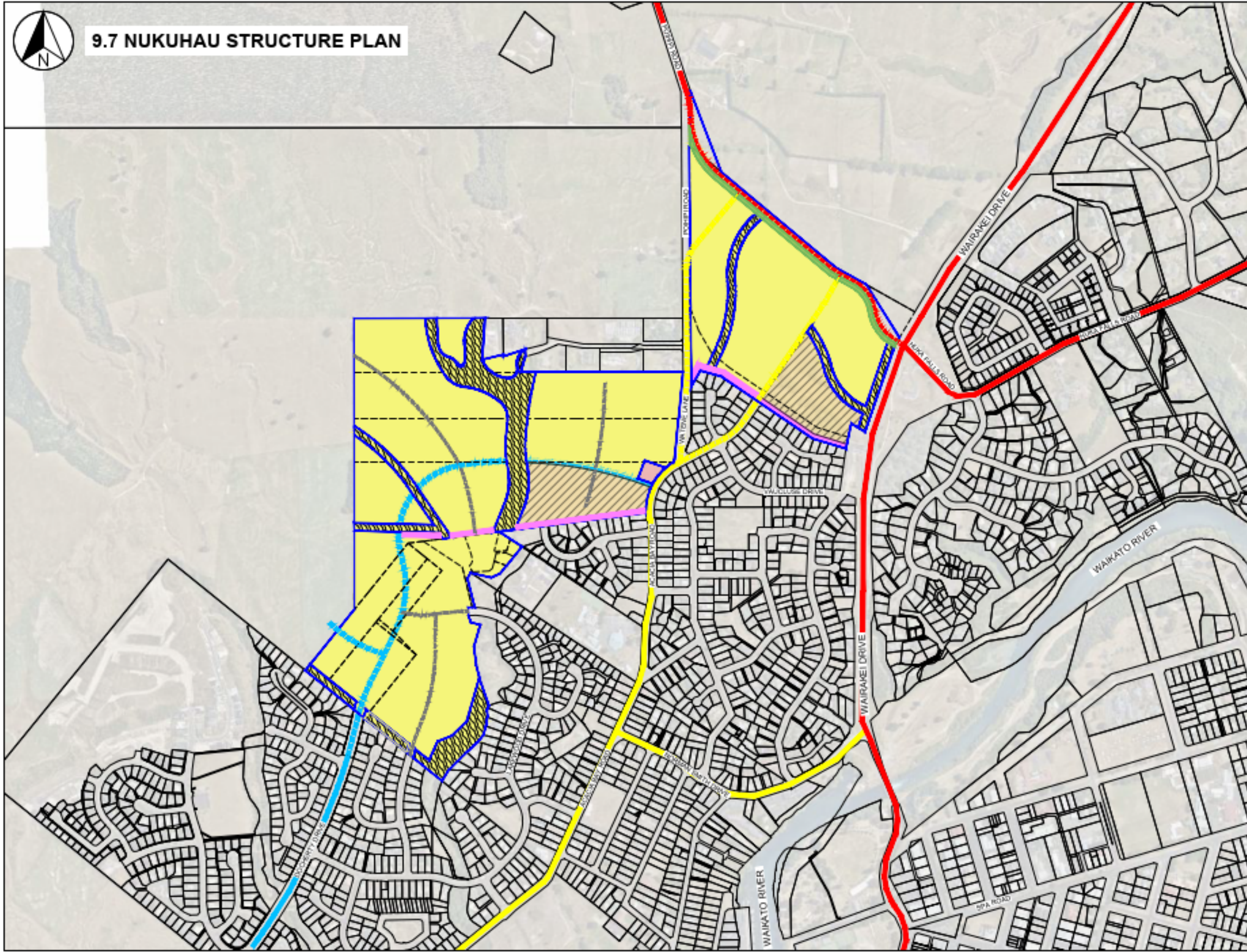
**Figure 9-H: Proposed Walk-Cycle Links adjacent to or crossing open space as part of the Movement Network (all modes)**





# 9.7 NUKUHAU STRUCTURE PLAN

300 m  
150 m  
0 m  
150 m  
300 m



**LEGEND**

- PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE
- PROPOSED GENERAL RESIDENTIAL ZONE

**URBAN ROAD HIERARCHY**

- ARTERIAL
- PROPOSED ARTERIAL
- PRIMARY COLLECTOR
- PROPOSED PRIMARY ARTERIAL
- SECONDARY COLLECTOR
- PROPOSED SECONDARY COLLECTOR
- PROPOSED ACCESS AND LOW VOLUME

**PROPOSED OVERLAYS**

- PROPOSED NEIGHBOURHOOD SHOPPING CENTRE (SHOPS)
- PROPOSED STORMWATER RESERVE WITH PEDESTRIAN ACCESS, CYCLEWAY, AND PLANTING
- RECREATION RESERVE, 10-12m WIDE, WITH PEDESTRIAN ACCESS, CYCLEWAY AND PLANTING
- 3m WIDE LANDSCAPING STRIP - NO DRIVEWAY ACCESS
- 10m WIDE LANDSCAPING STRIP

- NOTES**
- FIXED FEATURES:**
1. GENERAL LOCATION OF VARIOUS ZONES.
  2. LOCATION OF PROPOSED AND EXISTING ROAD INTERSECTIONS, WITH THE EXCEPTION OF THE PRECISE LOCATION OF THE PROPOSED ARTERIAL ROAD / POIHIPI ROAD INTERSECTION.
  3. ROAD CLASS FOR PROPOSED ROADS.
  4. POSITION OF LANDSCAPING STRIPS.
- INDICATIVE FEATURES:**
1. POSITION/ NUMBER OF INTERNAL ROADS.
  2. LOCATION OF PROPOSED ARTERIAL ROAD / POIHIPI ROAD INTERSECTION .
  3. PRECISE LOCATION AND SIZE OF VARIOUS ZONES.
  4. PRECISE LOCATION AND SIZE OF STORMWATER RESERVES.
  5. PRECISE LOCATION OF WHERE PROPOSED ROADS WILL INTERSECT WITH NEIGHBOURING LAND.
  6. WIDTHS OF LANDSCAPING STRIPS.

FOR CONCEPT

Revision	Description	Author	Check Date
I	SW RESERVE, CENTRE ZONE, LEGEND	H.C.	22/11/2019
J	REPLACED RECREATION WITH SW RESERVE	H.C.	27/11/2019
K	OVERLAYS AND SW RESERVE HATCH REVISED	T.R.	21/07/2020
L	PROPOSED LOCAL CENTRE ZONE REVISED	T.R.	10/08/2020
M	SHOPPING CENTRE RESIZED, NOTES ADDED	H.C.	27/08/2020
N	LEGEND AMENDED	T.R.	04/12/2020
O	CHANGED POIHIPI ROAD ALIGNMENT	H.C.	14/06/2021
P	RE-ISSUED FOR INFORMATION	H.C.	06/10/2021

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Author: T. RUMONG  
Approved Date: 04/12/2020

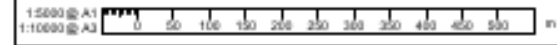
Drawn: P. FERDK  
Scale: 1:5,000 @ A1, 1:10,000 @ A3

TAUPO DISTRICT PLAN

PRIVATE PLAN CHANGE  
NUKUHAU PROJECT

Project No: 2-37400.00

Sheet No: L001  
Revision: P

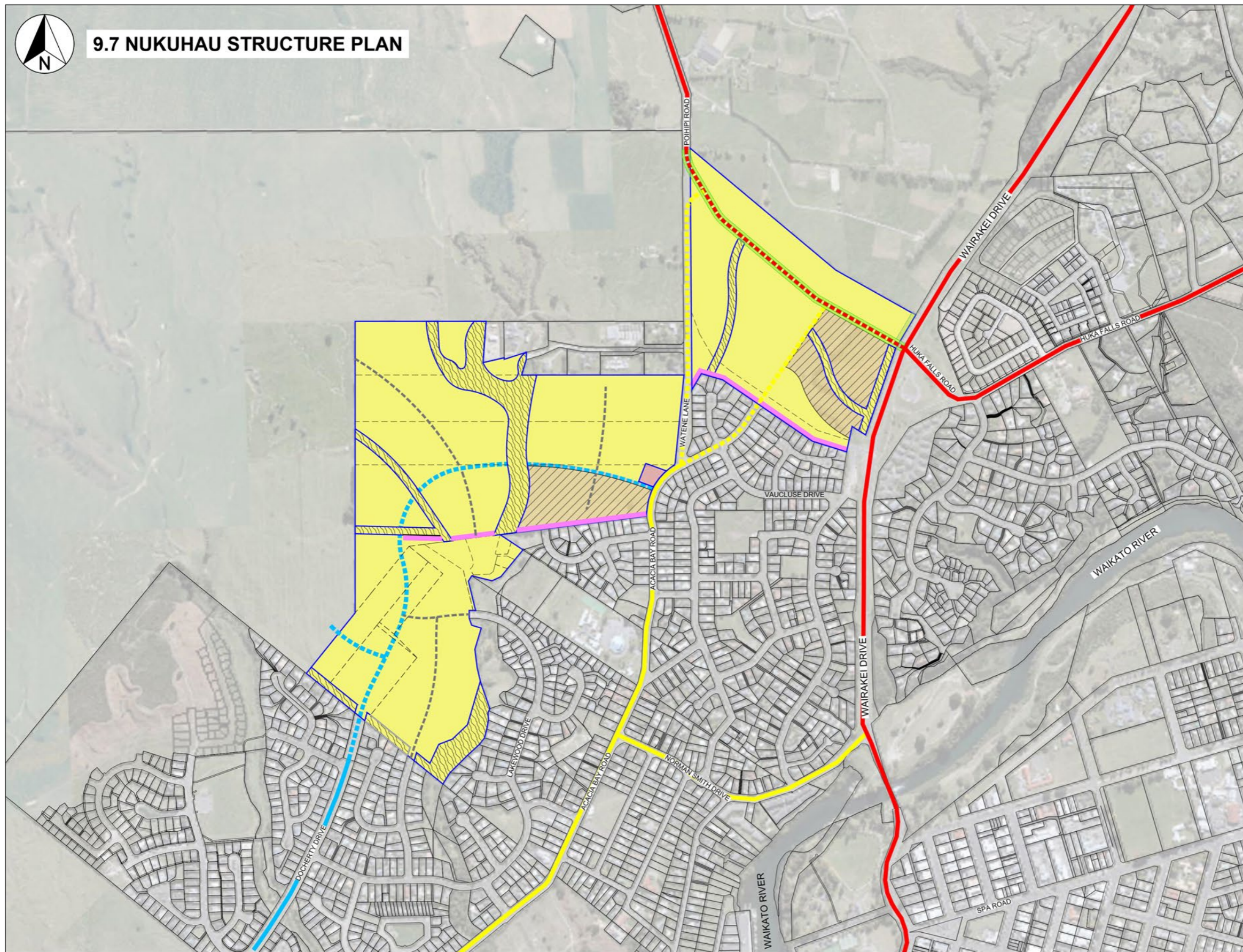


## Attachment 3



# 9.7 NUKUHAU STRUCTURE PLAN

300 mm  
200  
100  
50  
0 10 mm



### LEGEND

- PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE
- PROPOSED GENERAL RESIDENTIAL ZONE

### URBAN ROAD HIERARCHY

- ARTERIAL
- PROPOSED ARTERIAL
- PRIMARY COLLECTOR
- PROPOSED PRIMARY ARTERIAL
- SECONDARY COLLECTOR
- PROPOSED SECONDARY COLLECTOR
- PROPOSED ACCESS AND LOW VOLUME

### PROPOSED OVERLAYS

- PROPOSED NEIGHBOURHOOD SHOPPING CENTRE (SHOPS)
- PROPOSED STORMWATER RESERVE WITH PEDESTRIAN ACCESS, CYCLEWAY, AND PLANTING
- RECREATION RESERVE, 10-12m WIDE, WITH PEDESTRIAN ACCESS, CYCLEWAY AND PLANTING
- 3m WIDE LANDSCAPING STRIP - NO DRIVEWAY ACCESS
- 10m WIDE LANDSCAPING STRIP

### NOTES

#### FIXED FEATURES:

1. GENERAL LOCATION OF VARIOUS ZONES.
2. LOCATION OF PROPOSED AND EXISTING ROAD INTERSECTIONS, WITH THE EXCEPTION OF THE PRECISE LOCATION OF THE PROPOSED ARTERIAL ROAD / POIHIPI ROAD INTERSECTION.
3. ROAD CLASS FOR PROPOSED ROADS.
4. POSITION OF LANDSCAPING STRIPS.

#### INDICATIVE FEATURES:

1. POSITION/ NUMBER OF INTERNAL ROADS.
2. LOCATION OF PROPOSED ARTERIAL ROAD / POIHIPI ROAD INTERSECTION.
3. PRECISE LOCATION AND SIZE OF VARIOUS ZONES.
4. PRECISE LOCATION AND SIZE OF STORMWATER RESERVES.
5. PRECISE LOCATION OF WHERE PROPOSED ROADS WILL INTERSECT WITH NEIGHBOURING LAND.
6. WIDTHS OF LANDSCAPING STRIPS.

FOR CONCEPT

1:5000 @ A1  
1:10000 @ A3  
0 50 100 150 200 250 300 350 400 450 500 m

Revision	Amendment	Approved	Revision Date
I	SW RESERVE, CENTRE ZONE, LEGEND	HC	22/11/2019
J	REPLACED RECREATION WITH SW RESERVE	HC	27/11/2019
K	OVERLAYS AND SW RESERVE HATCH REVISED	T.R.	31/07/2020
L	PROPOSED LOCAL CENTRE ZONE REVISED	T.R.	10/08/2020
M	SHOPPING CENTRE RESIZED, NOTES ADDED	H.C.	27/10/2020
N	LEGEND AMENDED	T.R.	04/12/2020
G	EXISTING & PROPOSED SW GULLIES ADDED	HC	18/11/2019
H	ROADS REVISED	HC	19/11/2019



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Designed

H. CRAWFORD

Approved

T. RUNNING

Approved Date

04/12/2020

Drawn

P. FIEREK

Scales

1:5,000 @ A1, 1:10,000 @ A3

Project  
TAUPO DISTRICT PLAN

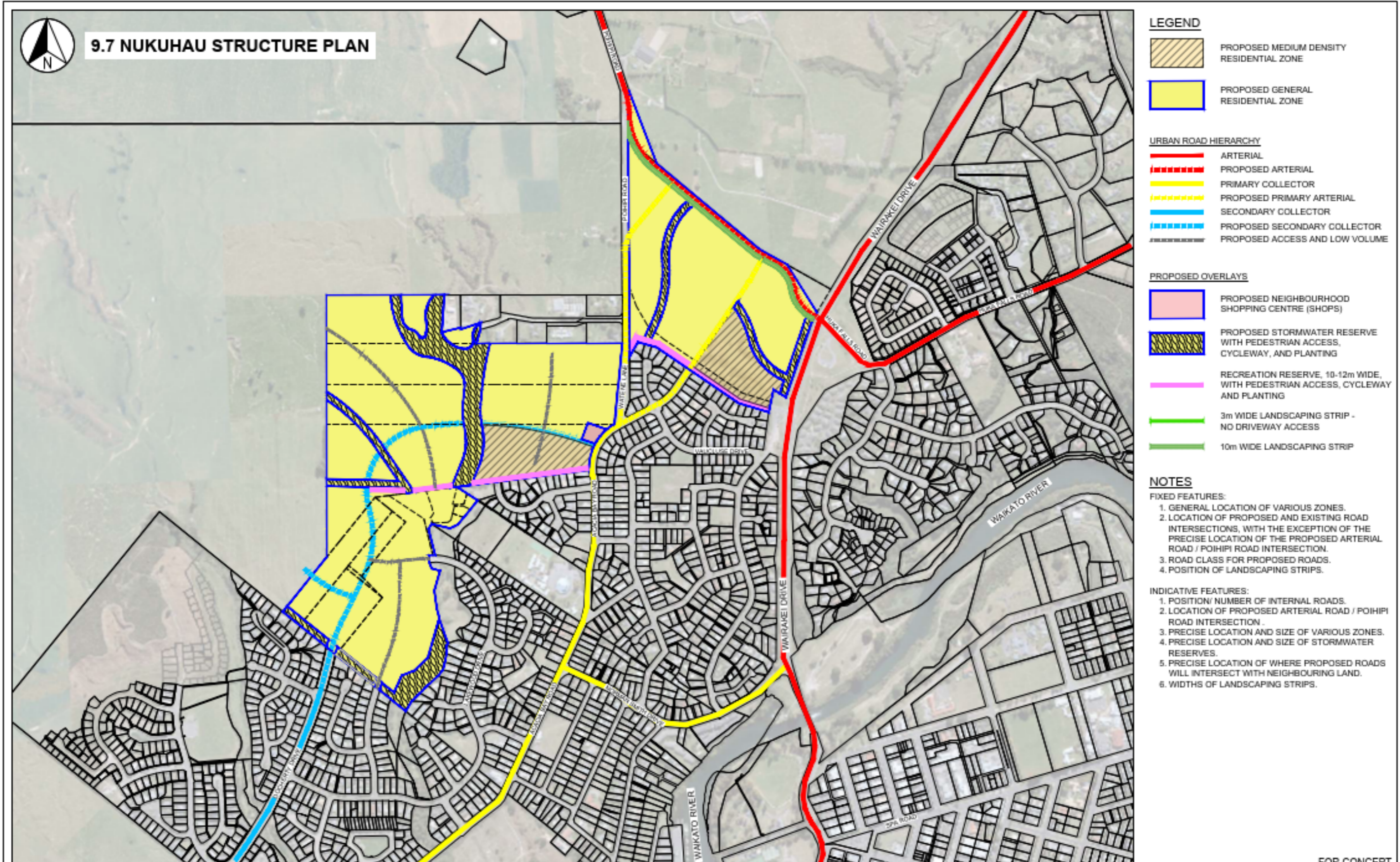
Sheet  
PRIVATE PLAN CHANGE  
NUKUHAU PROJECT

Project No.  
2-37400.00

Sheet No.  
L001

Revision  
N

## Attachment 4



FOR CONCEPT

Rev	Description	Author	Issue Date
I	SW RESERVE, CENTRE ZONE, LEGEND	H.C.	20/11/2019
J	REPLACED RECREATION WITH SW RESERVE	H.C.	27/11/2019
K	OVERLAYS AND SW RESERVE HATCH REVISED	T.R.	31/03/2020
L	PROPOSED LOCAL CENTRE ZONE REVISED	T.R.	10/08/2020
M	SHOPPING CENTRE REVISED, NOTES ADDED	H.C.	27/10/2020
N	LEGEND AMENDED	T.R.	24/12/2020
O	CHANGED POIHIPI ROAD ALIGNMENT	H.C.	14/06/2021

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 Approver: T. RUNNING  
 Issue Date: 06/12/2020

Scale: 1:5000 @ A1, 1:10000 @ A3  
 Project No: 2-37400.00

TAUPO DISTRICT PLAN	
PRIVATE PLAN CHANGE NUKUHAU PROJECT	
Sheet No: L001	Revision: 0

## Attachment 5

## Extracts from Waikato Regional Policy Statement

### 1. Objective 3.12 Built Environment

“Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes by:

...

- c. integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;
- e. recognising and protecting the value and long-term benefits of regionally significant infrastructure.

### 2. Policy 6.1 Planned and co-ordinated subdivision, use and development

“Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- (a) has regard to the principles in Section 6A
- (b) recognises and addresses potential cumulative effects of subdivision, use and development;
- (c) is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development.

### 3. Policy 6.3 Co-ordinating growth and infrastructure

Management of the built environment ensures:

- a. the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:

- i. optimise the efficient and affordable provision of both the development and the infrastructure;
  - ii. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
  - iii. protect investment in existing infrastructure; and
  - iv. ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;
- c. the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and....”

4. Policy 6.6 Significant Infrastructure and energy resources states:

Management of the built environment ensures particular regard is given to:

- a) that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected.

5. Policy 6.11 implementing Taupō District 2050

Growth in the Taupō District will be managed in a way that

(a) recognises that Taupō District 2050 provides for the management of growth, including by:

“i) recognising the appropriateness of the urban growth areas as an important resource for providing for new urban land development and as the focus for future urban growth;

ii) ensuring patterns of future urban development are consistent with the strategic directions of Taupō District 2050, the identified growth areas, and any subsequently adopted structure plans;

...

v) ensuring the staging of development in the urban growth areas is efficient, consistent with and supported by adequate infrastructure.



b) ensures that urban development of an identified urban growth area occurs by way of a Taupō District 2050 structure plan process and associated plan change process.

c) acknowledges that changes to the Taupō District Plan intended to implement Taupō District 2050 must be considered on their merits under the RMA.

#### 6A Development principles

New Development should:

...

d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure

e) connect well with existing and planned development and infrastructure

...

i) promote compact urban form, design and location to:

- i. minimise energy and carbon use;
- ii. minimise the need for private motor vehicle use
- iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;
- iv. encourage walking, cycling and multi-modal transport connections;  
and
- v. maximise opportunities for people to live, work and play within their local area.

## Attachment 6

Extract from Taupō District 2050 -District Growth Management Strategy

Map 1–Northern Growth Areas



## **Attachment 7**

## TRANSPORT SCHEDULE OF CAPITAL EXPENDITURE

	ANNUAL PLAN 2020/21 (\$000)	LTP 2021/22 (\$000)	LTP 2022/23 (\$000)	LTP 2023/24 (\$000)	LTP 2024/25 (\$000)	LTP 2025/26 (\$000)	LTP 2026/27 (\$000)	LTP 2027/28 (\$000)	LTP 2028/29 (\$000)	LTP 2029/30 (\$000)	LTP 2030/31 (\$000)
<b>Capex</b>											
<b>Growth</b>											
Whangamata Road improvements	0	100	851	1,726	0	0	0	0	0	0	0
Poihipi Road seal widening	27	440	412	467	437	495	463	0	0	0	0
<b>Growth Total</b>	<b>27</b>	<b>540</b>	<b>1,263</b>	<b>2,193</b>	<b>437</b>	<b>495</b>	<b>463</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ILOS</b>											
Acacia Bay cycle path	0	600	0	0	0	0	0	0	0	0	0
Anzac Memorial Drive	0	425	284	0	0	0	0	0	0	0	0
Broadlands Road widening	0	50	722	0	0	0	0	0	0	0	0
Bus infrastructure	0	60	5	64	5	23	6	24	6	25	7
Footpath on Lake Terrace	0	50	464	0	0	0	0	0	0	0	0
Kiddle Drive and Arrowsmith Ave	0	1,950	0	0	0	0	0	0	0	0	0
Lake Terrace and Wharewaka Road	0	0	0	0	0	0	0	238	0	0	0
Lighting along footpaths	0	0	170	175	0	0	0	0	0	0	0
Paetiki Suburban Shopping Centre enhancements	50	50	0	0	0	0	0	0	0	0	0
Parking Demand Management	0	0	222	228	0	0	0	0	0	0	0
River Road footpath	0	0	0	0	328	338	0	0	0	0	0
RSA carpark	0	350	0	0	0	0	0	0	0	0	0
School bus shelters	0	0	8	0	9	0	9	0	10	0	10
Second Bridge crossing	0	0	0	0	0	0	0	0	0	0	390
Spa Road and Tauhara Road intersection	0	0	0	0	0	0	0	0	0	0	0
Tirohanga Road improvements	0	50	309	319	328	338	0	0	0	0	0
Two Mile Bay carpark	0	0	0	127	175	0	0	0	0	0	0
Wairakei Drive and Huka Falls Rd (north)	0	250	309	0	0	0	0	0	0	0	0
Wairakei Road and Karetoto Road	0	255	0	0	0	0	0	0	0	0	0
Minor improvements	197	228	240	250	269	279	290	298	303	316	323
On street parking	20	40	41	42	44	45	0	0	0	0	0
New signs & road marking	23	25	26	48	27	28	29	30	55	32	33
Pedestrian facilities	125	200	206	212	219	225	232	238	245	253	260
Mangakino streets - upgrade program	36	5	41	0	0	0	0	0	0	0	0
Seal extension	450	550	567	584	601	619	637	656	675	695	715
Cycle facilities	50	150	82	85	0	0	0	0	0	0	0
Horomatangi Street additional parking	0	200	0	0	0	0	0	0	0	0	0
Ute for cycle skills instructors and bikes	0	40	0	0	0	0	0	0	0	0	0
<b>ILOS Total</b>	<b>950</b>	<b>5,528</b>	<b>3,697</b>	<b>2,135</b>	<b>2,005</b>	<b>1,894</b>	<b>1,202</b>	<b>1,484</b>	<b>1,295</b>	<b>1,320</b>	<b>1,738</b>
<b>Capex Total</b>	<b>977</b>	<b>6,068</b>	<b>4,960</b>	<b>4,328</b>	<b>2,442</b>	<b>2,389</b>	<b>1,666</b>	<b>1,484</b>	<b>1,295</b>	<b>1,320</b>	<b>1,738</b>
<b>Renewal</b>	<b>3,539</b>	<b>3,173</b>	<b>3,700</b>	<b>3,858</b>	<b>4,739</b>	<b>4,635</b>	<b>4,982</b>	<b>4,673</b>	<b>4,580</b>	<b>4,529</b>	<b>5,777</b>
<b>Grand Total</b>	<b>4,516</b>	<b>9,241</b>	<b>8,660</b>	<b>8,186</b>	<b>7,181</b>	<b>7,024</b>	<b>6,647</b>	<b>6,156</b>	<b>5,875</b>	<b>5,849</b>	<b>7,515</b>

## Attachment 8

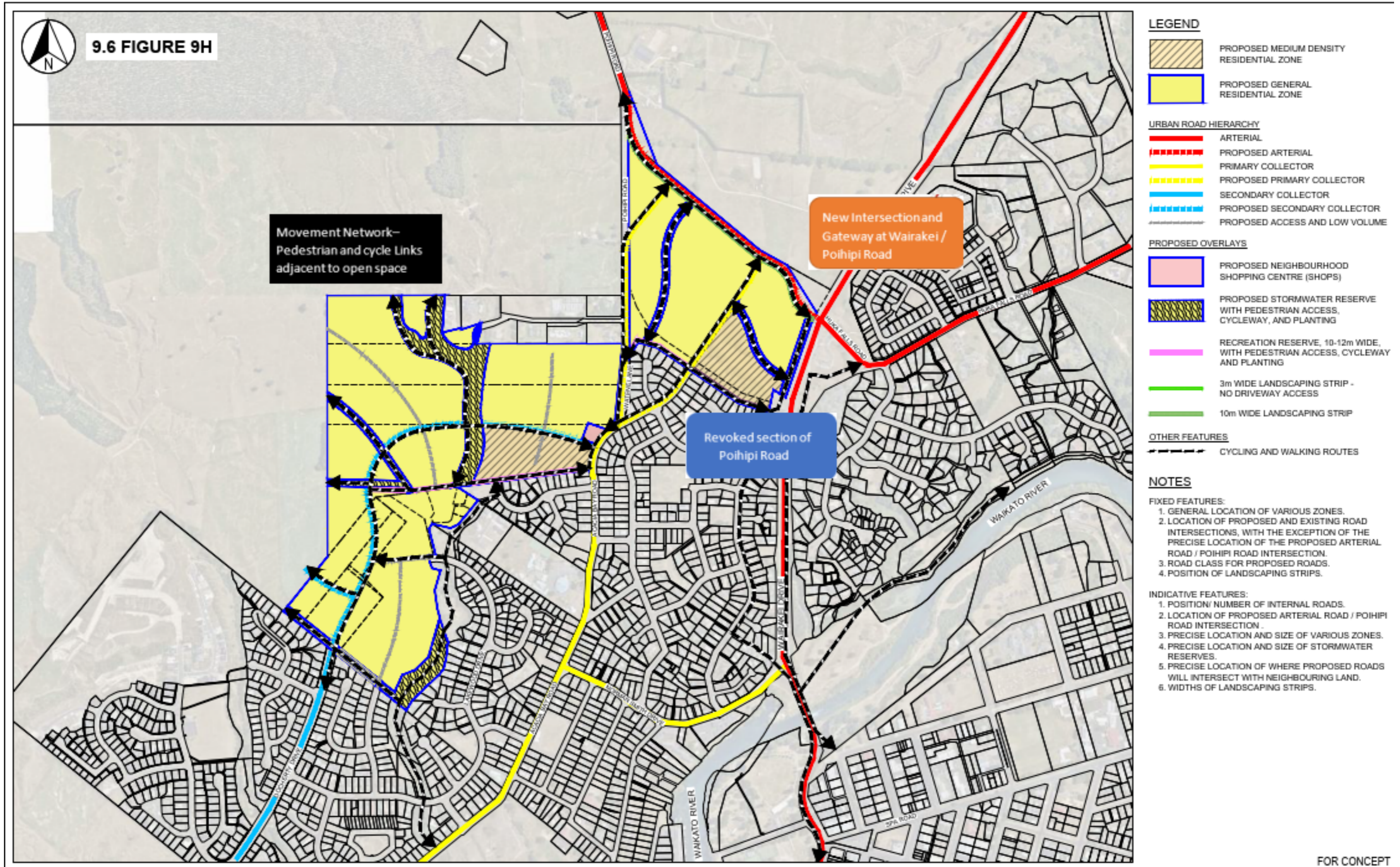


Figure 9-H: Proposed Walk-Cycle Links adjacent to or crossing open space as part of the Movement Network (all modes)

## Attachment 9



## Waikato Regional Council Suggested Amendments to Proposed Plan Change 37

13 August 2021

### NUKUHAU STRUCTURE PLAN AREA

The Nukuhau Structure Plan Area is identified on the Planning maps and in Appendix 9. The intent of the Nukuhau Structure Plan is reflected in the Structure plan map contained in Appendix 9 of this plan which provides guidance as to what density and form of subdivision and development is appropriate within parts of the structure plan area.

As at November 2020, the existing wastewater network does not have capacity to service the development of this land. Therefore development can only occur when the wastewater infrastructure has been upgraded to the satisfaction of Council.

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. Key amongst these opportunities are the relationships between residential properties and the gully-open space network, and the long views towards the Lake and volcanic cones, views of the Punatekahi hills and the gully network within the western area of the Structure Plan area. Through the structure planning exercise it has been identified that given the proximity of the land to the CBD and ability to provide convenient access to open space, this location is suitable for areas of general and medium density residential zoning to enable development of a variety of housing in Taupō.

### OBJECTIVE

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.

To enable residential development of the Nukuhau Structure Plan Area as envisaged by the plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:

- a. Protecting the natural gully systems to prevent erosion and exacerbation of flood risk downstream; and,
- b. maintaining and enhancing stormwater flow paths.

### POLICIES

- i. Encourage development in the Nukuhau Structure Plan area to be carried out in a manner which reflects the intent of the Nukuhau Structure Plan.
- ii. Achieve an appropriate level of residential amenity and character.
- iii. Enable the development of a range of housing types, to provide a choice of living environments.
- iv. Achieve a connected open space and walking-cycling network centered on stormwater reserves, **natural** gullies, and street corridors with a high amenity interface with the residential uses
- v. Subdivision in the Nukuhau Structure Plan Area should only occur where the resulting lots will be connected to Council's wastewater network infrastructure.

- vi. Retain the natural gully systems in their current location, recognising that they are a receiving environment with direct connection to Lake Taupo through groundwater.

### 3a.3 Methods

- i. **Performance standards** for permitted activities which protect the character, amenity and functioning of the Residential Environment and take into account the density of development.
- ii. **Environmental assessment** of activities which do not comply with performance standards through the resource consent process.
- iii. **Conditions** on resource consents such as consent notices and covenants on titles.
- iv. **Education** and information on the existing environmental levels, values, and amenity associated with the Residential Environment.
- v. Payment of **Financial Contributions** for reserves and roading. Refer to Section 5 of the Plan.
- vi. **Council Policy** such as through Structure Plans to guide the growth of the District.
- vii. Compliance with Council's **Development Guidelines** to ensure a suitable standard of infrastructure.
- viii. Allocation of funds through the **Strategic and Annual Plan** processes.
- ix. Rules and policies within any relevant **Regional Plan or Policy Statement**.
- x. **Other legislation** and Council **Bylaws**.
- xi. The implementation of any Joint Management Agreement between Council and Iwi.
- xii. Subdivision design guidance for the development of the Nukuhau Structure Plan area to enhance character and amenity and access to open space for a mixture of general and medium density residential development whilst protecting the existing natural gully systems.

### 3a.4 Principal Reasons for Adoption

A typical scale and character of development and level of environmental effects has been established over time within the Residential Environment. This has resulted in a particular character and amenity within the Residential Environment, which is valued by residents of the area.

Threats to the character and amenity of the Residential Environment have been identified in the District-wide issues, policies, rules and performance standards and are further discussed within the explanation for this Environment.

This section of the Plan recognises the changes to the Residential Environment, which occur over time and the desire of the community for minimum controls over activities, while also retaining the valued amenity and character of the Environment.

Accordingly, the approach within this section is to place emphasis on assessing the potential environmental impacts through a series of standards which must be met in order for any activity to be permitted. Failure to meet one or more of these standards requires that an activity obtain resource consent, at which time a full and comprehensive assessment of environmental effects would be undertaken.

This approach will protect the character and amenity of the Residential Environment while allowing for a range of activities to occur.

The Residential Environment has different types of character that have established over time. This has resulted in different levels of amenity, which are accordingly provided for through the recognition of the different character types. Specific policies are needed to recognise and protect these areas.

### 3a.5 Anticipated Environmental Outcomes

- i. Whilst predominantly consisting of Residential activities, a variety of activities and development compatible in scale, amenity and character with development within the Residential Environment.
- ii. New development does not create adverse impacts in terms of overshadowing, excessive building scale, vehicle movements or lack of privacy.
- iii. Protection of the wider environment and community from nuisances such as excessive dust, noise, glare, odour and stormwater.
- iv. The recognition and protection of the different types of character and levels of development within the Residential Environment.
- v. [A range of choice in housing types and densities in appropriate locations able to be adequately serviced by utilities and open space infrastructure.](#)
- vi. The development of the Lake Ohakuri Development Zone occurs in a manner consistent with [Appendix 4](#).
- vii. [The development of the Nukuhau Structure Plan area occurs in a manner consistent with Appendix 9](#)
- viii. [Erosion is prevented and flood risk is mitigated through the protection of the natural gully systems within the Nukuhau Structure Plan area.](#)

#### 4a.1.23 Stormwater

- i. All stormwater from buildings and impermeable surfaces is to be disposed of on-site to meet a 10 year return period of 1 hour duration (45mm).
- ii. The function of existing secondary flow paths across the allotment shall be retained and the existing discharge point off the site shall remain unaltered as to position.
- iii. EXCEPTION: Stormwater from impermeable surfaces can be disposed of via a primary or secondary stormwater drainage system within an area identified on the Planning Maps as a Stormwater Disposal Area, provided Council authorisation has been given.
- iv. EXCEPTION: Omori, Kuratau, Pukawa and Whareroa Stormwater Disposal Systems (shown on Planning Maps) - Roof water may be disposed of to the street system.

#### [4a.7 Nukuhau Structure Plan Area Rules](#)

*[Also refer to the General and Subdivision Rules for the Residential Environment.](#)*

[4a.7.1 The development of land within the Nukuhau Structure Plan area shall not be complete\\* until either:](#)

- i. [the existing Council wastewater network has been upgraded to accommodate the anticipated wastewater flows from the Nukuhau Structure Plan, or](#)
- ii. [Council is satisfied that there is a solution to suitably dispose of the anticipated wastewater flows.](#)

[\\*Advisory note: 'Complete' in this instance refers to the signing of the Council Completion section 224\(c\) Certificate.](#)

[4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a \*\*controlled activity\*\*.](#)

For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:

- i. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- ii. The management of stormwater in accordance with the Waikato Regional Council Stormwater Guidelines and to ensure that stormwater is treated onsite so that the existing natural gully systems are not used as stormwater treatment devices.
- iii. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application. **The Waikato Regional Council Erosion and Sediment Control Guidelines should be followed.**
- iv. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
- v. Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value.
- vi. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- vii. A Landscape Planting Plan for the ~~stormwater~~ **natural gully system** reserve network and areas of open space along Wairakei Drive and Poihipi Road
- viii. The creation of a safe network of walking and cycle pathways that provide or improve linkages to and through reserves and the roading network.
- ix. 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.
- x. Any requirements of Rule 4a.7.4, Rule 4a.7.5 and 4a.7.6 and/or the ability for such requirements to be achieved by subsequent development.

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**.

4a.7.4 Any subdivision within the Nukuhau Structure Plan Area, whereby the newly created lots are unable to be connected to Council wastewater network is a **non-complying activity**.

The following rules apply to development within the Nukuhau Structure Plan Area.

#### 4a.7.5 Landscaping

- (i) Any lot boundary fronting a Stormwater Reserve with Pedestrian Access, Cycleway and Planting, shall have a 10m wide Stormwater Reserve and a 10-m wide Landscape Strip with a shared path as illustrated on Figures 9-A and 9-B and in accordance with Standards 9.1a to 9.1c in Appendix 9.
- (ii) Any lot boundary fronting a 10m wide Landscape Strip as shown on the Structure Plan map, shall provide a Landscape Strip as illustrated on Figures 9-C and 9-D and in accordance with Standard 9.1d in Appendix 9

#### 4a.7.6 Fencing, Walls and Hedges

Front boundary fences, walls and/or hedge plantings between buildings on the site and any Stormwater or Recreation Reserve, or gully shall be no higher than 1.2m in height. Fence design and materials shall retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the public walkway or reserve. To be deemed transparent any fence must meet the following requirements:

- i. Uses materials with continuous vertical gaps of at least 50mm width to create 50% or more see through visibility; or
- ii. Uses any materials for the lower half of the fence, wall or hedge, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 75% or more see through visibility on the upper half.

In addition all fences on boundaries between residential zoned sites and any Stormwater or Recreation Reserve, gully, or any road, cycleway or pathway must contain a gate of not less than 1m in width, not less than 50% visual permeability and not greater than 1.5m in height.

#### 4a.7.7 Streetscape, Walking and Cycling Access

- (i) The design and layout of the subdivision shall provide a connected network of roads, streets and walking and cycling pathways in accordance with the Nukuhau Structure Plan in Appendix 9 and Crime Prevention through Environmental Design.
- (ii) The design and layout of the subdivision shall provide a shared walkway and cycleway along at least 75% of the full length and on at least one side the length of the stormwater gully network natural gully system as shown in Appendix 9.

4a.7.8 Any activity that does not comply with Rules 4a.7.5, 4a.7.6 and 4a.7.7 is a **non-complying activity**.

#### 4a.87.17 SUBDIVISION

- a. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.
- b. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. The clearance or planting of vegetation, including its location, species and maintenance.
- d. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.
- e. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- f. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value as identified in the plan.
- g. In respect to the New Residential Environment the appropriateness of the design, layout and density of the subdivision, having particular regard to any:
  - i. flood risk (Kuratau New Residential Environment only),

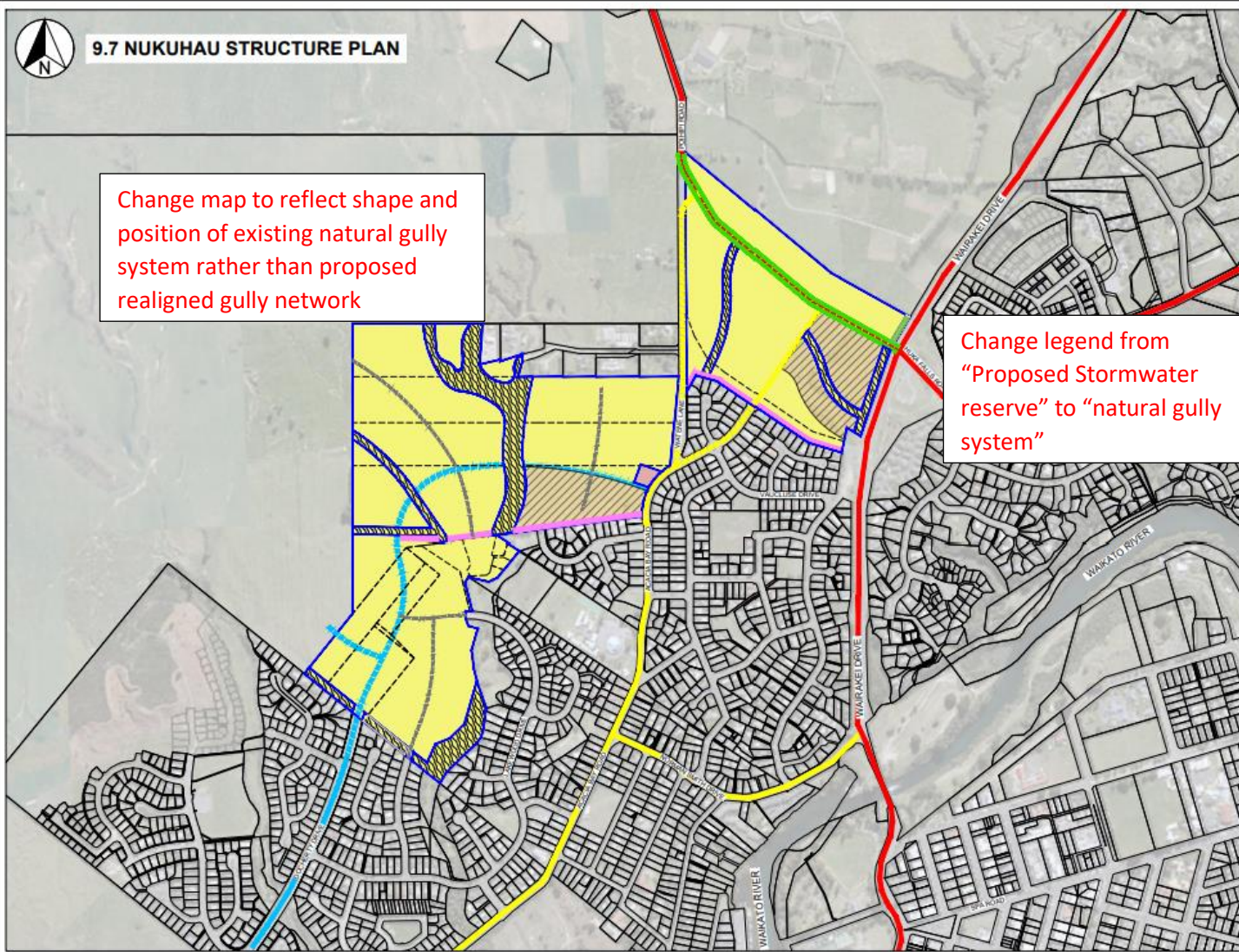
- ii. setback from any water body or river appropriate to mitigate any risk from erosion (Kuratau New Residential Environment only).
  - iii. relevant stormwater catchment management plan,
  - iv. geotechnical and topographical considerations, (including potential liquefaction effects for subdivision within the Kuratau New Residential Environment),
  - v. landscape issues (particularly as they relate to any Amenity Landscape Area),
  - vi. natural values and any infrastructural servicing issues.
- h. The densities and proposed landuses shown in the Kinloch Community Structure Plan (refer [appendix 1](#))
  - i. Whether infrastructure can sustainably service the actual or cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
  - j. The effect of the proposed subdivision on the utilisation of geothermal energy resources of Development and Limited Development Geothermal Systems.
  - k. Whether there is suitable and appropriate physical and legal access to allotments based on the number of new allotments created and any necessary title security of ownership and maintenance.
  - l. [Landscape planting, stormwater infrastructure and walking and cycling pathways network, including \(but not restricted to\) the integrated use and provision of the ~~stormwater gully network~~ natural gully system to address all three matters as indicated in the Nukuhau Structure Plan \(Appendix 9\).](#)
  - m. [Provision for a new urban gateway at Wairakei Drive \(Nukuhau Structure Plan only\)](#)



# 9.7 NUKUHAU STRUCTURE PLAN

Change map to reflect shape and position of existing natural gully system rather than proposed realigned gully network

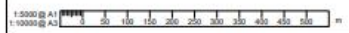
Change legend from "Proposed Stormwater reserve" to "natural gully system"



- LEGEND**
- PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE
  - PROPOSED GENERAL RESIDENTIAL ZONE
- URBAN ROAD HIERARCHY**
- ARTERIAL
  - PROPOSED ARTERIAL
  - PRIMARY COLLECTOR
  - PROPOSED PRIMARY ARTERIAL
  - SECONDARY COLLECTOR
  - PROPOSED SECONDARY COLLECTOR
  - PROPOSED ACCESS AND LOW VOLUME
- PROPOSED OVERLAYS**
- PROPOSED NEIGHBOURHOOD SHOPPING CENTRE (SHOPS)
  - PROPOSED STORMWATER RESERVE WITH PEDESTRIAN ACCESS, CYCLEWAY, AND PLANTING
  - RECREATION RESERVE, 10-12m WIDE, WITH PEDESTRIAN ACCESS, CYCLEWAY AND PLANTING
  - 3m WIDE LANDSCAPING STRIP - NO DRIVEWAY ACCESS
  - 10m WIDE LANDSCAPING STRIP

- NOTES**
- FIXED FEATURES:**
- GENERAL LOCATION OF VARIOUS ZONES.
  - LOCATION OF PROPOSED AND EXISTING ROAD INTERSECTIONS, WITH THE EXCEPTION OF THE PRECISE LOCATION OF THE PROPOSED ARTERIAL ROAD / POIHIPI ROAD INTERSECTION.
  - ROAD CLASS FOR PROPOSED ROADS.
  - POSITION OF LANDSCAPING STRIPS.
- INDICATIVE FEATURES:**
- POSITION / NUMBER OF INTERNAL ROADS.
  - LOCATION OF PROPOSED ARTERIAL ROAD / POIHIPI ROAD INTERSECTION.
  - PRECISE LOCATION AND SIZE OF VARIOUS ZONES.
  - PRECISE LOCATION AND SIZE OF STORMWATER RESERVES.
  - PRECISE LOCATION OF WHERE PROPOSED ROADS WILL INTERSECT WITH NEIGHBOURING LAND.
  - WIDTHS OF LANDSCAPING STRIPS.

FOR CONCEPT



REV	DESCRIPTION	DATE
1	SW RESERVE, CENTRE ZONE, LEGEND	HEC 2/21/2019
2	REPLACED RECREATION WITH SW RESERVE	HEC 2/21/2019
3	OVERLAYS AND SW RESERVE SWITCH REVISED	T.R. 2/16/2020
4	PROPOSED LOCAL CENTRE ZONE REVISED	T.R. 1/30/2020
5	SHOPPING CENTRE RESERVE, NOTES ADDED	H.C. 2/19/2020
6	LEGEND AMENDED	T.R. 2/4/2020
7	EXISTING & PROPOSED SW GULLIES ADDED	HEC 1/31/2019
8	ROADS REVISED	HEC 1/31/2019

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 Checked by: T. HUNNING  
 Date: 04/12/2020

Project: P. PIERCE  
 Scale: 1:500 @ A1, 1:10,000 @ A3

TAUPO DISTRICT PLAN	
PRIVATE PLAN CHANGE NUKUHAU PROJECT	
Sheet No: 2-37400.00	Scale: L001 N