

**UNDER** the Resource Management Act 1991 (the **RMA**)

**In the matter** Of the submission by the Waikato Regional Council  
on Private Plan Change 36 – Whareroa North to  
Taupo District Plan

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**STATEMENT OF EVIDENCE OF MARIE-LOUISE (MIFFY) FOLEY  
ON BEHALF OF WAIKATO REGIONAL COUNCIL AS SUBMITTER  
DATED 06 May 2020**

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<b><u>SUMMARY OF EVIDENCE</u></b>	<b>3</b>
<b><u>1 QUALIFICATIONS AND EXPERIENCE</u></b>	<b>5</b>
<b><u>2 CODE OF CONDUCT</u></b>	<b>5</b>
<b><u>3 SCOPE OF EVIDENCE</u></b>	<b>5</b>
<b><u>4. THE SITE AND THE PROPOSAL</u></b>	<b>6</b>
<b><u>5. PLANNING FRAMEWORK</u></b>	<b>6</b>
THE WAIKATO REGIONAL COUNCIL	7
THE WAIKATO REGIONAL POLICY STATEMENT	8
<b><u>6.0 WAIKATO REGIONAL COUNCIL SUBMISSION</u></b>	<b>10</b>
<b><u>7.0. ASSESSMENT</u></b>	<b>10</b>
7.1 GENERAL PLANNING APPROACH	10
7.2 ECOLOGICAL EFFECTS	11
7.3 LANDSCAPE EFFECTS	14
7.4 STRATEGIC LAND USE AND INTEGRATED URBAN LAND USE PATTERNS	14
7.5 HAZARDS (GEOTECHNICAL RISK)	17
<b><u>8.0 CONCLUSION</u></b>	<b>18</b>

## ***SUMMARY OF EVIDENCE***

1. I have made a detailed assessment of the statutory framework and a number of other plans and strategies which I consider relevant in considering Plan Change Private Plan Change 36 – Whareroa North
2. My opinion is closely aligned with that expressed by Mr Bonis in the s42A report, particularly relating to there being insufficient information on ‘substantive matters’, such as geotechnical risk, ecological and landscape effects. This lack of certainty means that I am unable to determine if the plan change is appropriately giving effect to the Waikato Region Policy Statement (WRPS) as outlined below.
2. WRPS Implementation method 4.1.9 directs district plans to adopt a precautionary planning approach to any activity where the effects may be significant but are uncertain. Method 6.1.8 also requires that, whether through such development planning mechanisms or through consent processes, decisions about new urban development are made on the basis of information that allows an assessment of the full effects of the development.
3. WRPS implementation method 11.1.1 requires district plans to ensure subdivision and land use change maintain or enhance the indigenous biodiversity. Without having full information on the effects of the proposed access included as part of the plan change, it is unclear how the district plan would give effect to method 11.1.1 as required.
4. Lake Taupo is identified in the WRPS as an Outstanding Natural Feature and Landscape. The identified character is to be protected from adverse effects, including cumulative effects from inappropriate subdivision, use and development, in accordance with WRPS Policy 12.1. The access proposed will dissect the Whareroa Stream and steep embankment on the northern side of the stream, and the SNA and associated vegetation. I agree with the assessment of Mr Bonis <sup>1</sup> and consider that without clarity on how the creation of access will avoid these adverse effects on natural character then the rural character should be retained.
5. The district council has a responsibility to ensure that natural and physical resources are managed in a way that takes a long term, strategic approach. Chapter 6 of the WRPS seeks to manage development of the built environment and associated land use. It sets out general development principles local authorities shall have regard to when changing

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<sup>1</sup> Section 42A Report, Matthew Bonis, 22 April 2020, paragraphs 183 to 189.

district plans, and development planning mechanisms such as structure plans and growth strategies. Decisions on the built environment and potential rezoning of district plans are required to have regard to Section 6A Development principles. I have considered these principles and consider that a number of principles have not been appropriately demonstrated and considered by the proponents of the Whareroa rezoning. While the principles are not absolutes, the direction of the principle should be followed, except where there are good reasons not to, as demonstrated in a section 32 report to other appropriate analysis or evaluation

6. It is important that decisions about new urban development are made on the basis of information that allows an assessment of the full effects of the development. WRPS method 6.1.8 sets out information that is required to support new development. This includes information regarding infrastructure required to service the area, which in my opinion would be inclusive of road connections.
7. The intention of WRPS Policy 13.2 is to reduce the risks to the regional community from natural hazards. In order to maintain consistency with the WRPS it is integral that the risk level is identified and understood prior to the plan change to ensure that new intolerable risk is not created. While a desktop assessment of the site has been undertaken to identify the potential risks, and the applicant's expert is confident engineering solutions exist to mitigate the effects of these, without knowing what the actual risks and how they are going to be addressed, a level of uncertainty exists as to whether those solutions are appropriate and the effects manageable given the sensitive nature of the site in relation to ecology and landscape.
8. The decision by the applicant to proceed with this plan change without including certainty around access, and the effects on the SNA and ONLF, means that this proposed change to the Taupo District Plan must be considered through a precautionary lens. I consider that Mr Bonis' recommendation to reject the plan change for the reason of insufficient information on 'substantive matters', such as geotechnical risk, ecological and landscape effects is consistent with the approach required to achieve integrated management under WPRS 4.1.9.

## **1 QUALIFICATIONS AND EXPERIENCE**

- 1.1 My full name is Marie-Louise (Miffy) Anne Foley. I am a Senior Policy Advisor in the Integration and Infrastructure Section at the Waikato Regional Council. I have been in this role since February 2019.
- 1.2 I hold the academic qualifications of a Bachelor of Sciences from the University of Waikato and a Graduate Diploma in Urban and Regional Planning from the University of New England in New South Wales (NSW), Australia. I am an intermediate Member of the New Zealand Planning Institute.
- 1.3 My role with Waikato Regional Council has been as a member of the Policy Implementation Team which involves working with the territorial authorities of the Waikato Region and with neighbouring regional councils to assist in the development of consistent integrated regional policy and implementation of the Waikato Regional Policy Statement.
- 1.4 I have 14 years' experience working in the planning field. Prior to my role with Waikato Regional Council, I was employed as a policy and strategic planner in local government in NSW for over 13 years.

## **2 CODE OF CONDUCT**

- 2.1 I confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **3 SCOPE OF EVIDENCE**

- 3.1 My evidence is given on behalf of Waikato Regional Council (WRC). My evidence reinforces the position of the WRC submission, and reflects my professional opinions as a resource management policy advisor. The focus of my evidence is centralised around the key issues of the strategic land use and provision of infrastructure, the implications of the proposal on biodiversity and landscape as well as raising the matter of uncertainty with regards to hazard risk of the subject site due to geotechnical uncertainty.
- 3.2 The submission made by Waikato Regional Council addressed several aspects that relate to the proposed residential zone. The submission highlighted misalignment with key

strategic planning documents including the Waikato Regional Policy Statement. I supervised the preparation of Waikato Regional Council's submission, dated 20 December 2019.

3.3 In preparing this evidence I have reviewed the Section 42A report and associated appendices, the original section 32 assessment prepared to support PC36 and other background material. I have also participated in prehearing meeting between the Applicant and WRC staff, on 18 March 2020.

#### **4. THE SITE AND THE PROPOSAL**

4.1 While I have been unable to physically visited the site due to COVID-19 restrictions, I have undertaken a thorough desk top assessment of the PC36 site and Whareroa surrounds using the information provided by the applicant as well as Waikato Regional Council GIS systems. I also rely on the opinions and information provided to me by WRC staff who have visited Whareroa and who are familiar with the Whareroa stream and surrounds. I agree with Mr Bonis' description of the site<sup>2</sup>.

4.2 Mr Bonis has also provided a description of PC36 and summary of the proposed amendments<sup>3</sup> with which I agree.

#### **5. PLANNING FRAMEWORK**

5.1 I consider the following documents are relevant to the plan change proposal:

- a) The purpose and principles of the RMA (sections 5-8);
- b) The functions of regional councils (section 30) and territorial authorities (section 31);
- c) National Policy Statement for Freshwater Management 2017;
- d) Waikato Regional policy Statement May 2016 (WRPS);

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<sup>2</sup> Section 42A Report, Matthew Bonis, 22 April 2020, paragraphs 13 to 23

<sup>3</sup> Section 42A Report, Matthew Bonis, 22 April 2020, paragraphs 54 to 57

e) Operative Taupo District Plan;

f) Other documents:

- TD2050 (2006) and TD2050 (2018)
- Southern Settlements Structure Plan (SSSP)(2013)

5.2 I have read and agree with Mr Bonis' account of the development process to date of TD2050 and other strategic planning documents. TD2050 is of particular relevance as the revised version made adjustments to Future Residential Growth Areas including the exclusion of a number of previously identified future growth areas. It states that 'Whareroa North is included as a future growth area on the basis that it has previously been identified in planning documents and Council has recently received a private plan change seeking to have the zoning changed. Key strategic issues for growth management, including ensuring demonstrated demand for the land and appropriately managed costs to the community, will need to be justified before development at Whareroa can proceed. The fate of the Whareroa expansion was intended to be decided within this formal private plan change process.

5.3 I have considered this framework and these documents when undertaking my assessment of the section 42a recommendations.

### **The Waikato Regional Council**

5.4 The Waikato Regional Council (WRC) was constituted as a regional council under the Local Government (Waikato Region) Re-organisation Order 1989 and the Local Government Act 1974. The latter Act has since been largely, but not completely repealed and replaced by the Local Government Act 2002.

5.5 WRC has the typical ambit of powers, functions, and duties of a regional council under the Resource Management Act 1991 (RMA). These powers and functions extend to ensuring the strategic integration of infrastructure and land use through objectives policies, and methods<sup>4</sup>.

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<sup>4</sup> S30(1)(gb), RMA 1991.

## The Waikato Regional Policy Statement

5.6 In accordance with section 60 of the RMA, WRC has prepared the Waikato Regional Policy Statement (WRPS) which became operative in 2016.

5.7 The purpose of a regional policy statement is to achieve the purpose of the RMA by “providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region” (s59 RMA). Being a second-generation regional policy statement, the WRPS contains a number of policies and directive implementation methods on a range of resource management issues in the region, as well as higher order objectives.

5.8 The WRPS identifies six significant resource management issues for the region, being:

- 1) State of resources
- 2) Effects of climate change
- 3) Providing for energy demand
- 4) Managing the built environment
- 5) Relationship of tāngata whenua with the environment
- 6) Health and wellbeing of the Waikato River catchment.

5.9 Twenty-six objectives address the issues and identify the desired end state of the region’s natural and physical resources. Achievement of these objectives is through the policies and implementation methods set out in the WRPS. The following objectives are particularly relevant to this plan change:

- 3.3 Decision making
- 3.12 Built Environment
- 3.19 Ecological integrity and indigenous biodiversity
- 3.20 Outstanding natural features and landscapes
- 3.21 Amenity
- 3.22 Natural character
- 3.24 Natural hazards

5.10 The WRPS provides policy direction for the region and does not contain rules. The key implementing documents of the WRPS are district and regional plans which are required



to 'give effect' to a regional policy statement including through rules (RMA s75(3)(c)). The Supreme Court states in its decision on *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* that 'give effect to' simply means 'implement'. It is a strong directive creating a firm obligation on those subject to it.

5.11 Hence regulatory methods, such as rules, which achieve objectives in the regional policy statement are specified and implemented through regional and district plans. A regional plan cannot direct a district plan, yet a district plan is required to not be inconsistent with a regional plan (RMA s75(4)(b)). The regional policy statement, therefore, provides the means to achieve integration between regional and territorial functions.

5.12 Figure 1 illustrates the planning framework within which the WRPS sits.

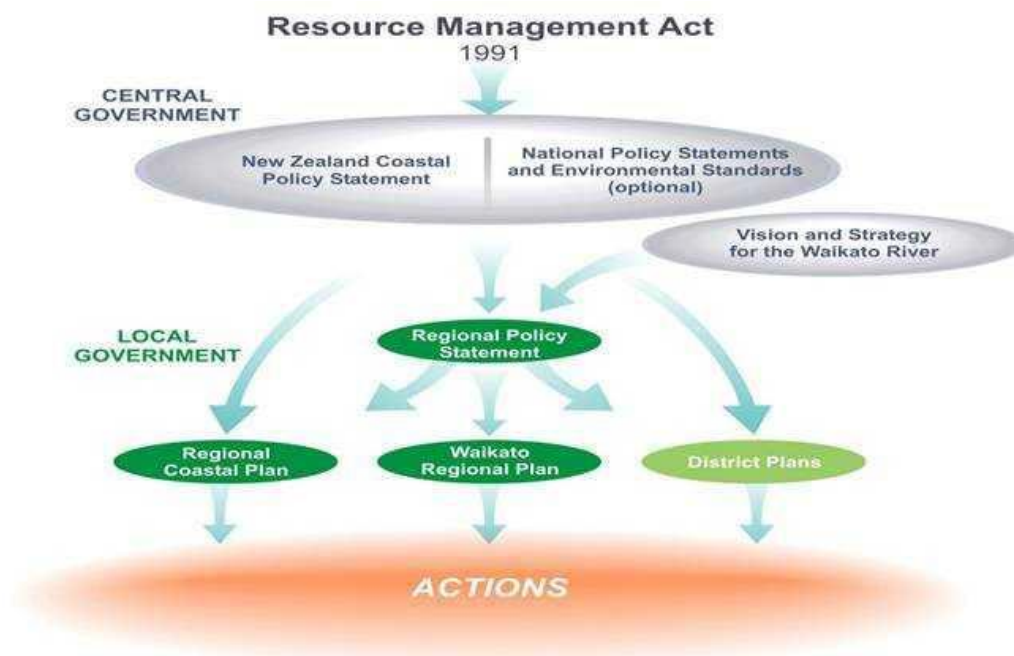


Figure 1 Planning framework and hierarchy of RMA documents

5.13 The wording contained within the WRPS (Reader's Guide - 2. General Interpretation) is explicit in how the methods should be implemented.

- 'Shall' has been used where methods are of a directive nature, where little discretion is intended to be exercised.
- '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.

5.14 In accordance with the King Salmon decision, while the WRPS does not contain rules, its provisions are to be applied unambiguously. As an example, WRPS Policy 6.3 seeks to manage the built environment for the purposes of coordinating growth and infrastructure. Method 6.3.1 directs district plans to *“include provisions that provide for long-term strategic approach to the integration of land use and infrastructure, and that give effect to 6.3, including...”*. Therefore there is a strong directive to ensure the Whareroa North plan change implements this method, and other methods where directive wording has been applied in the WRPS.

## **6.0 WAIKATO REGIONAL COUNCIL SUBMISSION**

9.1 WRC opposed the plan change on the basis that fundamental aspects have been excluded from the proposal which does not allow for an appropriate assessment of effects.

9.2 WRC also submitted that:

- a) the uncertain scale of the required works to construct the access through has the potential to create significant adverse effects on the SNA and landscape values of Whareroa.
- b) further greenfield development should not occur within the Taupo District without appropriate consideration given to infrastructure constraints and the strategic coordination of the growth of the district.
- c) there are unknown hazard risk concerns in relation to the retrogressive ‘bowl’ feature on the site.

## **7.0. ASSESSMENT**

### **7.1 General Planning approach**

7.1.1 The WRPS Implementation method 4.1.9 directs district plans to adopt a precautionary planning approach to any activity where the effects may be significant but are uncertain.

7.1.2 Method 4.1.9 c) indicates that district plans ‘shall’ adopt a precautionary approach towards any proposed activity whose effects may be significant or irreversible but are as yet uncertain, unknown or little understood, including the use and management of coastal resources particularly vulnerable to effects from climate change. Method 6.1.8

also requires that, whether through such development planning mechanisms or through consent processes, it is important that decisions about new urban development are made on the basis of information that allows an assessment of the full effects of the development.

7.1.3 The decision by the applicant to proceed with this plan change without including certainty around access and the effects on the SNA and ONLF means that this proposed change to the Taupo District Plan must proceed under a precautionary lens. I consider that Mr Bonis' recommendation to reject the plan change for the reason of insufficient information on 'substantive matters', such as geotechnical risk, ecological and landscape effects is consistent with the approach required to achieve integrated management under WPRS 4.1.9.

## **7.2 Ecological Effects**

7.2.1 Subdivision and land use change are specifically activities whereby district plans are required to maintain or enhance the indigenous biodiversity, in accordance with WRPS implementation method 11.1.1.

*Method 11.1.1. Regional and district plans shall maintain or enhance indigenous biodiversity, including by:*

*a) providing for positive indigenous biodiversity outcomes when managing activities including subdivision and land use change;*

*b) ...*

7.2.2 Without having information on the full effects of access included as part of the plan change (the applicant intends to undertake the necessary studies as a preliminary stage to the development), it is unclear how the district plan would give effect to method 11.1.1 as required. Excluding access at the plan change stage is, in my opinion, contrary to the requirements of the WRPS. Further, it has meant that the assessment under s32 of the RMA is incomplete as it is difficult to 'identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions' while some of the costs and benefits remain unknown. I acknowledge that as part of the pre-hearing process the applicant has engaged with WRC to try and formulate potential policy solutions prior to the hearing. However, I believe it to be essential to include assessment of the proposed access to understand the effects of the proposal. It remains unclear as to the realistic scale of the works required to form the access. I consider that it would be pre-emptive to have

pursued potential solutions where there was no certainty as to the scale of measures required to achieve maintenance or enhancement of the indigenous biodiversity. Therefore, without understanding of the scale of clearance of vegetation, I am of the opinion that it would not possible to approve this plan change with certainty of positive biodiversity outcomes ensuring that the district plan will be consistent with the WRPS.

7.2.3 In his evidence, Chris Wedding acknowledges that 'there would be significant residual adverse effects of the proposed plan change associated with vegetation removal for road construction on ecological values, following measures I've described to avoid, remedy and mitigate. This is because some of the vegetation and habitats that would be removed would be permanently lost. These values could not be remediated after construction and would need to be offset at another location'.

7.2.4 His evidence focuses on vegetation removal for road construction, which has not been quantified. Without geotechnical investigations, there is uncertainty as to the amount of vegetation is to be removed, and whether the proposed mitigation measures will be sufficient given the potential engineering solutions that may be required to deal with the soils types encountered. Further, the application and the applicant's evidence refer to vegetation removal and tracking required for the 'preliminary stage' of the development and for separate pedestrian links and cycling links to be provided to minimise "inter-modal" conflict on the access road with no quantification of the additional associated vegetation clearing. For example, what are the implications if geological conditions require stripping of compressible soils etc. as identified in the evidence of Mr Phadnis? While Mr Phadnis' evidence outlines expected and worst case scenarios based on the findings of future geotechnical work, this information is not quantified or presented in a way to enable consideration of effects for a best case versus a worst case scenario, such as identification of the minimum and maximum areas of earthworks and associated vegetation clearing required to construct the access road, with allowances the pavement, services corridor, stormwater management, separate pedestrian and cycle access, cut and fill batter, and any additional earthworks required to stabilise the works if needed.

7.2.5 Policy 11.2 of the WRPS (see below, emphasis added) aims to protect significant indigenous vegetation and significant habitats of indigenous fauna by requiring district plans to ensure activities avoid biodiversity loss in preference to remediation or

mitigation and that *remediation, mitigation and offsetting may not be appropriate where the indigenous biodiversity is rare, at risk, threatened or irreplaceable*

7.2.6 The one proposed access location requires the dissection of the existing SNA and adverse effects can not, as acknowledged by Chris Wedding, be avoided. Mitigation, remediation and offsetting are the only options presented by the applicant. Creating access to the site will require further dissection and fragmentation of this functional natural feature. The presentation of a single access option does not allow decision makers to consider alternative options which may pose less of a burden on the indigenous vegetation and fauna. Therefore, the plan change does not provide certainty that the characteristics that contribute to the significance of the SNA will be protected.

*Policy 11.2 Protect significant indigenous vegetation and significant habitats of indigenous fauna*

*Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced.*

*11.2.2 Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna*

*Regional and district plans shall (excluding activities pursuant to 11.1.4):*

- a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) require that activities avoid the loss or degradation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation;*
- c) require that any unavoidable adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are remedied or mitigated;*
- d) where any adverse effects are unable to be avoided, remedied or mitigated in accordance with (b) and (c), more than minor residual adverse effects shall be offset to achieve no net loss; and*
- e) ensure that remediation, mitigation or offsetting as a first priority relates to the indigenous biodiversity that has been lost or degraded (whether by on-site or offsite methods). Methods may include the following:
  - i) replace like-for-like habitats or ecosystems (including being of at least equivalent size or ecological value);*
  - ii) involve the re-creation of habitat;*
  - iii) develop or enhance areas of alternative habitat supporting similar ecology/significance; or*
  - iv) involve the legal and physical protection of existing habitat;**
- f) recognise that remediation, mitigation and offsetting may not be appropriate where the indigenous biodiversity is rare, at risk, threatened or irreplaceable;  
and*

*g) have regard to the functional necessity of activities being located in or near areas of significant indigenous vegetation and significant habitats of indigenous fauna where no reasonably practicable alternative location exists.*

### **7.3 Landscape Effects**

7.3.1 Lake Taupo is identified in the WRPS as an Outstanding Natural Feature and Landscape and is shown on Map 12-10: ONFL 9 – Lake Taupo. The identified characteristic of an expansive area of water, and memorable and vivid natural character are to be protected from adverse effects, including cumulative effects from inappropriate subdivision, use and development in accordance with WRPS Policy 12.1. WRPS 12.2 is of particular relevance to Whareroa as it refers to the margins of lakes, rivers and their margins, and where these are considered to be outstanding. While the Whareroa development is set back from the lake and stream margin, the access as proposed will dissect the Whareroa Stream and steep embankment on the northern side of the stream, and the SNA and associated vegetation. I agree with the assessment of Mr Bonis <sup>5</sup> and consider that without clarity on how the creation of access will avoid these adverse effects on natural character then the rural character should be retained.

7.3.2 As with ecological impacts, the WRPS creates directive requirements for landscape values, where little discretion is intended to be exercised and the district plan is expected to give effect to the provisions. This reinforces the notion that it is inappropriate for access be addressed at resource consent stage. In my opinion, to approve the plan change without certainty around how the access may affect landscape values would be inconsistent with the requirements of the WRPS.

### **7.4 Strategic Land use and Integrated Urban Land Use Patterns**

7.4.1 The district council has a responsibility to ensure that natural and physical resources are managed in a way that takes a long term, strategic approach which recognises the changing environment and changes in resource use pressures and trends. Integrated management seeks to balance the different values attributed to these resources by different sectors of the community. This approach aims to achieve effective and efficient resource use and value for money for those funding different activities. Local authorities have competing demands for resources; therefore, this approach should

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<sup>5</sup> Section 42A Report, Matthew Bonis, 22 April 2020, paragraphs 183 to 189.

avoid natural and physical resources being 'caught short' in the face of sudden or cumulative changes to the environment and demand on resources. Policy 4.1 and Method 4.1.12 of the WRPS (see below, emphasis added) formalise the importance of other plans and strategies local authorities use, such as growth strategies and structure plans remaining consistent with the WRPS, unless there is a good reason not to.

*4.1.12 Other plans and strategies*

*Local authorities should, where appropriate, seek consistency with the objectives and policies of the Regional Policy Statement in other plans and strategies, including:*

- a) asset management plans;*
- b) long-term plans;*
- c) regional pest management strategies;*
- d) regional land transport plans;*
- e) navigation safety and other bylaws;*
- f) Waikato Regional Council zone management plans;*
- g) civil defence and emergency management group plans;*
- h) structure plans;*
- i) growth strategies; and*
- j) reserve management plans.*

7.4.2 Chapter 6 of the WRPS seeks to manage development of the built environment and associated land use. Decisions on the built environment and potential rezoning for district plans are required to have regard to Section 6A Development principles, recognise the cumulative impacts of subdivision, use and development, base decisions on sufficient information to allow assessment of the long term effects, and have regard to the existing environment. In the context of Whareroa, I do not believe that the long-term effects of the development are constrained to just the Whareroa locality but include wider effects, including economic effects, on the Taupo District as a whole

7.4.3 It is important that decisions about new urban development are made on the basis of information that allows an assessment of the full effects of the development. WRPS method 6.1.8 sets out information that is required to support new development. This includes information regarding infrastructure required to service the area, which in my opinion would be inclusive of road connections.

7.4.4 I understand that WRPS Policy 6.11 – Implementing Taupo District 2050, is in reference to the original version of TD2050. I agree with Mr Bonis' conclusion that any rezoning request, while consistent with a growth strategy or structure plan, does not proceed on the premise that it would be automatically accepted as appropriate for rezoning. WRPS

Policy 6.11 c) reinforces this position that changes to the Taupo District Plan must also be considered on its merits under the RMA, in addition to other WRPS provisions.

*Policy 6.11 Implementing Taupo District 2050*

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

7.4.5 Section 6 of the WRPS sets out general development principles local authorities shall have regard to when changing district plans, and development planning mechanisms such as structure plans and growth strategies. I have considered these principles and have assessed the following principles which I consider have not been appropriately demonstrated and considered by the proponents of the Whareroa rezoning.

6A Development principles

General development principles

New development should:

- a) ...
- b) ...
- c) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;
- d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;
- e) connect well with existing and planned development and infrastructure;
- f) ...
- g) ...
- h) ...
- 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;
- j) maintain or enhance landscape values and provide for the protection of historic and cultural heritage;
- k) promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna.  
*Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;*
- l)-s) ....



7.4.6 I acknowledge the wording contained within the WRPS is deliberate and the wording of 'should', contained in the 6A development principles mean the principles are not absolutes. However, the direction of the principle should be followed, except where there are good reasons not to, as demonstrated in a section 32 report to other appropriate analysis or evaluation. Particularly in regard to the principle (e), I do not accept that it is appropriate to exclude access on the basis the investigation required being too costly for the proponents without certainty of the rezoning approval, or that this can be dealt with at the later consent stage as without certainty regarding access decision makers will not be able to determine consistency with the WRPS and regard to how the development connects with the existing Whareroa settlement and infrastructure. I argue that without including access the proposed development is inconsistent with principle 6A (e).

7.4.7 WRPS Policy 6.3 is to ensure a co-ordinated approach between land use and infrastructure planning so that infrastructure can be provided in a cost-effective manner. While I understand there is an argument that many of these provisions will not be relevant to the holiday settlement nature of Whareroa, which has low permanent occupancy, it is important the long-term servicing obligations to the Council, and ultimately the rate payer, remain affordable. Policy 6.3(e) reinforces this view in stating that where infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional or local government agencies. I disagree with the conclusions of the NERA report which suggests that "greater weight should be placed on the analysis at a more local level", rather than assessing demand across the wider Taupo District given that the decisions made on localised plan changes will have implications spanning the district as a whole. I am concerned with the anticipated long-term community costs indicated by Taupo District Council, verified by the Property Economics report, and consider it appropriate that the economic assessment justifying the proposal evaluates the wider district and long-term implications of infrastructure and funding which will ultimately be maintained by Taupo District Council.

## **7.5 Hazards (Geotechnical Risk)**

7.5.1 The intention of WRPS Policy 13.2 is to reduce the risks to the regional community from natural hazards. Avoiding risk everywhere is unavoidable so the WRPS seeks to ensure that development is appropriate with respect to the level of risk faced relative

vulnerability of different activities. Subdivision, use and development are required to be managed in a way that reduce the risks from natural hazards to an acceptable or tolerable level. Fundamental to this policy is provision (a) which requires that risk is assessed for proposed activities on land subject to natural hazards. In order to maintain consistency with the WRPS it is integral that the risk level is identified and understood prior to the plan change to ensure that new intolerable risk is not created.

*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;*

7.5.2 In addition to Section 13 and managing natural hazards risk, the lack of certainty in relation to the 'bowl' feature and the underground hydrological process which contributed to its creation, I consider the lack of investigative works to understand the natural hazard are inconsistent with development principle 6A (h) and the requirement to ensure that new development is directed away from natural hazard areas.

7.5.3 As stated in Mr Phadnis' evidence, he has undertaken a desktop assessment of the site and identified all the potential risks that could apply to the site and is confident that engineering solutions exist to mitigate the effects of these. I accept Mr Phadis' expert opinion in this regard, however, without knowing what the risks are and how they are going to be addressed, a level of uncertainty exists as to whether those solutions are appropriate and the effects manageable given the sensitive nature of the site in relation to ecology and landscape.

## **8.0 Conclusion**

8.1 On the basis of my preceding evidence, I consider that the proposed plan change will not give appropriate effect to the Waikato Regional Policy Statement on the issues of integrated management, ecology including avoiding adverse effects on indigenous vegetation and fauna, landscape effects, strategic and integrated land use and natural hazard risk management. I support the recommendation of Mr Bonis that the plan change be rejected due to the insufficient information on substantive matters which will

impact upon the decision makers ability to ensure that the plan change gives effect, and is consistent with, the Waikato Regional Policy Statement.

Miffy Foley

6 May 2020