

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

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

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

Dated 3 December 2021

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INTRODUCTION

1. My full name is Cheryl Louise Cleary. My qualifications and experience are as set out in my statement of evidence dated 20 October 2021 (**primary statement of evidence**). I confirm my commitment to comply with the Environment Court Code of Conduct for expert witnesses, as set out in my primary statement of evidence.
2. I have been engaged by the applicant to provide planning evidence in respect of Private Plan Change 37: Nukuhau Private Plan Change (**PC37**) to the Taupō District Plan (**TDP**). My role with PC37 commenced after it had been publicly notified and submissions had been made.
3. This document contains Supplementary Evidence as directed by the Hearings Panel on 9 November 2021 (**the Direction**). The Direction was that I:
 - a) Confer with with Taupō District Council's (**TDC**) reporting officer, Mr Matt Bonis, and then address any proposed revisions to PC37 as a result of matters raised in the course of the hearing, including activity status for subdivision, lot sizes and density provisions, management of stormwater, provisions relating to a possible archaeological area of interest within the Structure Plan, and provisions to address cultural values. Proposed revisions to PC37 are identified in **Attachment 1**.
 - b) Provide an evaluation under section 32AA of the Resource Management Act 1991 (**RMA**) of the proposed amendments (**Attachment 2**).
4. I met with Mr Bonis on 22 and 24 November 2021 and had various communications by email. I identify in this Statement the opinions of Mr

Bonis regarding revisions to PC37 Mr Bonis to the extent that they were conveyed to me.

5. Also attending the above-noted meetings was Ms Hilary Samuel, Senior Policy Advisor at TDC. I also had various email communications with Ms Samuel. I note in this Statement where information or opinion has been supplied to me by Ms Samuel.
6. I also met with TDC and Waikato Regional Council (**WRC**) stormwater management staff on 18 November 2021, and was provided with information that I attach (**Attachment 3**) and discuss in relation to a stormwater management provision for PC37 at paragraph 31 below.

SCOPE OF EVIDENCE

7. My evidence is structured as follows:
 - a) Proposed amendments to PC37 provisions and Nukuhau Structure Plan:
 - i) Subdivision activity status;
 - ii) Lot sizes and density;
 - iii) Stormwater management;
 - iv) Archaeology; and
 - v) Cultural values.
 - b) Section 32AA evaluation.

REVISIONS TO PC37

Activity Status of Subdivision

8. In the presentation of my Summary and Reply Statement of Evidence on the first day of the Hearing of PC37 on 8 November 2021, I noted that, if the matters for discretion can be readily defined, a restricted discretionary activity status for subdivision may be the most appropriate provision to achieve the objectives of the Nukuhau Structure Plan.
9. An evaluation under section 32AA RMA of the activity status for subdivision is set out in **Attachment 2**. In summary, that evaluation identifies that a restricted discretionary activity status for subdivision is the most appropriate for achieving the objectives of PC37 and the TDP, and is the most efficient and effective activity status.
10. Under section 104C(1)(b) RMA, when considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which it has restricted the exercise of its discretion in its plan¹ and, under section 104C(3)(b) RMA, if consent is granted, may impose conditions of consent only for those matters over which it has restricted the exercise of its discretion.² Therefore, I have addressed what matters need to be included within the matters over which discretion has been restricted.
11. PC37, as notified, proposed subdivision within the Nukuhau Structure Plan as a controlled activity, and set out a list of matters over which control was reserved. Both Mr Bonis and I recommended in our statements of evidence some additions and minor amendments to the matters to be addressed at the time of subdivision. These related to efficient routes for public transport; application of crime prevention through environmental

¹ Section 104C, Resource Management Act 1991.

² Ibid.

design principles; reference to the WRC Erosion and Sediment Control Guidelines; surveys for certain species; provision for large trees; reference to natural gully system; and traffic effects.

12. Additional matters that I recommend later in this supplementary evidence, relate to stormwater management, and maximum lot sizes.
13. I am of the opinion that the matters for control contained in PC37 as notified, subject to the additions and minor amendments, would be appropriate as matters for discretion for applications for subdivision consent. I note that one of the amendments relates to the need for an assessment of the traffic effects of the proposed subdivision.
14. **Attachment 1** sets out an updated version of PC37³, including amendments to make subdivision a restricted discretionary activity.

Lot Sizes and Density

15. PC37 introduces an Objective and Policies that seek to enable a variety of housing types and densities in the Nukuhau Structure Plan⁴, including for low-rise apartments, semi-detached and terraced housing. A new 'medium density' residential zone is introduced and applies to defined parts of the Nukuhau Structure Plan. However, as identified by the Hearing Panel, PC37 does not contain minimum or maximum lot sizes or density rules. The absence of lot sizes and density rules is consistent with the approach generally taken in the TDP.
16. The methods contained in PC37 to achieve the housing typologies sought within its Objective and Policies, are a maximum building coverage of 55%, total coverage of 80%, and maximum plot ratio of 100%. The front and

³Amendments made by PC37 as notified are in blue underlined font; amendments proposed by the applicant now are in black bold underlined font.

⁴ Objective 3a.2.2A and Policy 3a.2.2A(i) of PC37.

other boundary setbacks are the same as for the Residential Zone of the TDP – being a front boundary of 5m and other boundaries of 1.5m.

17. According to the Panel’s direction, I have addressed whether PC37 should be amended to include additional provisions to ensure the housing typologies and medium density Objective and Policies will be achieved.
18. My understanding, from discussion with Ms Samuel of TDC, is that TDC are considering whether the review of the TDP that is currently underway will include the introduction of minimum and/or maximum lot sizes and density provisions, but this work is not as yet at the point where numbers could be put on those sizes.⁵ I have been advised by Ms Samuel and Mr Bonis that TDC’s review of the TDP will include addressing the need for lot sizes and density provisions across the whole TDP, including the PC37 area. This process is underway currently and a plan change is expected to be publicly notified by TDC by the end of 2022.⁶
19. To address the matter of whether density rules are required within PC37, I have considered a number of documents, including a definition by the Ministry for the Environment (**MfE**), the Waikato Regional Policy Statement (**WRPS**), and the current Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.
20. MfE defined ‘Medium Density housing’ for its 2011 medium density housing project⁷:

Medium-density housing means comprehensive developments including four or more dwellings with an average density of less than 350 m² per unit. It can include stand-alone dwellings, semi-detached (or duplex) dwellings, terraced housing or apartments within a building of four storeys or less. These can be located on either single or aggregated sites, or as part of larger master-planned developments.

⁵ Email from Hilary Samuel to WSP, 11 November 2021.

⁶ Meeting 24 November 2021 with Mr Bonis and Ms Samuel.

⁷ <https://environment.govt.nz/what-government-is-doing/areas-of-work/urban-and-infrastructure/2011-medium-density-housing-project/> accessed 12 November 2021.

21. The WRPS does not contain density targets for the Taupō District 2050 (Policy 6.11). It does have average gross density targets for Future Proof areas, which are 50 household units for the Hamilton CBD; 30 household units for Hamilton intensification areas; 16 households per hectare for Greenfield areas around Hamilton; 12-15 households for greenfield development in other towns (e.g.: Cambridge, Huntly and Ngaruawahia). My understanding is that the 30 households per ha figure is what is generally understood in that context to be ‘medium density’.
22. The current Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill that will apply to Tier 1 councils (and therefore not to TDC, as a Tier 3 council), contains proposed Medium Density Residential Standards. These do not include any lot sizes or density rules. They would require 11m heights, height in relation to boundary of up to 6m + 60 degree recession plane; 2.5m front yard setback; building coverage of up to 50%; outdoor living space per unit of 15m² at ground level and 8m above ground level. Development at this scale is unlikely to achieve the amenity and character that PC37 and the TDP seek to achieve, so the Bill is not seen as providing any content that is useful for formulating revisions to PC37.
23. The maximum density to enable the housing typologies that are described in Objective 3a.2.2A and Policy 3a.2.2A (i) of PC37, including low-rise apartments, semi-detached or terraced housing, would be in the order of 30-40 dwellings per net hectare. Lot sizes may need to be as small as approximately 180m² – 250m² to enable terrace housing and apartments⁸.
24. The technical assessments prepared for PC37 contain assumptions relating to the scale of development anticipated within the Nukuhau Structure Plan:

⁸ Selwyn District Council, Design Guide for medium density housing, September 2011, https://www.selwyn.govt.nz/data/assets/pdf_file/0015/18510/MDH-Guide-FINAL-Sept-11.pdf, accessed 12 November 2021.

- a) The Urban Design Assessment for PC37 describes the plan change as being for approximately 800 new residential lots and being for predominantly section sizes of 500m², “not dissimilar to surrounding residential areas”, and with a small area of higher ‘medium density’ residential of around one dwelling per 300m².⁹
 - b) The Water and Wastewater Study for PC37 describes the planned land use as a total of 800 estimated lots – Household Unit Equivalents.¹⁰
 - c) The WSP Transport memo of 22 September 2021 used an overall yield of 780 household units across the Nukuhau Structure Plan.
 - d) The Stormwater Management Report is based on assumptions of percentage of the catchment that will be impervious and differentiates between lots and roads in terms of stormwater treatment/conveyance, detention and disposal. As a high-level study, it does not detail the design required for a particular density or subdivision layout.¹¹
25. To manage the risk of large lot subdivision taking place, particularly prior to wastewater servicing being available, a maximum lot size is appropriate. A maximum lot size of 750m² for the General Residential Zone and of 500m² for the Nukuhau Medium Density Zone would ensure the land resource is used efficiently, while enabling some flexibility for a variety of lot sizes.
26. An average density of 15 household units per hectare in the Nukuhau General Residential Zone (based on an assumption of 60% of the General Residential Zone area being available for housing, net of public open space,

⁹ Section 2 Description of the Proposal, Urban Design Assessment, Appendix G to PC37 Request, p1.

¹⁰ Table 1 Planned Development Land Usage, Desktop Study-Water and Wastewater, Appendix D to PC37 Request, p3.

¹¹ Nukuhau Plan Change Stormwater Management, Appendix F to PC37 Request, p2.

stormwater reserves and roading) would result in approximately 621 household units within the General Residential Zone.

27. To give effect to the PC37 Policy relating to enabling low-rise apartments, semi-detached and terraced housing, the average density within the Nukuhau Medium Density needs to be in the order of 30 household units/hectare. Based on an assumption of 70% of the Medium Density zone being developed for housing, then the yield from development of this zone at that density, would be approximately 174 household units.
28. As summarised in Table 1 below, the associated expected yield would, therefore, be a total of some 795 lots. This number of household units would be consistent with the assumptions made in the technical reports supporting PC37.

Table 1 Yield from Maximum Density Rules

Zone	Density	Area	Yield (average lot size)
Medium Density	30HH/ha	8.3ha	174 (334m ²) based on 70% of Zone
General Residential	15HH/ha	69.0ha ¹²	621 (667m ²) based on 60% of the Zone
Yield			795

29. To enable the flexibility to have a larger lot size to accommodate a comprehensive housing development or apartment block, an additional matter for discretion that will apply to a restricted discretionary activity subdivision application is considered necessary. This is set out in **Attachment 1**.

¹² Assumed. 77.78ha total (excluding 8.3ha medium density and 0.25ha Shops).

Stormwater Management

30. The Direction included addressing whether there is a need for a comprehensive and integrated approach across the Structure Plan area with regard to stormwater management.
31. TDC holds a comprehensive consent for the municipal stormwater system as it applies to the Taupō urban area¹³ (**comprehensive consent**) that requires that new diversion or discharge is consistent with the conditions of the consent. Mr Meadowcroft addressed this matter on behalf of TDC in his statement of evidence¹⁴. The comprehensive consent requires that new diversion or discharge activities in undeveloped catchments must be consistent with a Catchment Management Plan, prepared in accordance with condition 32 of the consent, and approved by WRC acting in a technical certification capacity prior to any new diversion or discharge activities.¹⁵ Relevant extracts of the comprehensive consent are included as **Attachment 3**.
32. It is my understanding, from discussion with the applicant's stormwater expert Mr Warren Bird, and from the discussion at the meeting held on 18 November 2021,¹⁶ that a Catchment Management Plan that will meet the conditions of the comprehensive consent may be prepared by an applicant for subdivision and, once approved by TDC, provided to WRC for the technical certification approval stipulated in condition 32 of the comprehensive consent.

¹³ Resource Consent 105048 - Taupō Urban Areas Comprehensive Stormwater Discharge Consent issued by WRC. This is a Discharge to water consent to divert and discharge urban stormwater runoff contaminants at multiple locations to land, the Waikato (and other rivers) and to Lake Taupō. The duration of the consent is until 15 June 2027.

¹⁴ Paragraph 10, Colin Meadowcroft, Statement of Evidence for TDC, 8 November 2021.

¹⁵ Condition 4, Ibid.

¹⁶ Remote meeting via Teams, attended by Cheryl Cleary, Hamish Crawford and Warren Bird (WSP); Brent Aitken (TDC), Colin Meadowcroft (for TDC); and Brian Richmond (WRC).

33. Therefore, I recommend a new rule be added to PC37, for 'stormwater management' as a matter that Council reserves its discretion over in relation to applications for subdivision consent, as follows:

(h) Stormwater management that is:

- i in accordance with a Catchment Management Plan that has been approved by Council;
- ii

34. I also recommend that a new rule be introduced into PC37 to require information to accompany applications for subdivision within the Nukuhau Structure Plan, relating to the provision of a report that demonstrates that the application for subdivision is in accordance with a Catchment Management Plan that has been approved by Council.

35. These proposed rules will mean that unless TDC has prepared a Catchment Management Plan for new urban areas that includes the Nukuhau Structure Plan area, the first applicant for subdivision within the Structure Plan area will need to prepare a Catchment Management Plan and have it approved by TDC. The rule requires that the approval has already been given, and that the stormwater management proposed within the subdivision is in accordance with the approved Catchment Management Plan.

36. The requirement that subdivision be in accordance with an approved Catchment Management Plan, does mean that the stormwater management for the whole catchment will be addressed comprehensively and in an integrated manner. Condition 32(f) of the comprehensive consent for the Taupō municipal stormwater system requires that the catchment management plan identifies potential urban growth, development and land use intensification within the catchment. In this way, an integrated approach to the management of the stormwater within and beyond the Nukuhau Structure Plan will be required.

Archaeology

37. Ms Sykes' statement of evidence dated 20 October 2021 and reply evidence dated 5 November 2021, identified that there are two depressions that may have archaeological values, which she referred to as Area C.

38. Ms Sykes stated that Area C was considered to have "low heritage value even in the situation it is an archaeological site"¹⁷. Ms Sykes further cited from her Archaeological Assessment, which concluded that, in relation to Area C:

There is potential that these may represent an unrecorded archaeological pit site, which in turn would indicate wider settlement or gardening in the general vicinity. Any such evidence would be considered of local archaeological relevance only and therefore is considered to be of low significance.¹⁸

39. The section 32AA evaluation of whether provisions are needed within PC37 concludes that there is a low risk of developers of the Nukuhau Structure Plan not being aware of the potential for the two depressions to be archaeological sites. It identifies that the most appropriate way to give effect to Objectives of the TDP relating to historic heritage is for the area of the two depressions to be noted on the Nukuhau Structure Plan. **Attachment 1** includes a revised Nukuhau Structure Plan **(9.7)** which illustrates indicatively the location of the two depressions.

40. It is recommended that an explanation of the notation on the Nukuhau Structure Plan also be included in PC37, such as:

An area of potential archaeological interest was identified during the preparation of the Nukuhau Structure Plan and is illustrated on the Structure Plan (Appendix 9). This area consists of two visible depressions. Research to date has been inconclusive as to their origin and whether they are archaeological in nature. If archaeological in nature, they are likely to be storage pits and may also indicate near-by

¹⁷ Paragraph 23, Statement of Evidence of Ms Kirsty Sykes, 20 October 2021.

¹⁸ Paragraph 22, Ibid.

additional archaeological features such as occupation and/or gardening. It is a prosecutable offence under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand Pouhere Taonga to do so. For ground disturbance works in this area, an archaeological excavation, under an authority to do so, of the area of archaeological interest is required. In the first instance, contact Heritage New Zealand Pouhere Taonga in regard to this. Should the depressions be investigated and determined to be archaeological, preservation of the site may be considered and discussed between the relevant stakeholders.

41. The above-noted paragraph is included in the revised version of PC37, within the Explanation section above Objective 3a.2.3 (**Attachment 1**).

Cultural Values

42. In my primary statement of evidence, I proposed an assessment criterion for subdivision:

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

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

43. In his statement of reply dated 9 November 2021, Mr Bonis recommended a slightly different criterion:

- iii. The extent to which the cultural associations of the gully system and reserve planting, narratives, and values of importance to mana whenua are accounted for through either:
- a) Pukenga (experts/learned individuals) engagement, and / or demonstrable and reasonable endeavours to engage with Pukenga has been undertaken, the outcome of that consultation, and whether the subdivision responds to, or incorporates the outcome of that engagement including any management of identified areas or sites of sensitive mana whenua values as identified by the relevant Runanga or Hapu; and / or
 - b) a cultural impact assessment for the entire Nukuhau Structure Plan area has been undertaken by Pukenga on

- behalf of the appropriate iwi authority representatives and the proposal's consistency with values identified; and
- c) Whether a protocol has been agreed with the Runanga or Hapu for managing accidental discovery.

44. Having heard the evidence of the submitters and considered Mr Bonis' recommended provision, I remained of the opinion that an assessment of cultural effects to accompany applications for subdivision remains necessary. However, I am of the view that the provision I proposed does need refinement, including to address the matters raised in the hearing.
45. The Panel's direction was that I prepare supplementary evidence and revised plan provisions relating to the matter of cultural effects focusing on: "why, who and when", and I discuss each of those matters in the following sections.

Why

46. Part 2 of the RMA is particularly relevant to considering whether additional provisions are needed within PC37 to address cultural values, and in particular section 5, section 6(e), section 6(f), section 7(a) and section 8.
47. Also, of relevance is section 74(2A), whereby councils must take into account any relevant planning document recognised by an iwi authority that has a bearing on the resource management issues of the district¹⁹.
48. The objectives of the WRPS also require cultural heritage to be protected, maintained or enhanced.²⁰ Policy 10.3 of the WRPS is 'manage subdivision, use and development to give recognition to historic and cultural heritage and to integrate it with development'. Implementation Methods for Policy

¹⁹ I discuss the Environmental Iwi Management Plan of Ngāti Tūwharetoa in relation to cultural impact assessment in paragraphs 230-233, Statement of Evidence, PC37, 20 October 2021.

²⁰ Objective 3.18 Historic and cultural heritage, WRPS.

10.3 include accidental discovery protocols, and cultural impact assessments (CIA).²¹

49. In my experience, the sort of things that generally emerge out of a CIA can be addressed at subdivision consent stage, and these include matters such as: use of indigenous plant species; landscaping design that reflects cultural perspectives; inclusion of interpretation materials, communicating the history and significance of places; appropriate karakia and other cultural protocols to be implemented when appropriate and ensuring the appropriate protocols (tikanga and kawa) are followed throughout the project; and a cultural monitor to be present with the archaeologist upon the removal of topsoil or other times where deemed necessary.
50. The above list is illustrative and are not necessarily the measures that would be relevant for PC37. Unfortunately, I do not have sufficient information from any assessment of cultural effects at the structure plan and plan change preparation phase, or from evidence presented at the Hearing by submitters, to be able to recommend such detailed measures for PC37, as rules or criteria. In my opinion, detailed measures would need to be identified by groups with Māna Whenua, if they wished to do so.
51. In relation to PC37, the relevant iwi authorities²² were provided with written information about the plan change, and comments were received from Te Arawa River Iwi Trust (in relation to wastewater) and Tūwharetoa Māori Trust Board (in relation to stormwater). Contact after submissions to PC37 was made with hapū (Ngāti Te Urunga; Ngāti Rauhoto) through Nukuhau Marae, who advised there was no comment at this time; and

²¹ The WRPS defines cultural impact assessments as: Cultural impact assessments – reports documenting Māori cultural values, interests and associations with an area or a resource and the potential impacts of a proposed activity on these. They are tools to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.

²² Te Kotahitanga o Ngāti Tūwharetoa, Tūwharetoa Māori Trust Board, Te Arawa River Iwi Trust, and Raukawa Charitable Trust as Iwi Authority in terms of Area of Interest and Statutory Acknowledgement and as River Iwi Authority.

(Ngāti Ruingarangi) through a contact at Te Rangiita Marae, who I understand have not made comment as yet.

52. In my opinion, it is not possible to conclude from the limited responses, and the lack of identification of cultural values within the Nukuhau Structure Plan, that there are no cultural values or Part 2 RMA matters that should be recognised and provided for in the subdivision and development of the Nukuhau Structure Plan.
53. However, I acknowledge that the Hearings Panel need to make a determination on the evidence available²³, and no or little evidence of cultural effects from the proposed urbanisation of the Nukuhau Structure Plan has been provided.
54. Evidence presented on behalf of Rangatira E Trust appeared to relate to requesting that TDC take an integrated approach to rezoning of land²⁴. The legal submissions for Rangatira E Trust stated there was a failure to satisfy section 6(e) and sections 7 and 8 RMA, but the evidence presented by Rangatira E Trust did not provide any information as to the cultural effects that were not being addressed by PC37 or measures required to avoid, remedy or mitigate adverse effects on cultural values²⁵. The legal submissions mistakenly confused consultation with assessment of cultural effects, and appears to have overlooked my directly relevant comments in my primary statement of evidence, including the provision that I recommended²⁶ be included in PC37 regarding a CIA²⁷.

²³ In *Genesis Power Limited V Manawatu-Wanganui Regional Council* (2006) NZRMA 536, the High Court concluded that “If Maori do not engage in consultation, or provide probative evidence of measures that will mitigate the adverse effects of them...then the Court must decide the application on the evidence it has. It must not construct a process to afford Maori another or different opportunity to express their concerns.”

²⁴ Paragraphs 10-18, Legal Submissions on Behalf of Rangatira E Trust; paragraph 3.2, Brett Farquhar Statement of Evidence, 29 October 2021.

²⁵ Mr Farquhar (paragraphs 3.10-3.14) and Legal Submissions for Rangatira E Trust raised matters relating to the ability to develop Maori-owned land, and in particular the Rangatira E land, which is located outside the scope of PC37.

²⁶ Paragraphs 33, 55, 223 – 237, Cheryl Cleary, Statement of Evidence, PC37, 20 October 2021.

²⁷ Paragraphs 30-31, Legal Submissions on Behalf of Rangatira E Trust.

55. In my opinion there is a risk, albeit a small risk, of effects on cultural values and measures to address those values, not having been identified for the Nukuhau Structure Plan. In my opinion, a provision to ensure that cultural values and measures to avoid, remedy or mitigate adverse effects on cultural values remains necessary for PC37.
56. Therefore, the 'why' part of the provisions to be added to PC37 is two-fold:
- a) Engagement/attempts to engage with Māna Whenua, iwi authorities and hapu; and
 - b) Identification and implementation of the outcomes of the engagement – the measures taken in the subdivision design, layout and other measures within the subdivision consent, to address the cultural effects identified through the engagement process.

Who

57. The RMA refers to consultation with tangata whenua of the area through iwi authorities²⁸. The New Zealand Planning Standards requires that “an appropriate term must be used wherever tangata whenua/mana whenua is shown in the planning standards” and this “appropriate term” must be determined through engagement with affected groups and may vary depending on the context. The Planning Standards state that if agreement on an appropriate term cannot be reached then local authorities must use the term ‘tangata whenua’.²⁹ My understanding is that the TDP uses the term ‘tangata whenua’³⁰.

²⁸ Clause 3 of Schedule 1 RMA relates to consultation with tangata whenua of the area through iwi authorities. The RMA defines ‘iwi authority’ as “means the authority which represents an iwi and which is recognised by that iwi as having authority to do so”.

²⁹ Mandatory Directions 4 and 5, New Zealand Planning Standards, November 2019.

³⁰ Chapter 2.2, Tangata Whenua of the Taupo District, Taupo Operative District Plan.

58. Section 35A(2)(b) of the RMA requires each local authority to include in its records all the information provided to it by the Crown on the contact details of each iwi authority within the region or district of that local authority and areas over which one or more iwi exercise kaitiakitanga within that region or district; and any groups that represent hapū for the purposes of the RMA and the areas over which one or more hapū exercise kaitiakitanga within the region or district of that local authority. Using the terms iwi authority and hapu would also be consistent with the RMA.
59. The provision I recommended in my primary statement of evidence used the terms iwi authority and 'Māna Whenua'³¹. Mr Bonis has also advised me that he is now of the view that his recommended matter for discretion (cited above) should refer to reasonable endeavours to engage with "Pūkenga and / or mana whenua".³² That being the case, I recommend the use of the term Māna Whenua', in addition to iwi authority, be included within any cultural values provision added to PC37.
60. Mr Bonis recommends that there is a requirement for evidence that the applicant has engaged or attempted to engage with "Pukenga (experts/learned individuals)". The clause requires that values of importance to mana whenua are "accounted for"; it is not apparent that this entails any concept of recognising the role of iwi or hapū as Māna Whenua, or as kaitaki, or provides for the practical expression of kaitiakitanga or providing for section 6(e) and 6(f) RMA matters. I am also of the opinion that the use of the term 'Pūkenga' creates administrative uncertainty.
61. I consider the inclusion of 'rūnanga' in Mr Bonis' recommended clause (b) problematic, as an iwi can have one governing rūnanga and many sub rūnanga, in such cases it can be used to mean the subdivision of a tribe governed by that council. Rūnanga can also mean governance areas. Mr

³¹ Defined in the RMA as: "customary authority and title exercised by an iwi or hapū over an identified area".

³² Email from Matt Bonis to Cheryl Cleary, 25 November 2021.

Bonis has advised me that he acknowledges and accepts the questions raised by Commissioner Hunia regarding the use of the term Rūnanga in the Waikato context and is no longer of the view that this term should be used in a cultural values provision in PC37.³³

62. My understanding is that Mr Bonis otherwise remains of the view that his recommended matter for discretion for subdivision is the appropriate amendment to make to PC37 to address cultural values.³⁴
63. Mr Bonis' recommendation also included as clause (c) Whether a protocol has been agreed with the Runanga or Hapu for managing accidental discovery. I am advised by TDC³⁵ that the following is a standard advice note that TDC include in consents that involve earthworks or soil disturbance:

Subject to any legal requirements of the Taupō District Council, the Police, Heritage New Zealand Pouhere Taonga Act 2014, Antiquities Act 1975 and any other governing legislation, should a wāhi tapu or archaeological site be uncovered during earthworks or other construction work, work in the affected area shall stop immediately and the consent holder shall seek advice from Taupō District Council's Strategic Communications Officer, tangata whenua, Heritage New Zealand and/or the New Zealand Police (as appropriate) to determine what further actions are appropriate to safeguard the site or its contents before work recommences.³⁶

64. I consider that, in the light of the practice within TDC, to include an accidental discovery protocol provision that only applies to the Nukuhau Structure Plan³⁷ and no other parts of the district may suggest that an accidental discovery protocol is not applicable to other areas. While this issue is not insurmountable³⁸, I do not recommend any specific provision be added to PC37 on that matter.

³³ Email from Matt Bonis to Cheryl Cleary 25 November 2021.

³⁴ Ibid.

³⁵ Email from Hilary Samuel to Cheryl Cleary, 23 November 2021.

³⁶ Ibid.

³⁷ I do not consider there is scope to add a provision to the TDP that applies outside of the Nukuhau Structure Plan.

³⁸ The provision could note that an accidental discovery protocol is applicable elsewhere.

When

65. I remain of the opinion, which was expressed in my primary statement of evidence that, given that the Nukuhau Structure Plan area had been identified as a growth area in the 2018 growth management strategy 'Taupo District 2050', and there were no submissions from iwi authorities to PC37, there is a very low likelihood of there being cultural values that would preclude urbanisation of the Structure Plan area. Therefore, I consider that PC37 can be approved on the basis of an additional provision relating to a cultural impact assessment. My understanding is that Mr Bonis is also of the opinion that there are no substantial cultural values that would prevent PC37 from proceeding.³⁹
66. I recommended that an additional provision be included within PC37 to require a cultural impact assessment for the Structure Plan area at the time of subdivision, as the mechanism to ensure cultural effects are satisfactorily addressed.
67. In my opinion, the engagement and identification of cultural values within the Nukuhau Structure Plan area needs to happen at the time of subdivision, so that measures can be included in the subdivision application to respond to and address any matters raised in both the engagement and assessment of cultural effects. My understanding is that Mr Bonis is of the same view⁴⁰.
68. In relation to whether engagement and identification of cultural effects needs to be carried out for the entire Nukuhau Structure Plan or for each application for subdivision, the provision I recommended in my primary statement of evidence was that an cultural impact assessment for the

³⁹ Matt Bonis, Statement of Reply, 9 November 2021, para 13-14; email from Matt Bonis to Cheryl Cleary, 25 November 2021.

⁴⁰ Email from Matt Bonis to Cheryl Cleary, 25 November 2021.

entire Nukuhau Structure Plan should be prepared at the time of the first application of subdivision.

69. I acknowledge it may be difficult for an assessment of effects for subdivision being able to effectively anticipate what future applications for subdivision will involve and what the effects will be. That being the case, it may also be effective for engagement, assessment of effects on cultural values, and identification of measures to achieve Part 2 RMA requirements, to be carried out at the time of preparation of each subdivision application.
70. Options for a provision relating to the assessment of cultural values at the time of subdivision are discussed in the attached section 32AA evaluation **(Attachment 2)**.

Conclusion on Cultural Effects

71. The 'why' for updating the PC37 with additional provisions relating to cultural heritage relates to the need to ensure that Part 2 RMA matters have been addressed for the Nukuhau Structure Plan area, given the lack of an assessment of cultural effects of the plan change.
72. The 'who' for the additional provisions should relate to Māna Whenua, Iwi authorities and hapū, given the section 35A duties of councils to maintain records of iwi authorities and hapū. Rules and criteria constructed on this basis will be the most effective and efficient.
73. The 'when' needs to be in relation to applications for subdivision, so that the subdivision layout and design and other measures can recognise and provide for any sites or areas of significance to iwi authorities and hapū. The ideal would be for a whole of Nukuhau Structure Plan approach to the identification of cultural values and measures to address Part 2 RMA matters in that regard. This could be achieved by a matter for discretion

that requires subdivision to demonstrate that it gives effect to a cultural impact assessment for the entire Nukuhau Structure Plan.

74. A provision along these lines is recommended, and is set out in **Attachment 1**.

SECTION 32AA EVALUATION

75. The PC37 Request contained a section 32 evaluation report. A further evaluation is required under section 32AA for any changes that are proposed for a proposal since the section 32A evaluation report was completed, and must be undertaken in accordance with section 32(1) to (4).⁴¹ The section 32AA evaluation must be included in the decision on a plan change or be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with section 32AA.⁴²
76. The section 42A Report recommended amendments to PC37 and noted that a further evaluation under section 32AA was required and that the section 42A Report did not contain that evaluation.⁴³
77. The Direction requested that I provide assistance to the Hearings Panel in preparing a section 32AA Evaluation of the proposed amendments to PC37. Accordingly, a section 32AA evaluation is contained in **Attachment 2** to this Statement.⁴⁴

⁴¹ Section 32AA(1)(a)-(b).

⁴² Section 32AA(1)(d).

⁴³ Paragraph 282-283, Proposed Plan Change 37 Nukuhau s 42A Report of Matt Bonis, 6 October 2021.

⁴⁴ The s 32AA Evaluation in Attachment 2 has been prepared using the Ministry for the Environment 2017 A Guide to Section 32 of the Resource Management Act: Incorporating changes as a Result of the Resource Legislation Amendment Act 2917, Wellington, Ministry for the Environment.

78. The section 32AA evaluation contained in Attachment 2 relies on the body of well-settled case law that establishes how the statutory provisions regarding plan changes should be interpreted and applied⁴⁵.
79. In relation to section 32 RMA: the objectives in a plan change are to be evaluated by the extent to which they are the most appropriate way to achieve the purpose of the RMA⁴⁶.
80. The policies are to implement the objectives, and the rules (if any) are to implement the policies.³⁷
81. The provisions are to be examined, as to whether they are the most appropriate method for achieving the objectives of the district plan, by:
 - a) Identifying other reasonably practicable options for achieving the objectives; and⁴⁷
 - b) Assessing the efficiency and effectiveness of the provisions in achieving the objectives,⁴⁸ including:
 - I. Identifying and assessing the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment that are anticipated to be provided or reduced⁴⁹; and
 - II. Quantifying these benefits and costs where practicable⁵⁰;

⁴⁵ *Long Bay-Okura Great Park Society v North Shore City Council* A078/08 (EC); subsequently updated in *High Country Rosehip Orchards Ltd v Mackenzie District Council* [2011] NZEnvC 387 (EC) and *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55 (EC) at [17].

⁴⁶ Section 32(1)(a).

⁴⁷ Section 32(1)(b)(i).

⁴⁸ Section 32(1)(b)(ii).

⁴⁹ Section 32(2)(a).

⁵⁰ Section 32(2)(b).

and

- III. Assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions⁵¹.

CONCLUSION

82. At the Direction of the Hearings Panel, I have addressed the need for revisions to PC37 relating to a number of specific matters raised in the course of the hearing. These relate to: activity status for subdivision; lot sizes and density provisions; management of stormwater; provisions relating to a possible archaeological area of interest within the Structure Plan; and provisions to address cultural values.
83. The Hearings Panel also requested that I provide assistance by preparing a section 32AA evaluation of revisions made to PC37 since public notification. Such an evaluation is contained in **Attachment 2**. This evaluation identifies that the recommended revised Objectives of PC37 are the most appropriate to achieve the Purpose of the RMA.
84. The section 32AA evaluation also identifies that a restricted discretionary activity status for subdivision is the most appropriate for achieving the objectives of PC37 and the TDP, and is the most efficient and effective activity status. Additional matters for discretion are recommended and are identified in the revised PC37 in **Attachment 1**.
85. The need for lot size and density provisions has been evaluated, and I identify that maximum lot sizes of 750m² for the General Residential Zone and of 500m² for the Nukuhau Medium Density Zone would ensure the land resource is used efficiently, while enabling some flexibility for a variety of lot sizes. An average density of 15 household units per hectare in the

⁵¹ Section 32(2)(c).

Nukuhau General Residential Zone, and 30 household units per hectare in the Nukuhau Medium Density Residential Zone will give effect to the PC37 Policy relating to enabling low-rise apartments, semi-detached and terraced housing.

86. The measures needed to ensure coordinated and integrated management of stormwater across the Nukuhau Structure Plan has been addressed, and with the assistance of WSP's three waters expert, I have recommended additional provisions be added to PC37 relating to the subdivision being in accordance with an approved Catchment Management Plan.
87. To address the uncertainty relating to two depressions that might be archaeological in nature, a revised Structure Plan has been prepared and is also included in the revised PC37 in **Attachment 1**. The revision is a notation to identify the location of an area of archaeological interest. It is also recommended that an explanation of the notation is included within PC37, and this is set out in **Attachment 1**.
88. The Direction to address the 'why', 'who' and 'when' of a provision relating to cultural values has been considered, and four options have been evaluated in the section 32AA evaluation (**Attachment 2**). The recommended provision is an assessment criterion with advice note, and this is set out both in the section 32AA evaluation and in the revised PC37 (**Attachment 1**).
89. In my opinion, with the amendments that I have proposed, PC37 will meet all of the statutory tests and give effect to the NPS-UD and the WRPS. It is the most appropriate way of achieving the existing objectives of the TDP, and in combination with the new objectives it introduces, it is the most appropriate way of achieving the Purpose of the RMA.

90. Accordingly, I recommend that PC37, with the amendments set out in **Attachment 1** to this supplementary statement of evidence be approved.

Cheryl Louise Cleary

3 December 2021

Attachment 1

Updated PC37

Amendments made by PC37 as notified are in blue underlined font; amendments recommended in the Statement of Evidence of 29 November 2021 are in black bold underlined font.

Attachment 1 – PC37 as notified is in blue font; recommended amendments are in bold underlined font

3a RESIDENTIAL ENVIRONMENT

3a.1 Introduction

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

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

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

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

- Residential
- High Density Residential
- Low Density Residential
- Kinloch Rural Residential Area
- Kinloch Low Density Residential Area
- Kinloch Residential Area
- New Residential Environment
- Unserviced Residential Environment
- Mapara Residential Environment

- [Nukuhau Residential and Medium Density Areas](#)
- Development Area (as consented under Rules [4f.1.7](#) or [4f.1.8](#))

3a.2 Objectives and Policies

OBJECTIVE

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

POLICIES

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

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

EXPLANATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OBJECTIVE

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

POLICIES

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

EXPLANATION

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

OBJECTIVE

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

POLICIES

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

EXPLANATION

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

OBJECTIVE

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

POLICIES

KINLOCH COMMUNITY STRUCTURE PLAN AREA

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

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

KINLOCH LANDSCAPE POLICY AREA

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

KINLOCH COMMUNITY STRUCTURE PLAN AREA

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

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

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

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

OBJECTIVE

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

POLICIES

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

EXPLANATION

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

LAKE OHAKURI DEVELOPMENT ZONE

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

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

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

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

OBJECTIVE

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

POLICIES

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

EXPLANATION

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

[NUKUHAU STRUCTURE PLAN AREA](#)

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

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

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

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

The Nukuhau Structure Plan area is characterised by gully systems and natural flow paths, as such development of the land should protect and enhance these features. The future development of the land should respect and take advantage of the amenity, legibility and identity opportunities offered by existing topography and long-view opportunities. Key amongst these opportunities are the relationships between residential properties and the gully-open space network, and the long views towards the Lake and volcanic cones, views of the Punatekahi hills and the gully network within the western area of the Structure Plan area. Through the structure planning exercise it has been identified that given the proximity of the land to the CBD and ability to provide convenient access to open space, this location is suitable for areas of general and medium density residential zoning to enable development of a variety of housing in Taupō.

An area of potential archaeological interest was identified during the preparation of the Nukuhau Structure Plan, and is illustrated on the Structure Plan (Appendix 9). This area consists of two visible depressions. Research to date has been inconclusive as to their origin and whether they are archaeological in nature. If archaeological in nature, they are likely to be storage pits and may also indicate near-by additional archaeological features such as occupation and/or gardening. It is a prosecutable offence under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand Pouhere Taonga to do so. For ground disturbance works in this area, an archaeological excavation, under an authority to do so, of the area of archaeological interest is required. In the first instance, contact Heritage New Zealand Pouhere Taonga in regard to this. Should the depressions be investigated and determined to be archaeological, preservation of the site may be considered and discussed between the relevant stakeholders.

OBJECTIVE

3a.2.3 To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan while maintaining and enhancing the local network of gullies and stormwater flow paths in a manner that contributes positively to residential amenity and character and minimises offsite effects.

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

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

b. maintaining and enhancing the natural gully system identified in the Nukuhau Structure Plan as stormwater flow paths as far as practicable.

c. ensuring that the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge is maintained as the Nukuhau Structure Plan develops.

POLICIES

- i. Encourage development in the Nukuhau Structure Plan area to be carried out in a manner which reflects the intent of the Nukuhau Structure Plan.
- ii. Achieve an appropriate level of residential amenity and character.
- iii. Enable the development of a range of housing types, to provide a choice of living environments.
- iv. Achieve a connected open space and walking-cycling network centered on **the natural gully system identified in the Nukuhau Structure Plan**, stormwater reserves, gullies and street corridors with a high amenity interface with the residential uses .
- v. Subdivision in the Nukuhau Structure Plan Area should only occur where the resulting lots will be connected to Council's wastewater network infrastructure.
- vi. **Significant adverse traffic effects from subdivision and development within the Nukuhau Structure Plan on the safe, efficient and effective operation of existing roading infrastructure at the Control Gates Bridge, and/or the intersections on either side of the Bridge, are avoided, remedied or mitigated.**
- vii. **The risks of significant erosion and flooding within the natural gully system identified in the Nukuhau Structure Plan are avoided, remedied or mitigated.**

3a.3 Methods

- i. **Performance standards** for permitted activities which protect the character, amenity and functioning of the Residential Environment and take into account the density of development.
- ii. **Environmental assessment** of activities which do not comply with performance standards through the resource consent process.
- iii. **Conditions** on resource consents such as consent notices and covenants on titles.
- iv. **Education** and information on the existing environmental levels, values, and amenity associated with the Residential Environment.
- v. Payment of **Financial Contributions** for reserves and roading. Refer to Section 5 of the Plan.
- vi. **Council Policy** such as through Structure Plans to guide the growth of the District.
- vii. Compliance with Council's **Development Guidelines** to ensure a suitable standard of infrastructure.
- viii. Allocation of funds through the **Strategic and Annual Plan** processes.

- ix. Rules and policies within any relevant **Regional Plan or Policy Statement**.
- x. **Other legislation** and Council **Bylaws**.
- xi. The implementation of any Joint Management Agreement between Council and Iwi.
- ~~xi-xii.~~ [Subdivision design guidance for the development of the Nukuhau Structure Plan area to enhance character and amenity and access to open space for a mixture of general and medium density residential development.](#)

3a.4 Principal Reasons for Adoption

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

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

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

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

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

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

3a.5 Anticipated Environmental Outcomes

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

iv. The recognition and protection of the different types of character and levels of development within the Residential Environment.

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

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

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

viii. Risks of significant erosion and flooding within the natural gully system identified in the Nukuhau Structure Plan are avoided, remedied or mitigated.

4a RESIDENTIAL ENVIRONMENT

Section Index:

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

[4a.2 General Rules](#)

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

4a.1 Performance Standards and Development Controls

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

PERFORMANCE STANDARDS - DEVELOPMENT CONTROLS - For Each Residential Area

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

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

PERFORMANCE STANDARDS – For Each Residential Area

	i.	ii.	iii.	iv.	v.	vi.	vi.	Viii	iX
	Residential	High Density Residential	Low Density Residential	Kinloch Residential	Kinloch Low Density	Kinloch Rural Residential	Neighbour-hood Shops	Nukuhau General Residential	Nukuhau Medium Density Residential
4a.1.9 Maximum Equivalent Vehicle Movements	24	100	24	24	24	24	100	24	100
4a.1.10 Maximum Signage Total Face Area in one sign per allotment	0.25m ²	4m ²	0.25m ²	0.25m ²	0.25m ²	0.25m ²	Multiple signs up to 4m ² total face area per site	0.25m²	0.25m²
4a.1.11 Maximum Signage Style	a. Signage must relate to the activity undertaken on the allotment. b. No flashing, reflectorised or illuminated signs. One temporary sign per allotment, 1.08m ² total face area, 4m maximum height, for the sale of land or buildings.								
4a.1.12 Maximum Earthworks Disturbance of the allotment at any one time while redeveloping^[1]	50%	No Maximum	50%	50%	10%	5%	50%	50%	No Maximum
4a.1.13 Maximum Earthworks Outside Building Setback^[1]	1.5m Vertical ground alteration outside the minimum building setback in a new face or cut and / or fill.								
4a.1.14 Maximum Earthworks Inside Building Setback^[1]	1.5m Vertical ground alteration within the minimum building setback requirement.								
4a.1.15 Maximum Earthworks Dust or silt nuisance	No dust or silt nuisance beyond the boundary of the allotment.								

PERFORMANCE STANDARDS – General for All Residential Areas

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

Refer also to Subsection E – DISTRICT WIDE RULES

4a.2 General Rules

4a.2.1 Any activity that:

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

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

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

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

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

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

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m².
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle

movements.

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

0800 - 2200 Saturday, Sunday and public holidays

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

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

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

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

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

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

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m².
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle movements.
- iv. The hours of operation are limited to between the following hours

0700 - 2200 Monday to Friday, and

0800 - 2200 Saturday, Sunday and public holidays

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

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

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

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

- i. The office activity is located on a front site; and
- ii. Total on-site office space is less than 50m² gross floor area per site; Or
- iii. The office activity is on a property identified on Planning Maps C10 and C15 and Schedule 7.9, where the floor space does not exceed the gross floor area listed in Column 3 of the Schedule.

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

- i. The office activity is located on a front site;
- ii. Total on-site office space exceeds 50m² but does not exceed 100m² gross floor area per site;
- iii. Opening hours of the office are restricted to 8am to 6pm Monday to Friday;
- iv. Otherwise the performance standards and development controls contained in Rule 4a.1 shall apply as for residential high density.

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

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

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

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

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

4a.2.10 Any retail activity within the **KTHD** area that exceeds 50m² of gross floor area per site is a **discretionary activity**.

4a.2.11 Except where identified as a "Shop" on the Planning Maps [30 – 162;163;164;166;167;168], any retail or office activity within the Residential Areas that exceeds two full time equivalent persons who permanently reside elsewhere than on the site, or 50m² of gross floor area per site (whichever is the lesser), is a **discretionary activity**.

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

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

4a.3 Subdivision Rules

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

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

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

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

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

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

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

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

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

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

4a.4 Kinloch Structure Plan Area Rules

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

Subdivision Rules for the Kinloch Structure Plan Area

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

	a. Kinloch Residential	b. Kinloch Low Density	c. Kinloch Rural Residential
i. Minimum Lot Size	800m ²	1 hectare	2 hectares
ii. Average Lot Size	1,000m ²	1.5 hectares	2.5 hectares

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

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

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

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

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

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

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

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

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

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

Lake Ohakuri Development Zone Rules

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

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

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

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

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

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

	a.	b.	c.	d.	e.	f.	g.	h.
	Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster	Maximum zone yield
i. Max. % of Total Village Yield	8%	11%	21%	48%	7%		8%	150-190 units
ii. Average Lot Size (m²)	400	320	520	650	1000		2180	
iii. Lot Range	350-500	250-400	400-600	600-800	800-1500	1000-2500	<4000	
iv. Min. Lot Frontage to public realm (m)	10m	7m	10m	12m	14m	16m	20m	
v. Max. % Coverage	40%	40%	35%	30%	30%	25%	20%	
vi. Location (as shown on Map D4)	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Rush Resort	Bush Resort	Lake Forest Environment	

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

- i. minimum Site Size (including Balance Land) is 10ha, and
- ii. maximum intensity of development (ha of total area/dwelling) of 1 per 2ha, and
- iii. no less than 10% of public open space vested or covenanted
- iv. a balance allotment of 70% of the site to be held in common ownership

v. have a balance lot which must be contiguous and provide connection to publicly accessible areas outside the Site,

and

vi. revegetation and landscape in the balance land is subject to a management plan, and

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

considered a **controlled activity**

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

i. Those points of deviation from the rule in question

ii. Policies 3a.2 i – iv

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

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

4a.5.6 Any activity that:

i. complies with all of the performance standards in 4a.5.8; and

ii. complies with all performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; and

iii. complies with all the District Wide Performance Standards; and

iv. is not identified as a controlled, restricted discretionary or discretionary activity; and

v. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules,

is a **permitted activity**.

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

i. any one of the standards for that typology in 4a.5.8

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

4a.5.8 Building Typologies: Performance Standards

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

4a.6 Pukawa C Development Zone

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

4a.7 Nukuhau Structure Plan Area Rules

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

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

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

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

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

4a.7.2.1 For the purposes of Rule 4a.7.2 the matters over which the Council reserves ~~control~~ **discretion** for the purpose of assessment are:

- a. [The design and layout of the subdivision to ensure:](#)
 - i. [safe and efficient access onto existing and/or proposed roads,](#)
 - ii. **efficient routes for public transport,**
 - iii. [suitable building platforms to accommodate future complying buildings,](#)
 - iv. **application of Crime Prevention Through Environmental Design (CPTED) principles specifically in terms of open space provision**
- b. [The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application. **The Waikato Regional Council Erosion and Sediment Control Guidelines for Soil Disturbing Activities \(TR2009/02\) should be followed.**](#)
- c. [Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.](#)
- d. [Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value **including:**](#)
 - i. **comprehensive surveys for bats, lizards and pipits (including for pipits during the breeding season, August to February), and management plans for how any identified adverse effects on these species will be avoided, remedied or mitigated; and**
 - ii. **specific provision for large framework tree planting and retention.**
- e. [The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.](#)
- f. [A Landscape Planting Plan for the ~~stormwater gully reserve network~~ **the natural gully system identified in the Nukuhau Structure Plan and areas of open space including that along Wairakei Drive and Poihipi Road**](#)
- g. [The creation of a safe network of walking and cycle pathways that provide or improve linkages to and through reserves and the roading network.](#)
- h. **Stormwater management that is:**
 - i. **in accordance with a Catchment Management Plan that has been approved by Council;**
 - ii. **in accordance with the Waikato Regional Council Stormwater Guideline (2020.07);**
 - iii. **integrated with the management of risks of significant erosion and flooding within the gullies throughout the Nukuhau Structure Plan; and**
 - iv. **predominately onsite treatment to limit the use of the natural gully system as stormwater reserves.**
- h. i. [Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them, their character and value for amenity, and of the effects of any changes in the catchment flow or water quality characteristics on the downstream catchment and landowners.](#)
- h. j. [Any requirements of Rule 4a.7.4, Rule 4a.7.5 and 4a.7.6 and/or the ability for such requirements to be achieved by subsequent development.](#)
- k. **Traffic effects identified within an Integrated Transport Assessment and the means to avoid, remedy or mitigate significant adverse traffic effects on the roading network.**

4a.7.2.2 **For the purpose of rule 4a.7.9 (b) for subdivision that does not meet the maximum lot size the matters for discretion apply in addition to the matters for discretion in 4a.7.2.1(a)-(k):**

- l. **Efficient use of the residential zoned land for multi-unit development, low-rise apartment building(s), terrace housing or a comprehensive housing development where the intended land use is identified in the application for subdivision.**

4a.7.3 Any application for subdivision within the Nukuhau Structure Plan area must provide the following information (additional to general information requirements):

- a. **An Integrated Transport Management Plan which addresses:**

(i) the potential effects of the development that the subdivision will enable on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge; and

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

b. A report that demonstrates that the application for subdivision is in accordance with a Catchment Management Plan that has been approved by Council.

4a.7.34 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is not in accordance with the Structure Plan in Appendix 9 is a discretionary activity.

4a.7.4 5 Any subdivision within the Nukuhau Structure Plan Area, where by the newly created lots are unable to be connected to Council wastewater network is a non-complying activity.

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

4a.7.56 Landscaping

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

4a.7.67 Fencing, Walls and Hedges

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

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

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

4a.7.78 Streetscape, Walking and Cycling Access

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

4a.7.9 Lot sizes for Subdivision and Density in the Nukuhau Structure Plan Area

a. Subdivision that complies with 4a.7.9 (a) (i) and (ii) is a restricted discretionary activity:

	<u>Nukuhau General Residential</u>	<u>Nukuhau Medium Density Residential</u>
<u>(i) Maximum Lot Size</u>	<u>750m²</u>	<u>500m²</u>
<u>(ii) Maximum density</u>	<u>15 household units per net hectare (net of public open space/ stormwater reserves and all roads)</u>	<u>30 household units per net hectare (net of public open space / stormwater reserves and all roads)</u>

b. Subdivision that does not comply with 4a.7.9 (a) (i) Maximum Lot Size is a restricted discretionary activity that is subject to the additional matters for discretion in rule 4a.7.2.2 (l).

c. Subdivision and/or residential development that does not comply with 4a.7.9 (a) (ii) Maximum density is a discretionary activity.

4a.7.8 10 Any activity that does not comply with Rules 4a.7.56, 4a.7.67 and or 4a.7.78 or 4a.7.9 is a non-complying activity.

4a.78 Assessment Criteria

*Please note: The assessment criteria used when assessing Restricted Discretionary Activities will be those criteria pertaining to the failed performance standard(s), **except in the case of criteria relating to the matters for discretion for subdivision within the Nukuhau Structure Plan.** When assessing Discretionary Activities the list of assessment criteria is not exclusive as other effects can be considered during assessment.*

4a.78.1 GENERAL CRITERIA

- a. Impact of the activity on the amenity and character of the Residential Environment, surrounding allotments and other Environments.
- b. Potential for conflict between the activity and other existing activities within the Residential Environment.

- c. Consideration of any relevant Structure Plan, Growth Management Strategy, Management Plan, Design Guidelines or Strategy as guidance during the resource consent process.

4a.78.2 DEVELOPMENT

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

4a.78.3 NON RESIDENTIAL ACTIVITIES

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

4a.87.4 BUILDING HEIGHT

- a. The extent to which the extra height will:
 - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
 - ii. reduce the privacy of adjacent allotments by comparison with the effects of a complying activity
 - iii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effects of a complying activity
 - iii. have an overbearing effect on sites within the Residential Environment.
- b. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. the extent to which topography, alternative design, planting, or setbacks can mitigate the adverse effects of the extra height.

4a.87.5 HEIGHT TO BOUNDARY

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

4a.87.6 COVERAGE, TOTAL COVERAGE AND PLOT RATIO

- a. The extent to which the increased coverage, total coverage, and/or plot ratio will:
 - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
 - ii. reduce the privacy and outlook of adjoining allotments by comparison with the effects of a complying activity

- iii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effect of a complying activity
 - iv. result in a building or building(s) that is inconsistent with the character of the area due to long unbroken building facades along one or more boundaries
 - v. significantly shade useable outdoor living space on an adjacent allotment.
- b. Proposed methods for avoiding, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
- i. The design and location of the building(s) to avoid long unbroken building facades along one or more boundaries
 - ii. Design of buildings or groups of buildings which reflect the scale of the surrounding environment
 - iii. The ability to mitigate adverse effects through the imposition of conditions such as landscaping.

4a.87.7 BUILDING SETBACK

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

4a.87.8 NOISE

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

4a.87.9 PARKING, LOADING AND ACCESS

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

4a.87.10 VEHICLE MOVEMENTS

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

4a.87.11 ARTIFICIAL LIGHT

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

4a.87.12 SIGNAGE

- a. Location (off or on the allotment), design and appearance of the sign.
- b. Compatibility with the scale and character of the allotment and of the surrounding Residential Environment, including the nature and proximity of other signage within the area.
- c. Any adverse effects on the visual amenity of the locality and whether the proposed sign would be visibly obtrusive, particularly from roads or public open spaces in the vicinity.
- d. Effect on the openness and attractiveness of the streetscape.
- e. Effect on the amenity of adjoining allotment in terms of such matters as noise, artificial light and glare occurring as a result of the sign.
- f. Necessity of the sign to direct people to the activity.
- g. Effect on the safe and efficient operation of the roading network within the area including the possible distraction or confusion of motorists.

4a.87.13 EARTHWORKS

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

4a.87.14 ODOUR

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

4a.87.15 STORMWATER

- a. Whether there will be any actual, potential or cumulative adverse effects of additional private connections on the stormwater reticulation system.
- b. Whether there will be a requirement to upgrade the stormwater reticulation system if additional private connections are made.
- c. Whether there will be any adverse effects on the environment of not providing for the onsite disposal of stormwater and/or adequate secondary flowpaths.
- d. Proposed methods for the avoidance, remedying or mitigating of the adverse effects, of climatic conditions on stormwater management during development, construction and rehabilitation phases.
- e. The assessment of any existing or potential adverse effects if the unauthorized disposal of waste and pollutants to the stormwater system, and the methods for monitoring, and methods used to reduce adverse effects. 4a.87.16 TWO OR MORE DWELLINGS PER ALLOTMENT (KINLOCH COMMUNITY STRUCTURE PLAN AREA)

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

4a.87.17 SUBDIVISION

- a. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.
- b. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. The clearance or planting of vegetation, including its location, species and maintenance.
- d. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.
- e. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- f. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value as identified in the plan.
- g. In respect to the New Residential Environment the appropriateness of the design, layout and density of the subdivision, having particular regard to any:
- i. flood risk (Kuratau New Residential Environment only),
 - ii. setback from any water body or river appropriate to mitigate any risk from erosion (Kuratau New Residential Environment only).
 - iii. relevant stormwater catchment management plan,
 - iv. geotechnical and topographical considerations, (including potential liquefaction effects for subdivision within the Kuratau New Residential Environment),
 - v. landscape issues (particularly as they relate to any Amenity Landscape Area),
 - vi. natural values and any infrastructural servicing issues.
- h. The densities and proposed landuses shown in the Kinloch Community Structure Plan (refer [appendix 1](#))
- i. Whether infrastructure can sustainably service the actual or cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- j. The effect of the proposed subdivision on the utilisation of geothermal energy resources of Development and Limited Development Geothermal Systems.
- k. Whether there is suitable and appropriate physical and legal access to allotments based on the number of new allotments created and any necessary title security of ownership and maintenance.
- l. **Whether landscape planting, stormwater infrastructure open space, and the walking and cycling pathways network are provided in general accordance with, including (but not restricted to) the integrated use and provision of the stormwater gully network to address all three matters as indicated in the Nukuhau Structure Plan (Appendix 9).**
- m. **Whether Provision for a new urban gateway at Wairakei Drive (Nukuhau Structure Plan only) is provided for.**
- n. Whether the proposed roading layout for subdivision within the Nukuhau Structure Plan will enable efficient routes for public transport.**

o. The extent to which subdivision within Nukuhau Structure Plan:

(i) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and

(ii) ensures that historic heritage is protected from inappropriate subdivision, use and development; and

(iii) ensures adverse effects on historic and cultural heritage are avoided, remedied or mitigated; and

(iv) responds to and incorporates the outcomes of engagement with relevant iwi authorities and hapū or with pūkenga, in the design, layout and other measures; and

(v) incorporates into the subdivision design, cultural and historic heritage landscapes, sites and features.

Advice Note: the provision of a cultural impact assessment with the application for subdivision consent may assist in addressing this assessment criterion (o). The WRPS defines cultural impact assessments as:

Cultural impact assessments – reports documenting Māori cultural values, interests and associations with an area or a resource and the potential impacts of a proposed activity on these. They are tools to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.

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

q. Whether subdivision is in accordance with a Catchment Management Plan that has been approved by Council.

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

DISTRICT WIDE RULES

APPENDIX 9 OUTLINE DEVELOPMENT PLAN

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

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



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

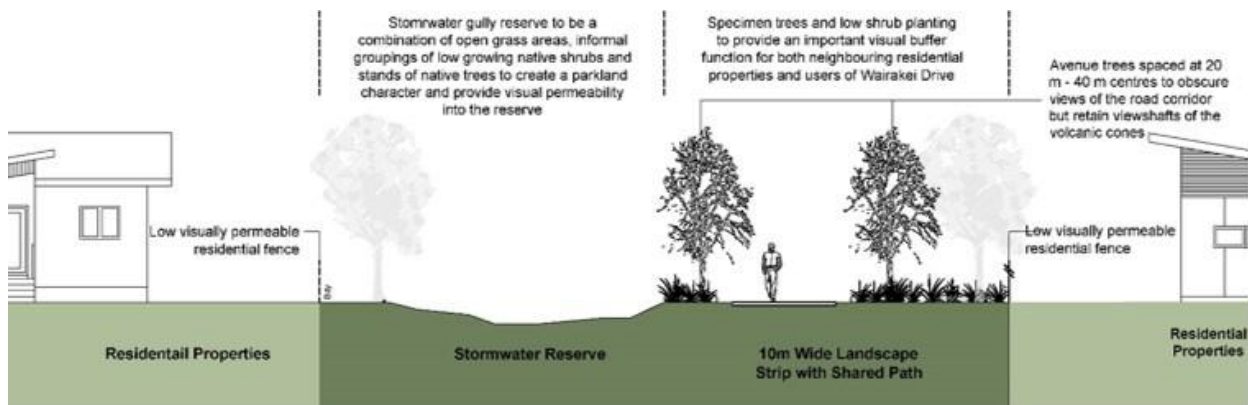


Figure 9-B: Cross section illustrating the Stormwater Reserve frontage

Standard 9.1a Planting Requirements 10 m wide Landscape Strip

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

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

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

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

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

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

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

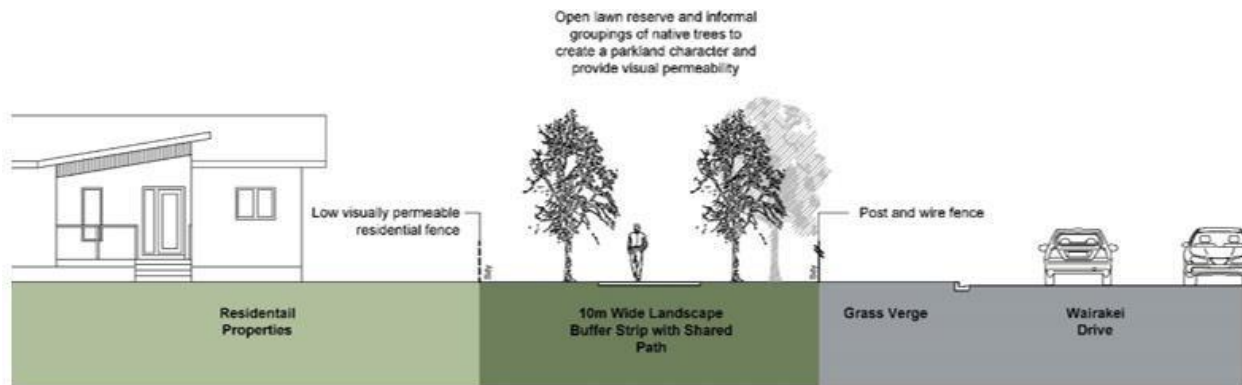


Figure 9-C: Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path to the Wairakei Drive road frontage design

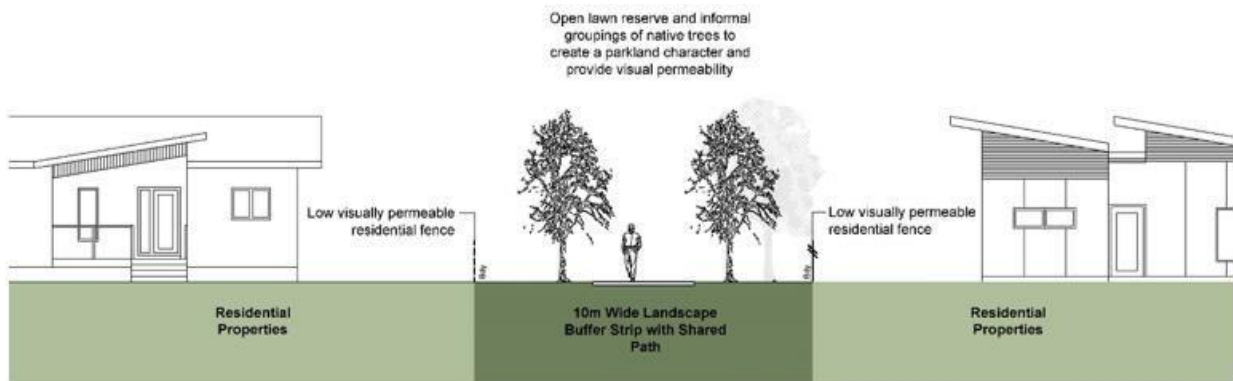


Figure 9-D: Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path

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

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

9.3 Arterial Roads

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

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

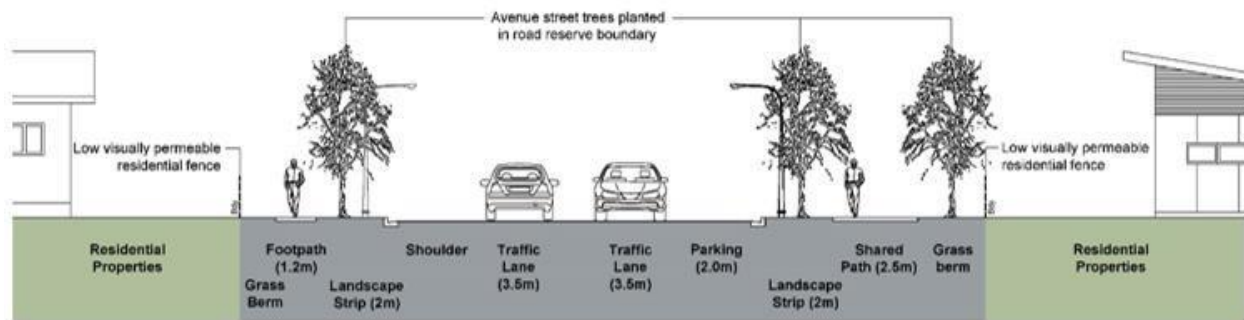


Figure 9-E: Cross section of an Arterial Road

9.4 Collector and Secondary Collector Roads- General Residential Zone

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

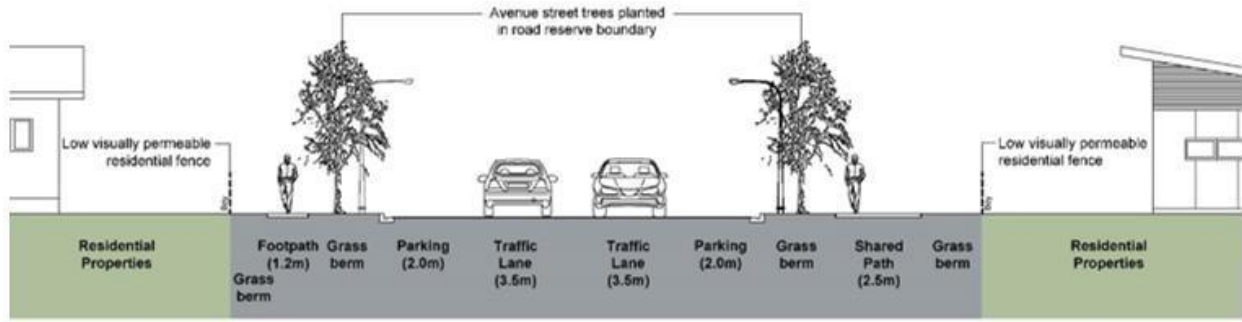


Figure 9-F: Cross section of Collector and Secondary Collector Roads in the General Residential Zone

9.5 Collector and Secondary Collector Roads- Medium Density Residential Zone

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

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

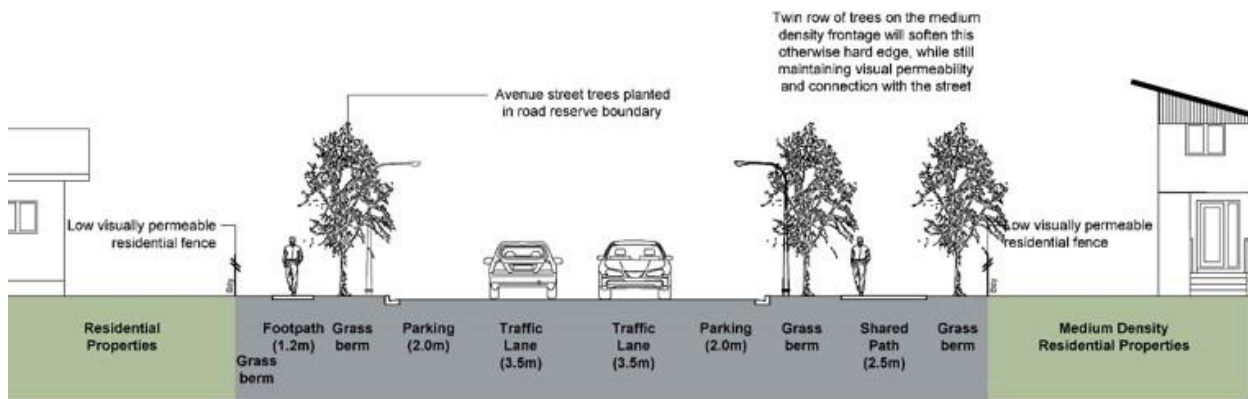


Figure 9-G: Cross section of Collector and Secondary Collector Roads in the General Residential Zone

9.6 Principal Walkway and Cycleway Pathway Connections

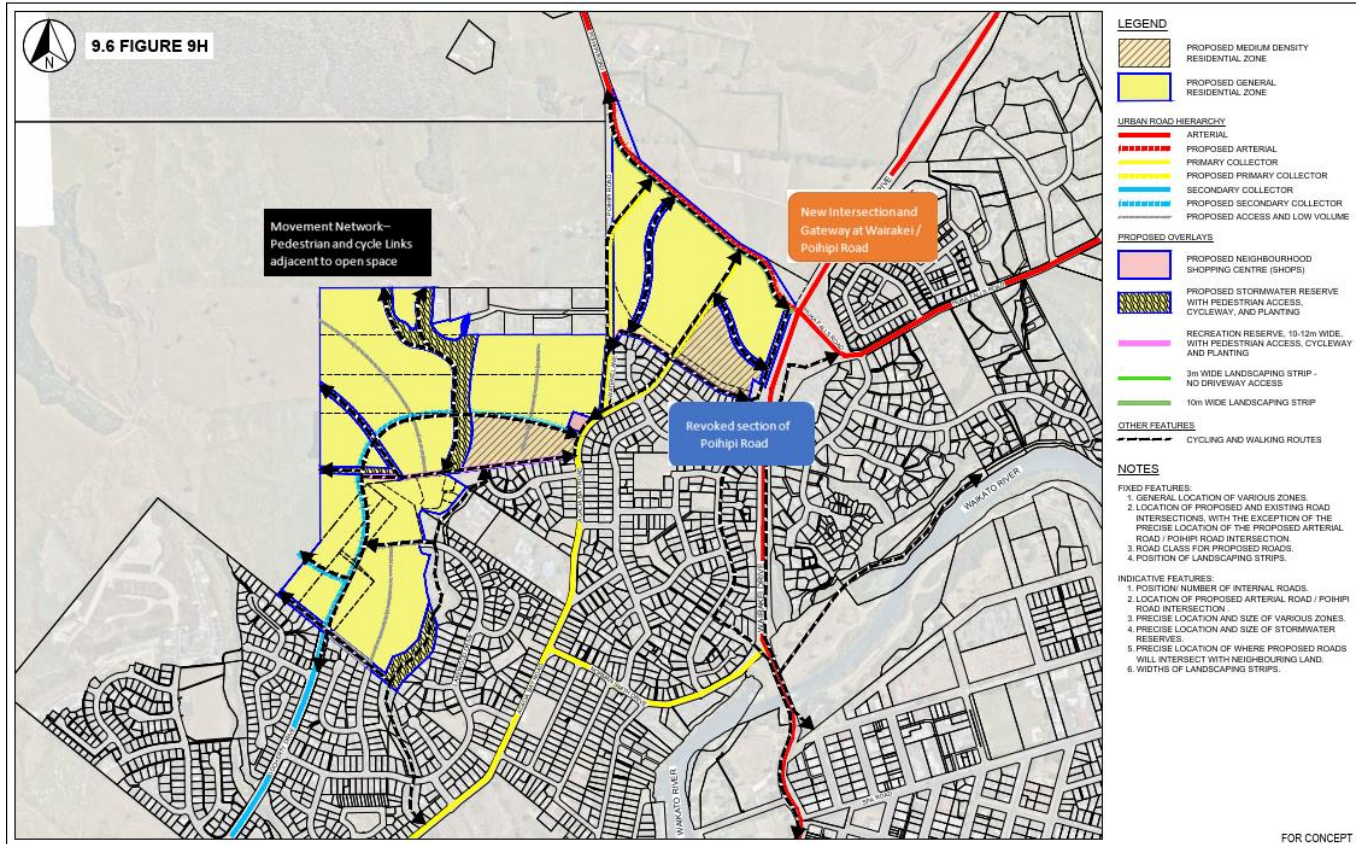


Figure 9-H: Proposed Walk-Cycle Links adjacent to or crossing open space as part of the Movement Network (all modes)



9.7 NUKUHAU STRUCTURE PLAN

LEGEND

- PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE
- PROPOSED GENERAL RESIDENTIAL ZONE

URBAN ROAD HIERARCHY

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

PROPOSED OVERLAYS

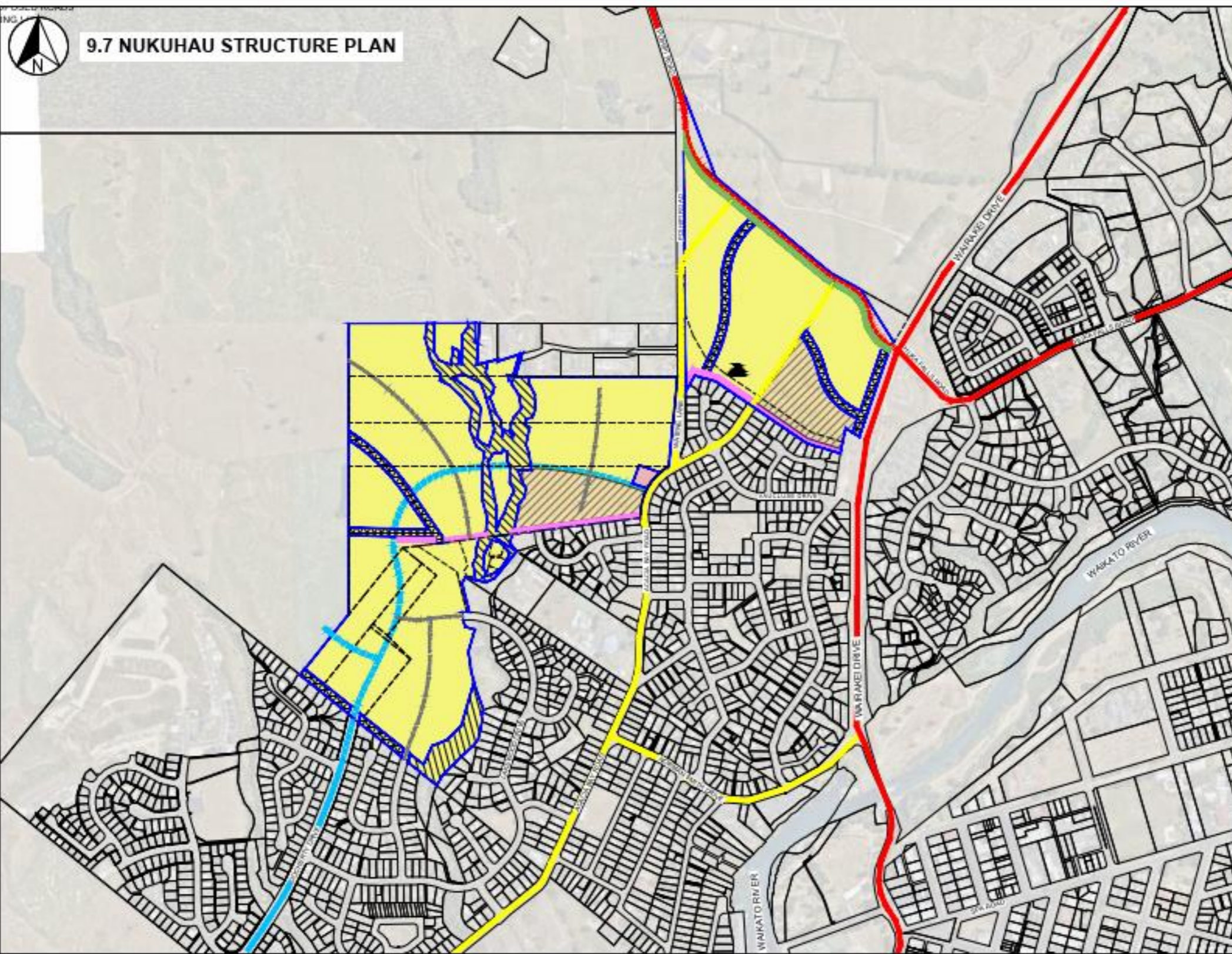
- PROPOSED NEIGHBOURHOOD SHOPPING CENTRE (SHOPS)
- NATURAL GULLY SYSTEM
- PROPOSED STORMWATER RESERVE WITH PEDESTRIAN ACCESS, CYCLEWAY, AND PLANTING
- RECREATION RESERVE, 10-12m WIDE, WITH PEDESTRIAN ACCESS, CYCLEWAY AND PLANTING
- 3m WIDE LANDSCAPING STRIP - NO DRIVEWAY ACCESS
- 10m WIDE LANDSCAPING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

SYMBOLS

- AREA OF ARCHAEOLOGICAL INTEREST (TWO DEPRESSIONS)

NOTES

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



FOR CONCEPT

Item	Description	Date	Version
1	CHANGED POIHI ROAD ALIGNMENT	H.E.	1/10/2021
2	REVEALED FOR INFORMATION	H.E.	10/12/2021
3	ADDED RES. INITIAL DEVELOPMENT AREAS	H.E.	20/12/2021
4	NATURAL GULLY SYSTEM	H.E.	17/11/2021
5	AREAS OF ARCHAEOLOGICAL INTEREST	C.C.	1/11/2021

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TAUPO DISTRICT PLAN

PRIVATE PLAN CHANGE
NUKUHAU PROJECT

Author	Checked	Assessment	Value	Date	Notes
K. CHARPOT	T. RAWHILL		05/12/2021		
P. FERRIS					
		14,000 g. A1 1,000 g. A1	2-37400.00		

1:400 @ A1
1:1000 @ A1
0 50 100 150 200 250 300 350 400 450 500 550 600

Attachment 2

Section 32AA Evaluation

Attachment 2 – Section 32AA Evaluation

A. Evaluation of Options

In this table, additions to PC37 as notified are shown as bold underlined font, deletions as struck through

Recommended Amendments	Options Evaluated	Section 32AA Evaluation
<p>Objective 3a.2.3 To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan while maintaining and enhancing the local network of gullies and stormwater flow paths in a manner that contributes positively to residential amenity and character and minimises offsite effects. <u>To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:</u> <u>a. Ensuring the risk of erosion of, and exacerbation of flood risk downstream from, the major gully systems within the Nukuhau Structure Plan are avoided, remedied or mitigated; and,</u> <u>b. maintaining and enhancing the major gullies as stormwater flow paths as far as practicable.</u></p>	<ul style="list-style-type: none"> • Option 1 – PC37 as notified • Option 2 – Revised Objective 	<p>Extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA</p> <p>Option 1 – A s.32 evaluation of the new Objective 3a.2.3 was carried out by the Plan author and was contained in the Plan Change Request (refer section 11.2.2 of the Request) and is not repeated here.</p> <p>Option 2 rewords Objective 3a.2.3 in relation to the part relating to “while maintaining and enhancing the local network of gullies and stormwater flow paths”. The parts of the Objective set out in a) and b) relate to addressing resource management issues that were highlighted in the submission of the WRC (i.e.: risks of erosion and flood hazard). The amendments seek to ensure flood hazard and erosion risks are avoided, remedied or mitigated and are focused on achieving the Purpose of the RMA, and are suitable for achieving the Purpose of the RMA. The amendments relate to council functions under section 31 of the RMA, being the control of the effects of the use, development or protection of land for the purpose of the avoidance or mitigation of natural hazards. The amendments are within the scope of higher-level documents, including the WRPS, and relates in particular to giving effect to WRPS Policy 13.2 Manage activities to reduce the risks from natural hazards. The provisions to give effect to Objective 3a.2.3 include Policy 3a.2.3(vi); Rule 4a.7.2 matters for discretion for subdivision; and notation of the natural gullies on the Nukuhau Structure Plan.</p>

Recommended Amendments	Options Evaluated	Section 32AA Evaluation
<p>Objective 3a.2.3 To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:</p> <p>a...</p> <p><u>c. ensuring that the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge is maintained as the Nukuhau Structure Plan develops.</u></p>	<ul style="list-style-type: none"> • Option 1 – PC37 as notified • Option 2 – New Objective regarding traffic effects 	<p>Option 1 – A s.32 evaluation of PC37 as notified was carried out by the Plan author and was contained in the Plan Change Request (refer section 11.2.2 of the Request). The AEE for PC37 had not identified traffic effects on the Control Gates Bridge (CGB) or the roading network either side of the CGB as a matter than required plan provisions to manage those effects. TDC requested additional information after submissions on PC37 had closed and a memo was prepared by WSP traffic experts dated 22 September 2021, which identified delays and queuing at the intersections either side of the CGB.</p> <p>Option 2 Objective 3a.2.3 (c) relates to addressing resource management issues of traffic effects on the efficient and effective operation of the CGB and intersections either side of the Bridge. The amendments seek to ensure significant traffic effects are avoided, remedied or mitigated and are focused on achieving the Purpose of the RMA, and are suitable for achieving the Purpose of the RMA. The amendments relate to council functions under section 31 of the RMA, being the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. The amendments are within the scope of higher-level documents, including the WRPS, and relates in particular to giving effect to WRPS Development Principles 6A. The provisions to give effect to Objective 3a.2.3 include Policy 3a.2.3(iv) and a RDA for subdivision.</p>

Provisions	Section 32AA Evaluation		
Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
<p>Policies 3a.2.3 <u>vi. Significant adverse traffic effects from subdivision and development within the Nukuhau Structure Plan on the safe, efficient and effective operation of existing roading infrastructure at the Control Gates Bridge, and/or the intersections on either side of the Bridge, are avoided, remedied or mitigated.</u></p> <p>3a.5 Anticipated Environmental Outcomes v. A range of choice in housing types and densities in appropriate locations able to be adequately serviced by <u>roading infrastructure</u>, utilities and open space infrastructure.</p>	<ul style="list-style-type: none"> • Option 1 – PC37 as notified • Option 2 – new Policy 3a.2.3 vi 	<p>Option 1 <u>Costs</u> Without a policy (and the consequential methods of implementation of that policy), the amenity effects of traffic delays and queuing resulting from subdivision consents will not be managed.</p> <p><u>Benefits</u> Housing will be able to be provided in a location proximate to Taupō CBD, where active modes of transport may result in a reduction in motor vehicle traffic.</p> <p><u>Economic growth and employment</u> Housing development would generate construction jobs; population growth will generate district-wide economic benefits Traffic delays would have a negative effect on economic growth.</p> <p>Option 2 <u>Costs</u> The consequential methods of implementation of the policy will impose additional compliance costs on the applicant for subdivision consent,</p>	<p>Option 1 A s.32 evaluation of PC37 as notified was carried out by the Plan author and was contained in the Plan Change Request (refer section 11.2.2 of the Request). The AEE for PC37 had not identified traffic effects on the Control Gates Bridge (CGB) or the roading network either side of the CGB as a matter that required plan provisions to manage those effects. PC37 as notified did not contain a policy relating to management of traffic effects of the Nukuhau Structure Plan, and in this way would not effectively achieve an objective relating to managing traffic effects, or achieve the Purpose of the RMA.</p> <p>Option 2 The proposed policy will give effect to Objective 3a.2.3 (c) and is specific to the traffic effects of the Nukuhau Structure Plan and ensuring adverse effects are avoided, remedied or mitigated at that time of subdivision.</p> <p>A policy relating to avoiding, remedying or mitigating significant traffic effects</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>and additional costs of assessment of the applications on the Council.</p> <p><u>Benefits</u> Adverse effects on the efficient and effective operation of the CGB and intersections either side of the Bridge will be avoided, remedied or mitigated. The amenity effects of traffic delays and queuing resulting from subdivision consents will be managed. Housing will be able to be provided in a location proximate to Taupō CBD, where active modes of transport may result in a reduction in motor vehicle traffic.</p> <p><u>Economic growth and employment</u> Housing development would generate construction jobs; population growth will generate district-wide economic benefits Traffic delays will be managed, so that any negative effect on economic growth will be minimised.</p>	<p>on existing roading infrastructure at the CGB and/or intersections either side will assist in ensuring that potential adverse traffic effects are managed. The potential traffic effects arising from subdivision and subsequent development remain uncertain, given that modelling of effects to-date has taken a very conservative approach to the scenarios modelled; and that there is also uncertainty of the timing of the commissioning of a second crossing of the Waikato River to Taupō CBD, which will ameliorate existing and future traffic delays arising from other development as well as the Nukuhau Structure Plan.</p>
<p>Policies 3.a.2.3 <u>vi. The risks of significant erosion and flooding within the gullies shown on the Nukuhau Structure Plan are avoided, remedied or mitigated.</u></p>	<ul style="list-style-type: none"> • Option 1 – PC37 as notified • Option 2 – new Policy relating to risks of erosion and flooding 	<p>Option 1 <u>Costs</u> Without a policy (and the consequential methods of implementation of that policy), the risks of significant erosion and flooding within the gullies may not</p>	<p>Option 1 PC37 as notified recognised the gullies as geological features, as part of the stormwater system, and as having recreational and landscape value. However, the risks of erosion and flood hazard were not clearly articulated</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
<p>3a.5 Anticipated Environmental Outcomes <u>viii. Risks of significant erosion and flooding within the gullies shown on the Nukuhau Structure Plan are avoided, remedied or mitigated.</u></p> <p>9.7 Nukuhau Structure Plan Amendment to illustrate the main gully (extension of the Brentwood Gully) as 'natural gully system'.</p>		<p>be adequately avoided, remedied or mitigated.</p> <p><u>Benefits</u> Housing will be able to be provided.</p> <p><u>Economic growth and employment</u> If erosion and flooding risks within the gullies were not adequately managed, there might be a reduction in developable land within the Structure Plan and damage with consequential repair costs further downstream.</p> <p>Option 2</p> <p><u>Costs</u> The policy (and the consequential methods of implementation of that policy), may have direct and indirect costs to the subdivider, including potentially less ability to modify the gullies and as a consequence fewer sites for development.</p> <p><u>Benefits</u> Environmental benefits from avoidance or mitigation of erosion and flooding risks in the gullies. Visual amenity and recreational amenity benefits from retention of gullies in their natural form.</p>	<p>within the Plan Change. Therefore, PC37 as notified may not be effective in ensuring management of the gullies so as to avoid, remedy or mitigate adverse effects. Similarly, the risks of erosion and flood hazard may not be fully addressed in PC37 as notified.</p> <p>Option 2 The policy will ensure flood hazard and erosion risks are avoided, remedied or mitigated. The policy will be effective in controlling of the effects of the use, development or protection of land for the purpose of the avoidance or mitigation of natural hazards</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p><u>Economic growth and employment</u> If erosion and flooding risks within the gullies are adequately managed, then sections bordering the gullies will have increased value to residents due to visual amenity and recreational amenity, and may have a higher monetary value.</p>	
<p>Additions to the discussion of the Nukuhau Structure Plan Area to explain the need for an Integrated Transport Assessment: <u>Council Investigations of options for a second Taupō bridge, possibly near the existing Taupō Control Gates Bridge, will determine the preferred location and alignment of a new bridge. A new bridge will be needed to cater for the development capacity that Council needs to ensure, in order to fulfil its responsibilities under the National Policy Statement Urban Development 2020. Until Council has provided this infrastructure, development of areas to the north of the Control Gates Bridge may result in traffic that causes delays and queuing at the Control Gates Bridge, and/or the intersections on either side. This issue gives rise to the need for an assessment of the traffic effects of the subdivision and development of the Nukuhau Structure Plan area, before it can proceed. Resource consent applications for subdivision will need to provide an Integrated Transport Assessment so that the</u></p>	<ul style="list-style-type: none"> • Option 1 – PC37 as notified • Option 2 – Explanation of traffic resource management issue 	<p>Option 1 <u>Costs</u> Users of the TDP may not understand the traffic issues.</p> <p><u>Benefits</u> This part of the TDP will not be out of date once a second crossing has been commissioned by TDC.</p> <p>Option 2 <u>Costs</u> An explanation of the traffic situation in the TDP has no direct costs. Once TDC have commissioned a second crossing of the Waikato River the explanation will be redundant. With no environmental effect that requires management by way of a resource consent application, Council will need to also review the activity status of subdivision within the Nukuhau Structure Plan.</p> <p><u>Benefits</u></p>	<p>Option 1 A s.32 evaluation of PC37 as notified was carried out by the Plan author and was contained in the Plan Change Request (refer section 11.2.2 of the Request). The AEE for PC37 had not identified traffic effects on the Control Gates Bridge (CGB) or the roading network either side of the CGB as a matter that required plan provisions to manage those effects. PC37 as notified did not contain objectives, policies or methods relating to management of traffic effects of the Nukuhau Structure Plan on the CGB or the intersections either side of the CGB. An explanation of the reasons for the traffic issues was not included, and therefore the plan provisions may not be effective in addressing those traffic effects.</p> <p>Option 2 With the addition of an objective, policy and methods to address those</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
<p><u>traffic effects at and around the Control Gates Bridge and the intersections on either side, can be assessed and the effectiveness of any proposed mitigation measures considered.</u></p>		<p>Users of the TDP will understand the traffic issues and the broader context for those issues. This may assist people who are considering seeking to develop on the northern side of the Waikato River, by way of resource consent or private plan change, to understand the resource management issues that would need to be addressed.</p>	<p>traffic effects, an explanation of the cause of the traffic issue will assist users of the TDP to understand the effects to be managed.</p>
<p>Additions to the discussion of the Nukuhau Structure Plan Area to explain the identification of an area of potential archaeological interest on the Nukuhau Structure Plan:</p> <p><u>An area of potential archaeological interest was identified during the preparation of the Nukuhau Structure Plan, and is illustrated on the Structure Plan (Appendix 9). This area consists of two visible depressions. Research to date has been inconclusive as to their origin and whether they are archaeological in nature. If archaeological in nature, they are likely to be storage pits and may also indicate nearby additional archaeological features such as occupation and/or gardening. It is a prosecutable offence under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand Pouhere Taonga to do so. For ground disturbance works in this area, an archaeological excavation, under an</u></p>	<ul style="list-style-type: none"> • Option 1 PC37 as notified • Option 2 Local Purpose Reserve • Option 3 Indicative notation on Structure Plan 	<p>Option 1</p> <p><u>Costs</u></p> <p>Potential for a lack of awareness of possible archaeological sites leading to the inadvertent destruction of the sites, notwithstanding separate legislation that protects the sites (Heritage New Zealand Pouhere Taonga Act 2014).</p> <p><u>Benefits</u></p> <p>No notation or plan provisions that are redundant as soon as the two depressions have been fully assessed through an Exploratory Archaeological Authority issued by Heritage New Zealand Pouhere Taonga (NZHPT), with the exercise of such an Authority likely to cause significant disturbance of the site.</p> <p>The depressions are not necessarily archaeological, and may be tomos or the result of farm practices, and in which case not including any plan provisions</p>	<p>Option 1</p> <p>The AEE for PC37 had not identified the two depressions, and they had not been investigated to determine whether or not they are archaeological in nature. The risk of not identifying the two depressions is that a lack of awareness might result in development that may adversely affect archaeological sites, notwithstanding the protection of archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>Option 2</p> <p>The two depressions may not be archaeological sites, and if they are archaeological, they may not be of such significance that would warrant protection within a reserve. There is a risk of determining a location for a reserve that may not be ideally located for meeting the recreational needs of</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
<p><u>authority to do so, of the area of archaeological interest is required. In the first instance, contact Heritage New Zealand Pouhere Taonga in regard to this. Should the depressions be investigated and determined to be archaeological, preservation of the site may be considered and discussed between the relevant stakeholders.</u></p>		<p>will avoid unnecessary information being included in the TDP.</p> <p>Option 2 <u>Costs</u> The two depressions may not be archaeological sites, or may not be of such significance as to merit protection within a reserve. In either of those situations, a reserve will have been created in a location that may be less than ideal to serve the needs of the local community.</p> <p><u>Benefits</u> Identifying a reserve (through a notation on the Structure Plan) would ensure the location of the two depressions is protected from subdivision and development activity. Objective 3j.2.1 and Policies 3j.2.1(i)-(v) of the TDP will be achieved.</p> <p>Option 3 <u>Costs</u> Notation on the Structure Plan will be redundant if the depressions are found to not be archaeological in nature. Discussion of the two depressions in the explanatory section relating to the Nukuhau Structure Plan will be out of date, if the two depressions are found not to be to archaeological or they are</p>	<p>people and communities within Nukuhau.</p> <p>Option 3 A notation on the Structure Plan and information in the text regarding the Nukuhau Structure Plan will ensure the risk of inadvertent destruction of archaeological sites is minimised, and in this manner be effective in achieving the objectives and policies of the TDP relating to protection of historic heritage.</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>destroyed through an Authority from Heritage New Zealand Pouhere Taonga.</p> <p><u>Benefits</u> A notation on the Structure Plan of possible archaeological sites will minimise the risk of inadvertent destruction. Objective 3j.2.1 and Policies 3j.2.1(i)-(v) of the TDP will be achieved.</p> <p><u>All Options</u> <u>Economic growth and employment</u> All options are neutral in relation to economic growth and employment.</p>	
<p>4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a controlled<u>restricted discretionary activity</u>. For the purposes of Rule 4a.7.2 the matters over which the Council reserves control <u>discretion</u> for the purpose of assessment are: a. ... <u>k. Traffic effects identified within an Integrated Transport Assessment and the means to avoid, remedy or mitigate</u></p>	<ul style="list-style-type: none"> • Option 1 Controlled activity - PC37 as notified (CA) • Option 2 Restricted Discretionary (RDA) with information requirement for an Integrated Transport Assessment (ITA) 	<p>Option 1 <u>Costs</u> Amenity effects of traffic delays and queuing resulting from subdivision consents that must be approved.</p> <p><u>Benefits</u> Housing provided in a location proximate to Taupō CBD, where active modes of transport may result in a reduction in motor vehicle traffic.</p>	<p>Option 1 Under s.104A RMA consent must be granted to a CA, meaning that if the proposal might generate significant adverse effects, they may not be able to be dealt with. This option would not be suitable to give effect to, or be effective in achieving, Objective 3e.2.3 and Policy 3e.2.3(iv) of the TDP⁵³. According to WSP traffic modelling of September 2021, there is a high risk of</p>

⁵³ Policy 3e.2.3(iv) of the TDP is: "Avoid, remedy or mitigate the adverse effects of new development and activities on the safe and efficient functioning of the existing and future roading networks including those identified through the Taupō District Structure Plan Process". Objective 3e.2.3 of the TDP is: "Ensure the maintenance of an appropriate and sufficient level of community infrastructure within existing serviced areas."

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
<p><u>significant adverse traffic effects on the roading network.</u> 4a.7.3 Any application for subdivision within the Nukuhau Structure Plan area must provide the following information (additional to general information requirements): a. An Integrated Transport Management Plan which addresses: (i) the potential effects of the development that the subdivision will enable on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge; and (ii) the measures to avoid, remedy or mitigate significant effects on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge. 4a.8. Assesment Criteria 4a.8.17 SUBDIVISION ... p. The extent to which the Integrated Transport Assessment for subdivision within the Nukuhau Structure Plan identifies measures to ensure significant adverse effects on the safe, efficient and effective operation of the Control Gates Bridge and intersections either side of the bridge can be avoided, remedied or mitigated.</p>	<ul style="list-style-type: none"> • Option 3 Discretionary (DA) • Option 4 Non-Complying (NCA) (s.42A Planners recommendation) 	<p><u>Economic growth and employment</u> Housing development would generate construction jobs; population growth will generate district-wide economic benefits Traffic delays would have a negative effect on economic growth.</p> <p>Option 2 <u>Costs</u> Costs to the applicant in preparing an ITA.</p> <p><u>Benefits</u> Consent will only be granted where the ITA provided with the application demonstrates that the traffic effects will not compromise the efficient use of roading infrastructure. Housing provided in a location proximate to Taupō CBD, where active modes of transport may result in a reduction in motor vehicle traffic.</p> <p><u>Economic growth and employment</u> Housing development would generate construction jobs; population growth will generate district-wide economic benefits</p> <p>Option 3 <u>Costs</u></p>	<p>adverse traffic effects occurring with this option.</p> <p>Option 2 Consent can be declined, so the RDA can be effective in ensuring significant adverse effects are avoided, by declining the application or by imposing conditions of consent on matters that discretion has been reserved over. The matters considered are those that the consent authority has restricted its discretion to, which creates efficiencies in the preparation and assessment of the application for consent. This option would be suitable to give effect to, and would be effective in achieving, Objective 3e.2.3 and Policy 3e.2.3(iv) of the TDP. The risks of significant adverse traffic effects can be managed, through the ability of an RDA to have conditions of consent imposed or decline of the application.</p> <p>Option 3 Consent can be declined, so the DA can be effective in ensuring significant adverse effects are avoided (by declining the application). The matters considered are not restricted, which may create</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>Costs to the applicant in preparing an ITA.</p> <p>Additional costs to applicant and council in the preparation and assessment of a full DA resource consent application. Likelihood of public notification if effects are deemed to be more than minor (s.95A and s.95D RMA), with attendant costs to the applicant, council and the public.</p> <p><u>Benefits</u></p> <p>Consent will only be granted where the ITA provided with the application demonstrates that the traffic effects will not compromise the efficient use of roading infrastructure.</p> <p>Housing provided in a location proximate to Taupō CBD, where active modes of transport may result in a reduction in motor vehicle traffic.</p> <p><u>Economic growth and employment</u></p> <p>Housing development would generate construction jobs; population growth will generate district-wide economic benefits</p> <p>Option 4</p> <p><u>Costs</u></p> <p>Additional costs to applicant and council in the preparation and assessment of a NCA resource consent application.</p>	<p>inefficiencies in the preparation and assessment of the application.</p> <p>This option would be suitable to give effect to, and would be effective in achieving, Objective 3e.2.3 and Policy 3e.2.3(iv) of the TDP.</p> <p>The risks of significant adverse traffic effects can be managed, through the ability of an DA to have conditions of consent imposed or decline of the application.</p> <p>Option 4</p> <p>A non-complying activity would need to satisfy the 'gateway' test of s.104D RMA. It would not be the most appropriate way to achieve Objective 3a.2.2A that a range of housing types and densities is available in the Nukuhau Structure Plan area to meet the needs of all communities and the growth of Taupō.</p> <p>The risks of significant adverse traffic effects can be managed, through the ability of an NCA to have conditions of consent imposed or decline of the application.</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>Likelihood of public notification if effects are deemed to be more than minor (s.95A and s.95D RMA), with attendant costs to the applicant, council and the public.</p> <p>Public perception of inconsistency in the TDP – rules that do not link to the objectives and policies: objectives and policies enabling and promoting the development of the Nukuhau Structure Plan and a NCA status for subdivision that appears to contradict them. The NCA status is generally considered useful for situations where it is intended that consent only be granted in exceptional circumstances⁵² and therefore the NCA would be inconsistent with zoning the Structure Plan area for development.</p> <p><u>Benefits</u></p> <p>Consent will only be granted where the application demonstrates that the traffic effects will not compromise the efficient use of roading infrastructure.</p> <p>Housing provided in a location proximate to Taupō CBD, where active modes of transport may result in a reduction in motor vehicle traffic.</p>	

⁵² Writing Effective and Enforceable Rules, Quality Planning, <https://www.qualityplanning.org.nz/index.php/node/611>, accessed 23 November 2021

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient									
		<u>Economic growth and employment</u> Housing development would generate construction jobs; population growth will generate district-wide economic benefits.										
<p>4a.7.9 Lot sizes for Subdivision and Density in the Nukuhau Structure Plan Area</p> <p>a. Subdivision that complies with 4a.8.9 (a) (i) and (ii) is a restricted discretionary activity:</p> <table border="1" data-bbox="168 676 714 1257"> <thead> <tr> <th></th> <th><u>Nukuhau General Residential</u></th> <th><u>Nukuhau Medium Density Residential</u></th> </tr> </thead> <tbody> <tr> <td>(i) Maximum Lot Size</td> <td>750m²</td> <td>500m²</td> </tr> <tr> <td>(ii) Maximum density</td> <td>15 household units per net hectare (net of public open space/ stormwater reserves and all roads)</td> <td>30 household units per net hectare (net of public open space/ stormwater reserves and all roads)</td> </tr> </tbody> </table> <p>b. Subdivision that does not comply with 4a.7.9 (a) (i) Maximum Lot Size is a restricted discretionary activity that is subject to the additional matters for discretion in rule 4a.7.2 (l).</p>		<u>Nukuhau General Residential</u>	<u>Nukuhau Medium Density Residential</u>	(i) Maximum Lot Size	750m²	500m²	(ii) Maximum density	15 household units per net hectare (net of public open space/ stormwater reserves and all roads)	30 household units per net hectare (net of public open space/ stormwater reserves and all roads)	<ul style="list-style-type: none"> • Option 1 PC37 as notified • Option 2 Lot Sizes and Density Performance Standards / Assessment Criterion 	<p>Option 1 PC37 as notified</p> <p><u>Costs</u> Potential inefficient use of residentially zoned land close to the CBD if land is developed for large-lot or countryside living as a means of addressing wastewater servicing constraints.</p> <p><u>Benefits</u> Flexibility for the subdivider and developer in the lot sizes and density of development.</p> <p><u>Economic growth and employment</u> If all or parts of the Nukuhau Structure Plan were developed for large-lots or countryside living, the economic benefits and employment generated from housing development would be less than expected from the residential zoning.</p> <p>Option 2 Lot Sizes and Density Performance Standards</p> <p><u>Costs</u></p>	<p>Option 1 The provisions of PC37 may not be effective in achieving the outcomes sought in the Objectives and Policies, for a range of housing typologies, including low-rise apartments and terrace housing. Inefficient administration of the district plan may result from developers and plan administrators having uncertainty of the lot sizes and densities of development that may be developed within Nukuhau.</p> <p>Option 2 Rules for maximum lot sizes and density will promote giving effect to the outcomes sought in the Objectives and Policies, for a range of housing typologies, including low-rise apartments and terrace housing. Efficient administration of the district plan may result from developers and plan administrators having certainty of the lot sizes and densities of</p>
	<u>Nukuhau General Residential</u>	<u>Nukuhau Medium Density Residential</u>										
(i) Maximum Lot Size	750m²	500m²										
(ii) Maximum density	15 household units per net hectare (net of public open space/ stormwater reserves and all roads)	30 household units per net hectare (net of public open space/ stormwater reserves and all roads)										

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
<p><u>c. Subdivision and/or residential development that does not comply with 4a.7.9 (a) (ii) Maximum density is a discretionary activity.</u></p> <p><u>4a.7.2.2</u> <u>For the purpose of rule 4a.7.9 (b) for subdivision that does not meet the maximum lot size the matters for discretion apply in addition to the matters for discretion in 4a.7.2.1(a)-(k):</u></p> <p><u>i. Efficient use of the residential zoned land for multi-unit development, low-rise apartment building(s) or terrace housing, or for a comprehensive housing development where the intended residential land use is identified in the application for subdivision.</u></p>		<p>Limits on lot sizes and density may constrain the layout of subdivision and development.</p> <p>The review of the TDP that TDC are carrying out is apparently addressing the need for lot sizes and density rules throughout the district, and this may result in a need to amend the Nukuhau Structure Plan lot size and density rules, although this is not yet certain.</p> <p><u>Benefits</u></p> <p>Avoids potential inefficient use of residentially zoned land close to the CBD if land is developed for large-lot or countryside living as a means of addressing wastewater servicing constraints.</p> <p>Certainty for developers and for plan administrators of subdivision lot sizes and density.</p> <p><u>Economic growth and employment</u></p> <p>Rules that prevent the residentially zoned land being developed into large-lot or countryside living will promote the housing capacity and the economic growth and employment opportunities that come with more houses being developed.</p>	<p>development that may be developed within Nukuhau.</p> <p>The density rules will ensure that the number of households developed within the Nukuhau Structure Plan is consistent with the numbers that the Assessment of Environmental Effects for PC37 was based on.</p>
<p>For the purposes of Rule 4a.7.2 the matters over which the Council reserves control for the purpose of assessment are:</p>	<ul style="list-style-type: none"> • Option 1 - PC37 as notified 	<p>Option 1 <u>Costs</u></p>	<p>Option 1 The Ecological Assessment in Appendix J of the PC37 Request identified that</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
<p>d. Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value <u>including:</u></p> <p><u>(i) comprehensive surveys for bats, lizards and pipits (including for pipits during the breeding season, August to February), and management plans for how any identified adverse effects on these species will be avoided, remedied or mitigated;</u></p> <p><u>(ii) specific provision for large framework tree planting and retention.</u></p>	<ul style="list-style-type: none"> • Option 2 - matters for discretion 	<p>Environmental costs might arise if the assessment of effects for subdivision did not include a comprehensive survey.</p> <p><u>Benefits</u></p> <p>Lower monetary costs for the subdivider if a comprehensive survey is not carried out and large trees are not provided or retained within the subdivision.</p> <p><u>Economic growth and employment</u></p> <p>Neutral for economic growth and employment.</p> <p>Option 2</p> <p><u>Costs</u></p> <p>Direct costs to the applicant for subdivision in having the comprehensive surveys carried out, with the need for those surveys potentially affecting the timing of subdivision. Consequential costs for the applicant are likely if areas to be protected or other means of ensuring adverse effects on the species are avoided, remedied or mitigated.</p> <p><u>Benefits</u></p> <p>WRPS Objective 3.19 relating to supporting healthy and functional ecosystems and Policy 11.1 maintain or enhance indigenous biodiversity will be achieved.</p> <p><u>Economic growth and employment</u></p>	<p>the site has low ecological value and no areas within the site qualify as significant indigenous vegetation, and identifies that there is the prospect of localised and mobile species which warrant survey and consideration at time of subdivision. These include: Long-tailed bats, Pipits, and Lizards.</p> <p>Option 2</p> <p>The TDC experts, Mr Shaw and Mr Bonis, identified the need for a matter for control for subdivision relating to a comprehensive survey for those species and the matter for discretion contained in Option 2 gives effect to that recommendation.</p> <p>TDC’s landscape expert recommended large scale trees where present, be integrated into the subdivision of the Structure Plan, and the matter for discretion in d(ii) addresses this matter. This will give effect to Objective 3a.2.3 of PC37 and other objectives of the TDP. The matters for discretion will be effective in achieving environmental outcomes.</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>If area(s) of the Nukuhau Structure Plan need to be set aside at the time of subdivision in order to protect species, this will have a direct economic effect, including in terms of the number of sites that may be able to be developed. However, the likely scale of this economic effect is small.</p>	
<p>Option 4 4a.7.2.1 For the purposes of Rule 4a.7.2 the matters over which the Council reserves discretion for the purpose of assessment are: ... d. Any effects on areas and features of cultural, ecological, historic, landscape and/or natural value...</p> <p>4.a.8 Assessment Criteria <u>o. the extent to which subdivision within the Nukuhau Structure Plan:</u> <u>(i) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga; and</u> <u>(ii) ensures that historic heritage is protected from inappropriate subdivision, use and development; and</u> <u>(iii) ensures adverse effects on historic and cultural heritage are avoided, remedied or mitigated; and</u></p>	<ul style="list-style-type: none"> • Option 1 PC37 as notified • Option 2 (Mr Bonis' recommendation – see B below) • Option 3 (Cultural impact assessment provision, refer Section B below) • Option 4 Assessment criterion 	<p>Option 1 <u>Costs</u> The matter limits consideration of effects to effects on areas or features of cultural value; and so may not fully address s.6(e) recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga; or section 6(f) the protection of historic heritage from inappropriate subdivision, use and development. The provision does not have regard to s.7(a) kaitiakitanga. The matter for discretion does not have any associated assessment criteria.</p> <p><u>Benefits</u> There are some cultural and environmental benefits from matter (d) included in the notified PC37. The matter will ensure that applications for</p>	<p>Option 1 There is no criterion that suggests how the matter will be assessed, which would reduce the effectiveness of the provision. The risk of not acting, to include additional requirements in the provisions relating to cultural effects, is that significant cultural effects are not identified and are not avoided, remedied or mitigated.</p> <p>Option 2 There is no guidance included in or with the clause as to how it would be determined that a person or persons were 'pūkenga' or who would make that determination. Regardless, the consent authority would have to make that determination in order to identify whether this matter had been addressed by the applicant, and this would make the provision inefficient and lessen its effectiveness.</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
<p><u>(iv) responds to and incorporates the outcomes of engagement with relevant iwi authorities, hapū and/or Mana Whenua in the design, layout and other measures; and (v) incorporates into the subdivision design cultural and historic heritage landscapes, sites and features.</u></p> <p><u>Advice Note: the provision of a cultural impact assessment with the application for subdivision consent may assist in addressing this assessment criterion (o). The WRPS defines cultural impact assessments as: Cultural impact assessments – reports documenting Māori cultural values, interests and associations with an area or a resource and the potential impacts of a proposed activity on these. They are tools to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.</u></p>		<p>subdivision are assessed in terms of cultural values.</p> <p><u>Economic growth and employment</u> There are no identified effects on economic growth and employment.</p> <p>Option 2 <u>Costs</u> The criterion limits the assessment to “cultural associations” and further limits the assessment to specific matters (gully system, reserve planting, narratives and values of importance to mana whenua; and the requirement is that these matters are “accounted for”. The engagement that this clause requires is with persons that the consent authority would have to be satisfied were ‘pūkenga’. Without an explanation of how it would be determined who was ‘pūkenga’, section 7(a) of the RMA may not be addressed.</p> <p><u>Benefits</u> An engagement rule may have some cultural and environmental benefits, although the extent of the cultural benefits is unclear.</p> <p><u>Economic growth and employment</u> There are no identified effects on economic growth and employment.</p>	<p>Option 3 The information requirement for a cultural impact assessment, and matter for discretion relating to this, would be effective in ensuring effects on cultural values are identified and addressed in the subdivision and development of the Nukuhau Structure Plan. The rule is silent as to who prepares the cultural impact assessment and while this may weaken the legitimacy of that assessment, it would mean the concern raised by the Hearings Panel regarding the power of ‘veto’ is addressed.</p> <p>Option 4 The criterion sets out how the matter for discretion relating to effects on areas and features of cultural value will be assessed, which would increase the effectiveness of the provision. The criterion removes the risk of not identifying cultural effects and of adverse effects not being avoided, remedied or mitigated.</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>Option 3</p> <p><u>Costs</u> The first applicant for subdivision within the Nukuhau Structure Plan would have to bear the direct costs and time costs of having a cultural impact assessment prepared. A cultural impact assessment might identify measures to be taken in the subdivision and development that impose costs on the developer. The rule is silent as to who prepare the Cultural Impact Assessment, but this matter may be contested between parties and groups.</p> <p><u>Benefits</u> A cultural impact assessment would have cultural benefits, in identifying cultural values, associations and effects of the development of the Structure Plan. The rule requires a single cultural impact assessment for the whole of the Structure Plan, and therefore may achieve a comprehensive and integrated approach to addressing cultural values within the Structure Plan. The rule also states that a cultural impact assessment prepared within the last 10 years, as a means of creating efficiencies, so that the same cultural impact assessment can be used for subsequent subdivision,</p>	

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>but with a time limit on this so the assessment remains current and relevant. The 10-year period is arbitrary and could be a longer time frame if deemed appropriate by the Panel, if this option was to be pursued.</p> <p><u>Economic growth and employment</u> There are no identified effects on economic growth or employment.</p> <p>Option 4 <u>Costs</u> The matter limits consideration of effects to effects on areas or features of cultural value. The assessment criterion does not require engagement and asks only that the application responds to and incorporates the outcomes of engagement. The assessment criterion does not require a cultural impact assessment, and the advice note is not a requirement for a cultural impact assessment, which may mean cultural values are not fully addressed.</p> <p><u>Benefits</u> The criterion addresses section 5, 6(e), and 6(f) matters, and requires that the outcomes of any engagement with relevant iwi authorities, hapū and/or</p>	

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>Mana Whenua in the design, layout and other measures.</p> <p><u>Economic growth and employment</u> There are no identified effects on economic growth or employment.</p>	
<p>Stormwater For the purposes of Rule 4a.7.2 the matters over which the Council reserves discretion for the purpose of assessment are: ... <u>h. Stormwater management that is:</u> <u>i in accordance with a Catchment Management Plan that has been approved by Council;</u> <u>ii in accordance with the Waikato Regional Council Stormwater Guideline (2020.07);</u> <u>iii integrated with the management of risks of significant erosion and flooding within the gullies throughout the Nukuhau Structure Plan; and</u> <u>iv predominately onsite treatment to limit the use of the natural gully system as stormwater reserves.</u></p> <p>4a.8.17 SUBDIVISION <u>q. Whether subdivision is in accordance with a Catchment Management Plan that has been approved by Council.</u></p>	<ul style="list-style-type: none"> • Option 1 PC37 as notified • Option 2 Matter for discretion and assessment criterion 	<p>Option 1 <u>Costs</u> Stormwater within the Nukuhau Structure Plan and the wider catchment may not be addressed in a comprehensive and integrated manner, with consequential environmental costs.</p> <p><u>Benefits</u> Without an explicit requirement for the subdivider being responsible for ensuring compliance with an approved Catchment Management Plan, there may be less cost to the subdivider.</p> <p><u>Economic growth and employment</u> There are no identified effects on economic growth or employment.</p> <p>Option 2 <u>Costs</u> The first applicant for subdivision will need to ensure that a Catchment Management Plan is prepared and approved, and this will come at a direct</p>	<p>Option 1 PC37 as notified may not effectively manage stormwater in a comprehensive and integrated manner. There are risks of adverse effects from stormwater that may not be adequately avoided, remedied or mitigated.</p> <p>Option 2 The matter for discretion and information requirement would effectively manage stormwater in a comprehensive and integrated manner. The risks of adverse effects from stormwater are appropriately managed by the matter for discretion and information requirement for a catchment management plan.</p>

Recommended Provisions	Options Evaluated	Costs and Benefits (economic, environmental, cultural and social), opportunities for economic Growth and employment	Efficiency, Effectiveness and Risk of acting/not acting if information is uncertain or insufficient
		<p>cost and potentially a time cost. The first applicant will bear a disproportionate burden of cost in preparing the Catchment Management Plan, to the benefit of subsequent subdividers.</p> <p><u>Benefits</u> There would be environmental benefits in having a Catchment Management Plan that addresses stormwater management for the entire catchment, and addresses stormwater management within the Structure Plan so that it can be coordinated and integrated.</p> <p><u>Economic growth and employment</u> There are no identified effects on economic growth or employment.</p>	

B. Options for Cultural Values Assessment

(PC37 and notified and amendments recommended on other topics are shown as standard font; additions proposed in each option are shown as bold underlined font).

1.0 Option 1 PC37 as notified

2.0 Option 2 (Mr Bonis' Recommendation, updated 25 November 2021)

(iii) The extent to which the cultural associations of the gully system and reserve planting, narratives, and values of importance to mana whenua are accounted for through either:

- (a) Pūkenga (experts/learned individuals) engagement, and / or demonstrable and reasonable endeavours to engage with Pūkenga and / or mana whenua has been undertaken, the outcome of that consultation, and how the subdivision responds to, or incorporates the outcome of that engagement including any management of identified areas or sites of sensitive mana whenua values as identified by the relevant Pūkenga and / or mana whenua; and / or**
- (b) A cultural impact assessment for the entire Nukuhau Structure Plan area has been undertaken by Pūkenga on behalf of the appropriate iwi authority representatives and the proposal's consistency with values identified; and**
- (c) Whether a protocol has been agreed with the Pūkenga or Hapū for managing accidental discovery.**

3.0 Option 3

4a.7.2.1 For the purposes of Rule 4a.7.2 the matters over which the Council reserves discretion for the purpose of assessment are:

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

(iii) measures to avoid, remedy or mitigate adverse effects on cultural values, with those measures being consistent with the measures identified in a Cultural Impact Assessment that has been prepared for the whole Nukuhau Structure Plan

4a.7.3 Any application for subdivision within the Nukuhau Structure Plan area must provide the following information (additional to general information requirements):

c. A Cultural Impact Assessment for the Nukuhau Structure Plan that has been prepared within the last 10 years.

Advice Note: The WRPS defines cultural impact assessments as:

Cultural impact assessments – reports documenting Māori cultural values, interests and associations with an area or a resource and the potential impacts of a proposed activity on these. They are tools to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.

4.0 Option 4

4a.7.2.1 For the purposes of Rule 4a.7.2 the matters over which the Council reserves discretion for the purpose of assessment are:

...

d. Any effects on areas and features of cultural, ecological, historic, landscape and/or natural value...

4.a.8 Assessment Criteria

o. the extent to which subdivision within the Nukuhau Structure Plan:

(i) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga; and

(ii) ensures that historic heritage is protected from inappropriate subdivision, use and development; and

(iii) ensures adverse effects on historic and cultural heritage are avoided, remedied or mitigated; and

(iv) responds to and incorporates the outcomes of engagement with relevant iwi authorities, hapū and/or Mana Whenua in the design, layout and other measures; and

(v) incorporates into the subdivision design cultural and historic heritage landscapes, sites and features.

Advice Note: the provision of a cultural impact assessment with the application for subdivision consent may assist in addressing this assessment criterion (o). The WRPS defines cultural impact assessments as:

Cultural impact assessments – reports documenting Māori cultural values, interests and associations with an area or a resource and the potential impacts of a proposed activity on these. They are tools to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.

Attachment 3

**Extracts of Resource Consent 105048- Taupō Urban Areas Comprehensive Stormwater Discharge
Consent issued by WRC**

Resource Consent Schedule B - Site Specific Conditions of Comprehensive Stormwater Discharge Consent

Resource Consent 105048 – Taupo Urban Areas

Consents type: Discharge permit
Consent subtype: Discharge to water

Applicant: Taupo District Council
Private Bag 2005
TAUPO

Activity authorised: Divert and discharge urban stormwater runoff and associated contaminants at multiple locations to land, the Waipahihi Stream, Waitahanui River, Whangamata River, Waikato River, Lake Taupo, and use discharge structures within the following urban areas that are reticulated by municipal stormwater systems: Taupo and the Eastern Bays, Waitahanui, Acacia Bay and Kinloch.

Location: Taupo Urban Areas

General Map References: NZMS U18: 775 745, NZMS U18: 775 635, NZMS U18: 740 735, NZMS T18: 640 783

Consent duration: Granted for a period expiring on 15 June 2027

Conditions:

General administration

- 1) This consent is subject to the General Conditions listed in Schedule A.

Specification of documentation that municipal stormwater diversion and discharge activities are to be in accordance with

- 2) All municipal stormwater diversion and discharge activities that are authorised by this consent shall be designed, operated and maintained in general accordance with the application for this consent, the General Conditions in Schedule A of this consent, and as identified in the resource consent conditions below.

Identification of authorised stormwater diversion and discharge activities

- 3) Except as provided for by Condition 4 of the General Conditions listed in Schedule A of this consent, all municipal stormwater diversion and discharge activities that are authorised by this consent relate to the Taupo District Council municipal stormwater systems as constructed at the commencement of this consent, and as generally shown on the Taupo District Council Stormwater / Catchment Maps dated July 2006, or any subsequent drawings approved by the Waikato Regional Council acting in a technical certification capacity. Any new municipal stormwater diversion and discharge activities that become authorised after the granting of this consent shall be shown on updated versions of these drawings, and these shall be provided to the Waikato Regional Council on an annual basis in accordance with Condition 6 of this consent.

Advice Notes

- 1) *This consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.*
- 2) *The reasonable costs incurred by the Waikato Regional Council arising from supervision and monitoring of this consent will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consent.*
- 3) *For new municipal stormwater system diversion and discharge activities to be authorised by this consent, where these result from the upgrading of the existing municipal stormwater system, or new subdivisions developed after the granting of this consent, either:*
 - i) *Condition 4 of the General Conditions in Schedule A is to be satisfied, as confirmed in writing by the Waikato Regional Council pursuant to Condition 4; or*
 - ii) *Where the new diversion and discharge activities do not satisfy Condition 4 of the General Conditions in Schedule A, a change to the conditions of this consent has been granted by the Waikato Regional Council expressly authorising and allowing for the new diversion and discharge activities.*
- 4) *New municipal stormwater system diversion and discharge activities may require separate resource consents, particularly during the period of their construction, to ensure that appropriate environmental effects avoidance and mitigation measures are provided for. When such activities are established and operating in accordance with their respective consent conditions, the consent holder may seek via the mechanism provided by Condition 4 in Schedule A of this consent, or via a change to consent as described in Note 3 above, the authorisation of the new diversion and discharge activities by this consent.*
- 5) *This consent does not authorise any works in a watercourse, or any other activity for which further consents may be required under Sections 13, 14 and 15 of the RMA, or the provisions of the Waikato Regional Plan.*
- 6) *This consent does not authorise municipal stormwater system outlet structures. Further consents may be required under Section 13 of the RMA or the provisions of the Waikato Regional Plan for such structures.*
- 7) *The consent holder is responsible for compliance with the conditions of this consent, except where statutory defences as stated in Section 341 of the RMA apply.*

Resource Consent Schedule A – General Conditions of Comprehensive Stormwater Discharge Consents

The grant of Resource Consents 105048, 105049 and 105050 is subject to the following general conditions which are applicable to all consents:

Definitions:

Act:	Resource Management Act (1991)
BPO:	Best Practicable Option (refer to RMA, Part 1 – Interpretation and application)
Contaminant:	(Refer to RMA, Part 1 – Interpretation and application)
Ephemeral watercourse:	A watercourse where the bed is more likely than not to dry up each year
Formal wastewater connections:	Municipal wastewater system connections to municipal stormwater systems that are designed to prevent wastewater surcharging and contaminating public and private property
Gross pollutants:	Litter items such as plastic bottles, bags, takeaway wrappers and leaves
Hazardous substance:	(Refer to RMA, Part 1 – Interpretation and application)
High Risk Facility Site:	Commercial and industrial sites as listed in Section 3.5.12 of the Waikato Regional Plan
Informal wastewater connections:	Wastewater system connections to municipal stormwater systems that should otherwise be connected to municipal wastewater systems, and are unknown and not approved by the Taupo District Council
Low Impact Urban Design:	LIUD comprises design and development practices that utilise natural systems and low-impact technologies. Key elements include working with natural site features, avoiding or minimising impervious surfaces, minimising earthworks in construction, and utilising vegetation to assist in trapping sediment and pollutants
Municipal stormwater system:	The Taupo District Council stormwater system
Non-routine contaminant discharge:	An accidental spillage or deliberate contaminant discharge of which the consent holder has limited ability to control
Routine contaminant discharge:	Contaminants that routinely discharge to municipal stormwater systems during rain events
Urban development areas:	Areas where urban development is undertaken. Such areas will generally be either 'brownfield' site areas (i.e. within existing urban areas), or 'greenfield' site areas (i.e. within new urban areas).
WRC:	Waikato Regional Council

Stormwater Education Programme

31) The consent holder shall prepare and implement a Stormwater Education Programme, designed to increase the general public's understanding of stormwater management and the ways in which the public can minimise the contamination of stormwater and the impediment of stormwater flows. The Stormwater Education Programme shall form part of the Stormwater Management Plan required by Condition 37 of this consent, and shall be implemented as part of this plan, effective over all urban communities including lakeshore settlements.

Urban Growth and Development

Catchment Management Plans

32) In accordance with Condition 4(c) of this consent, Catchment Management Plans that are prepared to enable new municipal stormwater diversion and discharge activities in undeveloped catchments, shall be approved by the Waikato Regional Council prior to the undertaking of these activities. To this end, Catchment Management Plans shall be prepared in consultation with the Waikato Regional Council and other key stakeholders and, as a minimum, Catchment Management Plans shall detail the following information:

- a) Catchment maps / drawings of the catchment, delineating the catchment boundary, catchment topography, receiving environment and existing land uses within the catchment;
- b) Social, economic, ecological, amenity and cultural objectives being sought for the catchment;
- c) Identification of the key stakeholders within the catchment, and details of the consultation initiatives undertaken with key stakeholders;
- d) Classification of the receiving waters within the catchment in accordance with the Waikato Regional Plan;
- e) An assessment of the current status of the catchment and receiving environment, and the provision of detailed baseline information of the geological, hydrological, ecological and existing infrastructural characteristics of the catchment, including any existing resource use authorisations within the catchment;
- f) Identification of potential urban growth, development and land use intensification within the catchment;
- g) An assessment of the potential effects of stormwater diversion and discharge activities on the catchment and receiving environment, including but not limited to effects on:
 - i) Sites of cultural and/or historical significance;
 - ii) Public health,
 - iii) Flooding hazards,
 - iv) Receiving water hydrology, including base flows in rivers and streams and long-term aquifer levels,
 - v) Receiving water sediment and water quality,
 - vi) Receiving water habitat, ecology and ecosystem health,
 - vii) The natural and amenity values of receiving waters,
 - viii) Receiving water riparian vegetation,
 - ix) The extent and quality of open stream channels,
 - x) Fish passage for indigenous and trout fisheries,
 - xi) Erosion and sedimentation of receiving waters,
 - xii) The discharge and accumulation of litter;
 - xiii) Existing infrastructure,
 - xiv) Existing authorised resource use activities;
- h) The cumulative effects of stormwater diversion and discharge activities within the catchment, the range of general management options available and the Best Practicable Option to prevent and minimise the adverse effects of stormwater diversion and discharge activities, and to mitigate or offset any significant unavoidable adverse effects;

- i) The effectiveness of District Plan provisions to implement the management approach adopted by the CMP and, where necessary, the changes or variations to relevant District Plan provisions likely to assist in achieving the objectives of the CMP.
- j) Education initiatives to support the catchment management objectives;
- k) The methods by which all stormwater diversion and discharge activities will be managed;
- l) A description of all infrastructure works scheduled by Taupo District Council which may significantly affect stormwater management within the catchment.

Note: It is recognised that Catchment Management Plans may also include information that provide for the integration of other municipal water services (water and wastewater services). Such information and the integration of these services, is generally encouraged, particularly where it results in environmentally sustainable catchment management.

Environment Waikato guidelines for sustainable subdivision development

- 33) For all new stormwater diversion and discharge activities in urban development areas, the consent holder shall proactively encourage consideration of the Waikato Regional Council publication 'Sustainable Subdivision Development – An Environment Waikato Perspective' (WRC, 2006), or any other technical publication approved in advance by the Waikato Regional Council acting in a technical certification capacity.

Low Impact Urban Design principles and stormwater management devices

- 34) In addition to the requirements of Conditions 32 and 33 of this consent, the consent holder shall proactively encourage the implementation of Low Impact Urban Design principles and/or construction of stormwater management devices in urban development areas, to avoid and/or mitigate any potential adverse effects of new stormwater diversion and discharge activities, and to ensure that the condition requirements of this consent are met.

Register of stormwater management devices

- 35) As private developers progressively construct stormwater management devices that become part of the municipal stormwater system, the consent holder shall maintain a register of the stormwater management devices constructed, including their location, catchment area, operational procedures and maintenance requirements.

Stormwater management device maintenance

- 36) All stormwater management devices associated with the municipal stormwater system shall be maintained in good working order. The consent holder shall carry out all stormwater management device maintenance as necessary and, where practicable, within one week of receipt of notice in writing from the Waikato Regional Council to do so.

Stormwater Management Plan

- 37) The consent holder shall prepare a Stormwater Management Plan for the municipal stormwater system, and the stormwater diversion and discharge activities that are authorised by this consent. The Stormwater Management Plan shall be prepared in consultation with the Waikato Regional Council and other key stakeholders. The operational procedures and management initiatives that are detailed and implemented through the plan will largely assist the consent holder to achieve the condition requirements of this consent. The Stormwater Management Plan shall therefore be submitted to the Waikato Regional Council for approval within 6 months of the commencement of this consent.

The Stormwater Management Plan shall record the way in which the municipal stormwater system is operated, and shall include methods to avoid, remedy and mitigate the adverse effects of stormwater diversion and discharge activities on the environment. The Stormwater Management Plan shall be reviewable on a triennial basis and, as a minimum, shall detail the following information:

- a) The relationship and integration of the Stormwater Management Plan with other consent holder planning instruments and regulatory systems, including those that are utilised to assist the management of the municipal stormwater system;
- b) A plan or drawing of the municipal stormwater system showing all key features, including administrative area, hydrological catchments, physical reticulation system, stormwater management devices and receiving waters;
- c) A description of the municipal stormwater system, including infrastructure details, contributing catchments, existing land uses and receiving water descriptions (including locations, water quality, ecological and hydrological characteristics, and the existing uses and values of receiving waters);
- d) A description of municipal stormwater system operation and maintenance procedures, including operation and maintenance procedures associated with all stormwater treatment devices;
- e) Identification of High Risk Facility Sites and other potential sources of stormwater contaminants within reticulated catchments (including all potential sources of 'routine' and 'non-routine' contaminant discharges to the stormwater system);
- f) Management initiatives and implementation methods to avoid, remedy or mitigate 'routine contaminant' discharges to the municipal stormwater system. This should include the preparation and implementation of a Stormwater Quality Improvement Programme as required by Condition 30 of this consent;
- g) A Spill Response Plan, including detailed Standard Operating Procedures, for 'non-routine contaminant' spill incidents within reticulated catchments. The Spill Response Plan should also detail communication linkages with other key stakeholders and emergency response agencies who have administrative responsibilities associated with these types of incidents;
- h) Management initiatives and implementation methods to minimise 'formal' discharges from the municipal wastewater system to the municipal stormwater system;
- i) Management initiatives and implementation methods to identify and discontinue 'informal' wastewater system discharges to the municipal stormwater system;
- j) Management initiatives and implementation methods to identify and remedy adverse scour and erosion effects to land and the beds of receiving water bodies;
- k) Management initiatives and implementation methods to minimise adverse flooding effects to land and property;
- l) Management initiatives and implementation methods to avoid, remedy or mitigate adverse effects on aquatic ecosystems;
- m) Management initiatives and implementation methods to identify and remedy structures and stormwater management devices that are impeding the upstream and downstream movement of fish;
- n) Management initiatives and implementation methods to maintain and enhance the aesthetic appearance of structures and stormwater management devices associated with municipal stormwater diversion and discharge activities;
- o) Management initiatives and implementation methods to encourage the implementation of Low Impact Urban Design principals and/or construction of stormwater management devices in urban development areas;
- p) A register of all stormwater management devices associated with the municipal stormwater system, including their location, contributing catchment area, operational procedures and maintenance requirements;
- q) Management initiatives and implementation methods to undertake community and stakeholder education programmes effective over all urban communities including lakeshore settlements. This should include the preparation and implementation of a Stormwater Education Programme as required by Condition 31 of this consent;
- r) Management initiatives and implementation methods to review, identify and implement Best Practicable Options;
- s) A prioritised schedule for implementing the procedures, management initiatives, implementation methods and other requirements identified in consent conditions and the Stormwater Management Plan.