

**BEFORE HEARING COMMISSIONERS
IN TAUPŌ**

UNDER THE Resource Management Act 1991 (“**Act**”)

IN THE MATTER OF Proposed Plan Change 42 Rural Chapter - General Rural Environment and Rural Lifestyle Environment

AND IN THE MATTER OF a submission seeking the rezoning of the site located at 387 Whakaroa Road to Rural Lifestyle Environment and associated relief.

BETWEEN **STEVE HAWKINS**
Submitter

AND **TAUPŌ DISTRICT COUNCIL**
Planning authority

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF
ANDREW BROWN CUMMING**

Before a Hearing Panel: Chairperson David McMahon, Commissioner Liz Burge, and Councillors Yvonne Westerman and Kevin Taylor.

SECTION 1. INTRODUCTION

1. My full name is Andrew Brown Cumming.
2. This update to my primary statement of evidence addresses (in accordance with Minute 10 paragraph 6) the supplementary statements of Hilary Samuel and Craig Sharman, which were enabled by Minute 6.
3. I have structured my response under the following headings:
 - (a) Section 1. Introduction
 - (b) Section 2. Jurisdiction / Procedural Issues;
 - (c) Section 3. Strategic Growth and Direction;

- (d) Section 4. Demand for Rural Lifestyle;
- (e) Section 5. Rural Lifestyle Environment Selection Criteria;
- (f) Section 6. Suitability of the Preferred Relief;
- (g) Section 7. Previous History of 387 Whakaroa Road;
- (h) Section 8. Conclusion.

SECTION 2. JURISDICTION / PROCEDURAL ISSUES

4. In my opinion, matters of jurisdiction and procedure are legal matters. I accept the advice of Mr Gardner-Hopkins that the Hearing Panel is able to grant Submitter 74's Preferred Relief, which I note has been supported by the legal opinion of Ms Burkhardt.
5. Having said that, I offer a comment based on my policy planning experience. Firstly, I concur with Mr Gardner-Hopkin's characterisation of Mr Hawkins' submission as a lay submission. Indeed, Mr Sharman (paragraph 8) comments on the contradictions inherent in the relief sought.
6. In my primary evidence, I noted my experience in district plan policy at Hutt City Council. More recently I was contracted to Porirua City Council to jointly prepare and process Plan Change 18 Plimmerton Farm including addressing submissions in the s42A report. In my experience, lay submissions are often poorly expressed and require interpretation. My practice was to apply a sympathetic lens to lay submissions, so as to understand and respond to the intent of the submissions rather than attempt to use their lack of planning or legal nicety against them. In my experience a black letter approach to interpretation may be convenient but can lead to procedural unfairness for submitters and, ultimately, poor planning outcomes.

SECTION 3. STRATEGIC GROWTH AND DIRECTION

7. Ms Samuel (paragraphs 28-30) appears to imply that the Te Tuhi Structure Plan, as it was initially titled, should have followed the Operative Taupō District Plan's (**Operative TDP**) Section 6e Taupō District Structure Plan process. Mr Sharman (paragraph 28) also suggests that a precinct plan or structure plan is "as referred to within Section 3e of the Operative District

Plan and as commonly used by planners to describe a comprehensive planning process for landholdings typically larger than a single property”.

8. I have used the terms “structure plan” and “precinct plan” in relation to “Development Area” and “Precinct” respectively, as they are used in the National Planning Standards.

Development Area - A development area spatially identifies and manages areas where plans such as concept plans, **structure plans**, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change (emphasis added).

Precinct - A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).

9. As described above, the concepts “Development Area” and “Precinct” have considerable overlap. Both terms use the phrase “spatially identifies and manages areas”. Neither term is concerned with the process used to reach the end point. I am comfortable that either concept would be satisfactory for the Te Tuhi site. After some discussion of the pros and cons of both concepts, the Joint Witness Statement – Planning settled on “Precinct” as the preferred approach.
10. The Te Tuhi Precinct Plan (**TTPP**) is a site-specific overlay that modifies the underlying proposed zone provisions. While a site-specific or area specific “structure plan” can be the subject of broad consultation processes under the Local Government Act, in the way that Taupō District Council (**TDC**) has approached the concept “structure plan” previously, that does not preclude consideration of the TTPP under a formal plan change process.
11. I agree with Ms Samuels that the Operative TDP Section 3e sets out a robust process¹ and I acknowledge that the TDC website² identifies six structure plans that were adopted by TDC and informed subsequent district plan changes:

- (a) Taupō Urban Structure Plan (2004);

¹ For completeness I noted in my primary evidence how the TTPP has addressed the matters listed in Section 6e of the Operative TDP

² <https://www.taupodc.govt.nz/council/plans-and-strategies/structure-plans>

- (b) Taupō Town Centre Structure Plan (2004);
 - (c) Kinloch Community Structure Plan (2004);
 - (d) Mapara Valley Structure Plan (2009);
 - (e) Taupō Urban Commercial and Industrial Structure Plan (2011);
 - (f) Southern Settlements Structure Plan (2013).
12. Interestingly, PC42 has not proceeded as part of a Taupō District Structure Plan process although I acknowledge that the Proposed Taupō West Rural Structure Plan (**TWRSP**) was publicly notified in 2004 but was never finalised or formally adopted by TDC. According to a 2005 TDC media release (Attachment 1) a TDC hearings committee:
- unanimously agreed that further consideration of the proposed structure plan needed to be deferred until:
- A district wide growth management strategy could be completed
 - Environment Waikato makes further progress on a proposed variation to its regional plan concerning management of Lake Taupō water quality
 - Council makes further progress on a variation to its proposed District Plan dealing with landscape values.
13. The three precursor requirements identified in the above media statement have all occurred but the TWRSP process has never been reinstigated. Through Ms Blick, I have sought a copy of the TWRSP from TDC but have not yet been unable to obtain it. (I understand that Ms Samuel kindly emailed a file link but the link did not function). The closest I have got to the document is to locate a list of files on a 2004 archive of the TDC webpage (Attachment 1). Regrettably the links, at least the ones I have tried, no longer open the files. The filenames refer to a range of information (for example, land use capability, slope, vegetation, soils, landscape, archaeological sites) which suggests the TWRSP explored the constraints and attributes of the Structure Plan area before coming up with potential solutions.
14. I presume that the 2009 Mapara Valley Structure Plan drew on the TWRSP information base but I have not researched that to confirm.
15. Regardless of the above, I understand TDC to be satisfied that PC42 has met its strategic requirements. Mr Gardner-Hopkins has advised that the

Preferred Relief is a legitimate part of the PC42 process. Therefore, I do not believe that Submitter 74 or his Preferred Relief have any responsibility to conduct any separate or additional process.

SECTION 4. DEMAND FOR RURAL LIFESTYLE

16. Both Ms Samuel and Mr Sharman opine that the proposed Rural Lifestyle Environment (**RLE**) provides sufficient rural lifestyle capacity to meet demand, based on the advice of Property Economics.

17. Mr Colegrave considered the Preferred Relief and the Property Economics reports. At paragraphs 63-83 of his statement of evidence, he explains why he reaches different conclusions to the 2019 Property Economics Report. He states, in respect of the housing market, that:

The proposal will also provide a significant boost in housing capacity for a specific subsegment of the market, which appears necessary given the relative shortage seemingly identified in a 2019 report for the Council.

18. Mr Sharman advises (paragraph 34) that:

An economic evaluation will also be presented during the hearing from Mr Osborne to address the absence of demand for additional RLE land. This will address issues around demand and need and will address the evidence provided by Mr Colgrave on behalf of the submitter

19. At the time of writing this statement, in the absence of further evidence, I continue to accept the advice of Mr Colegrave. I am aware that Mr Colegrave is seeking to conference with Mr Osborne, which may clarify demand.

20. I offer the additional planning perspective about demand. My observation is that demand for property (of various types) fluctuates markedly with the ebbs and flows of economic cycles. In my opinion as a planner district plans should enable sufficient supply to allow markets to operate efficiently and should do so with regard to margins of error and suitable longer term timeframes (greater than 10 years) rather than trying to match spot demand at a point in the short-medium term, 10 year district plan time horizon.

21. My final observation on demand is that if there is little or no demand for rural lifestyle sites now or in future then there would appear to be little need for PC42. In respect of the Te Tuhi site, if there was insufficient demand, then even if the relief sought were granted, then from a practical level the

site would remain in its current use and significant adverse effects would not arise. In other words, the risk of acting does not appear to be significant.

SECTION 5. RURAL LIFESTYLE ENVIRONMENT SELECTION CRITERIA

22. Both Ms Samuel and Mr Sharman are of the opinion that the Te Tuhi site should not be rezoned as RLE because it does not meet the RLE selection criteria. To me, that begs several related questions:

- (a) Are the RLE selection criteria appropriate to meet the purpose of PC42?
- (b) Are the RLE selection criteria clear and readily able to be applied?
- (c) Are the RLE selection criteria in fact the criteria that have been used in PC42?
- (d) Have the RLE selection criteria been consistently applied.

23. Ms Samuel has clarified (paragraph 26) that the RLE selection criteria were developed after a decision had been made to direct further rural lifestyle development into existing areas of rural lifestyle. This approach may point to some of the issues I identify below.

24. The RLE selection criteria are stated in the s32 Report and by Ms Samuel and Mr Sharman to be the following:

1. There is a presence or existing clusters of smaller/lifestyle lots.
2. Areas have not been selected where there are physical constraints such as topography, geography or infrastructure
3. Rural Lifestyle zoning will only be applied to lots smaller than 30ha (unless completely surrounded by smaller rural lifestyle blocks).
4. Overlays such as Outstanding Natural Landscapes will be taken into account.
5. Proximity to Taupō township.
6. Rural lifestyle zoning will not be applied where properties are accessed from State Highways.
7. Properties subject to the D1 Geothermal Rule have been excluded.

25. I consider each of the selection criteria below. I also note and respond to Mr Sharman's assessment of the Te Tuhi site against the RLE selection criteria. I begin with an example of inconsistent application of the criteria.

Inconsistent Application of the RLE Selection Criteria – An Example

26. My primary evidence set out my efforts to understand the purpose or objective of PC42. I noted that PC42 is stated in several places to be a full review of the rural chapter of the TDP. I have found no indication that PC42 is also a review of parts of the residential chapter, but, based on my further analysis, I conclude that in fact it is.
27. According to TDC's online PC42 map viewer,³ an area of Kinloch is proposed to be rezoned to RLE from Kinloch Rural Residential and Kinloch Low Density Residential. Figure 1 below shows the Operative TDP zoning on the left and the proposed RLE zoning on the right. I have added a yellow dot as a comparative reference point.

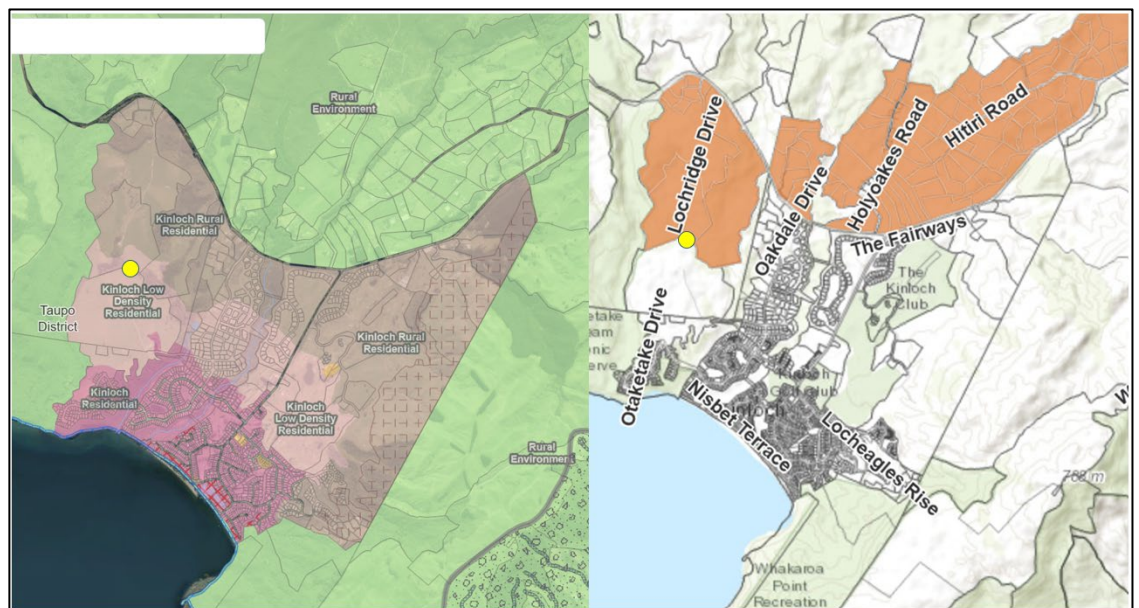


Figure 1 Operative TDP (left), PC42 RLE (right) (yellow reference points added)

28. The Kinloch zones are identified as residential zones in the Operative TDP Residential Chapter. 3a.1 Introduction of the Residential Environment states:

The Residential Environment has been identified in the Plan and on the Planning Maps in a number of different forms. To provide

³<https://taupo.maps.arcgis.com/apps/webappviewer/index.html?id=53e98f93e54041ba972af993c381d391>

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

29. I have found no mention of the two Kinloch zones in the PC42 section 32 Report and no mention in the body of the s42A Report. The zones are only mentioned in Appendix 1 of the s42A Report⁴, which offers a summary of, and recommends a response to, individual submission points.

30. The response to submission 4.3 states:

Kinloch rural residential has been included to align with the National Planning Standards terminology as a district-wide Rural Lifestyle Environment.

31. Similarly, the response to Submission 79.9 states:

The area is proposed to be rezoned to achieve better consistency with the National Planning Standards. The Kinloch Rural Residential Rules would no longer apply.

32. Rezoning to align with National Planning Standards is not one of the stated RLE selection criteria.

33. The Kinloch areas could be said to meet the RLE selection Criterion 1 (existing cluster). However, not all the Kinloch Rural Residential and Kinloch Low Density Residential areas are being rezoned (despite also being existing clusters) so some additional selection criteria have been applied, but no information on those criteria has been made available. I have not looked into the provisions of the Kinloch Low Density Residential,

⁴<https://www.taupodc.govt.nz/repository/libraries/id:25026fn3317q9slqygym/hierarchy/Council/Consultation/District%20Plan%20Changes%2038-43/General%20Rural%20and%20Rural%20Lifestyle%20Environments/S42%20updates/Appendix%201%20-%20Plan%20Change%2042%20Summary%20of%20Decisions%20Requested.pdf>

but on the face of it, if rezoning to align with the National Planning Standards was indeed appropriate, then a more natural fit than RLE would appear to be Low Density Residential Zone. The lots in question currently show on the TDC online maps as 3 lots of about 60ha each so they do not appear to meet Criterion 3 (lot size) either. Nor are they close to Taupō township.

34. While I do not wish to complicate the matters before the Hearing Panel, I am forced to conclude that there are some evident contradictions and may be some procedural unfairness in PC42 itself, at least in respect of the proposed Kinloch RLE sites.

There is a presence or existing clusters of smaller/lifestyle lots.

35. I agree that considering existing clusters of lifestyle development is logical.
36. My observation is that the application of the criterion has not been entirely transparent. For example, the Kinloch areas could be said to meet the RLE selection criterion No.1 but not all the Kinloch Rural Residential and Kinloch Low Density Residential areas are being rezoned so some additional, unstated selection criteria must have been applied.
37. Mr Sharman states (paragraph 23) that, in respect of the Te Tuhi site, there is no existing rural residential cluster and that the property is not adjacent to a proposed RLE location (paragraph 26). In fact, the site immediately adjoins an existing rural residential cluster that is identified as a proposed RLE location (Figure 2). Therefore, in my opinion the site is consistent with this criterion.

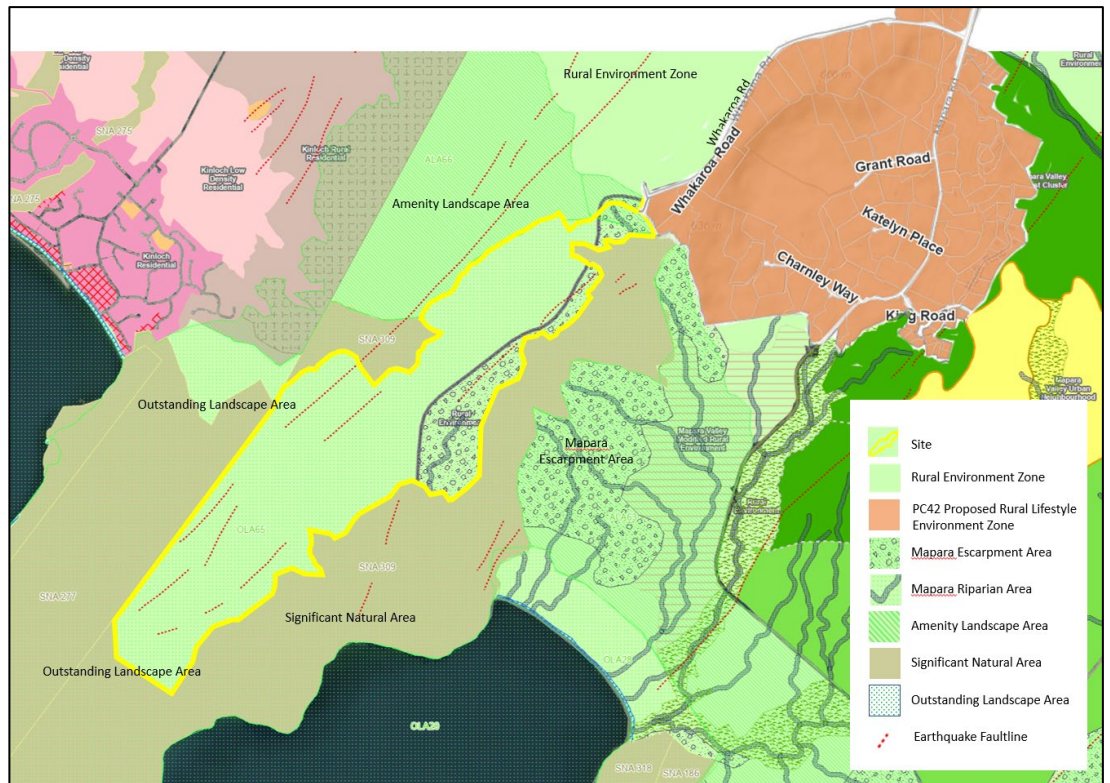


Figure 2 – Sketch map of Te Tuhi Site in relation to Proposed RLE

Areas have not been selected where there are physical constraints such as topography, geography or infrastructure

38. The meaning of “geography” as a physical constraint is unclear. If it relates to proximity to settlements then its relationship to the “Proximity to Taupō Township” criterion is unclear.
39. The application of “infrastructure” is unclear. I acknowledge the objective of avoiding pressure to extend or improve TDC infrastructure, which is being managed in PC42 through GRE and RLE provisions that require on-site infrastructure.
40. In relation to the application of “Topography”, my observation is that the RLE areas are generally easier contour land in river valleys, so I presume that sites of steeper topography have been ruled out. As I noted in my primary evidence, the approach of zoning flatter land (which includes some LUC 3) as RLE is at odds with the stated PC42 purpose of protecting productive potential.

41. Mr Sharman (paragraph 23) considers the site's "extent of physical constraints (topography, geography or infrastructure) are typical of rural properties and are moderate/manageable, although elsewhere he raises concerns about earthquake faultlines. I base my conclusion on the comprehensive expert reports that have investigated the site. I conclude that there are no relevant constraints and that the site meets this criterion (with the possible exception of the "geography" component, which I do not understand).

Rural Lifestyle zoning will only be applied to lots smaller than 30ha (unless completely surrounded by smaller rural lifestyle blocks)

42. I have not found any rationale in the PC42 material for why 30ha was chosen as the upper limit for sites or why the "completely surrounded" exemption is limited to rural lifestyle blocks. It has led to a rather uneven pattern of RLE zoning, with some GRE sites that are *almost surrounded* by RLE neighbours, but not *completely surrounded*, being excluded. I find that arbitrary and unrelated to a property's merits for inclusion as RLE. As I have said elsewhere, I believe a more nuanced identification and consideration of constraints and attributes would be a better approach.
43. The three Kinloch sites I mentioned earlier are each around 60ha and not completely surrounded by small rural lifestyle blocks. As noted, there is no discussion of how they relate to the selection criteria, including the lot size criterion.
44. I agree that an area's neighbouring land use may be a relevant factor. However, I would not limit suitable surroundings to rural lifestyle blocks. The Te Tuhi site is a good example of a site that is almost entirely surrounded by public conservation land (albeit zoned Rural Environment rather than say Open Space). The extensive revegetation, landscape and natural character outcomes required by the Preferred Relief show how a site's development can complement and both benefit, and benefit from, the neighbouring land use.
45. Mr Sharman observes (paragraph 23) that "the existing property size is well in excess of 30 hectares". In fact, it is some 344 hectares. I agree that the site does not meet the size criterion but, as I have said, I do not agree that

the size criterion alone should be used to exclude sites from consideration as RLE.

Overlays such as Outstanding Natural Landscapes will be taken into account

46. The preferred approach to overlay provisions is as per the National Planning Standards, where the overlay provisions are district-wide matters that are independent of the underlying zone.
47. I agree that the presence of overlays should be taken into account, along with other natural and physical attributes and constraints such as Land Use Capability. The consideration requires site or area analysis rather than what has presumably been a blanket exclusion. A blanket exclusion foregoes opportunities for greater protection and enhancement, which is promoted by PC38 Strategic Directions.
48. I agree with Mr Sharman (paragraph 23) that the site is subject to an OLA overlay but I do not agree that that fact should rule out the Preferred Relief. I accept Mr Mansergh's advice that the Preferred Relief would lead to strongly positive outcomes for landscape and natural character. To me this is further evidence that the RLE selection criteria are flawed and that reliance on them will not necessarily lead to achieving the purpose of PC42 or the strategic directions of PC38.
49. Mr Sharman (paragraph 13) notes that a site at Bonshaw Park is a proposed RLE despite being subject to an OLA. While I acknowledge that the Bonshaw Park OLA (and adjacent Significant Natural Area) covers a small area that may not be subject to development, it shows that there has been flexibility in the application of the RLE selection criteria.

Proximity to Taupō township

50. In my opinion the application of this criterion is unclear. Some proposed RLE sites are further from Taupō than proposed GRE sites. Proximity to say, Kinloch, seems to have been deemed appropriate for selection but is not a criterion. Sites immediately adjacent to Taupō urban zoning may be better identified as Future Urban or otherwise prevented from development that would hamper the future, integrated rollout of urban infrastructure.

51. Mr Sharman (paragraph 23) states that the site's "proximity to Taupō township is positive (meaning it is capable of functioning as part of the Taupō township)". I agree that the site is suitably near Taupō township. In my opinion, all land in the Kinloch to Taupō township area has broadly equivalent access to and functional relationships with Taupō township. Therefore I have not found this criterion helpful in distinguishing between RLE and GRE sites in the Kinloch to Taupō area.

Rural lifestyle zoning will not be applied where properties are accessed from State Highways

52. I accept that Waka Kotahi would not wish to see a proliferation of new vehicle accesses to state highways. However, this criterion is a blunt exclusion of properties that may well have been eminently suitable for RLE zoning. Access to state highways could have been suitably managed with district plan provisions, such as a requirement for no additional access points.
53. I agree with Mr Sharman that this criterion is not relevant to the site because the site is not accessed from a state highway.

Properties subject to the D1 Geothermal Rule have been excluded.

54. I agree that this criterion is appropriate.
55. I agree with Mr Sharman that this criterion is not relevant to the site because the site is not subject to the geothermal rule.

Conclusion Regarding the RLE Selection Criteria

56. After considering the RLE selection criteria and how they have been applied, my conclusion is that:
- (a) The RLE criteria are not fit for the purpose of achieving the objective of PC42;
 - (b) The RLE criteria are unclear in how they should be applied and how they have been applied;
 - (c) Additional, unstated criteria have also been applied;
 - (d) The RLE criteria have been applied inconsistently.

57. I confirm the opinion I expressed in my primary evidence that the Preferred Relief achieves the purpose of PC42. The Preferred Relief should not be ruled out on the basis that the site does not meet the flawed set of RLE selection criteria.

SECTION 6. SUITABILITY OF THE PREFERRED RELIEF

58. In his paragraph 19 Mr Sharman identifies two proposed RLE rules, *4b.5.3 Subdivision – Rural Lifestyle Environment that does not adjoin the General Rural Environment* and *4b.5.7 Subdivision – Outstanding Landscape Areas*, that he says would still apply under the Preferred Relief so that subdivision would be a non-complying activity.

59. In respect of Rule 4b.5.7, I disagree because in the Preferred Relief Rule 4b.5.7 does not apply to the TTP. The proposed amendments to PC42 state:

Exception: This rule does not apply to the Te Tuhi Precinct.
Refer to Rule 4b.5.10.

60. In respect of Rule 4b.5.3, my opinion is that the Precinct-specific rule 4b.5.10 would apply rather than the general zone-wide rule. Having said that, an exception note as above would avoid any doubt. Should the Hearing Panel grant the Preferred Relief I recommend that an exception note is added as consequential relief.

61. Both Ms Samuel and Mr Sharman refer to their opinions recorded in the Joint Witness Statement – Planning (**JWS – Planning**) that the objectives and policies of the TTPP may conflict with other TDP objectives and policies in ways that are difficult to reconcile when considering resource consent applications. Mr Sharman goes so far as to state “the fact is that this proposal risks intentionally inserting conflicting objectives and policies into the district plan”.

62. I remain of the opinion that there are no irreconcilable conflicts between objectives and policies.

63. As I see the situation, both Mr Sharman and Ms Samuel are satisfied that PC42 is consistent with the Waikato Regional Policy Statement, TD2050, Section 6e of the Operative TDP and PC38. I generally agree with that position. I note that the Waikato Regional Council is also satisfied with

PC42 in general (notwithstanding its opposition to submissions that seek extensions to the RLE), as stated in its letter dated 14 August 2023⁵.

64. If the Preferred Relief is granted, it would be part of PC42 and therefore, by definition, also considered to be consistent with the above strategic direction. Therefore, there is no conflict in future consent assessments.
65. The other suggested conflict identified by Ms Samuel and Mr Sharman is around landscape. Mr Sharman considers (paragraph 30) that the Preferred Relief:

... represents a challenge to the OLA objectives and policies, and the Plan Change 38 Strategic Directions objectives, for avoiding/managing subdivision and development within an OLA.

66. I disagree. The key Operative TDP landscape objective is:

Objective 3h.2.1

Protect Outstanding Landscape Areas from inappropriate subdivision, use, and development which may adversely affect the Landscape Attributes.

67. The PC38 objective for landscape is similar:

5. The protection of outstanding landscape areas from inappropriate land use and development which may adversely affect their landscape attributes.

68. The associated PC38 policies include:

2. Support and facilitate those activities which will lead to the long term protection and or enhancement of indigenous biodiversity values.

4. Activities must recognise and maintain the attributes of identified outstanding natural features and landscapes and not have any more than minor adverse effects on them.

5. Encourage the protection, enhancement and restoration of natural and landscape value areas, including by supporting opportunities for tangata whenua to exercise their customary responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing these areas.

6. Recognise the contribution made by landowners to the protection and enhancement of areas of natural values and landscapes

⁵<https://www.taupodc.govt.nz/repository/libraries/id:25026fn3317q9slqygym/hierarchy/Council/Consultation/District%20Plan%20Changes%2038-43/Submitter%20Evidence%20PC42/Submitter%2029%20WRC%20Letter%20to%20be%20Tabled%20Plan%20Change%2042%20General%20Rural%20and%20Rural%20Lifestyle%20Environments%20LATE.pdf>

69. The objectives, and their associated policies, seek to protect landscape attributes from inappropriate subdivision, use and development but also, in PC38, support projects that lead to protection and enhancement.
70. I continue to accept Mr Mansergh's advice on landscape, visual and natural character matters and I have not changed my opinion that the Preferred Relief would achieve strongly positive effects for the OLA and would therefore not comprise inappropriate subdivision and development.
71. Mr Sharman states (paragraph 27) that:
- ... Whilst the original submission relief sought is a 're-zoning' from GRE to RLE, the modified relief is for a proposal-specific layout of far greater density and is much more enabling of rural housing (than the RLE provisions).
- ... the density proposed is totally unlike that provided for within the RLE provisions as proposed within PC42.
72. I do not agree. The RLE provisions provide for subdivision that creates allotments of minimum size 4 hectares adjoining GRE and allotments of minimum size 2 hectares not adjoining GRE. I have discussed a hypothetical subdivision scenario with Mr Paul James of Envelope Engineering (who has been involved in the Te Tuhi site design). The scenario would involve a two-stage approach whereby 4 hectare allotments (of at least 100m width to enable building setback standards to be met) would be created within the outer perimeter of the site, leaving a large balance area with no GRE neighbours. Stage two would then subdivide the balance area into 2 hectare allotments. The scenario would yield approximately 30 lots of 4 hectares and 100 lots of 2 hectares, including an allowance for roading. This is a greater yield than the 112 rural residential lots provided for by the Preferred Relief.
73. I acknowledge that the scenario I set out above assumes that the original relief provides a discretionary pathway through the OLA subdivision rule 4b.5.7 as consequential relief, as discussed by Mr Gardner-Hopkins.
74. Mr Sharman (paragraph 31) also challenges the Preferred Relief on the basis of "an inadequate section 32 RMA process". Again, I note that the process is in fact the PC42 process, in which submitters are able to request and seek changes to the proposed plan change. The RMA requirement at this point is a section 32AA evaluation, at an appropriate level of detail, of the changes proposed in the Preferred Relief. The entire body of expert

information and evidence supporting the Preferred Relief now forms part of the record of the process. I provided a s32AA evaluation as an attachment to my primary statement of evidence. In my opinion the level of detail is consistent with what has been deemed acceptable at both council and Environment Court level and achieves the requirements of section 32AA.

SECTION 7. PREVIOUS HISTORY OF 387 WHAKAROA ROAD

75. I acknowledge that Ms Samuel (paragraphs 16-19) provides a brief consent history of the site. As Ms Samuel has described, in 2010 the Environment Court determined that a significant rural residential cluster development on the site was an appropriate outcome and therefore must have considered it to be in keeping with the purpose of the Resource Management Act.
76. Since that time, the consent was not implemented and has lapsed and the rural chapter provisions (including the cluster development provisions determined to be appropriate by the Environment Court) may change as a result of PC42, but the relevant aspects of Part 2 of the RMA have not changed.

SECTION 8. CONCLUSION

77. I have accepted Mr Gardner-Hopkins' advice that there are no jurisdictional or procedural impediments to the Preferred Relief.
78. The Preferred Relief is based on extensive expert advice including landscape, ecology, engineering, architecture and design. I am satisfied that the Preferred Relief would lead to strongly positive environmental outcomes for the site and would give effect to the purpose of PC42 including maintaining rural character, maintaining primary production potential, managing reverse sensitivity, providing sufficient rural lifestyle opportunities in existing areas to meet demand, enabling appropriate and sustainable alternatives to farming including agribusiness, tourism activities and visitor accommodation and maintaining a rural level of infrastructural services.
79. The suggested planning framework for the site is workable and appropriate and would give effect to the Preferred Relief sought. Ms Samuel and Mr Sharman agree to the extent set out in the JWS – Planning.

80. I have carefully considered the matters raised by Ms Samuel and Mr Sharman and I have not changed my opinion as a result, except for acknowledging that an exception note to Rule *4b.5.3 Subdivision – Rural Lifestyle Environment that does not adjoin the General Rural Environment* would be helpful as consequential relief. The exception note would state:

Exception: This rule does not apply to the Te Tuhi Precinct.
Refer to Rule 4b.5.10.

81. My conclusion is that there is no planning policy impediment to the granting of the Preferred Relief.
82. I therefore continue to recommend that the Hearing Panel grants the Preferred Relief.

22 August 2023
Andrew Brown Cumming

Attachment 1

Screenshot of Taupō District Council Webpage

2004

Wayback Machine Official Taupo District Council Web: X Structure Plans - Proposed

Go: SEP 2003 OCT 2004 NOV 2005 11 2004

https://web.archive.org/web/20041011071118/http://www.taupodc.govt.nz/PoliciesPlans/StructurePlans-Proposed.htm

Home > Policies & Plans > Structure Plans - Proposed

Structure Plans - Proposed

Taupo West Rural Structure Plan (TWRSP)

New Downloads for the TWRSP

September 2004

- TWRSP - Summary of key changes suggested (30 kb PDF)
- TWRSP - Proposed Changes Summary and Feedback Form (23 kb PDF)
- Map of Potential TWRSP (306 kb PDF)

Existing TWRSP Downloads

- 2. Proposed TWRSP Report (239 kb PDF)
- 3. Part 5 - Map 1 - TWRSP (657 kb PDF)
- 4. Part 5 - Map 2 - Cadastral Boundaries, Archaeological Sites & Topographical (4,231 kb PDF)
- 5. Part 5 - Map 3 - Land Use Capability, Natural Values (320 kb PDF)
- 6. Part 5 - Map 4 - Land Use Capability, Natural Values (320 kb PDF)
- 7. Part 5 - Map 5 - Topography (599 kb PDF)
- 8. Part 5 - Map 6 - Soil Conservation Compartment (7,091 kb PDF)
- 9. Part 5 - Map 7 - Vegetation Inventory (668 kb PDF)
- 10. Part 5 - Map 8 - Site Analysis (578 kb PDF)
- 11. Part 5 - Map 9 - Land Use Capability (1,224 kb PDF)
- 12. Part 5 - Map 10 - Land Use Capability (1,224 kb PDF)
- 13. List of Appendices (32 kb PDF)
- 14. Appendix 1 - Development of Structure Plan (114 kb PDF)
- 15. Appendix 2 - Analysis of Information (161 kb PDF)
- 16. Appendix 3 - Strategic Policy & Planning Framework (59 kb PDF)
- 17. Appendix 4 - Map 1 - 4 Pastoral Blocks.pdf (5,780 kb PDF)
- 18. Appendix 4 - Map 1 - 4 Pastoral Blocks.pdf (5,810 kb PDF)
- 19. Appendix 4 - Map 2 - Conventional Rural-Residential (1,293 kb PDF)
- 20. Appendix 4 - Map 2 - Conventional Rural-Residential (1,293 kb PDF)
- 21. Appendix 5 - Land Use Assessment (411 kb PDF)
- 22. Appendix 5 - Land Use Assessment (411 kb PDF)
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- 35. Appendix 5 - Land Use Assessment (411 kb PDF)

Submission Form

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