

BEFORE THE TAUPŌ DISTRICT COUNCIL HEARINGS PANEL

Under

the Resource Management Act 1991 ('the Act')

In the matter of

Plan Change 42 to Taupō District

Plan: General Rural and Rural

Lifestyle Environments

Statement of Planning Evidence of Sarah Hunt

On behalf of Cheal Consultants Ltd (Submitter no. 79)

9 August 2023

INTRODUCTION

1. My name is Sarah Hunt. I am a Senior Planner employed by Cheal Consultants Ltd based in Taupō for the last seven years. I have worked as a planner for twelve years in both New Zealand and Scotland in both public and private sectors. I am a Full Member of the New Zealand Planning Institute. I have a Bachelor of Environmental Management (majoring in Policy and Planning) and a Master of Applied Science from Lincoln University. I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme in 2022. In my role at Cheal Consultants I have prepared numerous resource consent applications to District and Regional Councils, submitted on plan changes and attended hearings as an expert planning witness.
2. I am representing submitter, Cheal Consultants Ltd ("**Cheal**"), which is a surveying, engineering and planning consultancy. Cheal's approach in the original submission was to provide constructive and technical comment on the provisions, and the implementation of them.
3. My manager Catriona Eagles prepared the original submission and further submission on behalf of Cheal.

CODE OF CONDUCT

4. I confirm I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I confirm this evidence is within my area of expertise except where I state that I am relying on facts or information provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express. Unless otherwise specified, all statements in this evidence are my own opinion.

SCOPE OF EVIDENCE

5. I have reviewed the Plan Change documents including the Section 32, all the submissions, and further submissions, and the Section 42A report and attachments.
6. I have prepared this statement based on my knowledge of the Resource Management Act 1991, the Taupō District Plan, and my knowledge of the locality.
7. My evidence covers the following topics:

- (a) Proposed Rural Lifestyle Zoning in the Kinloch Structure Plan Area.
- (b) Terminology
- (c) Rule 4b.2.7 & Rule 4b.4.5 - Residential Units
- (d) Area X & Y
- (e) Objective 3b.3.1 - Character of Rural Lifestyle Environment
- (f) Policy 3b.3.9 - Character of Rural Lifestyle Environment
- (g) Rule 4b.1.5 & Rule 4b.3.3 commercial, industrial and home businesses
- (h) Buildings for Management of Farmed Animals/intensive indoor primary production
- (i) Buildings for the management of farmed animals - Definition
- (j) Rule 4b.2.6 & Rule 4B.4.7 Building Setback
- (k) Rule 4b.5.9 – Subdivision - More than 12 allotments
- (l) Rule 4b.5.6 – Subdivision - Other

PROPOSED RURAL LIFESTYLE ZONING IN THE KINLOCH STRUCTURE PLAN AREA.

8. (Submitter Point OS79.9) Submitter 4, and Cheal both queried why part of the Kinloch Rural Lifestyle Zone is proposed to become Rural Lifestyle. The Section 42A response was that this would align with the National Planning Standards terminology as a district-wide Rural Lifestyle Environment, and the Kinloch Rural Residential Rules would no longer apply. The implication of this proposed change is that it creates a contradiction with the residential district plan rules and creates an inconsistency.
9. Chapter 4a of the District Plan – Residential Environment provides specific rules for properties within the Kinloch Structure Plan Area (which the proposed zoning is within) (Attachment A). In particular Rule 4a.4.4 states “The creation of more than one dwelling per allotment in the Kinloch Community Structure Plan Area is a discretionary activity.” So, applying the Rural Lifestyle Rules to the site which permits one residential unit per two hectares, one residential unit per four hectares for lots adjoining the General Rural Environment, and one minor residential unit per primary residential unit creates this contradiction.
10. The fact that the Kinloch Rural Residential Rules would no longer apply does not resolve the issue, because Rule 4a.4.4 applies to all allotments within the Kinloch Structure Plan Area, and the Structure Plan Area is not currently proposed to be changed by this plan change.

11. In addition, there is other Kinloch Rural Residential zoning that is not proposed to be changed to Rural Lifestyle to be consistent with the National Planning Standards, so I am not sure why only part of the Kinloch Rural Residential zoning was chosen.
12. In my opinion, it is more efficient to remove the proposed Rural Lifestyle zoning from the lots within the Kinloch Structure Plan area, to avoid creating a contradiction between the Kinloch Structure Plan area rules, and the Rural Lifestyle Rules.

TERMINOLOGY

13. Introducing the terminology 'Minor Residential Unit' and 'Primary Residential Unit' into the plan where 'Dwelling' is already defined does create some uncertainty. It is understood that these definitions are within the National Planning Standards Definitions List. It would be clearer if the existing definition of 'dwelling' was added for clarity to confirm that a 'dwelling' and a 'Minor Residential Unit' and a 'Primary Residential Unit' are the same. Additionally Rural Lifestyle Rule 4b.4.4 refers to maximum density of 'residential units' whereas General Rural Rule 4b.2.4 refers to 'primary residential units'.
14. The inconsistency that this new terminology incurs is also evident in the matter discussed above between Kinloch Structure Plan referring to 'dwelling' and the Rural Lifestyle referring to 'Primary Residential Unit'.

RULE 4B.2.7 & RULE 4B.2.4 - RESIDENTIAL UNITS

15. (Submitter point OS79.21) The Minor Residential Unit Rule in Rule 4b.2.7 refers to 'á maximum of one minor Residential Unit per primary Residential Unit per allotment'. However the primary Residential Unit rule (Rule 4b.2.4) refers to one 'primary Residential Unit per 10 hectares'. So on a larger General Rural allotment of say 30ha, there is inconsistency and a lack of clarity regarding the number of primary Residential Unit (3?) and minor Residential Units (1 or 3?). This inconsistency requires amendment to Rule 4b.2.7.

AREAS X & Y

16. (Submitter Point OS79.49) the reporting planner notes that the rule relating to residential use (not subdivision) within Area X and Y is District Wide Rule 4e.15 and that the intent is that if a property is located within Area x or Area Y that 4e.15 still applies. This is not accurate.

17. For the commissioners benefit I note that Rule 4e.15 states

Notwithstanding any other rule in this Plan, any residential activities (apart from one dwelling house per lot) or accommodation activities which are located on land being part of the Wairakei-Tauhara or Ohaaki Geothermal Systems (as shown on Planning Map D1) or any subdivision of such land, is a discretionary activity.

18. Planning Map D1 (Attachment B) does not cover the same areas as Area X and Area Y (Attachment C). The common areas of Areas X and Y and the Rural Lifestyle zone are on Link Road and the southern portion of Oruanui Road. Therefore, in these areas of Area X and Area Y outside of the Residential Rule Area, the proposed density in Rule 4b.4.4 is one primary Residential Unit per 2ha and one minor Residential Unit per primary Residential Unit. I disagree that the density in Rule 4b.4.4 is consistent with the Area X and Y subdivision rules in these locations.
19. To address this inconsistency, it is proposed to add an additional clause into 4b.4.4 Primary Residential Unit Density – permitting one residential unit per 4ha in Areas X and Y, which is consistent with 4ha area requirement of subdivision within Area X and Y.

OBJECTIVE 3B.3.1 - CHARACTER OF RURAL LIFESTYLE ENVIRONMENT

20. (Submission Point OS79.25) Although large scale subdivision may not be foreseen to occur in the Rural Lifestyle zone due to the fragmented nature of the area, due to the large areas being proposed for rezoning, and based on enquiries this year, intensification of the Rural Lifestyle will occur and is likely to occur quite quickly. These areas currently have a small block rural character predominantly characterised by 4ha lots. The minimum lot size of 2ha to 4ha will increase the density of housing, infrastructure, and roads/driveways in this area, and in some areas by 100%. I accept that this is not universal throughout the zone however currently Objective 3b.3.1 seeks to maintain a character which by virtue of the subdivision rules will not be maintained. An alternative objective in my opinion will better reflect the intended character of this zone and allow for decisions to reflect that character rather than hold to an existing character which will rapidly change.

POLICY 3B.3.9 - CHARACTER OR RURAL LIFESTYLE ENVIRONMENT

21. (Submission Point OS79.30) The reporting planner rejected the submission point which was to include minor Residential Units in the Policy describing the character of the Rural Lifestyle Environment. In providing a new rule to allow for minor Residential Units

(which currently is not included in the Operative Plan), there is a clear intent that minor Residential Units are component of the Rural Lifestyle zone. Furthermore in not referencing them in the policy, in consideration of a Restricted Discretionary consent for a minor Residential Unit there is no recognition in the policy framework for these buildings. Alternative policy wording in my opinion will better reflect the place of these minor Residential Units in this zone and allow for decisions to reflect that character.

RULE 4B.1.5 & RULE 4B.3.3 COMMERCIAL, INDUSTRIAL AND HOME BUSINESSES

22. Our submission point OS79.32 & OS79.33 asked for relief either in deleting the rules or amending them. The amendment sought is to make the assessment criteria consistent for the consideration of effects from commercial, industry or home businesses in the General Rural and Rural Lifestyle zones. Without these inclusions in particular in Rule 4b.3.3, no regard can be had to reverse sensitivity, hours of operation or signage in the Rural Lifestyle zone, which runs contrary to the management of these activities in a non-urban environment.
23. (OS79.32 & 33 & 52) Rule 4b.3.3 does not include industrial activities. Therefore with no specific rule addressing industrial activities (being separate to Rural Industry), such an activity in the Rural Lifestyle zone would be treated as a Discretionary Activity under Rule 4b.3.1ii. This status appears to be inconsistent with the policy framework whereby the Rural Lifestyle zone is for rural residential purposes, not industrial.

BUILDINGS FOR MANAGEMENT OF FARMED ANIMALS/INTENSIVE INDOOR PRIMARY PRODUCTION

24. (Submission Point OS79.39) The definitions of Buildings for Management of Farmed Animals and Intensive Indoor Primary Production are difficult to distinguish from each other. Two similar definitions are likely to create confusion in administration in my opinion, particularly where Rule 4b.1.10 Intensive Indoor Primary Production refers to Rule 4b.2.6 which then refers to Buildings for management of farmed animals. As Intensive Indoor Primary Production is defined in the National Planning Standards Definitions List. In my opinion, one definition would reduce ineffective planning administration.
25. General Rural zone Buildings for Management of Farmed Animals are required to be 200m from all boundaries in a zone where farming operations are expected and understood. However, in Rural Lifestyle a 500m² building for Intensive Indoor Primary Production can be 15m from a boundary in a zone where a greater number of

residential Units are more likely to be in close proximity. Therefore there is an inconsistency in this approach. For reasons also covered by submitter #47 Wairarapa Moana, the clustering of rural buildings around existing areas of building occupation has many benefits and we support their submission in that regard.

BUILDINGS FOR THE MANAGEMENT OF FARMED ANIMALS - DEFINITION

26. (Submission point OS79.39) I support the inclusion of the note *Building with floor area of 50m² or less are exempt from this definition* as this exempt provides clarity for the minor rural buildings required for kennels, stables, poultry. However, its placement at the bottom of Rule 4b.2.6 is likely to be confusing as it appears that the exemption relates to all clauses (i) to (v)ii above, not just to clause (iv). In my opinion the note needs to be located immediately under clause (iv) or it is better located in the definition itself

RULE 4B.2.6 & RULE 4B.4.7 BUILDING SETBACK

27. The majority of the submission points of OS79.38 have been accepted which we support however it is noted that the infringement of this rule alone would be a discretionary activity. It is my opinion that a boundary infringement (where it is not a deemed permitted boundary activity) is most appropriate as a Restricted Discretionary Activity.

RULE 4B.5.9- SUBDIVISION - MORE THAN 12 ALLOTMENTS

28. (Submitter Point OS79.56 & OS79.58) I support the inclusion of the expanded assessment criteria relating to connectivity to adjoining land and roads in Rule 4b.5.5. With regard to Rule 4b.5.9 as stated in the submission there are no objectives or policies in the Rural Plan Change relating to road network, connectivity or multimodal transport. The suggested criteria in the submission are concurred with by the Reporting Planner however rejected due to a deferral to a formatting convention whereby a discretionary activity is assessed against objectives and policies which is presumed to be those of the Section 3f Traffic and Transport.
29. The primary planning matter here is a proposed rule in the Rural Chapter with no policy direction within that chapter or Rural Lifestyle Chapter to address the appropriateness of private roads (or not) to provide for connectivity to adjoining parcels, between developments, multimodal transport or the wider obligations regarding efficient transport networks as they relate to climate change. Increased connectivity of

roading networks can facilitate reduced emissions and increase rural land productive capability. Objective 3f.2.1 has limited consideration of these matters currently. I also, for the commissioners benefit, note a similar rule in Section 6.5.8(ii) which requires the vesting of accessways serving more than 12 lots in Rural Environment as legal road.

30. If the format of the rural chapter rejects the provision of assessment criteria for consideration in the matter of additional users on private access ways, then a policy relating to connectivity and efficiency of the road network is needed in my view in both the Rural and Rural Lifestyle Chapters.

RULE 4B.5.6 - SUBDIVISION - OTHER

(Submitter Point OS79.57) a minor error of referencing requires alteration to refer the matters of control to the correct rule. Currently it refers to matters of control for a discretionary activity (of which there are none).

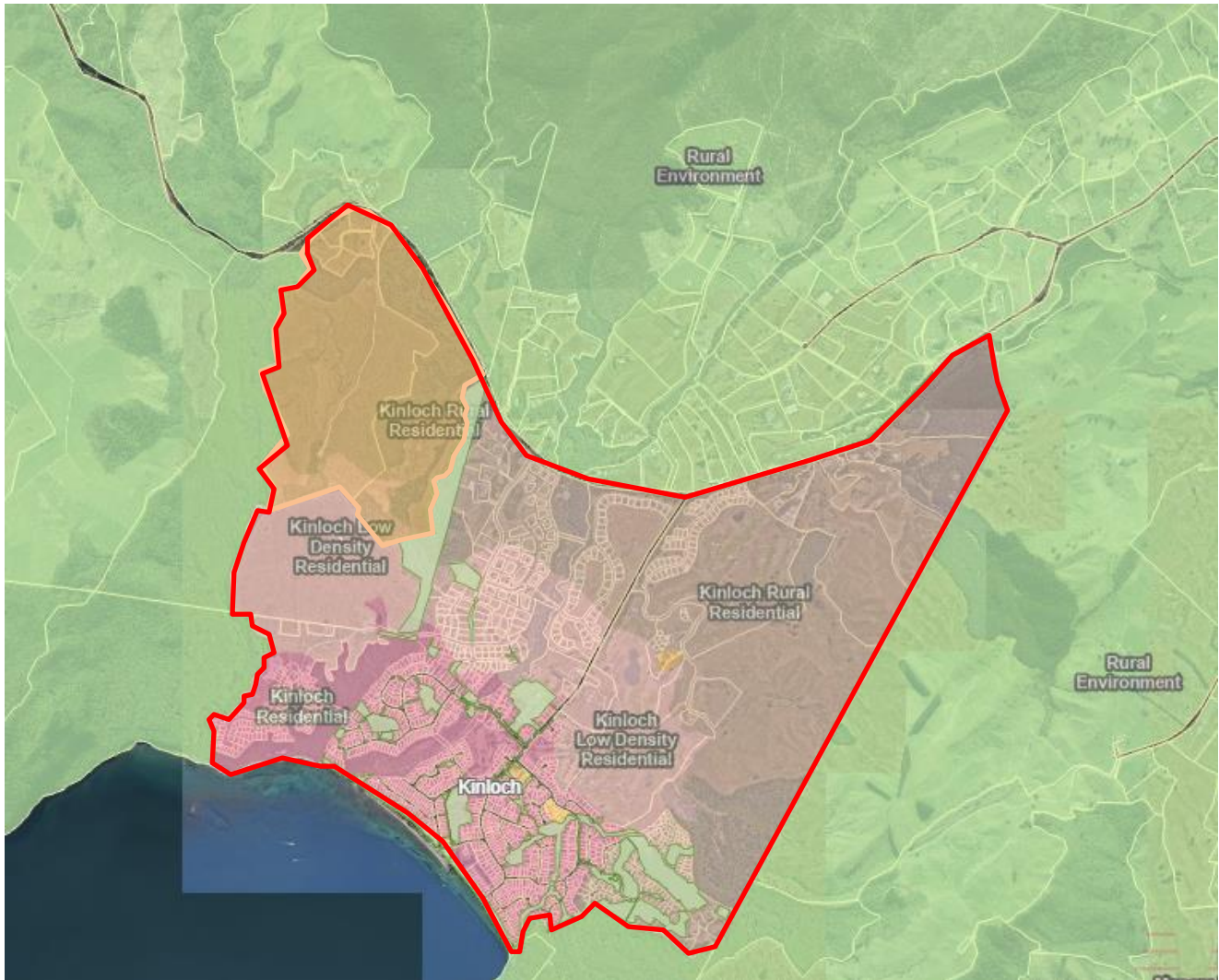
DATED 9 August 2023



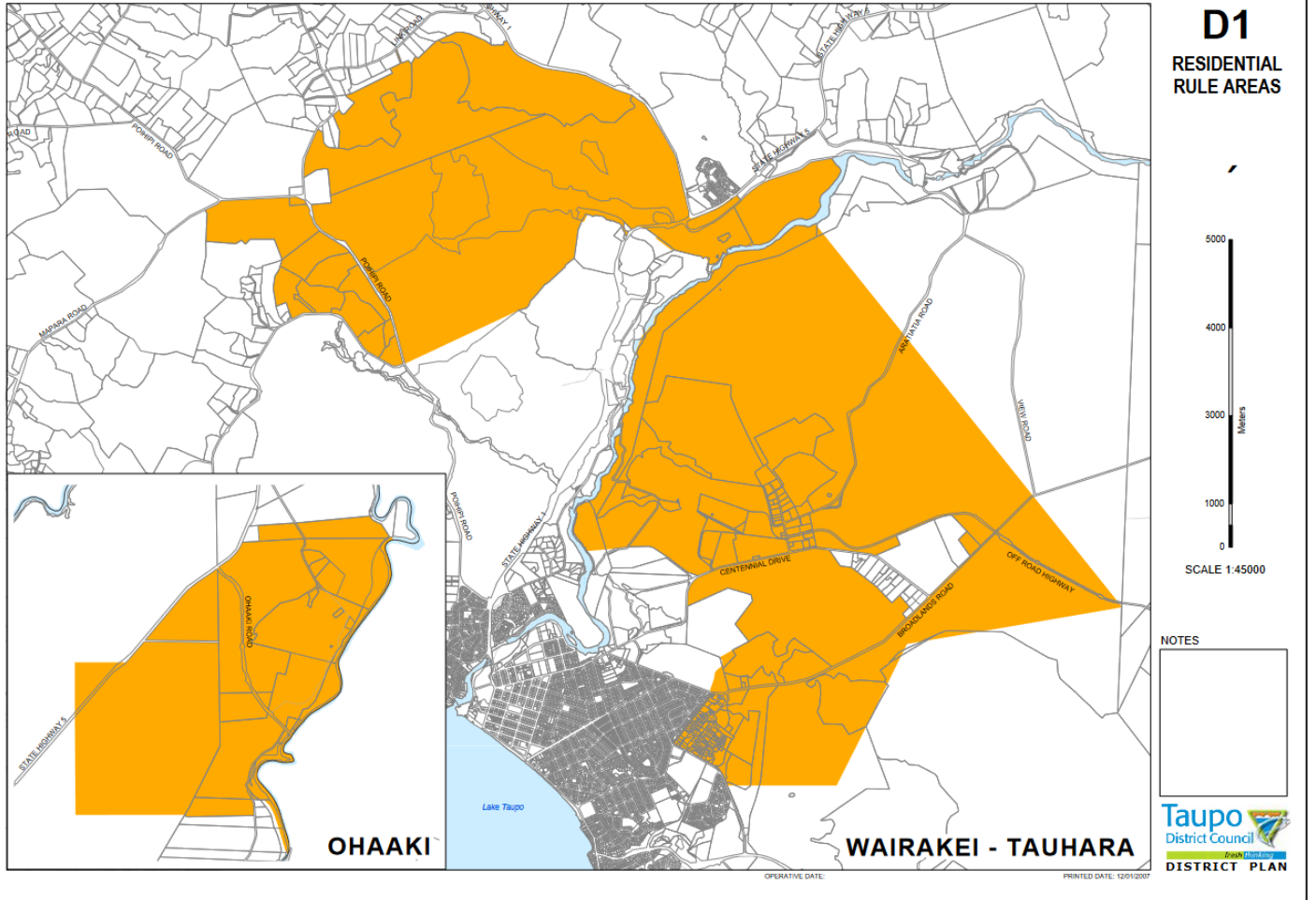
Sarah Hunt

Attachment A

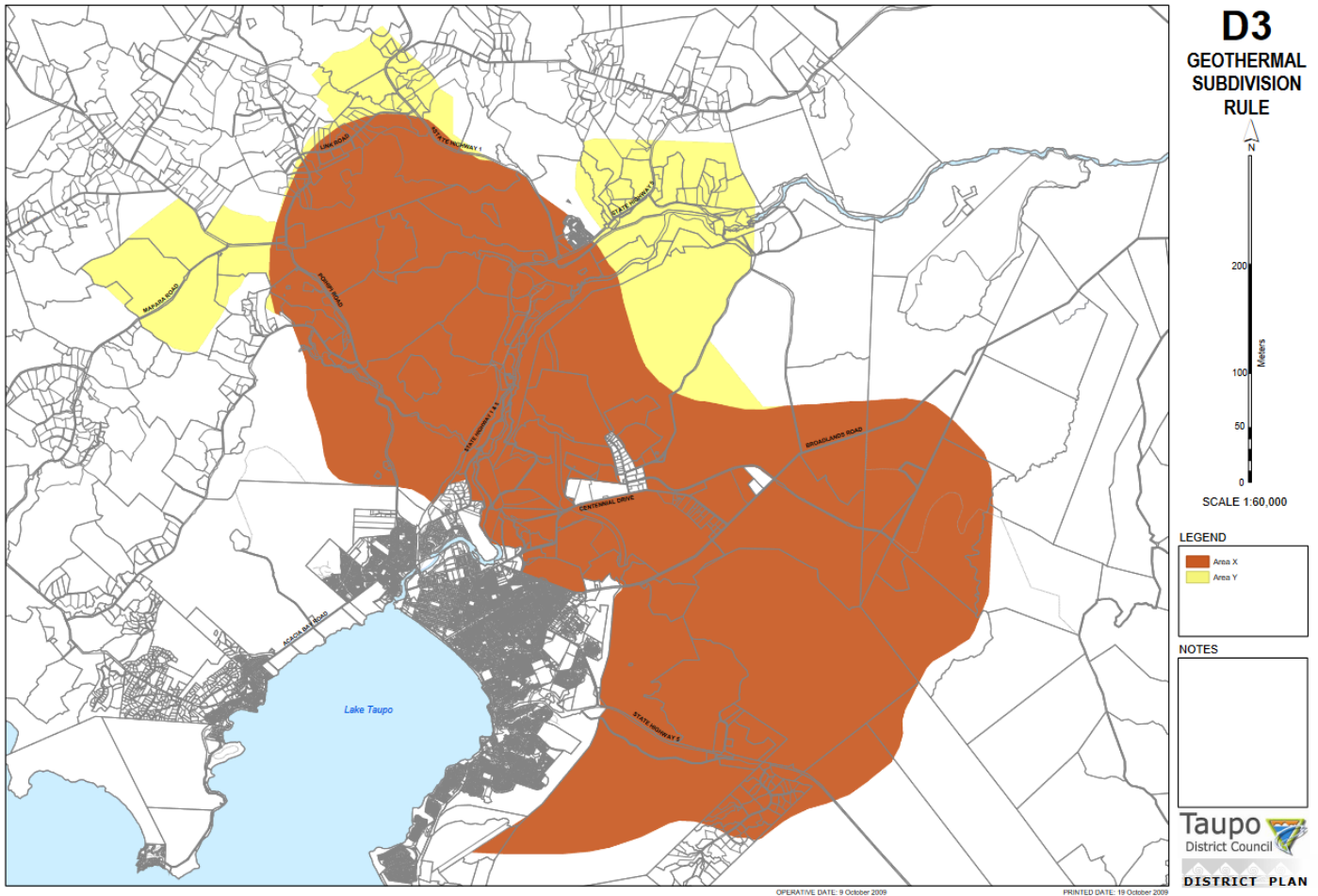
Kinloch Structure Plan Area (red), with proposed Rural Lifestyle Zoning (orange)



Attachment B
Planning Map D1



Attachment C
Planning Map D3



Appendix 1 - RMA s32AA evaluation

PROPOSED RURAL LIFESTYLE ZONING IN THE KINLOCH STRUCTURE PLAN AREA.

S32 (1) – Evaluation

Resolving the inconsistencies between the Kinloch Structure Plan rules and the Rural Lifestyle rules will assist with

- Maintaining the integrity of the Kinloch Structure Plan rules
- Ensure sound planning administration reducing confusion regarding conflicting rules
- Efficient consenting processes.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of removing proposed Rural Lifestyle from Kinloch Structure Plan Area	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> • Avoids a contradiction between density rules 	<ul style="list-style-type: none"> • None identified
Economic	
<ul style="list-style-type: none"> • Removes consenting costs for this confusion 	<ul style="list-style-type: none"> • None identified
Social	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified
Cultural	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting. If the provision was amended to remove the Rural lifestyle zone, the existing provisions of the Kinloch Structure Plan manage density.

TERMINOLOGY

S32 (1) – Evaluations

Resolving the inconsistencies in definitions with

- Ensure sound planning administration reducing confusion regarding possible different definitions
- Efficient consenting processes.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of amending existing Dwelling definition	
Benefits	Costs
Environmental	
• None identified	• None identified
Economic	
• Removes unnecessary consenting costs	• None identified
Social	
• None identified	• None identified
Cultural	
• None identified	• None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting as there is sufficient information.

RULE 4B.2.7 & RULE 4B.4.5

S32 (1) – Evaluation

Resolving the ratio of minor residential units to primary units and their relationship to allotment or a density will assist with

- Ensure sound planning administration reducing confusion regarding conflicting rules and ratio measures
- Efficient consenting processes.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of clarifying the ratio of minor residential units to Primary residential units	
Benefits	Costs
Environmental	
• None Identified	• None identified
Economic	
• Removes unnecessary consenting costs	• None identified
Social	
• None identified	• None identified
Cultural	
• None identified	• None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting as there is sufficient information.

OBJECTIVE 3B.3.1

S32 (1) – Evaluation

The proposed alternative objective reflects the future change that will occur within the Rural Lifestyle zone due to subdivision, rather than trying to maintain a character which will for the near future be evolving in some locations greatly. The alternative does

- Ensure sound planning administration through clarity in the vision of this area which will be subject to change
- Efficient consenting processes.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of amending Objective 3b.3.1	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> • Provides clarity to the developing nature of the area as a result of the Rural Lifestyle zone 	<ul style="list-style-type: none"> • None identified
Economic	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified
Social	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified
Cultural	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting as there is sufficient information.

POLICY 3B.3.9

S32 (1) – Evaluation

Amending the policy to include the minor residential unit

- Ensure sound planning administration reducing confusion regarding conflicting rules
- Efficient consenting processes and administration.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of including reference to minor residential units in the policy 3b.3.9	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> • Ensures that minor Residential Units are anticipated in the Rural Lifestyle zone. 	<ul style="list-style-type: none"> • None identified
Economic	
<ul style="list-style-type: none"> • Reduces unnecessary consenting costs 	<ul style="list-style-type: none"> • None identified
Social	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified
Cultural	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting as there is sufficient information.

RULE 4B.1.5 & RULE 4B.3.3 COMMERCIAL, INDUSTRIAL AND HOME BUSINESSES

S32 (1) – Evaluation

Resolving the inconsistencies between assessment criteria for home business/commercial activities in the General Rural and Rural Lifestyle rules will assist with

- Ensure sound planning administration reducing confusion regarding conflicting considerations
- Clarity to the level of assessment required for industrial activities within the Rural Environments consistent with the objectives of both Rural and Rural Lifestyle zones
- Efficient consenting processes and administration.

Alternatives are to

- Leave the existing different assessment criteria which creates a different level of consideration between the two zones. This appears contrary to the issue of business distribution impacts and amenity to adjoining neighbours which is similar in both zones.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of providing consistent assessment criteria for home businesses in both General Rural and Rural Lifestyle	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> • Protects rural and rural residential amenity in consideration of proposals for home business. • Protects business vitality in commercial zones 	<ul style="list-style-type: none"> • None identified
Economic	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • A wider range of matters for consideration in consenting
Social	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified
Cultural	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of creating a new Industrial Activity Rule in Rural Lifestyle zone	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> • Protects rural and rural residential amenity in consideration of proposals for industrial activities. • Protects business vitality in commercial zones 	<ul style="list-style-type: none"> • None identified
Economic	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • Increased consenting costs • Industrial activities more likely to be located in Industrial Zones.
Social	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified
Cultural	

• None identified	• None identified
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32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting as there is sufficient information.

BUILDINGS FOR MANAGEMENT OF FARMED ANIMALS/INTENSIVE INDOOR PRIMARY PRODUCTION

S32 (1) – Evaluation of objectives

Providing for clustering of buildings for management of farmed animals next to existing farm buildings achieves objectives 3b.2.1, 3b.2.2 and 3b.2.5.

- 3b.2.1 - Primary production is enabled by protecting the availability of rural land and their productive capability. Clustering buildings reduces the loss of productive land as existing roading and infrastructure could be used.
- 3b.2.2 – The character of the General Rural Environment is maintained by clustering buildings resulting in less built form scattered across the rural environment, maintaining large open spaces.
- 3b.2.5 – Reverse sensitivity effects would be avoided, as the buildings for management of farmed animals would be next to existing farm buildings eg dairy sheds that are already lawfully established, and generally already have large setbacks (although less than 200m, particularly from road boundaries).

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of amending Intensive Indoor Primary Production definition	
Benefits	Costs
Environmental	
• None identified	• None identified
Economic	
• Reduces consenting confusion and thereby costs	• None identified
Social	
• None identified	• None identified
Cultural	
• None identified	• None identified

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of providing exemption for 200m setback	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> • Protects the availability of rural land and their productive capability. • Protects the rural character by clustering buildings, rather than having them dispersed. • Doesn't discourage new farming practices which can improve on farm environmental performance 	• None identified
Economic	
<ul style="list-style-type: none"> • Reduces cost as existing infrastructure can be used (power, water, access, effluent ponds, reduced loss of productive land) • Removes consenting costs for 	• None identified

Social	
• None identified	• None identified
Cultural	
• None identified	• None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting. If the provision was amended to enable buildings for farm animal management to be located within 50m of existing farm buildings (albeit within 200m of a boundary) there are existing provisions that provide building setbacks from boundaries.

RULE 4B.2.6 & RULE 4B.4.7 BUILDING SETBACK

S32 (1) – Evaluation

The proposed new rule will provide an appropriate level of consideration for a boundary infringement. A boundary infringement would otherwise be a Deemed Permitted Boundary Activity. Leaving this infringement as a Discretionary Activity results wider matters being required to be addressed or a Permitted Baseline discussion being required in an application when it is should be evident that the matter is a specific one. These additional requirements of the consent process result in unnecessarily high costs on a matter which can efficiently be dealt with through appropriate assessment criteria. The proposed Rural Chapter has now proposed a greater number of Restricted Discretionary Activities therefore this status is consistent with that approach. Finally the new rule will assist with sound planning administration, clarity of the matters of assessment resulting in efficient consenting processes.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of providing a new rule for building setback infringements	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> Allows specific consideration of environmental impacts to adjoining neighbours 	<ul style="list-style-type: none"> None identified
Economic	
<ul style="list-style-type: none"> Reduces consenting costs 	<ul style="list-style-type: none"> None identified
Social	
<ul style="list-style-type: none"> None identified 	<ul style="list-style-type: none"> None identified
Cultural	
<ul style="list-style-type: none"> None identified 	<ul style="list-style-type: none"> None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting as there is sufficient information.

AREAS X & Y – RULE 4B.4.4

S32 (1) – Evaluation

Resolving the inconsistencies in density provisions between the landuse rules of the Rural Lifestyle zone and the Area X and Y subdivision rules is necessary to

- Ensure sound planning administration reducing confusion regarding conflicting considerations whereby the Rural Lifestyle zone allows increased housing in a location known to be subject to reverse sensitivity matters, and future subdivision.
- Avoids conflicts in planning approach between landuse reverse sensitivity and subdivision
- Efficient consenting processes and administration.

Alternatives may be to

- amend Rule 4e.15 however this involves amendments to a chapter of the plan not included in Plan Change 42 and likely to have additional matters to be considered.
- A new landuse rule addressing Areas X and Y or a new map however the current rule 4b.4.4 has the appropriate structure to be amended accordingly.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of landuse rule amendment regarding Areas X & Y	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> • Avoids conflicts of reverse sensitivity and housing 	<ul style="list-style-type: none"> • None identified
Economic	
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Reduces options for additional dwellings in this specific area • Reduces administrative costs resulting from conflicting provisions
Social	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • Reduces number of dwellings in this specific area
Cultural	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting as there is sufficient information.

RULE 4B.5.9 – NEW POLICY

S32 (1) – Evaluation

Providing a new policy in support of Objective 3b.2.6 provides for consideration of

- Strategic Direction 4 regarding climate change,
- the alternatives of public roads where there are higher number of users on private accesses
- the opportunities for walking and cycling and public transport options
- the need for future connectivity of rural roads for economic and emissions reduction

Alternatives are

- Amendments to Section 3f Traffic and Transport however this is outside of the scope of this plan change
- No policy which leaves the discretionary rule with no policy direction regarding connectivity and Strategic Direction 4
- Assessment criteria associated with the rule however Reporting Planner notes this is not the format of this plan change.

S32(2) – Benefits and Costs

Benefits and Costs of Effects (s32(2)(a) of providing an additional policy on roading connectivity	
Benefits	Costs
Environmental	
<ul style="list-style-type: none"> • Provides for connectivity of roading (existing and future) enabling more efficient road networks • Provides for alternative modes of transport • Provides greater consideration of the adequacy of private accessways to number of users and to facilitate public access 	<ul style="list-style-type: none"> • For accesses with increased users, public roads may be more likely to be constructed than private roads.
Economic	
<ul style="list-style-type: none"> • Reduction in vehicle mileage • Reduction in stock transport costs 	<ul style="list-style-type: none"> • Public roads are of higher cost
Social	
<ul style="list-style-type: none"> • Increased connectivity for alternative transport modes 	<ul style="list-style-type: none"> • None identified
Cultural	
<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • None identified

32 (2)(c) Risk of acting or not acting if there is uncertain or insufficient information

The risk is low for both acting or not acting. If the provision was amended to enable buildings for farm animal management to be located within 50m of existing farm buildings (albeit within 200m of a boundary) there are existing provisions that provide building setbacks from boundaries.

Appendix 2 – Amendments Version

Amendments to the Operative Taupō District Plan - Section 10 Definitions

~~Buildings for the management of farmed animals – includes, but is not limited to, buildings used for accommodating livestock or farmed animals, either overnight or for a period during the day, and includes cow milking sheds, calf sheds, buildings used to house intensive farming activities, poultry farming buildings, feed pads, animal pet¹ boarding facilities and stables. Buildings housing animals do not include a residential unit accommodating household pets such as cats and dogs.~~

~~Dwelling – A self-contained residential building to be used exclusively by one household unit and includes residential units within multi-unit and retirement village developments. It will have a bathroom and kitchen and toilet. The bathroom will include bathing facilities (shower or bath) and a sink. A kitchen will have a sink. If a residential extension includes all of these facilities but is attached to the house, it must be able to be accessed from inside the house (garage not included) for it not be considered a second or subsequent dwelling. A residential unit and a minor residential unit are also considered to be a dwelling.~~

~~Intensive indoor primary production - activities that principally occur within buildings that involve growing produce or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry. For the purposes of Rule 4b.2.6, this definition is deemed to also include buildings for management of farmed animals which also includes, but is not limited to, buildings used for accommodating livestock or farmed animals, either overnight or for a period during the day, and includes cow milking sheds, calf sheds, feed pads, pet¹ boarding facilities and stables. Buildings housing animals do not include a residential unit accommodating household pets such as cats and dogs. Buildings with a floor area of 50m² or less are exempt from this definition.~~

Amendments to the Operative Taupō District Plan - Section 3 Objectives and Policies

3b.2 Objectives and Policies – General Rural Environment

Policy 3b.2.x Rural Rooding

- i. Provide for safe and efficient access and rooding for rural levels of use
- ii. Provide for rooding connectivity to adjoining land parcels
- iii. Facilitate opportunities for provision of multi modal transport and connectivity

3b.3 Objectives and Policies – Rural Lifestyle Environment

Objective 3b.3.1 **Maintain** The character of the Rural Lifestyle Environment

The character of the Rural Lifestyle Environment is ~~maintained and~~ protected from ~~incremental~~ inappropriate⁶⁰ subdivision and development.

Policy 3b.3.9 Character of the Rural Lifestyle Environment

Manage the anticipated character of the Rural Lifestyle Environment as defined by:

- a) Buildings on different sites are separated from each other in a way that creates a sense of privacy.
- b) Accessory buildings and minor dwellings that do not dominate the landscape.
- c) Dwellings may be large but are surrounded by open space and do not dominate the landscape.
- d) A general absence of urban infrastructure including community stormwater and wastewater services.
- e) An environment which includes residential activities, rural productive activities and home business activities.
- f) Noise related to production activities during the day but low levels of noise at night.
- g) Low levels of lightspill.
- h) Limited signage that directly relates to the activity operating on the site.
- i) An environment that is surrounded by a working rural environment including rural production, geothermal areas/steamfields⁶⁵ and renewable electricity generation activities.⁶⁶

Policy 3b.2.x Rural Rooding

- iv. Provide for safe and efficient access and rooding for rural lifestyle levels of use
- v. Provide for rooding connectivity to adjoining land parcels
- vi. Facilitate opportunities for provision of multi modal transport and connectivity

Amendments to the Operative Taupō District Plan - Section 4 Rules and Standards

4b.1 General Rules – General Rural Environment

4b.1.X Boundary Setbacks

Infringement of Performance Standard 4b.2.6 is a Restricted Discretionary Activity

The Council restricts the exercise of its discretion to the following matters:

- a. The extent to which the reduced setback will:
 - i. adversely affect the visual amenity of the General Rural Environment;
 - ii. adversely affect the streetscape of the area;
 - iii. reduce the privacy and outlook of adjoining allotments;
 - iv. limit the safe and visible access of vehicles using the allotment.
- 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 the avoidance, remedying or mitigation of 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, planting and alternative design;
 - iii. provision for the protection or enhancement of significant vegetation;

4b.2 Performance Standards – General Rural Environment

4b.2.7 Minor residential units

A maximum of one minor residential unit per primary residential unit ~~per allotment~~.

- i. All minor residential units¹⁰⁸ or accommodation activity units shall:
 - a. Be no larger than 100m² in size (inclusive of garaging).¹⁰⁹
 - b. Be located no greater than ~~20~~ 40¹¹⁰ metres from the primary residential unit.
 - c. Share an accessway/driveway with the primary residential unit.

EXCEPTION: Papakāinga.

NOTE: Minor residential units also include accommodation activities, tiny homes/houses, caravans and other structures used for accommodation for more than two consecutive months in a calendar year on the allotment.

4b.3 General Rules – Rural Lifestyle Environment

4b.3.3 Home business, commercial, and retail activities

- i. A home business, commercial and retail activity which complies with performance standards is a **permitted activity**.
- ii. A home business, commercial and retail activity which does not comply with performance standards is a **restricted discretionary activity**.

When considering activities under Rule 4b.3.3 Council restricts the exercise of its discretion to the following matters:

- i. The effect of the activity on the Rural Lifestyle Environment character having regard to visual effects and lighting effects.
- ii. The effects of the activity's vehicle movements, parking, loading and access on the network.
- iii. Any nuisance effects such as odour, noise and glare are managed within the site.
- iv. The effect of the activity on surrounding land uses and how these effects can be managed onsite and/or mitigated.
- v. The hours of operation for the activity.
- vi. The proposed signage associated with the activity

4b.3.X Industrial Activities

- i. Industrial activities other than Rural Industry are a non-complying activity.

4b.3.X Building Setbacks

- i. Infringement of Performance Standard 4b.4.7 is a Restricted Discretionary Activity

The Council restricts the exercise of its discretion to the following matters:

- a. The extent to which the reduced setback will:
 - i. adversely affect the visual amenity of the Rural Lifestyle Environment;
 - ii. adversely affect the streetscape of the area;
 - iii. reduce the privacy and outlook of adjoining allotments;
 - iv. limit the safe and visible access of vehicles using the allotment.
- 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 the avoidance, remedying or mitigation of 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, planting and alternative design;
 - iii. provision for the protection or enhancement of significant vegetation;

4b.4 Performance Standards – Rural Lifestyle Environment

4b.4.4 Maximum density of **Primary** residential units

- i. One residential unit per two hectares.

- ii. One residential unit per four hectares for lots adjoining the General Rural Environment.
- iii. One residential unit per four hectares in Areas X and Y

4b.5.1 Subdivision Rules – General Rural Environment

4b.5.6 Subdivision – Other

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

Provided that the activity has not been identified as a discretionary activity by another rule in the plan, any subdivision of land in the General Rural Environment and Rural Lifestyle Environment where:

- ii. the resulting allotments are 10ha or larger in the General Rural Environment, and 4ha or larger in the Rural Lifestyle Environment; and
- iii. for any subdivision of land in Area Y shown on Map D3, a covenant forms part of the documentation supporting the subdivision consent application (which shall be registered on the additional titles created) specifying that no complaints shall be made in relation to the effects of any geothermal power generation related activities and associated structures consented as at 15 September 2008, or lawfully occurring, including effects such as noise, vibration, odour or visual effects. Such covenant need not apply to:
 - a. the certificates of title that contain any dwelling that existed prior to any subdivision, or
 - b. in cases where there was no dwelling existing prior to subdivision, a single exempt title to be nominated by the subdivision applicant
 is a **controlled activity**.
- iv. Any subdivision of land in the ~~General Rural Environment or~~¹⁴⁶ Rural Lifestyle Environment that is located within Area X^[147] on Planning Map D3 where the resulting lots are 4 hectares or larger, or is located in Area Y on Planning Map D3 where the resulting lots are between 4 hectares and 10 hectares, is a **discretionary activity**.
- v. Any subdivision of land in the General Rural Environment or Rural Lifestyle Environment that is located with Area X or Area Y on Planning Map D3 where the resulting lots are less than 4 hectares is a **non-complying activity**.

NOTE: 4b.5.6 does not relate to the creation of Bonus Lots, but subdivision of all or part of a Significant Natural Area for reasons of covenanting or other form of legal protection of that Area.

For the purposes of Rules 4b.5.6(i) the matters over which the Council reserves control for the purpose of assessment are:

- a. The matters of control identified in rules 4b.5.3 and 4b.5.5
- b. The impact of the resulting development on the ability of the wastewater, stormwater, 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 suitably 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