

**COMMISSIONER REQUEST**

**MINUTE 5**

- [1] The commissioners have read the Incorporation's<sup>1</sup> briefs of evidence.
- [2] We have compiled a list of questions which is attached.
- [3] As set out in Minute 4, we would appreciate receiving written answers to these questions by 5pm on **Friday 5 June 2020**.
- [4] It would be helpful if a single written response document is provided, with each answer being inserted after the question.
- [5] We request that the questions are also provided to the TDC s42A authors/witnesses for their information and posted on the TDC webpage. We also request that the eventual 'questions and answers' document is similarly provided and posted.



Rob van Voorthuysen

**Independent Commissioner - Chair - on Behalf of the Commissioners**

Dated: 21 May 2020

---

<sup>1</sup> Proprietors of Hauhungaroa No. 6 being the Proponents of PPC36.

Paragraph	Question
Hokowhituatu Duncan Cormac McKenzie	
3.3	Of the proposed 140 to 160 new residential lots in the northern subdivision, how many will be made available to descendants of the original owners?
3.6	In your evidence you outline that the development of the Northern side is key for shareholders to realise a return on the investments made in previous years, yet the number of sections proposed falls short of those proposed in the original development. Do you see this as an issue in realising your aspirations?
5.3	Are you able to expand on why Whareroa Station is still dependent on the completion of the northern subdivision for its future sustainability and economic progress?
5.5	Did you consider seeking to formalise an option for ensuring access for the road and bridge before seeking a Plan Change?
	Your evidence outlines a long history of discussion regarding the Whareroa Development with councils. Do you agree with Joanne Lewis's outline (paragraph 2.3 of her evidence) about why the current Taupō District Plan does not zone the Whareroa North area as "Residential Environment"?
	We have been presented with expert evidence from various witnesses who discuss the 'uniqueness' of the proposed Whareroa North development, as well as evidence which weighs the economic benefits to the wider Taupo community. Can you describe your cultural perspective of 'uniqueness' as well as any cultural benefit economic or otherwise?
	The proposed access road requires future resource consents which we understand would be collectively assessed as a 'discretionary activity'. If consents for the access road were to be declined would the Incorporation then consider alternative vehicular access arrangements? In that situation would the Incorporation still look to run wastewater and potable water supply pipes up to the plateau from their current termination point at Whareroa Road where it currently terminates at Poriwira Drive?
	In your Attachment B (paragraph 15 of the letter from Harkness Henry dated 20 April 2020) it states " <i>The Incorporation intends to ask the MLC to approve a land exchange between its farm holding and the area of SNA that will be protected and is currently within the 6A Block</i> ". Can you explain the purpose of this land exchange? Is it related to the this connected to the potential 20 hectares for biodiversity offsetting outlined in paragraph 8.14 of the evidence of Chris Wedding?
Merilyn Connolly	
3.14	Can you outline in more detail how the SNA provisions introduced on the eastern portion of the area on the Northern side in 2008 impacted on the Proprietors of Hauhungaroa No. 6?
8.5	Are you able to explain why the Proprietors of Hauhungaroa No. 6 intend leasing most of the sections on the Northern side?
Kevin Counsell - Economics	
22	Can you describe what you find to be the "unique qualities" of Whareroa relative to other areas?
25, 48-57	Is it likely that in the absence of a unique offering at Whareroa, development at Whareroa would shift where people choose to purchase property from one area to the other? We understand that ratepayers are responsible for the long-term maintenance and replacement of infrastructure over all of the District, regardless of the demand and supply 'balance'. So, it could be possible that there is a net local benefit to the Incorporation from PPC36 as you state, but with an additional cost to the Taupō community for district wide infrastructure if district wide supply exceeds demand?

Paragraph	Question
46, 47	If demand for sites at Whareroa North seems likely to be driven by residents of places other than Taupo District (as 'holiday' properties/home), how relevant are trends /projections of TDC <u>usually resident</u> population?
50 56	At paragraph 8.5 of her evidence Marilyn Connolly states that most sections in the PPC36 northern development will be "leased rather than sold". How does this affect your analysis?
55	Can you give some practical examples of the "consumer surplus" that might accrue to purchasers of sections in the proposed Whareroa North subdivision?
	NERA Report, paragraph 27: Why do you state that it is " <i>likely that there would be a more distinct demand for properties in the southern and western Taupō</i> "? Are you aware of any evidence to suggest that this will be the case?
	NERA Report, paragraph 70: Is the potential you identify for additional rates revenue from Whareroa North dependent on construction of dwellings, or just the creation of new allotments?
	What comment do you have, regarding District wide economic impacts, regarding Mr Keys' comment at 7.26 of his evidence, that " <i>Ratepayers will see very little change because Whareroa North will be such a small portion of the total network, and in fact economies of scale, cost effectiveness and general infrastructural efficiency all have the potential to increase as a result of the expansion of Whareroa.</i> "
	In your analysis what if any weight did you give to the October 2018 'refresh' of the Taupō District 2050 Growth Management Strategy (TD2050).
Michael Keys - Infrastructure, roading and bridge	
7.7	Does the " <i>demand anticipated from Whareroa North</i> " account for the peak demand periods that might be associated with home-owners usage over holiday periods?
8.2	Can you explain why you consider that " <i>... determining the cost is more appropriately done once the Plan Change has been approved</i> "?
8.9	How many dwellings are there in the existing Whareroa Village that contribute to this 70kgN/year load? Is it correct that there are 47 vacant lots in the existing Village?
	To your knowledge does the current potable water supply in Whareroa comply with the Drinking-water Standards for New Zealand 2005 (revised 2008)?
Harshad Phadnis - Geotech	
2.6	Can you explain why you consider that the natural hazard risks within the PPC36 area of land to be used for residential dwellings are not 'intolerable', including with reference to any quantitative definitions of 'intolerable risk' that you are familiar with?
6.4a	In bullet point 2 on page 3 of the Cheal letter dated 18 October 2018 (page 13 of 34 in your Appendix 6) the term "equilibrium condition" is used. Are you able to explain what "equilibrium condition" means?
12.1	Do the solutions set out in your Table take into account the cumulative effects of the potential natural hazards that you have identified?
Tony Kelly - stormwater	
No questions.	

Paragraph	Question
Chris Wedding - ecology	
8.14	What area (hectares) of SNA062 would be impacted by the construction footprint of the proposed access road? Who owns the land where you have identified 20ha of restoration and enhancement opportunities?
	Do you agree with William Shaw that the existing flora and fauna in the 2ha 'Area 2' (your Figure 1) triggers the significance criteria in the Waikato RPS section 11A Table 11-1?
Mary Monzingo - Landscape	
7.4.5 Bullet 4	How many house lots are proposed within this 2ha 'Area 2' of "regenerating scrub" as part of the Stage 1 development?
9.46	Is there an indicative plan showing the proposed building platform/envelope layout for this area of "regenerating scrub"? Have you specifically assessed the landscape and visual effects of having house lots in this area of "regenerating scrub"?
7.4.6	The Whareroa North Outline Development Plan (Section 2 Key Outcome I) proposes "a maximum building height of 8m and lesser heights in areas of the site with moderate or greater visibility from off site." How does this relate to the current TDP rules in both a residential and rural context?
Appendix 2	The Whareroa North Outline Development Plan (Section 2 Key Outcome I) addresses "light spill". Can you describe what would constitute adverse "light spill" in this environment?
Appendix 2	The Whareroa North Outline Development Plan (Section 2 Key Outcome j) addresses legal protection in perpetuity of indigenous vegetation. In your opinion are Consent Notices the best method for achieving the maintenance of indigenous vegetation within a residential allotment "in perpetuity"?
Sian Keith - Archaeology	
14	In your opinion is an archaeological authority from HNZPT required for the upper plateau area where the house lots will be developed?
27	What is the process for moving the recorded location of site T18/9 and redefining its nature (ie kāinga and not a pā)?
Joanne Lewis - Planning	
3.1	You note that the Executive Summary of the SSSP states that one of the key benefits of the SSSP is that " <i>The 'market' is left to determine when demand is such that land should be re-zoned and developed rather than Council attempting to determine when more land is necessary</i> ". Apart from Whareroa North, are you aware of any other locations within the Taupō District where that currently applies?
7.6	Notwithstanding the proposed inclusion of a dotted line "Access" route on TDP Map C29, does PPC36 seek to amend the land use zoning of the area of escarpment that the access road will traverse in any other way?
7.23	Should PPC36 be approved, but the access road does not subsequently gain consent, could the TDC then decline subdivision consent under s106(1)(c) of the RMA?
8.9	Would it be more certain if the Anticipated Environmental Outcomes section stated that "... subsequent applications for resource consents <u>must</u> <del>should</del> also ..."
9.44	Given that future discretionary activity (under the 'bundling' principle) resource consents are required for the proposed access road and associated bridge, why do you imply that decision-

Paragraph	Question
	makers on PPC36 need to consider potential effects of the access road and bridge in the context of WRPS (and presumably RMA and TDP) provisions?
9.65	Does PPC36 seek to rezone any land within SNA062?
9.72	Would a similar test apply to the proposed access road – namely in order to reach a finding that PPC36 should be approved, would we need to be confident that there is no insurmountable statutory or policy barrier to gaining roading and infrastructure access to the area that PPC36 proposes to rezone “Residential Environment”?
9.81	Does PPC36 seek to rezone any land within OLA60 or ONFL9?
	Appendix 8 of the Application notes that “ <i>Electricity and telecommunication service providers have indicated that their respective systems have capacity to cater for Whareroa North.</i> ” Have you received or do you intend to receive a confirmation that utility services, electricity and telecommunications reticulation extensions into Whareroa North are still viable?
	If PPC36 is approved, does that oblige the TDC to agree to access arrangements under an RMA process and/or Te Ture Whenua Māori, and/or a Deed potentially with Tūwharetoa Māori Trust Board, the Proponents and Council?
	If PPC36 is approved and potential natural hazards are thereafter not able to be mitigated, such that subdivision consent is not granted, is that an economic risk that falls on the Incorporation?
	<p>If PPC36 is approved, regulatory certainty regarding the avoidance, remediation or mitigation of potential adverse effects will rely on the suite of conditions able to be imposed on the subsequent subdivision consent, should that consent itself be granted.</p> <p>Do the matters of control in TDP Rule 4a.3.2 adequately and explicitly deal with <u>all potential</u> adverse effects of the proposed residential subdivision that have been identified in the evidence to date, including:</p> <ul style="list-style-type: none"> <li>▪ Effects on indigenous biodiversity, particularly that in ‘Area 2’;</li> <li>▪ Effects on landscape character;</li> <li>▪ Effects on visual amenity;</li> <li>▪ Effects on natural character;</li> <li>▪ Effects on tangata whenua values and interests;</li> <li>▪ Effects on archaeological features;</li> <li>▪ Effects on existing TDC reserves and recreational facilities;</li> <li>▪ Effects on Lake Taupo water quality;</li> <li>▪ The ability of the wastewater and drinking water infrastructure to service the new development;</li> <li>▪ Pedestrian and cycling access to and within the residential subdivision;</li> <li>▪ Provision of reserve areas within the development, including the application of Crime Prevention Through Environmental Design principles; and</li> <li>▪ Mitigating identified natural hazards risks to a level that is “acceptable” or “tolerable”.</li> </ul> <p>Is there scope within submissions to amend TDP Rule 4a.3.2 to include additional matters of control to address the above range of potential adverse effects?</p>
	Given that the proposed residential subdivision is in an unserviced area and it will result in a new public road, why is the subdivision consent not proposed to be assessed under existing TDP Rule 4a.3.3?
	Is it feasible, given the range of potential adverse effects that remain to be addressed at road access consent and subdivision consent stages, that even if PPC36 is approved the Whareroa North development might not be able to proceed?