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**BEFORE THE HEARINGS PANEL**

**In the Matter of:** The Resource Management Act 1991

**And** Proposed Plan Changes 42:  
PC42 General Rural and Rural  
Lifestyle

**Application By:** Taupō District Council

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Statement of Evidence  
**HILARY SAMUEL**

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Dated: 14 August 2023



Taupō District Plan  
**CHANGES - BUNDLE ONE**

# Preamble

1. My full name is Hilary Mary Samuel, and I am a Senior Policy Advisor in the Policy Team at Taupō District Council (Council).
2. I hold the qualification of Bachelor of Resource and Environmental Planning, with First Class honours from Massey University.
3. I have twenty-two years of planning and resource management experience including policy and strategy development, project management, process management of private and Council led district plan changes, growth and spatial planning and preparation of evidence for hearings.
4. I have had a significant role in the development and implementation of Taupō District Councils growth management framework. I was part of the team who developed the series of Variations (19-21) implementing Taupō District 2050 2006 (TD2050, Taupō District Councils initial growth strategy), have been involved in numerous spatial planning exercises as a result of TD2050 including the Taupō Commercial and Industrial Structure Plan and Mapara Valley Structure Plan. In recent years I have been the Council lead for two private plan change and structure plan processes (Plan Change 36 – Whareroa North and Plan Change 37 Nukuhau) which were undertaken under the TD2050 Structure Planning process.
5. For the past five years my primary role has been project managing the review of the Taupō District Plan.
6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. As this Report provides contextual information, I am not reliant on the evidence of any specialist expert. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
7. For the sake of transparency, I own and live on a property proposed to be rezoned Rural lifestyle. The property is already below the minimum lot size [proposed through Plan Change 42], so no additional subdivision potential will be realised through Plan Change 42; I am not the reporting officer for Plan Change 42. Accordingly, I have no other real or perceived conflicts of interest.

# Purpose

8. The purpose of this report is to respond to Minute 6 of the Independent Hearings panel, dated 27 July 2023. By way of background, Mr Steve Hawkins' (Submitter 74) representative has filed a memorandum dated 25 July 2023. The stated purpose of this memorandum is to formally update the Panel, and Taupō District Council reporting officers as to the refined relief being sought by that Submitter in these proceedings. A copy of this memorandum and its attachment can be found on the Councils Plan Change website (attached to Minute 6).

# Discussion

## Memorandum Received

9. The memorandum outlines the original relief; that being to:
  - a) Amend the zone of the site located at 387 Whakaroa Road to Rural Lifestyle Zone.
  - b) Amend Rule 4b.5.1 to make subdivision that results in lots smaller than 10ha a discretionary activity.
  - c) The proposed changes to the rural chapter should be amended to reflect the obligations and requirements of the National Policy Statement for Highly Productive Land whereby only Class 1-3 land should be protected with a noncomplying activity subdivision rule.
10. The memorandum then outlines the ‘more specific relief/refined relief’ that the Submitter will be seeking at the hearing. It states that the reason for this is to give the reporting officer the ability to respond, to best assist the process and the Panel in the consideration of the submission. Attached to the memorandum is a set of amended provisions that the Submitter intends to seek by way of alternative refined relief – i.e., their preferred relief.
11. The panel by way of direction sought:
  - a) First, while the Submitter has provided an evaluation of their interpretation of scope, we direct that the Council’s legal counsel provide their legal opinion as to whether or not the ‘more specific relief/refined relief’ is within scope of both PC42 and the original submission.
  - b) Secondly, we direct the Submitter’s planning expert and the Council’s reporting officer conference on a “without prejudice” basis on the planning provisions attached to the Submitter’s memorandum. The purpose of this conferencing is to assess the efficacy of the planning provisions in terms of their workability and mechanical appropriateness. To be clear the purpose of such conferencing is not to adjudge the merits/appropriateness of the rezoning request to achieve the objective of the plan change. The result of this conferencing is to be recorded by way of a joint statement with any attendant revisions to the related provisions of this plan change.
12. In addition the panel stated: In any event, we grant leave for the Council’s reporting officer to submit a supplementary statement addressing the “planning policy impediment”.
13. The purpose of this statement is to outline the Taupō District Growth Management “story” to help give context for how and why Plan Change 42 has been developed the way it has. The site in question also has a significant history in relation to the district plan, and this is also outlined for the panels benefit.

## Taupō District Growth Management

14. Much of the Taupō District growth management story, in relation to the rural environment, was told within Craig Sharman’s 42A report, in particular paragraphs 16-28. The key documents that set Taupō District’s growth strategy are:
- Waikato Regional Policy Statement (available [here](#))
  - Taupō District 2050 (TD2050) (full copy [here](#))
  - Taupō District Plan (available [here](#))
15. A full copy of the relevant provisions from the above documents (and a comparison with the proposed provisions from Submitter 74) are included in Attachment 1 to this evidence. Given the policy framework surrounding Taupō’s growth management has been outlined within the Section 32 and the 42A report, the context and history of how these documents developed is summarised very briefly below:

Pre-2006	Increasing growth pressure on the Taupō District in particular through ad-hoc rural subdivision, within a relaxed rural subdivision framework, prompting the development of the first growth strategy TD2050.
2006	TD2050 (adopted by Council following Special Consultative Procedure) identified strategic growth areas, setting the strategy for growth to occur by way of a “Taupō District structure plan” and plan change process within identified growth areas. Also identified actions for the District Plan to tighten the rural subdivision framework, preventing fragmentation of the rural environment.
2008	Variations 19-21 developed. Variation 19 introduced objectives and policies to avoid fragmentation of the Rural Environment, and tightened rural subdivision provisions (the current operative rural provisions). Variation 21 Introduced section 3e (Land Management) to the Taupō District Plan which allows for growth within identified growth areas by way of a Taupō District Structure Plan and Plan Change process.
2009	Variation 19 appealed by Sade Developments Ltd (previous owner/developer for 387 Whakaroa Road) and Cheal Consultants Ltd. The resulting decision introduced the “cluster” rule within the ODP (rule 4b.3.9). This rule sets up a framework for a restricted discretionary cluster development at a density of 1 allotment per 10 Ha (with a number of additional requirements). Variation 19 made operative on that basis.
2016	TD2050 recognised within the RPS: UFD P8 <a href="https://eplan.waikatoregion.govt.nz/eplan/rules/0/922/0/18930/0/150">https://eplan.waikatoregion.govt.nz/eplan/rules/0/922/0/18930/0/150</a>
2018	TD2050 reviewed. Some growth areas removed due to more modest growth projections, but otherwise the philosophy of the growth strategy remained the

	same. It was identified that pressure was once again coming onto the rural lifestyle market, and that the district plan review should look at identifying further capacity <u>within areas of existing rural lifestyle</u> (emphasis added, Page 12, TD2050).
2022/23	Plan Change 42 proposes Rural Lifestyle zone. As directed within TD2050 2018, this proposed “consolidating rural lifestyle opportunities within existing areas”.
2022	Waikato Regional Policy Statement Plan Change 1 – proposes modification to UFD-P8 to be inline with the NPS (UFD P18) <a href="https://eplan.waikatoregion.govt.nz/eplan/rules/0/922/0/18930/0/150">https://eplan.waikatoregion.govt.nz/eplan/rules/0/922/0/18930/0/150</a>

### Previous History of 387 Whakaroa Road

16. There is a significant history surrounding the property at 387 Whakaroa Road. Previously owned/proposed to be developed by Sade Developments No2 Ltd (Sade), Sade appealed the provisions of Variation 19 (rural subdivision provisions) to the Taupō District Plan.
17. Generally, Sade and Cheal Consultants Limited (Cheal) sought in their appeals to change the subdivision rules to provide for an average density of residential allotments of less than 1 per 10 hectares as a controlled activity, provided there was a minimum balance allotment, and the subdivision is designed in accordance with design criteria.
18. The Environment Court decision on this appeal (Attachment 2) provides helpful background and commentary. The resulting Environment Court Decision introduced the “cluster” rule within the ODP (rule 4b.3.9, proposed to be deleted by PC42). This rule sets up a framework for a restricted discretionary cluster development at a density of 1 allotment per 10 Ha (with a number of additional requirements).
19. Following on from the introduction of the cluster rule, Sade lodged a resource consent in 2010 for a subdivision and development of 86 low density residential dwellings in 11 clusters. This was declined by Taupō District Council, however was appealed and the Environment Court granted a modified development for subdivision and development of 65 dwellings. This resource consent was never given effect to and has now expired.

### The Cluster Rule

Rule 4b.3.9 (the cluster rule) sets out:

#### **4b.3.9**

*Any subdivision of land in the Rural Environment which complies with all the following requirements is a **restricted discretionary activity**:*

- i. *The parent allotment is no less than 20ha in area and the subdivision results in an average density of no more than 1 allotment (excluding access lots) per 10ha;*
- ii. *Within the parent allotment, no more than one cluster area will be created per 100ha; At the time of subdivision consent application the following will be identified within the parent allotment:*

- iii. *Each cluster area shall contain a group of no more than 10 allotments (excluding access lots) with each allotment to contain no more than 1 dwelling house or accommodation unit;*
- iv. *Each cluster area will make up no more than 3% of the parent allotment or be no larger than 3ha whichever is the smaller;*
- v. *Each cluster area will be no less than 100 metres from the external boundary of the parent allotment;*
- vi. *Each cluster area will be no less than 1000m from the Wairakei Tauhara Geothermal Area;*
- vii. *Each cluster area will be no less than 1000m from the Residential Environment and any other cluster area created under this rule;*
- viii. *All allotments created pursuant to this rule shall have a consent notice registered preventing any further subdivision, or the creation of no more than one Dwelling House or Accommodation Unit on that allotment;*
- ix. *All land within 20m of a water body or a river<sup>21</sup> will be planted in indigenous vegetation;*
- x. *No cluster area will be located within a Significant Natural Area, the Mapara Valley Structure Plan Area, Foreshore Protection Area, any identified Landscape Area or the Wairakei-Tauhara Geothermal Area;*
- xi. *No cluster area will be located within any identified Geothermal Area not covered by x above.*

20. This rule, as outlined above, was the result of an Environment Court Decision on Variation 19. It is proposed to be deleted through Plan Change 42. This is on the basis that providing a rural lifestyle environment in specified (zoned) areas allows, in particular, better management of reverse sensitivity effects within the rural environment (both through certainty of location and tighter provisions around reverse sensitivity), and also avoids further fragmentation of the rural environment. The additional allowance of subdivision potential within the rural lifestyle environment meets potential rural lifestyle demand (as set out by Property Economics Taupō Rural Lifestyle Economic Assessment, Appendix 5 to PC42 Section 32 Report) and it was therefore considered the cluster rule was no longer necessary.

#### **Plan Change 42, and the fit with the Growth Management Policy Framework**

21. The Taupō District rural environment is a single environment or zone within the Operative District Plan. There are no sub-zones or differentiation of rural activities, and currently the entire rural environment therefore sits under the same set of provisions. The release of the National Planning Standards signalled four potential rural zonings, one of which is the Rural Lifestyle Zone, described as:

<i>Rural lifestyle zone</i>	<i>Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.</i>
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22. Although it is recognised that Plan Changes 38-43 are not completely compliant with the National Planning Standards, the goal was to achieve consistency wherever possible, without interfering with the remainder of the plan. As there was already rural lifestyle activity within the rural environment it made sense to investigate the use of this zoning further.

23. During initial work on the rural chapter, five key issues were established. This was based on issues arising through consents, and also through a series of open days with the rural community and key stakeholders. The issues were:

- *Pressure for rural lifestyle living within the rural environment*
- *Uncertainty around the planning framework for the Mapara Valley*
- *Pressure for second dwellings within the rural environment*

- *The management of reverse sensitivity*
  - *Understanding the wide range of activities that happen within the rural environment.*
24. Addressing these key issues was the focus which helped to provide the framework for the new rural chapter. The issues and options paper (2018, attached as Attachment 4) was used as a consultation tool with the public) and cautioned that the desire for people to live in the rural environment (on rural lifestyle blocks) needed to be balanced with the costs which included:
- *Higher infrastructure costs*
  - *Inefficient land use*
  - *Loss of rural character and amenity*
  - *Loss of flexibility of large land holdings.*
25. The paper also outlined the outcomes that were being sought when addressing this issue which included:
- *Protect the character and amenity of the Rural Environment*
  - *Use rural land efficiently*
  - *Avoid unnecessary reverse sensitivity effects between different activities within the Rural Environment*
  - *Avoid fragmentation of the Rural Environment*
  - *Provide choice and meet demand for rural lifestyle living*
  - *Avoid inefficient and unnecessary provision of infrastructure within the Rural Environment.*
26. Directing further rural lifestyle into existing areas of rural lifestyle led to a clear rationale for the introduction of a rural lifestyle zoning. This was based on the identification of these issues and outcomes, the National Planning Standards zoning menu, direction within TD2050, and also direction from the WRPS (in particular UMD-M5, see attachment 1). Criteria were then developed to select potential rural lifestyle areas (Plan Change 42 Section 32 Report, Page 40):
1. *There is a presence of existing clusters of smaller/lifestyle lots.*
  2. *Areas have not been selected where there are physical constraints such as topography, geography or infrastructure*
  3. *Rural Lifestyle zoning will only be applied to lots smaller than 30ha (unless completely surrounded by smaller rural lifestyle blocks).*
  4. *Overlays such as Outstanding Natural Landscapes will be taken into account.*
  5. *Proximity to Taupō township.*
  6. *Rural lifestyle zoning will not be applied where properties are accessed from State Highways.*
  7. *Properties subject to the D1 Geothermal Rule have been excluded.*
27. An initial cut of potential Rural Lifestyle Environment was consulted on during the pre-consultation on the plan changes over May and June 2022. A number of additions (providing properties met the criteria) and removals were made at that stage prior to Plan Change 42 being notified. It is noted that there was no feedback received relating to the property at 387 Whakaroa Road during the pre-consultation. It is also noted that no submitters, through either the pre-consultation or First Schedule

Consultation, challenged the criteria for selection of the Rural Lifestyle Environment (specific areas were challenged, but not the criteria).

### **Taupō District Structure Plan and Plan Change Process**

28. Section 3e (<https://Taupo.isoplan.co.nz/eplan/rules/0/46/0/0/0/106>) of the Taupō District Plan essentially integrates the growth management framework from TD2050 with the District Plan Framework. Section 3e identifies growth areas which are then required to be unlocked through a Taupō District Structure Plan and Plan Change process. The chapter also sets out the requirements of a structure plan, including the technical elements as well as requirements such as consultation. The broad requirements include consideration of:

- *Risk assessment*
- *Landscape and natural value management*
- *Hazards and land suitability*
- *Natural resources*
- *Heritage Sites*
- *Existing and potential future land-use considerations*
- *Infrastructure*
- *Funding, timing/staging, and affordability*
- *Boundary Determination*
- *Local Government Act 2002 Structure Plan development (section 82 – consultation)*
- *Structure Plan implementation*
- *Resource Management Act 1991 Structure Plan development (Clauses 3, 3B, 3C 1st Schedule – consultation)*
- *Structure Plan implementation*
- *Land Transport Management Act 2003 Structure Plan development*

29. This process has worked effectively, with Council undertaking some of the more strategic structure planning exercises (for example the Taupō Commercial and Industrial Structure Plan and the resulting district plan changes), and landowners/developers tending to undertake the residential growth structure planning and plan change through the private plan change process. In the past 5 years we have had two significant Structure Plan and Private Plan changes approved and made operative through this process.

30. The refined evidenced lodged by Submitter 57 initially proposed a structure plan. This has been modified through the Joint Witness process to a precinct plan.

### **Process Issues**

31. As the Council Officer responsible for the Plan Change and First Schedule process for Plan Changes 38-43 I call into question the fairness and appropriateness of how this refined set of provisions and the precinct plan has been entered within the process. The refined provisions were entered via a memo on 25 July, and the Precinct Plan was entered as evidence on 12 August 2023 (5 working days prior to



the start of the Plan Change 42 hearing). The Council does not intend to call technical witnesses to assess the technical reports of the structure plan given the timing and cost that this would involve, while the core philosophical questions outlined above remain outstanding.

32. The refined provisions proposed by Submitter 74 hang heavily on the compliance of any future development with the structure/precinct plan. However, the precinct plan proposed by the submitter has been lodged as evidence five working days before the hearing, so was excluded from the First Schedule process for Plan Change 42. There has been no mechanism for the Council or the community to have inputted into the precinct plan.

## Conclusion

33. There is a significant history involved in the potential development of 387 Whakaroa Road. This summary of the history of the site, in context with the urban growth management story of the Taupō District, is to help give context to the new proposal from the submitter.
34. Plan Change 42 (in combination with the Urban Growth and Development Strategic Directions), is the continuation of a consistent and coherent growth management framework which has been in place in the Taupō District since the early 2000s. The creation of the Rural Lifestyle Environment is about meeting supply and providing for that type of living choice, but even more importantly is about continuing the protection of the General Rural environment from fragmentation. This objective has been clear from the initiation of the Plan Change, as set out by the Issues and Options report.
35. The Council experts have significant concerns over the proposal, but also the process that this has been introduced into Plan Change 42. It is considered that if the panel agreed with the submitter on scope, policy and supply and demand questions, that the only fair mechanism for allowing the precinct plan and appropriate provisions to be assessed would be an adjournment of the hearing on this aspect of Plan Change 42. That aside, it is considered that a more appropriate process for the relief as it stands would be a resource consent or a private plan change process.

### **Hilary Samuel**

Senior Policy Advisor, Taupō District Council

14 August 2023

Attachment 1 – Relevant Provisions

Attachment 2 – Environment Court Decision – Variation 19 Appeal

Attachment 3 – Environment Court Decision – Resource Consent

Attachment 4 – Issues and Options Paper 2018

## Attachment 1 Relevant Provisions Summary, Operative Plan, PC42 and Te Tuhi Development area

### Waikato Regional Policy Framework

#### **UFD-P8 – Implementing Taupō District 2050 (Currently operative but proposed to be deleted by Plan Change 1)**

- Growth in the Taupō District will be managed in a way that:
  1. recognises that Taupō District 2050 provides for the management of future growth, including by:
    - a. recognising the appropriateness of the urban growth areas as an important resource for providing for new urban land development and as the focus for future urban growth;
    - b. ensuring patterns of future urban development are consistent with the strategic directions of Taupō District 2050, the identified urban growth areas, and any subsequently adopted structure plans;
    - c. avoiding urban development in the rural environment outside of the identified urban growth areas to prevent a dispersed pattern of settlement and the resulting inefficiencies in managing resources;
    - d. avoiding the cumulative effect that subdivision and consequent fragmented land ownership can have on the role of the urban growth areas in providing the supply of land for urban development;
    - e. ensuring that staging of development in the urban growth areas is efficient, consistent with and supported by adequate infrastructure; and
  2. ensures that urban development of an identified urban growth area occurs by way of a Taupō District 2050 structure plan process and associated plan change process.
  3. acknowledges that changes to the Taupō District Plan intended to implement Taupō District 2050 must be considered on their merits under the RMA.

#### **UFD-P18 – Tier 3 local authority areas outside the Future Proof Strategy (Proposed by Plan Change 1)**

New urban development in tier 3 local authority areas shall be managed in a way that:

1. recognises and provides for the intended urban development pattern as set out in any agreed council-approved growth strategy or equivalent council-approved strategies and plans;
2. contributes towards sufficient development capacity required to meet expected demand for housing and for business land over the short term, medium term, and long term as set out in the National Policy Statement on Urban Development;
3. focuses new urban development in and around existing settlements;
4. prevents a dispersed pattern of settlement and the resulting inefficiencies in managing resources that would arise from urban and rural residential development being located in the rural environment outside of identified urban growth areas;
5. avoids the cumulative effect that subdivision and consequent fragmented land ownership can have on the role of identified urban growth areas in providing a supply of land for urban development;
6. ensures that any development is efficient, consistent with, and supported by, appropriate infrastructure necessary to service the area;
7. has particular regard to the principles in APP11;
8. recognises environmental attributes or constraints to development and addresses how they will be avoided or managed including those specifically identified in UFD-M8, high class soils as identified in LF-M41, and planning in the coastal environment as set out in CE-M1;
9. in relation to urban environments:
  - concentrates urban development through enabling heights and density in those areas of an urban environment with accessibility by active or public transport to a range of commercial activities, housing and community services, and where there is demand for housing and business use;
  - provides for high-quality urban design which responds positively to local context whilst recognising and allowing for amenity values of the urban and built form in areas planned for

intensification to develop and change over time, and such change is not, in and of itself, an adverse effect;

- enables a diverse range of dwelling types and sizes to meet the housing needs of people and communities, including for:
  - households on low to moderate incomes; and
  - Māori to express cultural traditions and norms;
- enables a variety of site sizes and locations in urban environments suitable for different business sectors;
- supports reductions in greenhouse gas emissions including through providing for an increasingly compact urban form that supports less carbon intensive transport modes such as active and public transport.

#### **UFD-M5 – District plan provisions for rural-residential development (Operative, unchanged by PC1)**

Rural-residential development should be directed to areas identified in the district plan for rural-residential development. District plans shall ensure that rural-residential development is directed away from natural hazard areas, regionally significant industry, high class soils, primary production activities on those high class soils, electricity transmission, locations identified as likely renewable energy generation sites and from identified significant mineral resources (as identified through UFD-M29) and their identified access routes.

### **District Plan Provisions**

Operative Plan Provisions in Green

Plan Change 42 Provisions in Red

Plan Change 38 provisions in blue

Te Tuhi Development Area provisions in Purple

### **Objectives – Fragmentation of the Rural Environment**

Operative Plan

Objective 3b.2.1

The management of the Rural Environment to maintain and enhance rural amenity and character.

Objective 3b.2.2

Manage the subdivision of rural land to reflect rural amenity values, rural land use and appropriate levels of infrastructure.

Objective 3e.2.1 (Section 3e Land Development Section – unaffected by PCs 38-43)

Provide for and manage urban growth so as to achieve the sustainable management of the District’s natural and physical resources.

PC42

Objective 3b.2.2 Maintaining the established General Rural character

The established character of the General Rural Environment is maintained and the cumulative erosion of its character through incremental subdivision and development is avoided.

#### Objective 3b.3.4 Consolidate rural lifestyle activities

Rural lifestyle activities within identified areas are consolidated to encourage more efficient use of the rural land resource and avoid the fragmentation of land in the General Rural Environment.

#### PC38

##### 5.5.1 2.3.2 Objectives 2.

The district develops in a cohesive, compact and structured way that:

- a. contributes to well-functioning and compact urban forms environments that provide for connected liveable communities;
- b. enables greater social and cultural vitality and wellbeing, including through recognising the relationship of tāngata whenua with their culture, traditions, and taonga;
- c. ensures infrastructure is efficiently and effectively integrated with land use; and
- d. supports emissions reduction through well planned urban form, design and location; and
- e. meets the community's short, medium and long-term housing and business needs.

3. Subdivision, use and development of land will be consistent with TD2050 2018 to protect the effective functioning of the General Rural Environment, maximise the efficient use of zoned and serviced urban land and is co-ordinated with the provision of cost effective infrastructure.

#### Te Tuhi Development Area Proposal

##### Objective 3b.3.9

Subdivision and Development in the Te Tuhi Development Area Subdivision and development in the Te Tuhi Development Area give effect to the Te Tuhi Development Area Structure Plan in Appendix 1 to realise:

- (a) A subdivision layout and built development that are integrated and compatible with the physical and environmental features of the site; and
- (b) An expansive, indigenous forest landscape that encases and dominates a tourism lodge complex, an equestrian centre and occasional clusters of rural residential buildings.

#### **Policies – Fragmentation of the Rural Environment**

##### Operative Plan

##### POLICIES (RURAL), 3B.2.1

- i. Maintain and enhance the amenity and character of the Rural Environment by providing land use performance standards and subdivision rules to manage the scale and density of development.
- ii. Avoid urban development in the Rural Environment unless through a TD2050 Structure Plan Process and associated plan change.
- iii. Maintain the open space and dispersed building character.
- iv. Provide for a range of productive land use activities within the Rural Environment while ensuring any adverse effects are avoided, remedied or mitigated.
- v. Protect the District's lakes and river margins from buildings that are visually obtrusive and/or result in a decline of the amenity of the margin area.

- vi. Avoid, remedy or mitigate adverse effects of subdivision, use and development of land on areas or features of cultural, historical, landscape or ecological value.
- vii. Recognise and provide for Infrastructure and Network Utilities in the Rural Environment, while ensuring any adverse effects on or arising from them are avoided, remedied or mitigated as far as practicable.
- viii. Recognise that the Rural Environment encompasses a range of landscape characteristics, amenity values and land use patterns and activities when considering the appropriateness of development within the zone

### Section 3e (Land Development Section – unaffected by PCs 38-43)

#### POLICIES

- i. Recognise the appropriateness of Urban Growth Areas as an important resource for providing for new urban land development and as the focus for future urban growth.
- ii. Ensure patterns of future urban development are consistent with the identified Urban Growth Areas as described in 3e.6
- iii. Prevent urban development in the rural environment outside of the identified Urban Growth Areas.
- iv. Avoid the cumulative effect that subdivision and consequent fragmented land ownership can have on the role of the Urban Growth Areas in providing the supply of land for urban development.
- v. Ensure that urban development of an identified Urban Growth Area occurs by way of a Taupō District Structure Plan Process and associated plan change process.

#### Plan Change 42

##### Policy 3b.2.10 Residential units

Avoid the cumulative effects of rural lifestyle development by providing for these activities within the Rural Lifestyle Environment and otherwise limiting residential units within the General Rural Environment that:

- a) Increase the demand for community infrastructure and services
- b) Result in the inefficient use of land or loss of future flexibility for productive uses
- c) Erode the general rural character through its density, scale and location.

#### Plan Change 38

- 3. Avoid the subdivision, use and development of land that is not consistent with TD2050 2018.
- 4. Avoid fragmented urban development that results in inefficient:
  - a. Use of land,
  - b. provision and functioning of infrastructure, and
  - c. functioning of the General Rural Environment.

#### Te Tuhi Development Area Proposal

##### Policy 3b.3.9A Subdivision, use and development in the Te Tuhi Development Area

Require subdivision, use and development to give effect to the Te Tuhi Development Area Structure Plan in Appendix 1 through comprehensive, integrated subdivision and land use proposals that achieve the subdivision layout, the built development requirements and the mitigation and enhancement planting.

#### **Rules – Subdivision in the Rural and Rural Lifestyle Environments**

## Operative Plan

- 4b.3.1 More than 10 Ha – Controlled
- 4b.3.5 Between 4 Ha and 10 Ha – Discretionary
- 4b.3.6 Less than 4 Ha – Non-complying
- 4b.3.3 More than 4 Ha in an Outstanding Landscape Area – Discretionary

## Plan Change 42

- General Rural
  - 4b.5.1(i) More than 10 Ha – Controlled
  - 4b.5.1(ii) Less than 10 Ha – Non-complying
  - 4b.5.7 Less than 10 Ha Outstanding Landscape Area – Non-complying
- Rural Lifestyle
  - 4b.5.2(i) More than 4 Ha (adjoining Rural) – Controlled
  - 4b.5.3(i) More than 2 Ha (not adjoining Rural) – Controlled
  - 4b.5.2(ii) Between 2 Ha and 4 Ha (adjoining Rural) – Discretionary
  - 4b.5.2(iii) and 4b.5.3(ii) Less than 2Ha – Non-complying
  - 4b.5.7 Less than 10Ha Outstanding Landscape area – Non-complying

## Te Tuhi Development Area Proposal

### 4b.5.10 Subdivision in the Te Tuhi Development Area

i. Subdivision in the Te Tuhi Development Area that is generally in accordance with the Te Tuhi Development Area Structure Plan in Appendix 1 is a discretionary activity.

ii. Subdivision in the Te Tuhi Development Area that is not generally in accordance with the Te Tuhi Development Area Structure Plan in Appendix 1 is a non-complying activity.

## **Objectives – Outstanding Landscapes**

### Operative Plan (note these sit in District Wide section so remain unchanged by PC42)

#### OBJECTIVE 3h.2.1

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

## **Policies – Outstanding Landscapes**

### POLICIES (note these sit in District Wide section so remain unchanged by PC42)

- Ensure subdivision, use, and development is located and designed in a way that protects the Landscape Attributes of Outstanding Landscape Areas.
- Protect Outstanding Landscape Areas from more than minor adverse visual effects of earthworks, including more than minor visible scarring or more than minor adverse change to the natural landform or natural feature.
- Avoid the erection of built structures that will have more than minor adverse visual effects on the Landscape Attributes of Outstanding Landscape Areas, or will result in cumulative adverse effects from increased built density.
- Avoid subdivision that will result in the fragmentation of open space character leading to any cumulative adverse effects on Outstanding Landscape Areas.

- v. Where Significant Natural Areas are within Outstanding Landscape Areas, avoid, remedy, or mitigate more than minor adverse visual effects of Indigenous Vegetation Clearance on the Landscape Attributes of the Outstanding Landscape Area.
- vi. Remedy or mitigate potential adverse effects of subdivision, use, or development on the attributes of Outstanding Landscape Areas, giving consideration to:
  - a. The suitability of the site for the proposed subdivision, use or development.
  - b. Recognise specific site requirements for some uses or development.
  - c. The scale, location, design and nature of the subdivision, use or development, and whether it will be sympathetic with the Landscape Attributes of the Outstanding Landscape Area.
  - d. The ability to remedy or mitigate significant adverse effects.
  - e. The extent of any disturbance or modification to the Outstanding Landscape Area as a result of subdivision, use or development, including potential impacts of earthworks and the ability of earthworked areas to be rehabilitated.
  - f. The visual impact of Indigenous Vegetation Clearance within Significant Natural Areas on the Landscape Attributes, and the ability to revegetate cleared areas with appropriate indigenous species.
  - g. The effectiveness and appropriateness of proposed mitigation to address adverse landscape and visual effects of subdivision, use or development, including appropriateness of mitigating vegetation to screen or soften built structures, and ongoing maintenance of mitigation planting.

#### Te Tuhi Development Area Proposal

No obs/pols

### **Rules – Outstanding Landscape Areas**

#### Operative Plan

#### **4b3.3**

Any subdivision of rural land that is located within an Outstanding Landscape Area or in Area X<sup>[1]</sup> on Planning Map D3 where the resulting lots are 4 hectares or larger, or is located in Area Y on Planning Map D3 where the resulting lots are between 4 hectares and 10 hectares, is a **discretionary activity**.

#### Plan Change 42

4b.5.7 Subdivision – Outstanding Landscape Areas i. Any subdivision of land in the General Rural Environment or Rural Lifestyle Environment that is located within an Outstanding Landscape Area where the resulting lots are less than 10 hectares, is a non-complying activity.

#### Te Tuhi Development Area Proposal

4b.5.7 Subdivision – Outstanding Landscape Areas i. Any subdivision of land in the General Rural Environment or Rural Lifestyle Environment that is located within an Outstanding Landscape Area where the resulting lots are less than 10 hectares, is a non-complying activity.

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