

IN THE MATTER OF: A request under Schedule 1 of the Resource Management Act 1991 to rezone land at Whareroa (being Proposed Plan Change 36 to the Taupo District Plan)

TO: **Taupo District Council**

APPLICANT: **The Proprietors of Hauhungaroa No. 6**

Statement of Evidence of **Joanne Patricia Lewis** for The Proprietors of Hauhungaroa No 6

1 INTRODUCTION

Qualifications and Experience

- 1.1 My name is Joanne Patricia Lewis, and I am a resource management consultant, residing and practising predominantly in the Taupo area for more than 30 years. I hold a Bachelor of Regional Planning (with First Class Honours) and a Master of Philosophy (Regional Planning) from Massey University. I have been a full member of the New Zealand Planning Institute since 1988. Between 1988 and 1995 I held the position of District Planner at Taupo District Council and since 1995 I have been in private practice. I have been involved in a wide range of resource management matters and also taught resource management part-time at Massey University for 16 years.
- 1.2 In my roles as a local authority planner and then a consultant planner I have had extensive experience in resource management planning and have worked with a wide range of public and private sector clients and on many commercial and residential projects.
- 1.3 I confirm that I have read and undertake to adhere to the “Code of Conduct for Expert Witnesses” contained in the Environment Court Consolidated Practice Note (2014). I confirm that this evidence is within my area of expertise except where I state otherwise, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions I express in this evidence.

Summary Statement

- 1.4 This evidence is on behalf of the applicants, The Proprietors of Hauhungaroa No 6, who have requested a change to the Taupo District Plan to enable completion of a long-planned residential settlement at Whareroa.
- 1.5 My evidence responds to submissions and the TDC consultant planner’s s42A report. As a result of matters raised modified plan provisions are proposed.
- 1.6 Below is a summary of the position reached in this evidence on the significant matters:
- Strategic urban growth: the Whareroa North proposal is in accordance with settled public policies and plans (including structure plan, district plan, and regional policy statement) that the landowners and the community rely upon. The development can be efficiently serviced, and infrastructure planning has already made provision for the northern extension. Economic advice confirms a market for residential properties at Whareroa North, and that overall an economic benefit is likely to result from it;

- Bridge: The owners and the Tuwharetoa Maori Trust Board are agreed on a legal mechanism to enable bridging of the Whareroa Stream (the bed of which is in the Trust Boards' ownership) and which would enable TDC to own the bridge asset and for its use as a public road;
- Biodiversity: overall the plan change proposal will result in positive biodiversity outcomes. Although the provision of access will result in indigenous vegetation removal from a significant natural area (SNA), because of the management measures proposed the overall significance of the SNA vegetation and its habitats will not be compromised;
- Landscape: the residential development will integrate well into the surrounding landscape due to the proposed planting and other design measures incorporated. The likely localised effects on the OLA and ONFL resulting from the access road (and which will diminish as the mitigation planting matures) will not result in the overall character and values of the OLA and ONFL being adversely affected;
- Geotechnical: a hazard assessment has confirmed that there is a sufficiently high degree of confidence that an insurmountable geotechnical hazard will not be encountered (and therefore rezoning can be supported). The comprehensive geotechnical site investigation required to inform detailed subdivision design in the circumstances of this project, however, is appropriately undertaken once the owners have the confidence of the zoning.

1.7 Based on an assessment of the relevant statutory matters, I conclude that the plan change request (including the modified plan provisions proposed) merits approval.

Background

1.8 I prepared the application which is the subject of this hearing and co-ordinated the input of others. I have been involved with the Whareroa North project since 2005 and have represented The Proprietors of Hauhungaroa No 6 Block in numerous planning processes since that time including the Plan Change process which introduced the future growth areas into the Taupo District Plan in 2010, and development of the Taupo District Council (TDC) Southern Settlement Structure Plan from 2011 until it was made operative in 2013. The current application which requests changes to the Taupo District Plan to authorise the Whareroa North development was lodged in December 2017. A detailed chronological outline of the background work and milestones in development of the Whareroa North proposal is provided in Appendix 1 of the application document.

Scope of Evidence

1.9 My evidence covers:

Section 2: Description of the application site and surrounding area;

- Section 3: Overview of the plan change proposal;
- Section 4: Notification and submissions process;
- Section 5: Response to submissions;
- Section 6: Response to WRC submission
- Section 7: Response to matters raised in the s42A report;
- Section 8: Modifications to the requested Plan provisions;
- Section 9: Statutory assessment of the plan change proposal;
- Section 10: Conclusion.

1.6 In the course of preparing this evidence I have considered:

- the application lodged with TDC on 17th December 2017 and additional information dated 3rd October 2018, 19th October 2018, 7th June 2019, and 21st October 2019;
- the 17 submissions received;
- the TDC consultant planner's Section 42A report;
- the statutory provisions of the Resource Management Act 1991 and relevant policies and plans prepared pursuant to that Act.

1.10 My evidence is to be read in conjunction with the plan change application and additional information referred to in paragraph 1.6, and the evidence presented by the following persons:

- Mr Duncan McKenzie, trustee of The Proprietors of Hauhungaroa No 6;
- Miss Marilyn Connolly, secretary of The Proprietors of Hauhungaroa No 6 Incorporation;
- Mr Kevin Counsell of NERA Economic Consulting, who has provided expert evidence on economic matters;
- Mr Mike Keys of KeySolutions Limited, who has provided expert evidence on engineering and servicing matters;
- Mr Harshad Phadnis of Cheal Consultants, who has provided expert engineering evidence on geotechnical matters;
- Mr Tony Kelly of Cheal Consultants, who has provided expert engineering evidence on stormwater matters;
- Ms Mary Monzingo of Mary Monzingo Limited who has provided expert evidence on visual and landscape matters;
- Mr Chris Wedding of Bioresearches, who has provided expert evidence on ecological matters;
- Ms Sian Keith of Sian Keith Archaeology Limited, who has provided expert evidence on archaeological matters.

2 APPLICATION SITE AND SURROUNDING AREA

- 2.1 Whareroa Village is a settlement of about 200 residential properties on the southern shores of Lake Taupo. Whareroa is an hour's drive from Taupo (and half an hour from Turangi) and sits beneath the rhyolite rock faces of Rangitukua. The existing village extends northwards to the esplanade reserve along the southern side of the Whareroa Stream.
- 2.2 Whareroa village is proposed to be expanded to the north. Up to 160 residential sites are proposed on the plateau above the Whareroa Stream, with road access to it from an existing Local Purpose Reserve (Road) on the southern side, bridging of the Whareroa Stream, and road up through the bush clad escarpment there.
- 2.3 Section 2 ("Background") of the application, and the evidence of Miss Connolly explains how the owners have planned for Whareroa settlement (being a village on both sides of the Whareroa Stream) since the 1960's. In 1979 the Taumarunui County Council (TCC) zoned the owners' land (on both the north and south sides of Whareroa Stream) "Lakeshore Residential". Following local body amalgamation in late 1989 Taupo District Council became the territorial authority for the Whareroa area and administered the TCC planning requirements. TDC notified its first RMA proposed district plan (PDP) in mid 2000. That was a strongly "effects based" plan and did not include any strategic zoning to provide for future growth. Consistent with that approach the owners' land north of the Whareroa Stream (and other land in Taupo District which was zoned for urban growth but which, in 2000, was being used for rural activities rather than urban,) lost its residential zoning and took on a rural zoning. I mention that to clarify the circumstances of how the zoning was "lost". It is my clear view and recollection that the residential zoning was removed from the Whareroa North land because of the TDC's philosophical approach in its RMA "effects based" PDP, and not because of concern about the merits of a residential zoning for the land.
- 2.4 Section 3 of the application provides a detailed description of the site. The land affected by the proposal to extend Whareroa Village to the north comprises parts of two adjoining land titles. The western 6.38ha is part of the Whareroa Station title, and the eastern part is the balance of a the 200 acre block of land (north and south of the Whareroa Stream) which was previously part of Whareroa Station but was set aside in the 1960s for a future holiday settlement.
- 2.5 The plan change request proposes to rezone 14.63 hectares of land to "Residential Environment" with the balance of the affected titles retaining the current "Rural Environment" zoning.
- 2.6 Physical characteristics of the site (including geotechnical, ecological, landscape, archaeological and cultural values) are described in Section 3 of the application and based on assessments

undertaken by suitably qualified and experienced persons. Additional assessments have recently been undertaken as explained in the evidence of Harshad Phadnis (geotechnical), Chris Wedding (ecological), Mary Monzingo (landscape), and Sian Keith (archaeological).

2.7 The application site, which is elevated above and set back from Lake Taupo, is in a rural area located between the existing Whareroa village to the south and Poukura Marae and associated settlement and landholdings to the north. Adjoining the site is:

- the northern bank of the Whareroa Stream alongside which is a one chain wide fisherman's ROW imposed by statute on all maori land adjoining Lake Taupo in 1926;
- to the west is the farmland of Whareroa Station, through which Whareroa Stream passes. Large areas of Whareroa Station have recently been planted in manuka;
- to the east is an Esplanade Reserve which is at least 40m wide and was vested in the late 1980s when the Whareroa village subdivision was underway. The reserve is clad in indigenous vegetation and is mostly elevated some 20m above Lake Taupo;
- immediately north of the application site are several parcels of multiply owned maori land and beyond that, near the lakeshore, is Poukura Marae. Access from Poukura to the nearest public road is northwest through more than 5 kilometres of private land, to Karangahape Road and then some 3 kilometres onto S H 32 (known as the "Western Access" road).

3 OVERVIEW OF PLAN CHANGE PROPOSAL

Reason for Plan Change Request

3.1 Section 7.2 of the application explains in detail the current Taupo District Plan (TDP) zoning and overlays which apply to the site (and the objectives and policies that support those). Section 5.2 of the application explains in more detail the urban growth provisions in the TDP (in Section 3e "Land Development"). TDP Objectives and policies 3e.2.1 and 3e.2.2 direct that urban development be located only within identified "urban growth areas" which have been subject to structure planning and re-zoning for that purpose. As detailed in Section 5 of the application Whareroa North is one of the district's "urban growth areas" identified in Section 3e.6 of the TDP and is included in the TDC's Southern Settlement Structure Plan 2013 (SSSP). The Executive Summary of the SSSP explains that Council considers that private landowners should undertake plan changes to zone land for new development instead of Council and that one of the key benefits of the SSSP is that *"The 'market' is left to determine when demand is such that land should be re-zoned and developed rather than Council attempting to determine when more land is necessary"* (page 8).

- 3.2 Subsequent to those prior planning processes this plan change request seeks to provide the appropriate district plan provisions to authorise expansion of Whareroa settlement to the north.

Requested Plan Change Provisions

- 3.3 The December 2017 application included specific TDP provisions which were proposed to be changed. These were further developed prior to public notification of the Plan Change request in October 2019 and at the time of notification comprise:

- Amended District Plan Environment Map showing the land proposed to be rezoned “Residential Environment” and access from the existing road network to the (proposed) “Residential Environment” land;
- Amendments to Section 3a of the Taupo District Plan, “Residential Environment Objectives and Policies” being:
 - Insertion of new policy 3a.2.1v: *“Subdivision and Development at Whareroa North should be generally in accordance with the Whareroa North Outline Development Plan”*;
 - Insertion of additional wording in the “Explanation” section beneath that policy section referencing the new policy and noting that a structure plan had been prepared for the southern settlements of Lake Taupo;
 - Insertion of additional “Anticipated Environmental Outcomes” clause 3a.5vi: *“Development of the Residential Environment at Whareroa North which is generally in accordance with the Whareroa North Outline Development Plan (Appendix 8)”*.
- Amendments to Section 4a of the Taupo District Plan, “Residential Environment Rules and Standards” being:
 - Insertion of new Subdivision Rules after Rule 4a.3.1, being:
 - 4a.3.1A*
*Subdivision at Whareroa North which is generally in accordance with the Whareroa North Outline Development Plan at Appendix 8, is a **controlled activity**.*
 - 4a.3.1B*
*Subdivision at Whareroa North which is not generally in accordance with the Whareroa North Outline Development Plan at Appendix 8 is a **restricted discretionary activity** with discretion restricted to the matters of non-compliance and the assessment matters in Rule 4a.3.2.*
 - Note: Notwithstanding Rules 4a.3.1A and 4a.3.1B, the activity status of Stage 1 of the Whareroa North Residential Subdivision is also determined by the following District Plan Rules:*
 - *Restricted Discretionary Activity Rule 4b.2.7 (structures in an Outstanding Landscape Area);*

- *Restricted Discretionary Activity Rule 4b.2.8 (earthworks within an Outstanding Landscape Area);*
 - *Discretionary Activity Rule 4b.3.3 (subdivision of rural land within an Outstanding Landscape Area);*
 - *Restricted Discretionary Activity Rule 4e.6.2 (indigenous vegetation clearance within a Significant Natural Area);*
 - *Restricted Discretionary Activity Rule 4e.9.15 (subdivision providing for infrastructure in a high risk flood hazard area).*
- Insertion of additional wording after Subdivision Rule 4a.3.2 to apply matters of control to new Controlled Activity Rule 4a.3.1A;
 - At the end of Subdivision Rule 4a.3.3 insertion of additional words *“Exception: This Rule does not apply to subdivision at Whareroa North which is generally in accordance with the Whareroa North Outline Development Plan at Appendix 8.*
- New Appendix 8 of the Taupo District Plan, “Whareroa North Outline Development Plan.”

3.4 In response to matters raised in submissions and the s42A report I propose further modifications to these provisions as set out in Attachment 1 (in “tracked changes” and final word versions of the document) and as summarised in Section 8 below.

3.5 My response to the s42A report also explains that the road access component is an integral part of the proposal that the plan change seeks to advance (paragraphs 7.3 to 7.6 below).

4 NOTIFICATION AND SUBMISSIONS PROCESS

Notification Process

4.1 TDC publicly notified the Plan Change request pursuant to the First Schedule of the RMA on the 31st October 2019 with the submission period closing on the 29th November 2019. During that time an economic report commissioned by TDC was near completion and Council staff advised on the 28th November that the closing date for submissions was extended to Friday 20th December. Whareroa property owners and submitters were advised of the extension and on the 6th of December Council staff advised that the TDC’s economic report was available on its website.

4.2 Seventeen submissions were received by Council (4 in support, 12 in opposition, and 1 neutral).

4.3 The opportunity for further submissions to be lodged opened on the 6th March 2020 and closed on the 20th March. No further submissions were received.

4.4 The Council has collated a summary of submissions which helpfully groups submission points into “subject categories”. The categories are numbered from 2 to 18 as outlined in the table

below. Categories 2 to 7 relate to specific TDP provisions which the Plan Change request proposes to change or introduce (as detailed in paragraph 3.3 above), and therefore I have grouped these categories together below under the heading “District Plan provisions proposed to be amended”.

| TDC Summary of Submissions – Subject Categories | |
|--|---|
| 2-7 | District Plan provisions proposed to be amended |
| 8 | Residential demand |
| 9 | Geotech |
| 10 | Historic heritage |
| 11 | Access to site |
| 12 | Impacts on SNA and landscape |
| 13 | Natural Hazards |
| 14 | Infrastructure |
| 15 | Maori values |
| 16 | Environment |
| 17 | General |
| 18 | Non-RMA matters |

5 RESPONSE TO SUBMISSIONS

- 5.1 Below I respond to the matters raised in opposing submissions in each of the subject categories listed in the table above (and referencing submitters by name and allocated submission number). I have not responded to the matters in category 18 (“Non-RMA matters”) as I agree they are not relevant resource management matters.
- 5.2 I respond to the WRC submission in its entirety in Section 6. In my view it did not easily lend itself to be spilt into discrete subject areas and therefore I have addressed it as a whole.
- 5.3 Opposing submitters have requested either that the Plan Change request be declined in its entirety or that modifications are made to it.

District Plan provisions proposed to be amended (submission categories 2 to 7)

“Generally In Accordance With”

- 5.4 Opposing submitter C Harding and others (#6) request that the words “*generally in accordance with*” be replaced by the words “*in accordance with*” where they appear in new policy 3a.2.1v, new Anticipated Environmental Outcome 3a.5.vi, and new Rule 4a.3.1A.

- 5.5 For context, the provisions intend that development at Whareroa North is “*generally in accordance with*” the Whareroa North Outline Development Plan, ODP, (being new Appendix 8 to the District Plan).
- 5.6 On reflection I agree that the words “*in accordance with*” are more appropriate than the words “*generally in accordance with*” for the proposed rule, as they are clearer and less ambiguous. Accordingly, in the modifications I propose to the Plan provisions in Attachment 1, I have removed the word “generally” where it appears in proposed Subdivision Rules 4a.3.1A and 4a.3.1B, and also in the additional wording proposed in the amendment to Subdivision Rule 4a.3.3.
- 5.7 In my view the words “*generally in accordance with*” remain appropriate in the policy and anticipated environmental outcomes provisions which will inform subsequent resource consent processes. That is because those words convey that a proposal which varies significantly or materially from the ODP does not have policy support and in my view that is appropriate.

Controlled Activity Status

- 5.8 Submitter C Harding and others (#6) also seek an activity status more restrictive than “Controlled Activity” for subdivision rule 4a.3.1A.
- 5.9 In my view the proposed activity status for Subdivision Rule 4a.3.1A is appropriate. As explained in the “Note” below proposed new Subdivision Rules 4a.3.1A and 1B, Stage 1 of the subdivision (which includes access from the existing road network up to the elevated site, and yielding approximately 30 residential lots) will have discretionary activity status because of various existing and unchanged TDP rules which apply. In my view that is appropriate given the range of resource management issues that Stage 1 involves (as evidenced by the TDP overlays that apply to it including OLA, SNA, and flood hazard area).
- 5.10 Controlled Activity status through proposed Rule 4a.3.1A will therefore only apply to subsequent stages of the subdivision (provided they are in accordance with the Whareroa North Outline Development Plan at Appendix 8). The land in the subsequent stages is not subject to those TDP overlays, and the relevant resource management issues about it are well known (as a result of the plan change process). Based on the evidence of H Phadnis (geohazards), M Monzingo (visual and landscape), T Kelly (stormwater), S Keith (archaeological), and M Keys (infrastructure), the potential range of adverse effects associated with developing it are able to be avoided, remedied, or mitigated, and the development is able to be appropriately serviced. I therefore conclude that a subdivision proposal which is in accordance with the Whareroa North Outline Development Plan at Appendix 8 should expect to be consented (with appropriate conditions applied).

- 5.11 Further, I consider that the list of matters over which Council has reserved control (being “a” to “g” beneath Rule 4a.3.2 in the TDP and replicated below) has appropriate scope to provide for suitable consent conditions which Council assesses are necessary at the resource consent stage (for example about subdivision design and layout, land stability and suitability of building sites, infrastructure, earthworks, effects on landscape or natural values areas, etc).
- 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.

Accordingly, in that context, providing for subdivision as a controlled activity for subdivision stages beyond Stage 1 is appropriate in my view.

- 5.12 I do not agree therefore that the activity status for Subdivision Rule 4a.3.1A should be modified.
- 5.13 In my view that approach is consistent with the general residential subdivision rule in the TDP (Subdivision Rule 4a.3.1¹) which provides for subdivision as a controlled activity where the future land use is already approved (in this case through plan change and the requirement to be in accordance with the Appendix 8 Whareroa North Outline Development Plan).

Notification

- 5.14 Submitter C Harding and others (#6) also request to be notified of any subdivision application.
- 5.15 The RMA sets out the circumstances for public notification and limited notification of applications for resource consent and in my view, there is no compelling reason in this case to over-ride those statutory provisions by including a rule in the District Plan.

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**.”*

Residential demand (submission category 8)

Costs to the Ratepayer / Demand for residential growth at Whareroa

- 5.16 Submitters I Sutcliffe (#9) and R and J Colman (#13) oppose the application partly on the basis of costs to existing Whareroa Village ratepayers. R and J Colman also assert that there is no demonstrated demand for residential growth at Whareroa in terms of anticipated population growth (and references the Property Economics report commissioned by TDC).
- 5.17 The economics evidence of Kevin Counsell (at paragraphs 49 to 56) responds to these submission points and I accept his expert opinion about likely demand for residential properties in Taupo District and Whareroa, and his conclusion that “*there is likely to be a net benefit that results from the Whareroa Development*” (paragraph 25).

Geotech (submission category 9)

- 5.18 Submitters Dr R and S Ewen (#7), I Sutcliffe (#9), R and J Colman (#13), and M T Miller (#14) oppose the application partly because of land instability concerns. The submission of I Sutcliffe also asserts that the proposal contains insufficient information concerning geotechnical effects.
- 5.19 The geotechnical engineering evidence of Harshad Phadnis (at Section 10) responds to these submission points and I accept his expert opinion on these matters including that the appropriate level of geotechnical information is available on which to base his conclusions, and that land stability effects have been considered and are able to be mitigated in both an “anticipated and “worse case” scenario.

Historic heritage (submission category 10)

- 5.20 Heritage New Zealand (#16) submitted in opposition to the Plan Change proposal and requests that a new archaeological assessment relating to the proposed Plan change is undertaken to inform the subdivision design and ensure that any future earthworks do not adversely affects archaeology.
- 5.21 The applicants have commissioned an archaeological reassessment as requested by Heritage New Zealand (HNZ). The recommendations from that assessment have been incorporated into the modified plan provisions now propsoed.

Access to site (submission category 11)

Existing access road not adequate – need for alternative route

- 5.22 Opposing submitter R Lawton (#3) asserts that the road in an out of Whareroa is inadequate for the additional house sites and that a new road is required. Further, and along with submitters C Harding and others (#6) and I Sutcliffe (#9), alternatives routes are suggested (including south from S H 32, and from the north via the Poukura Marae access road).
- 5.23 The engineering evidence of Mike Keys responds to these submission points (at paragraphs 7.1 to 7.3) regarding the design and construction of the existing road. Mr Keys' evidence (at paragraph 5.1 to 5.5) also refers to his report (included in the application) which assessed alternative bridge locations and at paragraph 5.4 he comments on the alternative routes suggested by the submitters.

Additional Traffic and amenity effects

- 5.24 Submitters C Harding and others (#6) and I Sutcliffe (#9) oppose the proposal partly on account of effects from increased traffic.
- 5.25 The engineering evidence of Mike Keys responds to these submission points (at paragraph 7.3) with reference to Whareroa being predominantly a holiday settlement and the *"roading in the existing village is built to a good geometry and standard and can easily cater for the low numbers of existing movements plus the extra demand from development at Whareroa"*.

Bridge effects on Whareroa Stream

- 5.26 Submitters C Harding and others (#6) and R and J Colman (#13) raise concerns about the impact of a bridge on Whareroa Stream which is a trout spawning stream.
- 5.27 As referred to in the application documents (proposed new District Plan Appendix 8 – Whareroa North Outline Development Plan) a single span bridge is proposed with abutments clear of the stream bed, finished in visually recessive colours and with associated planting.
- 5.28 As explained in Section 10 of the December 2017 application, pre-application consultation was undertaken with the Tuwharetoa Trust Board (which holds the title of the riverbed) and the Department of Conservation about the proposal and specifically referencing bridging of the Whareroa Stream. These entities conveyed their support (by letter and email which are included in Appendix 9 of the application). Email correspondence with the Department of Conservation confirms that the Department had no issues at the Plan Change stage and was satisfied that potential effects relating to bridging of the Whareroa Stream (including on trout) could be addressed at resource consent stage. Both TDC and WRC consents will be required for the bridge and I agree that these matters are appropriately addressed through the consultation, detailed design and consenting processes at that time.

Impacts on SNA and landscape (submission category 12)

- 5.29 Submitters I Sutcliffe (#9), C Skipper (#10), R and J Colman (#13), and M T Miller (#14) oppose the removal of indigenous vegetation and impact on habitats (especially of birdlife), and for ecological reasons generally. Further, submitter I Sutcliffe asserts that measures to mitigate the removal of indigenous vegetation have not been identified.
- 5.30 These submissions are addressed in Section 8 of the evidence of ecologist Chris Wedding including where he describes the proposed ecological effects management hierarchy (including mitigation and biodiversity offsetting) and concludes that overall positive biodiversity outcomes can be achieved.
- 5.31 Submitters I Sutcliffe (#9) and R and J Colman (#13) respectively oppose the proposal because of potential adverse effects on the natural character of the environment, and because the area is one of “outstanding natural beauty”.
- 5.32 The evidence of landscape architect Mary Monzingo includes photomontages and a visual animation depicting the finished appearance of the bridge and access road. Section 9 of that evidence provides a visual and landscape assessment of the proposed residential development and access to it.

Natural Hazards (submission category 13)

- 5.33 Only the WRC submission is scheduled in submission category 13 (“Natural Hazards”). My response to that submission is in Section 6.

Infrastructure (submission category 14)

Additional pressure on infrastructure and facilities

- 5.34 Several opposing submitters (R and D Ewen #1, C Harding and others #6, I Sutcliffe #9, and M T Miller #14) are concerned about impacts from increased pressure on community infrastructure and facilities (referencing roads, boat-ramp and jetty, lakefront reserves area etc).
- 5.35 In relation to roading and servicing matters, the engineering evidence of Mike Keys responds to these submission points (at paragraphs 7.1 to 7.15) and concludes that the roading infrastructure has the capacity to provide for the additional demand and water supply and wastewater can be upgraded to provide for the additional demand.
- 5.36 In the case of boating facilities (and as described in Section 3.3 of the application) a boat-ramp, adjacent jetty, and associated parking area (with public toilets) are located at the southern end of the large lakefront reserve at Whareroa Village which is known as “Kowhai Flat”. I understand

from reading draft evidence of Steve Sanderson that existing boating facilities are “very quiet” for the year round (except for the usual summer peaks experienced around Lake Taupo).

5.37 In the case of lakefront reserves, the initial 1987 subdivision (shown on page 8 of the application) vested substantial Esplanade Reserves to the north (1.93ha) and south (5.3ha) of the Whareroa Stream. The northern esplanade reserve includes steep cliffs with no practical access down to the beach area below. By comparison, the expansive lakefront reserve on the southern side (which extends from Rangitukua Scenic Reserve at the southern end, to the mouth of the Whareroa Stream at the north) comprises substantial areas of usable beach and adjoining open space. My point is that this lakefront reserve area of some 5ha was set aside and intended to cater for the lakefront reserve needs of the entire Whareroa Village planned for (ie both north and south sides of the Whareroa Stream). Given that circumstance, and the scale and nature of the existing lakefront reserve, I do not agree that the additional residential lots will result in unacceptable pressure on that resource.

5.38 Further, the TDC Reserves Planner has advised in the past and confirmed in his evidence that no formal recreational or neighbourhood reserve is required for the northern side. If there was concern that the northside development would result in unwelcome pressure on the southern Kowhai Flat lakefront area I would have expected Council to support or require the provision of a neighbourhood reserve on the north side (ie to absorb some of the anticipated open space demand).

Wastewater system

5.39 Several submitters (E Lawton #2, Dr R and S Ewen #7, I Sutcliffe #9, and R and J Colman #13) oppose the proposal because of concerns about wastewater management (including insufficient capacity and capability of the sewerage scheme, potential spill and odour risks).

5.40 The engineering evidence of Mike Keys responds to concerns about wastewater management at paragraphs 7.13 and 7.15 including around issues of the performance and monitoring of the wastewater system.

Schooling provision

5.41 A neutral submission from the Ministry of Education (#15) is concerned about access to and provision of schooling that might be required to service up to 160 additional residential properties. The submission observes that Kuratau School is located 9km way from Whareroa settlement and that Turangi is some 30 minutes travel by car.

- 5.42 Whareroa is predominantly a holiday settlement which the plan change application at Section 3.3.6 noted that only 8% (about 17) of the 202 freehold properties there were occupied by permanent residents. My understanding is that there are currently two primary school aged children residing at Whareroa.
- 5.43 For school age children who may reside at Whareroa in future, the existing Kuratau primary school located on State Highway 41 and schools located in Turangi are available. Vehicle access to these schools is on sealed public roads, including on State Highways 32 and 41.
- 5.44 In these circumstances the concerns raised in the Ministry of Education's submission (about schooling demand generated by additional residential development at Whareroa and road access to schools) are, in my view, unlikely to result in any actual adverse effects.

Environment (submission category 16)

- 5.45 The two following parts of the opposing submission of R and D Ewen (#1) are allocated to the submission category "Environment":
- "We are concerned at any adverse impact on the quality of the lake and stream"
 - "we are concerned at the impact access road etc will have on the pristine environment".

Effects on waterways

- 5.46 Adverse impacts on the quality of the waters of Lake Taupo and the Whareroa Stream potentially arise from sediment runoff, stormwater discharges, etc.
- 5.47 Suitable sediment control measures during the subdivision construction stage will be appropriately designed and assessed as part of the resource consent process at that time.
- 5.48 A "low impact" approach to stormwater management is proposed for the Whareroa North development as outlined in the stormwater assessment report included in the application documents (and referenced in proposed District Plan Appendix 8). The evidence of Tony Kelly provides an overview of that approach and its objectives which specifically includes preventing adverse effects on the quality of the waters of the Whareroa Stream (para 4.1).
- 5.49 In my view the submitters' concerns will be appropriately addressed in these ways.

Effects of access road on pristine environment

- 5.50 Concern about environmental effects from the access road are addressed in responses provided in "Access to site" (submission category 11) and "Impacts on SNA and Landscape" (submission category 12).

General (submission category 17)

- 5.51 Opposing submitter I Sutcliffe (#9) asserts there is “*insufficient information contained in the application to be conclusive as to the effects...*” particularly in the areas of geotechnical issues, suitability of the road connecting Whareroa North to the existing Village, mitigation measures for indigenous vegetation removal, and the capacity and capability of the wastewater system.
- 5.52 These matters are addressed in the application documents and further in the evidence of:
- Harshad Phadnis (re geotechnical);
 - Mike Keys (re roading and wastewater);
 - Chris Wedding (re mitigation measures for indigenous vegetation removal).
- 5.53 In my view adequate information is available to enable potential effects of the plan change proposal to be anticipated.

6 WAIKATO REGIONAL COUNCIL SUBMISSION

- 6.1 The Introduction section of the WRC submission (#17) comments that:
- The primary interest is in relation to the Waikato Regional Policy Statement (WRPS), which a plan change is required to give effect to, and in this case the key areas are:
 - strategic coordination and timing of development and infrastructure;
 - maintenance and enhancement of biodiversity values;
 - preservation of Outstanding Natural Features and Landscapes;
 - natural hazards;
 - There is inconsistency of the Whareroa North proposal with the WRPS ;
 - The Plan Change omits access and roading considerations; and
 - The Whareroa North development proposal has been part of a coordinated program of growth with WRC having granted consents for water take and wastewater discharge that accommodate the expansion. WRC confirms it is comfortable with the stormwater management approach proposed.
- 6.1 The substance of the WRC submission is presented in a table format under the following headings:
1. General
 2. Strategic Growth
 3. Coordinated growth and infrastructure
 4. Biodiversity
 5. Outstanding Natural Features and landscapes
 6. Hazards

6.2 Below (and in reliance upon the expert evidence of others, where indicated) I respond to the WRC submission points made under each of those headings, and then to the stated relief sought in the right-hand column of the table in the WRC submission.

WRC Submission “Section 1 – General”

| Submission on: “Exclusion of compulsory bridge and roading connection within the plan change proposal” | Response |
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| <p>“WRPS Policy 6.1c) requires that the development of the built environment is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development. This is supported by Method 6.1.8 b) which requires an appropriate level of information on the location, type, scale, funding and staging of infrastructure required to service the area.</p> <p>A road and bridge across the Whareroa stream will be required to connect the proposed development to the existing Whareroa settlement. These works will encroach upon the Outstanding Landscape Area 60 (OLA60) and Significant Natural Area (SNA062) and will potentially have significant implications for these areas of high value and would require careful consideration.</p> <p>WRPS Policy 11.2.2 requires that SNAs are protected and that activities avoid loss in preference to remediation or</p> | <p>The required infrastructure, including road access (to be funded solely by the applicants as developers) to service the Whareroa North area along with its location, type, scale, and staging is described in:</p> <ul style="list-style-type: none"> • the December 2017 application: Section 4.5 “Servicing and Infrastructure”, Appendix 3 “Whareroa North Infrastructure Report” and appendices to that report (including “Whareroa Stream Bridge Discussion Paper” and supplementary report, Kuratau Hydro Rd Intersection Report, correspondence to and from TDC regarding wastewater resource consent), and Appendix 5 “District Plan provisions proposed to be changed” which includes District Plan Map amendments and proposed Whareroa North concept plan showing intended access; • further information to TDC in October 2018: “Infrastructure Efficiency Report” and correspondence with Ngati Tuwharetoa Trust Board regarding bridging Whareroa Stream; • Further information to TDC in June 2019: “Preliminary Stormwater Assessment report”; • Expert evidence from Mike Keys (servicing and infrastructure), Tony Kelly (stormwater management), Harshad Phadnis (geotechnical aspects of the proposal), Kevin Counsell (economic effects and including demand for residential properties at Whareroa), Chris Wedding (ecological effects), and Mary Monzingo (landscape and visual effects). <p>In my view an appropriate level of information is available to enable assessment of infrastructure effects (including roading) of the subdivision, use and development as required by WRPS Policy 6.1c).</p> <p>I agree with the WRC that careful consideration of the effects of the proposed road (which passes through OLA60 and SNA062) is required. As well as earlier design work incorporated into the 2017 application and concept plan, the advice and evidence of geotechnical engineer Harshad Phadnis, landscape architect Mary Monzingo, and ecologist Chris Wedding (which includes their respective expert assessment of the proposed road access) has considered the access proposal and potential effects on the environment. This input also informed the modified plan provisions set out in Section 8 below (including enhanced measures to manage potential ecological and landscape/visual effects). In these ways I consider that the level of consideration referred to in the WRC submission has been accorded these matters.</p> <p>WRPS provision 11.2.2 referred to in the WRC submission is not a policy, rather it is one of several “Implementation Methods” for Policy 11.2. WRPS Policy 11.2 is:</p> |

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| <p>mitigation. The WRPS then considers employing a hierarchy of remediation, mitigation and then applying biodiversity offsets for residual adverse effects that cannot be avoided, remedied or mitigated. It would be useful to know and understand as part of the plan change process how and where within the applicant's site adverse effects on SNAs are to be avoided, and how and where to employ mitigation and offsetting measures.</p> <p>It is important that the impacts on the high value local ecology and outstanding landscape are considered alongside the other merits of the proposed plan change".</p> | <p><i>"Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced."</i></p> <p>In my view the clear focus of the policy is that the characteristics that contribute to the significance of an area are <u>"not adversely affected to the extent that the significance of the vegetation or habitat is reduced"</u>. That policy directive informs the implementation measures such as the matters which Implementation Method 11.2.2 states District Plans (and therefore Plan Changes) shall include. That is the policy context for the hierarchy of avoid, remedy, mitigate, offset, which Implementation Method 11.2.2 requires and which, as I explain below, is adopted in the plan change proposal.</p> <p>In the table following Section 10 of his evidence, Chris Wedding agrees that the hierarchy of management set out in the implementation method should be applied in this case and earlier in his evidence paragraphs 8.11 to 8.14) outlines that offset planting to address residual effects will be located in or contiguous with SNA062. These proposed measures are included in the modified plan provisions set out in Section 8 of my evidence.</p> <p>I note that as well as setting out the hierarchy of management tools discussed above, Implementation Method 11.2.2 requires that District Plans <i>"have regard to the functional necessity of activities being located in or near areas of significant indigenous vegetation and significant habitats of indigenous fauna where no reasonably practicable alternative location exists"</i> (11.2.2g). In my view that is particularly relevant in the circumstances of this proposal where an assessment of alternative stream crossings was explored (and the report included in the application documents), as explained in the evidence of Mr Keys (paragraph 5.4) alternative routes (including as suggested in the WRC submission) are not reasonably practicable, and as a result of these circumstances the access road would not be able to avoid the SNA. In my view the WRPS appropriately recognises that. Further, SNA062 was in the TDP before the Whareroa North growth area was introduced into the TDP and before the Whareroa SSSP showed Whareroa North (along with the access route to it). I am not aware that concern about the access route location was the subject of a submission in opposition by WRC in either of those public processes.</p> <p>I agree that it is important that the impacts on natural and landscape values are considered alongside the other merits of the proposed plan change and in my view the application, further information, and expert evidence provided achieves that.</p> |
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Response to relief sought

6.3 The relief sought by WRC in relation to the "General" submission points is:

Amendments to the proposed application are sought to include the integral roading and bridge aspects of the development. Should the access infringe upon the SNA and ONFL it may need to be addressed through policy direction e.g. biodiversity offsetting".

- 6.4 The proposal which the Plan Change request seeks to facilitate, includes road access. As I have detailed in the table above, those aspects of the proposal are described and discussed in the application documents, further information provided, and in expert evidence to the Plan Change request hearing. It is accordingly unnecessary to amend the application, in my view, to achieve that purpose.
- 6.5 In response to this and other submissions, however, I propose modifications to “Appendix 8 – Whareroa North Outline Development Plan” (ODP) to ensure the biodiversity management hierarchy is applied to vegetation and habitat loss associated with the Whareroa North development (which is confined to Stage 1 only), and include certainty about the location of any offset planting required.
- 6.6 Further, in relation to the suggestion by WRC that policy direction amendments may be required, as I note in Section 4.3 of the application, the Taupo District Plan contains policy direction (“Natural Values Objectives and Policies” and “Landscape Values Objectives and Policies) and related rules which apply to activities in an SNA or an OLA and these will apply also to the Whareroa North proposal.
- 6.7 Nonetheless, the modified provisions which I outline in Section 8 also include introducing a set of “Anticipated Environmental Outcomes” into the ODP to specifically guide subdivision design and subsequent resource consenting for the Whareroa North development. This is analogous to policy direction internal to the ODP and (among other matters) includes the following “Natural and Physical Environment” outcomes relevant to the access road matter that WRC has raised:
- a) *Development footprint (bridge, access road) in areas of natural and landscape values identified in the District Plan is minimised as far as practicable.*
 - b) *Bridge crossing and access is designed clear of the Whareroa Stream bed and to minimise adverse effects on natural character of the riparian area.*
 - c) *Indigenous vegetation and habitats removed from SNA062 is remedied, mitigated or offset by ecologically appropriate methods, such as planting within or contiguous to SNA062.*
 - d) *Long term sustainability of SNA062 is enhanced by legal and physical protection.*
 - e) *visual and landscape effects associated with road access are mitigated.*
 - f) *Existing erosion feature is arrested.*
 - g) *Environmental values of the Whareroa Stream and escarpment are protected through low-impact stormwater design*
 - h) *Potential archaeological values are managed through field inspection and subsequent measures and actions as appropriate.*
- 6.8 I consider that the modifications proposed respond positively to the relief sought by WRC.
- 6.9 On the 9th April 2020 I emailed a draft set of the modified Plan provisions to WRC (and to TDC) for their consideration and invited feedback on them. None was received.

WRC Submission “Section 2 - Strategic Growth”

| Submission on: “Planned and coordinated subdivision, use and development” | Response |
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| <p>“Based on the strategic land use direction provided for in the Taupo District Plan, Southern Settlement Structure Plan and the district-wide strategic growth strategy TD2050 it is clear Whareroa North is a preferred location for future urban development.</p> <p>The timing of rezoning this growth area will have implications beyond the Whareroa locality for infrastructure funding and the land supply of vacant land. Therefore, further rezoning within the Taupo district should be considered through a district-wide lens.</p> <p>Policy 6A Development Principles refers to new development and states:</p> | <p>The development of the Whareroa North Growth Area has (as explained in Sections 5.2 and 5.3 of the application) been considered through a district wide lens in three public policy making processes:</p> <ul style="list-style-type: none"> • Through the inclusion of Whareroa North as a future urban growth area in Section 6e (“Land Development”) of the Taupo District Plan (as introduced through a Plan Change in 2010 based on the “TD2050” Urban Growth Strategy); • As required by Section 6e of the Taupo District Plan, the subsequent development of the TDC’s Southern Settlement Structure Plan (SSSP); • Policy 6.11 of the WRPS “Implementing Taupo District 2050” which provides regional policy support for the TDCs urban growth management strategies and plans and including by (my emphasis added) <u>“ensuring patterns of future urban development are consistent with the strategic directions of TD2050, the identified urban growth areas, and any subsequently adopted structure plans”</u> - 6.11 a) ii). <p>Significantly, the SSSP specifically directs that landowners are to undertake the necessary Plan Change to facilitate development in the urban growth areas and to determine when the market is ready <i>“rather than Council attempting to determine when more land is necessary</i> (SSSP page 8).</p> <p>While I agree that such a Plan Change is to be determined under the RMA and on its own merit, in my view that assessment is appropriately made in the context of the relevant settled plans and policies which have been developed in a formal public policy making process (including the statutory RMA plans referred to above). As explained in my 3/10/18 covering letter to TDC when further information was provided, <i>“landowners need to be able to rely upon Council policy and planning documents (that have been though a robust public consultation and policy-making process within the last 6 years), to provide them with the confidence to make serious investment decisions. The Proprietors of Hauhungaroa No 6 have accepted that policy approach and with the south side of the Whareroa subdivision now complete and all sections sold, they are looking to advance their plans for the north side as signalled in the TDC’s 2013 Structure Plan (SSSP) and the operative Taupo District Plan....”</i></p> <p>Further, the expert evidence of Kevin Counsell considers the matter of urban land supply in the Taupo District, and whether economic benefits or costs are likely result from the Plan Change proposal. I accept his expert opinion about likely demand for residential properties in Taupo District and Whareroa, and his conclusion that <i>“there is likely to be a net benefit that results from the Whareroa Development”</i> (paragraph 25).</p> <p>WRPS Built Environment policy 6.1 introduces a set of “General Development Principles” (in Section 6A of the WRPS) which Implementation Method 6.1.1 requires local authorities to have</p> |

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| <p>(a) support existing urban areas in preference to creating new ones;</p> <p>(c) make use of opportunities for urban intensification and redevelopment to minimize the need for urban development in greenfield areas</p> <p>Further information is required to justify the proposal is consistent with the WRPS and will not compromise the existing Taupo district urban land supply.”</p> | <p>regard to when considering District Plan changes. The explanation section (on page 6-3 of the WRPS) explains that “Section 6A includes a set of principles to guide future development of the built environment in the Waikato Region. These principles are not absolutes and it is recognised that some developments will be able to support certain principles more than others....”.</p> <p>I have considered those twenty “general development principles” (“a” to “t”) and am satisfied that, as I would expect, the proposed Whareroa North proposal is consistent with most of them, though not all of them. This part of the WRC submission points to two of the development principles (about supporting existing rather than new urban areas, and about preferring intensification rather than greenfield development) which, it infers, the Whareroa North proposal does not meet. In my view WRPS policy 6.11 (which, as explained above specifically gives policy support to TD 2050, and the District Plan provisions and structure plans that flow from that) is also concerned with principles of urban settlement and intensification and has greater weight than the general development principles referred to. In my view therefore, given alignment of the Whareroa North development Plan Change request with WRPS policy 6.11, Taupo District Plan Section 6e, and the SSSP, it is not significant, when considering this plan change request, that all the general development principles in the WRPS are not met.</p> <p>Based on the discussion above, I do not agree that the proposal is inconsistent with the WRPS provisions that this WRC submission point refers to.</p> |
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Response to relief sought

6.10 The relief sought by WRC in relation to the “Strategic Growth” submission points is:

The proposal to develop Whareroa North is not supported until further evidence confirms there is sufficient demand to support additional urban land within the Taupo district at this time, so as not compromise coordinated and strategic growth within the Taupo District.

6.11 I accept the expert opinion of Kevin Counsell about demand for residential properties in Taupo District and Whareroa (which points to likely demand for properties there), and am of the view that development of Whareroa North is consistent with the settled strategy for coordinated and strategic growth in the Taupo District.

6.12 Further I note that WRC has already acknowledged in its submission (Section 3.4) that “*The proposal to develop Whareroa by an additional 160 residential lots has been undertaken as part of a coordinated program of growth*” (my emphasis), and goes on to cite resource consents that WRC has issued (for water take and wastewater discharge) that accommodate the proposed expansion of Whareroa to the north, and that the planned approach to stormwater management is supported.

WRC Submission “Section 3 - Coordinated growth and infrastructure”

| Submission on: “Subdivision Access” | Comment |
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| <p>“WRPS Policy 6.1 requires that subdivision, use and development of the built environment, including transport, occurs in a planned and coordinated manner which has regard to the principles in section 6A. New development should be directed away from natural hazard areas (6A(h)) and should promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna (6A(k)). The indicative access does not fulfil either of these principles.</p> <p>The principles in section 6A are not absolutes and it is recognised that in some cases, certain principles may need to be traded off against others. The RPS notes that <i>‘It is important however, that all principles are appropriately considered when councils are managing the built environment.’</i></p> <p>Consideration of the practicalities of accessing the proposed subdivision should form part of the planned and coordinated plan change process. Given the subdivision is contingent on road access it would be inappropriate to not consider the access options via this plan change, rather than a resource consent.</p> <p>The applicant has not demonstrated that access can be provided to the proposed subdivision. An indicative route up the steep slope on the northern side of the Whareroa Stream has been provided, but this route does not currently form part of the plan change under consideration.</p> | <p>In relation to WRPS policy 6.1, and as already discussed above, I have considered the “6A General Development principles” (“a” to “t”) and am satisfied that, as I would expect, the proposed Whareroa North proposal is consistent with most of them, though not all of them.</p> <p>This part of the WRC submission points to two of the development principles - 6A(h) about directing development away from natural hazard areas, and 6A(k) about promoting positive indigenous biodiversity outcomes and protecting significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>In relation to natural hazards my comments below under the WRC submission section titled “Natural Hazards” address development principle 6A(h). To avoid repetition I refer to that discussion (which relies on the evidence of geotechnical engineer Harshad Phadnis). That discussion concludes that appropriate regard has been given to potential natural hazards affecting the Whareroa North development (including access to it), and that a suitable road (with associated cuts and benching, or if unexpected conditions are found, retaining) can be constructed there (Phadnis, 9.16).</p> <p>As explained earlier in this evidence (in my response to the first submission point in Section 1 of the WRC submission) and in paragraph 6.4, the proposal which the Plan Change request seeks to facilitate <u>does</u> include the road access (as shown on the concept plan which is part of proposed District Plan Appendix 8 – the Whareroa North ODP). The proposed access is described and discussed in the application documents (including the Plan provisions proposed to be changed), further information provided, and now also in expert evidence.</p> <p>The concept plan in proposed Appendix 8 (on account of it being a concept plan) shows the anticipated access route. The final alignment however will be determined during detailed design stage (as is normal), and the note on the concept plan (“<i>Final alignment to be determined at Resource Consent phase</i>”) simply draws attention to that fact.</p> <p>The scope of Stage 1 of the Whareroa North proposal (ie access to and the first stage of the residential allotments) is clearly described in Appendix 8 and shown on the “Whareroa North Concept Plan” on the first page of that document. The RMA consent process for Stage 1 will address the suite of resource consents required to authorise it, as triggered by rules in the relevant Rural Environment, Residential Environment (as amended by the proposed Plan Change request) and overlay provisions in the Taupo District Plan (eg flood hazard overlay, landscape values overlay, natural values overlay). The concept plan components and various requirements relating to roading and access which are built into Appendix 8 (the Whareroa North ODP), will apply to that Stage 1 application and consenting</p> |

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| <p>This indicative access route faces two potentially significant environmental constraints:</p> <ol style="list-style-type: none"> 1. The route goes through a Taupo District Plan Significant Natural Area – SNA 062 Te Kokomiko Point, Poukura Pa Bush, Whareroa Stream (Figure 4). SNA 062 meets criterion 3 (habitat for threatened species) due to the presence of NZ falcon and long-tailed cuckoo. Long-tailed cuckoo (or koekoea), an ‘At Risk’ naturally uncommon endemic species, relies upon whitehead (popokatea), its ‘At Risk’ declining North Island host. Whitehead are found in the SNAs along the western shores of Taupo, particularly where strong connections exist to the Hauhungaroa Ranges to the west. If formed, the access at this site would contribute to the cumulative fragmentation of the functional corridor that connects the bulk of this SNA to the western ranges. Access to the proposed development is contingent upon clearance of the vegetation that forms this important habitat.” | <p>process (ie which includes access to and first stage of the residential allotments).</p> <p>In these ways, the matter of access is already an integral part of the plan change proposal.</p> <p>Further, in relation to the WRC submission that alternative access options should be considered as part of the plan change process (and not a future resource consent process), I agree. An assessment of alternative stream crossings was explored as part of development of the plan change request (Appendix 3 Infrastructure Report in the application documents), and as explained in the evidence of Mr Keys (paragraph 5.4) alternative routes (including as suggested in the WRC submission) are not practicable.</p> <p>This part of the WRC submission concerns development principle 6A(k), which is about promoting positive indigenous biodiversity outcomes and protecting significant indigenous vegetation and significant habitats of indigenous fauna, and how that relates to the proposed access road.</p> <p>The submission point notes that the proposed access road goes through SNA062 (identified in the Taupo District Plan) and which also meets criteria 3 (which I take to be a reference to WRPS Table 11-1 “<i>Criteria for determining significance of indigenous vegetation</i>”). At paragraph 5.10 of his evidence, ecologist Chris Wedding confirms his agreement with that assertion by WRC.</p> <p>The submission raises the issue of fragmentation. The evidence of Chris Wedding (at paragraph 8.8) is that the effect on avifauna habitat by a roadway is low, and that such potential effects would be mitigated by provision of buffer plantings to promote canopy connectivity above the road. That has been included in the modified Plan Change provisions that I outline in Section 8 of my evidence.</p> <p>In my view, and based on the evidence of Chris Wedding, the proposal <u>does</u> promote positive indigenous outcomes and “protect significant indigenous vegetation and significant habitats of indigenous fauna” (as referred to in Development Principle 6A(k)). That is achieved by minimizing the road footprint in the SNA, managing biodiversity effects through the hierarchy of biodiversity effects management, and securing on-going legal and physical protection of the affected part of SNA062 (and offset planting contiguous to it). These are outcomes which will result from the Whareroa North development (and otherwise would not necessarily be achieved). In my view, therefore, the positive biodiversity outcomes which development principle 6A(k) seeks to promote will be advanced by the Plan Change proposal.</p> |
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Response to relief sought

6.13 The relief sought by WRC in relation to the “Coordinated growth and infrastructure” submission points is:

The development is contingent on road access therefore options should be proposed and considered through this private plan change application. Providing policy direction at the outset of the development would be preferable to relying on a staged resource consent process and would enable a coordinated approach to biodiversity offsetting for the development as a whole.

Given the potential impact the access will have on the SNA, ONF and the Whareroa Stream it would be preferable that alternative access route options are investigated, including access from the north of Whareroa Stream. There are already small pockets of residential development, and forestry roads located to the north of the subject site which have not been presented as alternative options. These options should be considered as alternatives.

6.14 As discussed in my response to these submission points about subdivision access:

- The access road is already included within the scope of the proposal which is the subject of the Plan Change request;
- Alternatives for bridge location have been investigated (and reported upon as part of the application) and suggested alternative road access from the north (addressed in evidence) are not considered to be practicable.

6.15 The relief sought also refers to provision of policy direction as a way of enabling a coordinated approach to biodiversity offsetting. That was also included in the relief sought by WRC under its first submission topic (under the heading “1 General”, about bridge and roading connection). I discuss this in paragraphs 6.6 to 6.8 above and explain the modifications now proposed to the Plan provisions to address this (as set out in Section 8 below).

6.16 I consider that the modifications proposed respond positively to the relief sought by WRC

WRC Submission “Section 4 - Biodiversity”

| Submission on: “At Risk’ species identified on the western shores of lake Taupo” | Comment |
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| <p>“An assessment of the biodiversity of the subject site was included as part of the proposal. However, this assessment does not adequately consider the wider locality, in particular the possible ecological connections which exist along the western shores of lake Taupo and span towards Hauhungaroa Ranges to the west.</p> <p>As outlined in the access section above, the indicative access route goes through a Taupo District Plan Significant Natural Area – SNA 062 Te Kokomiko Point, Poukura Pa Bush, Whareroa Stream (Figure 4). SNA 062 meets criterion 3 (habitat for threatened species) due to the presence of NZ falcon and long-tailed cuckoo. Long-tailed cuckoo (or koekoea), an ‘At Risk’ naturally uncommon endemic species, relies upon whitehead</p> | <p>The evidence of ecologist Chris Wedding (Section 10, rebuttal to WRC submission points) describes the wider locality including possible ecological connections which exist along the western shores of Lake Taupo and toward the Hauhungaroa Ranges to the west.</p> <p>The submission point notes that the proposed access road goes through SNA062 (identified in the Taupo District Plan) and which also meets “criterion 3” (which I presume to be a reference to the WRPS Table 11-1 “Criteria for determining significance of indigenous vegetation”). At paragraph 5.10 of his evidence, ecologist Chris Wedding confirms his agreement with that assertion by WRC.</p> |

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| <p>(popokatea), its 'At Risk' declining North Island host. Whitehead are found in the SNAs along the western shores of Taupo, particularly where strong connections exist to the Hauhungaroa Ranges to the west.</p> <p>If formed, the access at this site would contribute to the cumulative fragmentation of the functional corridor that connects the bulk of this SNA to the western ranges. Clearance of the vegetation that forms this important habitat would be required.</p> <p>WRPS Development Principle 6A(k) states that new development should <i>“promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna”</i>.</p> | <p>The evidence of Chris Wedding (at paragraph 8.8) is that the effect on avifauna habitat by a roadway is low, and that such potential effects would be mitigated by provision of buffer plantings to promote canopy connectivity above the road. That has been included in the modified Plan Change provisions that I outline in Section 8 of my evidence.</p> <p>In my view, and as detailed in the evidence of Chris Wedding, the proposal does promote positive indigenous outcomes and “protect significant indigenous vegetation and significant habitats of indigenous fauna” (as referred to in Development Principle 6A(k) and also required by Policy 11.1 implementation measure 11.1.1a). That is achieved by minimizing the road footprint in the SNA, managing biodiversity effects through the hierarchy of biodiversity effects management, and securing on-going legal and physical protection (such as through maintenance and pest management) of the affected part of SNA062 and including offset planting in or contiguous to it. These are outcomes which will result from the Whareroa North development (and otherwise would not necessarily be achieved). In my view, therefore, the positive biodiversity outcomes sought by the WRPS policy will be advanced by the plan change proposal.</p> |
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Response to relief sought

6.17 The relief sought by WRC in relation to the “Biodiversity” submission points is:

Any further fragmentation or vegetation removal within the existing SNA needs to be undertaken with due regard to ecological connections which exist beyond the subject site and 'At Risk' species that rely on functional corridors. Additional fragmentation of these connections must be avoided.

6.18 The evidence of Chris Wedding is that the effect on avifauna habitat by a roadway is low, and that such potential effects would be mitigated by provision of buffer plantings to promote canopy connectivity above the road. Accordingly, that requirement has been included in the modified Plan Change provisions that I outline in Section 8 of my evidence. To this extent (ie mitigating the potential ecological effects of fragmentation in terms of ecological connections existing beyond the site and “at risk” species that rely on functional corridors) the relief sought by WRC is provided.

WRC Submission Section 5 “Outstanding Natural Features and landscapes”

| Submission on: “Access through Outstanding Landscape Area” | Comment |
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| <p>“WRPS Policy 12.2 ensures the natural character of lakes, rivers and their margins are preserved. Where natural character is deemed to be ‘outstanding’, the policy stipulates activities should avoid adverse effects on natural character. In the case of Whareroa the distinctive cliffs and elevation of the settlement offer spectacular views and a high level of uniqueness and natural character.</p> <p>The indicative access route would require removal of vegetation within the SNA and OLA and it is likely that earthworks would be required to substantially cut into the very steep slope on erodible pumice substrate. The existing erosion apparent on the slope, and the presence of underground hydrological features creates uncertainty as to the extent of the cut required and hence the scale of the impact this might have on the OLA.</p> <p>The landscape assessment confirms that the road and the associated vegetation clearance across the plateau will be visible from the Whareroa settlement and areas on Lake Taupo.</p> <p>The WRPS requirement to avoid adverse effects on outstanding natural features would also suggest that alternative access routes be considered, particularly as there are existing dwellings and forestry tracks to the north of the proposed residential development.”</p> | <p>WRPS policy 12.2 is “<i>Ensure that activities within the coastal environment, wetlands, and rivers and their margins are appropriate in relation to the level of natural character and...</i>”.</p> <p>Appendix 7 to the evidence of landscape architect Mary Monzingo assesses the plan change proposal against the WRPS objectives and policies, including 12.2 “Preserve Natural Character”.</p> <p>In terms of the levels of natural character set out in policy 12.2, Ms Monzingo assesses the natural character of the margins of Lake Taupo (near the existing Whareroa Village and Whareroa North) and the margins of the Whareroa Stream north of the existing village. The assessment of Ms Monzingo is not that the natural character values are “outstanding” (ie level “a” in terms of the policy), as the WRC submissions asserts, but that it is “level b” (ie in terms of policy 12.2 “<i>where natural elements/influences are dominant</i>” and “<i>activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character</i>”). For the reasons discussed in Appendix 7, Ms Monzingo’s concludes that the proposed residential subdivision and the bridge/ road will not create adverse effects on the natural character (of the margin of Lake Taupo or in the vicinity of the Whareroa Stream).</p> <p>In her assessment of WRPS policy 12.1 “Outstanding Natural Features and Landscapes” in Appendix 7 of her evidence Ms Monzingo assesses the effects of the proposal (including access) on the OLA and concludes “<i>In my opinion, given the information that I now have, the access will initially create localised adverse effects on the natural and amenity values of ONFL 9 (and that these adverse effects can be somewhat mitigated by revegetation planting and other measures to reduce these effects), however because of the large extent of the ONFL 9 in my view those localised effects will not result in the overall values and character of the ONFL (described in Section 12A of the WRPS) being adversely affected</i>”.</p> <p>The suggestion of alternative access (including from the north) is discussed earlier in response to issue 3 of the WRC submission. Such alternatives are not considered to be reasonably practicable.</p> |

Response to relief sought

6.19 The relief sought by the WRC in relation to the “Outstanding Natural Features and landscapes” submission point is:

The development is contingent on road access therefore this should be included in this private plan change application. The WRPS stipulates the requirement to avoid adverse effects on outstanding natural character.

Alternative access options, such as access to the north of Whareroa Stream, may be more appropriately considered through the plan change process rather than through a resource consent.

Additional information is required to be able to establish the scale of the effects anticipated as a result of the earthworks to create access to the development.

6.20 With reference to the three elements of the relief sought:

- As explained in detail (in my response to the WRC’s first and third submission points in Section 3 “Coordinated Growth and Infrastructure” about subdivision access), the proposal which the Plan Change request seeks to facilitate does include the road access (as shown on the concept plan which is part of proposed District Plan Appendix 8 – the Whareroa North ODP). In terms of the WRPS, and with respect, WRPS Policy 12.1 (and associated implementation method 12.1.1) does not “*stipulate the requirement to avoid adverse effects on outstanding natural character*”, but rather intends that the values and characteristics of identified ONFLs are protected from the effects of inappropriate subdivision, use, and development. For reasons addressed in the evidence of Ms Monzingo, it is not considered that the values and characteristics of ONFL9 or OLA60 are adversely affected to that extent in this case;
- As discussed previously, alternatives for bridge location have been investigated (and reported upon as part of the application) and suggested alternative road access points from the north (addressed in evidence) are not considered to be not practicable. It is not proposed that alternatives for access be considered outside of the Plan Change process (for example as part of a future resource consent application);
- The evidence of Harshad Phadnis (paragraph 9.15) describes the anticipated earthworks associated with access, and the evidence of landscape architect Mary Monzingo considers the landscape and visual effects of the proposed earthworks. In my view therefore, adequate information (appropriate to the plan change stage) is available to understand the likely scale of earthworks proposed.

WRC Submission Section 6 “Hazards”

| Submission on: “Hazards Pertaining to access” | Comment |
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| <p>“WRPS Development Principles 6A(e) and (h) requires that new development connect well with existing and planned development and infrastructure and be directed away from natural hazard areas. Therefore, access to the proposed subdivision, and in particular, any constraints to access should form a key consideration in the plan change process.</p> <p>WRC submits that the practicalities of accessing the proposed development should be assessed through the plan change process so that the indicative route up the steep slope on the northern side of the Whareroa Stream can be given appropriate consideration.”</p> | <p>As outlined in the plan change application (ie Appendix 3, “Whareroa North infrastructure Report”, KeySolutions Ltd), further information provided (“Infrastructure Efficiency Report”, KeySolutions Ltd provided to TDC in October 2018) and further detailed in the evidence of Mike Keys, the northern extension of Whareroa settlement will connect with existing road and other infrastructure which has been planned and/or installed with this extension northwards in mind.</p> <p>In terms of potential natural hazards:</p> <ul style="list-style-type: none"> • <u>Flood hazard risks</u> associated with the bridge crossing location are identified in Sections 3.4.9 to 3.4.12 (and in Appendix 3) of the application document. It was noted that the design (and resource consenting) of the bridge and approaches would include ensuring that flood levels of the Whareroa Stream were taken into account; • <u>A risk assessment of potential geohazards</u> (including land stability and liquefaction) is provided in the evidence of Mr Phadnis (paragraphs 9.2 and 9.3). Mr Phadnis concludes that “<i>While there are a geo-hazards like instability, settlement/subsidence..... that can potentially affect the site, all of these geo-hazards are routinely encountered in and around Taupo as well as near Rotorua. Engineering solutions exist to mitigate effects of these geo-hazards and are used regularly by professional engineers</i>”. (paragraph 12.1); • <u>Potential faultline hazards</u> in the vicinity (of which there were none) were considered in the application (Section 8 of Appendix 3, “Whareroa North infrastructure Report”). <p>Based on the above, I consider that appropriate regard has been given to potential natural hazards affecting the Whareroa North development (including access to it).</p> <p>Evidence by engineers Harshad Phadnis and Mike Keys, describe the proposed route to the Whareroa North development area (Keys paragraph 5.1 and 5.6 to 5.9) and its likely geotechnical characteristics (Phadnis paragraphs 9.15 to 9.17). Attachment 11 to Mr Phadnis’s evidence shows a representation of the anticipated cuts involved for the access road and Mr Phadnis advises that a suitable road (with associated cuts and benching, or if unexpected conditions are found, retaining) can be constructed there.</p> |
| Submission on: “Outstanding geotechnical issues with the “bowl” geological feature” | Response |
| <p>“The proposed development area contains a potential erosion feature, the ‘bowl’ (see Figure 1 below) that does not appear to have been sufficiently addressed in the geotechnical reporting. Housing is proposed within close proximity to the ‘bowl’ feature. However, information provided by the applicant is not sufficient to confirm whether or not the bowl comprises a primary hazard zone and therefore an intolerable risk.</p> | <p>The geotechnical engineering evidence of Harshad Phadnis (at Sections 6 and 9) considers the “bowl” feature and I accept his expert opinion on these matters including that the appropriate level of geotechnical information is available on which to base his conclusions, and that land stability effects have been considered and are able to be mitigated in both an “anticipated and “worse case” scenario</p> <p>I understand, based on the evidence (including hazard assessment) of Mr Phadnis, the available information about flood hazard risk, and the absence of faultline risk, that in terms of the WRPS:</p> <ul style="list-style-type: none"> • The land affected by the Whareroa North proposal (shown on the “Whareroa North Concept Plan” in proposed Taupo District Plan Appendix 8) does not constitute a “<i>primary hazard zone</i>” (being ‘an |

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| <p>WRPS Section 6A(h) directs new development away from natural hazards. In addition, WRPS Policy 13.1(c) states that the creation of new intolerable risk is to be avoided. District Plans shall incorporate a risk-based approach into the management of subdivision, use and development in relation to natural hazards and shall ensure that new development is managed so that natural hazard risks do not exceed acceptable levels (Section 13.1.1(a)).</p> <p>An intolerable natural hazard risk is defined in the WRPS as <i>'risk which cannot be justified and risk reduction is essential e.g. residential housing being developed in a primary hazard zone'</i>. A primary hazard zone is <i>'an area in which the risk to life, property or the environment from natural hazards is intolerable'</i>.</p> <p>The geotechnical reporting[see submission for complete excerpt re geotechnical reporting]</p> <p>"The 'bowl' feature, and escarpment substrate may also have implications for the design of stormwater infrastructure required to service the proposed development. The stormwater management systems will need to be designed to ensure post-development hydrology remains as close to pre-development hydrology as possible. The stormwater management systems will also need to be designed to avoid or mitigate adverse effects on the receiving environment including the Whareroa Stream.</p> <p>Further information is therefore required, beyond the boundaries of the subdivision, to understand how the new development will meet the principles of WRPS 6A (e) and (h) to connect well with existing infrastructure and direct development away from hazard areas."</p> | <p><i>area in which the risk to life, property or the environment from natural hazards is intolerable'</i>);</p> <ul style="list-style-type: none"> • The proposal will not create an <i>"intolerable risk"</i> which the WRC submission states is defined as <i>"risk which cannot be justified and risk reduction is essential e.g. residential housing being developed in a primary hazard zone"</i>. <p>Accordingly, I consider that the appropriate assessment has been undertaken in terms of the relevant parts of WRPS:</p> <ul style="list-style-type: none"> • Policy 13.1 that <i>"Natural hazard risks are managed using an integrated and holistic approach that:</i> <ul style="list-style-type: none"> a) <i>ensures the risk from natural hazards does not exceed an acceptable level;</i> b) <i>protects health and safety;</i> c) <i>avoids the creation of a new "intolerable risk...."</i> • Policy 13.2 that <i>"Subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level including by:</i> <ul style="list-style-type: none"> a) <i>ensuring risks are assessed for proposed activities in land subject to natural hazards;</i> c) <i>avoiding intolerable risk in any new use or development in areas subject to natural hazards"</i> <p>Section 5 of the evidence of stormwater engineer Tony Kelly is underpinned by an understanding of the interrelationship between geotechnical characteristics and appropriate stormwater design.</p> <p>One of the objectives set out in the preliminary stormwater design is the protection of the Whareroa Stream environment.</p> <p>I note that in Paragraph 3.4 of its submission, confirms that "WRC is also comfortable with the proposal to incorporate best practice stormwater design into the proposed development".</p> |
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Response to relief sought

6.21 The relief sought by the WRC in relation to the “Hazards” submission points is:

Amendments to the proposed application are sought to include the access and bridge aspects of the development to ensure that potential hazards associated with the proposal are considered through the plan change process.

Insufficient information has been provided in order to complete a thorough assessment against the WRPS. WRC submits that additional geotechnical investigation is required to fully understand the cause, extent and subsequent implications this geological feature may have on the safety to future persons and property and on the design of the stormwater system.

6.22 The evidence of Mr Harshad, provides a natural hazard assessment (including of potential geohazards associated with provision of access) appropriate to inform consideration of WRPS Natural Hazard Policies 13.1 and 13.2 as explained in the table above.

6.23 The applicant agrees that a full geotechnical site investigation is required. Mr Phadnis (at paragraphs 9.4 and 9.6) provides an overview and a draft proposal. For reasons explained in paragraphs 9.71 to 9.74 of this evidence, it is proposed to undertake that assessment prior to subdivision design.

7 MATTERS RAISED IN THE s42A REPORT

7.1 At Sections 4 and 7 the s42A report sets out the statutory framework (including the relevant planning documents that must be addressed under the RMA) for consideration of the plan change request. I agree with that and provide my assessment in terms of that same framework in Section 9 below.

7.2 On matters about ecological and landscape effects, hazards and geotechnical issues, and strategic/economic aspects (and based on the evidence of experts for the landowners) I disagree with the conclusions of the s42A report. I discuss these matters in Section 9. Below is my response to other parts of the s42A report.

Road not included in proposal

7.3 Paragraphs 34 and 58(d)(i) of the s42A report assert that access elements are outside the scope of the plan change. I disagree. The proposal which the plan change seeks to facilitate does include the access (as shown on the concept plan which is part of proposed District Plan Appendix 8 – the Whareroa North ODP). The proposed access is described and discussed in the application

documents (including the Plan provisions proposed to be changed), further information provided, and now also in expert evidence. In particular the access elements are described in:

- the December 2017 application: Section 4.5 “Servicing and Infrastructure”, Appendix 3 “Whareroa North Infrastructure Report” and appendices to that report (including “Whareroa Stream Bridge Discussion Paper” and supplementary report), and Appendix 5 “District Plan provisions proposed to be changed” which includes District Plan Map amendments and proposed Whareroa North concept plan showing intended access;
- further information to TDC in October 2018: “Infrastructure Efficiency Report” and correspondence with Ngati Tuwharetoa Trust Board regarding bridging Whareroa Stream;
- Further information to TDC in June 2019: “Preliminary Stormwater Assessment report” including management of stormwater from roads;
- Expert evidence from Mike Keys (servicing and infrastructure), Tony Kelly (stormwater management), Harshad Phadnis (geotechnical aspects of the proposal), Chris Wedding (ecological effects), and Mary Monzingo (landscape and visual effects).

7.4 The concept plan in proposed Appendix 8 shows the anticipated access route. The final alignment however will be determined during detailed design stage ahead of resource consents being sought (as is normal). The note on the concept plan (“*Final alignment to be determined at Resource Consent phase*”) simply draws attention to that fact.

7.5 The scope of Stage 1 of the Whareroa North proposal (ie access to and the first stage of the residential allotments) is clearly described in Appendix 8 and shown on the “Whareroa North Concept Plan” on the first page of that document. The TDC RMA consent process for Stage 1 will address the suite of resource consents (overall discretionary activity) required to authorise it, as triggered by rules in the relevant Rural Environment, Residential Environment (as amended by the proposed Plan Change request) and overlay provisions In the Taupo District Plan. The concept plan components and various requirements relating to roading and access which are built into Appendix 8 (the Whareroa North ODP), will apply to that Stage 1 application and consenting process (ie which includes access to and first stage of the residential allotments).

7.6 In these ways, the matter of access is already an integral part of the plan change proposal.

Southern Settlement Structure Plan

7.7 At paragraphs 46 to 50 the s42A report discusses the SSSP. I agree with the statement at Paragraph 46 that “*The Southern Settlements Structure Plan outcomes includes identification of*

land needed to meet residential growth demands to 2035". I would add that the SSSP also considered infrastructure provision and capacity in the southern settlements area as the overall project was concerned with integrated management of growth and services.

7.8 At paragraph 50 of the s42A report an excerpt from page 18 of the SSSP is provided and at paragraph 51 the report concludes that, based on that excerpt, the SSSP is signalling that *"the efficient use of underutilised existing infrastructure should, where possible, be achieved before the Council invests elsewhere in the absence of identified need/demand"*. In my view that is a misinterpretation of what the SSSP is signalling, as I explain below.

7.9 The structure of the SSSP document has three parts:

Part One – Purpose (pages 6-9)

Part Two – Background (pages 10 to 34)

Part Three – Structure Plan (pages 36 to 57)

7.10 Part Two of the document (The Background) includes sections on TD2050, "Assessment" (ie a guide to Council's assessment process for the structure plan and which resulted in some growth areas identified in TD2050 being supported and others not), and a section titled "Key Aspects of the Approach" (pages 17 and 18 of the SSSP) which this background section of the SSSP records as being part of the structure planning process. The "Key Aspects" include the excerpt that is quoted in paragraph 50 of the s42A report. Put in its context, therefore, that excerpt is explaining one of the inputs into the process which the SSSP documents – ie that in assessing all of the future growth areas identified in TD2050 for the southern part of Lake Taupo, the Council would be considering infrastructure issues and utilising existing capacity etc.

7.11 The result of that SSSP assessment process, ie that new areas of urban growth at Omori/Kuratau and Whareroa are supported (but not in other southern Lake Taupo areas) is documented in Part Three ("Structure Plan") which explains that *"Overall, future growth is planned to occur within, or immediately adjacent to existing settlements, particularly where excess capacity is available within existing infrastructure services"* (p38). The section on Whareroa North (pages 48 to 51) refers to the growth area being adjacent to the existing settlement, and overviews services capacity.

7.12 It is clear in my view that when TDC and the community developed the SSSP, the public policy preparation process included considering the efficient use of infrastructure resources in that part of the District. The output of the policy development process was that the SSSP supports

Whareroa North as a location for development. The excerpt referred to in the s42A report and included in the “Background” section of the SSSP document was describing an aspect of the SSSP development process which resulted in the structure plan outcomes in Part Three of the document. It is not correct in my view to suggest that the structure plan then required those same matters (ie integrating growth management and infrastructure efficiency) to be re-addressed. The SSSP at page 49 does contain a list of matters expected to be considered in a subsequent plan change (such as landscape, ecological, policies and plans, vegetation, land stability, visual effects etc). It is made clear that the list is not exhaustive, but in my opinion if the expectation was that a plan change reliant on the structure plan (as the TDP prescribes) was to revisit whether or not, from a growth and infrastructure planning perspective, growth at Whareroa is appropriate then I would have expected that to be included on the list and it is not.

- 7.13 In my view landowners and the community should be able to rely on the SSSP which is a public policy document, remains operative, and is referenced in Section 3e of the TDP as the preferred basis on which landowners (and not council) are to seek rezoning of urban growth areas (such as Whareroa North).

Information - plan change request

- 7.14 Below paragraph 53 of the s42A report is Table 2 “Process History” which requires the following correction, clarification, and addition:
- At the 21 October 2019 entry: correction to the date of the Preliminary Stormwater Assessment – ie the date of the report is 2019, not 2010;
 - At the 20 November 2019 entry: in my view the entry should have clarified that the Property Economics Report is not a report provided by the applicant (and therefore a part of the plan change request), but is a report commissioned by TDC;
 - New entry required. On 23rd December 2019 an ecological report referred to as “Bioresarches Vegetation Report” was provided to TDC subsequent to a request for an updated assessment of the vegetation on the site.
- 7.15 Further, paragraph 124 (about ecological matters), states that *“this matter has been the subject of considerable further information requests from Council”*. With respect that appears to be incorrect. Between lodgement of the plan change request in December 2017 and the end of July 2019 (when TDC resolved to notify the Plan Change request) there were several formal requests from TDC for further information (but none for information about ecological matters). In September 2019 I received a request for updated information about the state of the vegetation

on the application site. Bioreserches consequently undertook a site inspection and prepared a report which was provided to TDC on 23rd December. That is the same report referred to above. I have no other record of any other request from TDC for further ecological information or reports.

Amended provisions

7.16 Paragraphs 56 and 57 refer to a draft of the modified plan provisions that I outline in Section 8 below. We had undertaken to engage with both TDC and WRC about changes being considered to the provisions, and on 9th April I emailed the draft modified provisions inviting feedback. None was received.

7.17 Paragraphs 58(c) refers to the absence of any proposal in the plan change for papakainga housing. It follows from email correspondence (referenced in footnote #17 at the end of page 18 of the s42A report). The full text of my email (dated 6 September 2019) following a site visit to the property with trustees reads:

“You are correct in that there is no explicit papakainga proposal.

Having said that, and as Duncan probably mentioned to you, there has always been an expectation and understanding of the principle that an area within the development would be set aside for the owners (whether it is a formal papakainga or of another form). Consistently at meeting with the trustees it has been raised that increasingly, over the years, whanau have expressed the desire to return and reconnect to the whenua and the trustees have been mindful of providing an opportunity to accommodate that in some form”.

7.18 The evidence of both Miss Connolly (at paragraph 9.2) and Mr McKenzie (paragraph 3.3) also reiterates that intention. I would comment that it need not be a formal papakainga to provide for the cultural connection of the owners with their whenua of course, but if a papakainga was proposed in the future, then as a matter of principle the Residential Environment zoning would allow it because papakainga is a residential activity. There is no reason, therefore, to specifically provide for that in the plan change (which seeks a residential zoning for the land).

Submissions

7.19 Paragraph 64 of the s42A report identifies that 13 submissions in opposition were received and identifies the opposing submitters in a table at Attachment B. Mr Stephen Sanderson is identified as an opposing submitter. I have reviewed Mr Sanderson’s submission and it clearly identifies as a submission in support. In my assessment there are 12 opposing submissions, 4 submissions in support, and a neutral submission.

Infrastructure Information

- 7.20 Section 6.4 of the s42A report considers Infrastructure matters (the three waters). In summarizing the “Applicants position” in relation to stormwater, paragraph 81 states that the infrastructure report included as Appendix 3 in the December 2017 application “*is largely silent in terms of stormwater management*”. With respect, Section 6 of that report considers stormwater management.
- 7.21 Further, in October 2019 TDC was provided with the Preliminary Stormwater Assessment (Cheal Consultants, dated 26 September 2019) which is referenced in the plan change provisions (ie Appendix 8 – Whareroa North ODP), and addressed in detail in the evidence of Tony Kelly. That report is an integral part of the “Applicant’s position” on stormwater management and should also have been referenced in that section of the s42A report.
- 7.22 Section 6.4 of the s42A report considers recreation reserves and refers to matters raised by TDC Reserves Planner. In relation to these matters:
- The concept plan shows three local purpose reserves in accordance with the preliminary stormwater report referred to in the evidence of Mr Kelly, with the final size and dimensions to be confirmed at detail design stage (as noted in clause 2b of Appendix 8) in consultation with TDC infrastructure staff;
 - The owners intend that the SNA land and the large area of new indigenous vegetation between and below the two cul de sac heads will be held as Maori Reservation with legal provision for public access (as shown on the concept plan) and obligations in terms of clause 2j of Appendix 8 for legal protection of the indigenous vegetation;
 - The pedestrian linkages proposed are shown on the concept plan. Details about materials and widths are matters appropriate to the subdivision and design stage.

Bridge Crossing

- 7.23 Paragraphs 102/3, 108, 203/4 of the s42A report refer to the need for certainty that legal access can be provided to the Whareroa North residential development. The title of the bed of the Whareroa Stream (above which a bridge and services would occupy airspace) is held by the Tuwharetoa Maori Trust Board (TMTB) and the Board does not wish to forego title of the land.
- 7.24 As the evidence of Miss Connolly and Mr McKenzie reports, recent further discussions with TMTB has resulted in an agreed legal mechanism (involving a deed and the bridge crossing becoming

maori roadway) to provide the necessary legal access. I note that the legal advice is that such a mechanism is currently in place for some Crown owned roading assets over maori land and that accordingly the same arrangement can apply to the bridge asset to be owned by TDC.

Provisions - structure

7.25 Paragraphs 178 and 179 of the s42A report query how the ecological mitigation and offsetting requirements set out in the Appendix 8 plan provisions would be secured. The application for resource consents for Stage 1 (which includes the access elements) will set out how the requirements in Appendix 8 are met. In this case that would include an ecological mitigation and offsetting proposal and an assessment of ecological effects prepared by a “suitably qualified and experienced ecologist” (as required by the assessment criteria relating to existing TDP land use rule 4e.6.2 which applies to removal of indigenous vegetation from an SNA and is also triggered by the Stage 1 proposal). Resource consent conditions would secure the implementation of the approved ecological mitigation and offsetting proposal.

7.26 Paragraphs 238 and 250.3 raise concern about using Consent Notices as a means of securing site specific outcomes. In my experience the use of Consent Notices registered on residential titles (as a condition of subdivision consent) is a common tool used in Taupo District to legally secure a range of resource management outcomes specific to a particular subdivision (including reflectivity levels of exterior finishes of buildings, fence design and height, the on-going maintenance and protection of vegetation, maximum building height, etc). In my view the range of matters that the plan change provisions state will be secured by consent notice (through subdivision consent conditions) on the residential titles is appropriate.

8 MODIFICATIONS TO THE REQUESTED PLAN CHANGE PROVISIONS

8.1 As referenced throughout my evidence, modifications to the notified Plan Change provisions are proposed. This results from consideration of submissions, expert evidence, and the s42A report. The opportunity has also been taken to make format and grammatical improvements, add references, and clarify some wording to improve the document.

8.2 Appendix 1 shows the modifications now proposed both in “tracked changes” format (so that proposed changes to the notified provisions are evident) and in final form.

Modifications to “Amendments to Taupo District Plan Text”

- 8.3 It is proposed to modify Rules 4a.3.1A, 4a.3.1B, and 4a.3.3 by deleting the word “*generally*” in response to the submission by C Harding and others (#6), and for the reasons set out in paragraph 5.6 of my evidence.
- 8.4 For completeness, it is proposed to make the following addition to the “Note” below proposed new Rules 4a.3.1A and 4a.3.1B (which references other rules in the TDP which also apply to Stage 1 of the Whareroa North proposal):
- “*Discretionary Activity Rule 4b.2.9 (Rural Environment setback for buildings/structures);*”

Modifications to “Appendix 8: Whareroa North Outline Development Plan” (the ODP)

- 8.5 It is proposed to modify provisions in Section 2 (Subdivision Design) and Section 3 (Staging), and to introduce a new Section 5 (Anticipated Environmental Outcomes). The modifications provide greater certainty about the Whareroa North proposed development and how potential adverse effects will be managed.

Section 2 (Subdivision Design)

- 8.6 The Whareroa North Concept Plan is amended to show the following details:
- Proposed indigenous planting (to be undertaken as part of the subdivision works);
 - Proposed pedestrian linkages;
 - Proposed location of stormwater ponds (Local Purpose Reserves) and associated overland flow paths;
 - Deletion of the words “likely to be removed” from the area of regenerated scrub.
- 8.7 The list of “key outcomes of the subdivision design” has been re-referenced “a)” to “l)” and has been added to and/or amended as follows:
- b): addition of a note clarifying that the location of stormwater ponds is subject to geotechnical investigations and final design;
 - c): new provision referencing extension of water supply and wastewater;
 - f): clarification about avoiding residential lots within the OLA and SNA;
 - g): clarification about minimising indigenous vegetation removal, earthworks, and the footprint of any structures and roading within TDP’s OLA and SNA;
 - h): new provision guiding development and protection of the indigenous vegetation within the “regenerated scrub” area;

- i): new provision about managing biodiversity effects through best practice management and restoration methods;
- j): clarifying the areas of indigenous vegetation required to be legally protected;
- l): the following modifications to the “A subdivision with....” section:
 - Relocation of the consent notice clause;
 - New provision about indigenous vegetation provided as part of subdivision;
 - New provision about proposed bridge (design, associated planting, colour) ;
 - New provision about streetlighting to reduce light spill and adverse light effects;
 - Controls on residential lots through Consent Notices (one dwelling per lot and no re-subdivision, building height, exterior colours, exterior lighting, window reflectivity, protection of indigenous vegetation planted as part of subdivision works).

Section 3 (Staging)

8.8 Modifications to Section 3 have been made to clarify:

- that the development will be undertaken in three stages: a preliminary stage for investigation and assessment, stage one, and stage two and subsequent stages;
- an overview of the preliminary stage site investigation work (including geotechnical, archaeological, ecological, and landscape) to inform the detailed subdivision design;
- amendments to the stage one section to reference development of stormwater management areas and planting.

New Section 5 (Anticipated Environmental Outcomes)

8.9 A new Section 5 is introduced providing guidance to future subdivision design and resource consent processes about stated environmental outcomes that should be achieved. The outcomes are grouped under two headings “Village character and amenity” and “Natural and Physical Environment” and reflect the development intention for Whareroa North. In my view this additional level of guidance (analogous to policy guidance), is a useful enhancement to the provisions and provides a further layer of certainty that the Whareroa North development as described earlier in “Appendix 8 Whareroa North Outline Development Plan” would be achieved.

8.10 In my view the plan provisions (as proposed to be modified) strike a balance between direction and detail which is appropriate to a plan change. The concept plan included in Appendix 8 provides an appropriate level of detail suitable for a concept plan and the associated provisions provide clear direction about the outcomes the plan change proposes. In my experience it is

during the resource application preparation process, including pre-application engagement with local authority staff (planning, services, and infrastructure), that the detailed design is developed. I note for example that the s42A report (at paragraph 95) suggests that the widths and materials of paths shown as pedestrian linkages in the concept plan should be prescribed in the plan change. In my view it is more appropriate for that level of detail to be discussed with TDC staff at resource consent stage (with consent conditions applied as appropriate) rather than at plan change stage. I note that view is also reiterated in the evidence of both Tony Kelly (at Section 7) regarding detailed design of the stormwater management system, and Mike Keys (at Section 8) regarding detailed design of infrastructure elements.

9 STATUTORY ASSESSMENT OF THE PLAN CHANGE PROPOSAL

- 9.1 The purpose of a district plan under the RMA is to assist territorial authorities to carry out their functions (set out in s31 of the Act) to achieve the purpose of the Act (set out in s5 of the Act), and any person may request a change to a district plan (s73).
- 9.2 The request by The Proprietors of Hauhungaroa No 6 to change the TDP has been prepared in accordance with the First Schedule of the Act as explained in Section 6 of the application. TDC resolved to accept the request (pursuant to Clause 25(2)(b) of the First Schedule of the RMA) on 30th July 2019 and the notification and submissions process followed as I describe above in paragraphs 4.1 to 4.4.
- 9.3 Sections 74 to 76 of the Act apply to the preparation and contents of a District Plan (in this case a plan change) including the matters to be considered, the contents of the plan change, and requirements for rule making. I have summarised the RMA provisions which I consider are relevant to this application in the table below and discuss these from paragraph 9.6.
- 9.4 In the right-hand column of the table I refer to those parts of the notified plan change request (ie the application and additional information provided) which apply to each requirement.

| RMA Requirements of Plan Change Request (summarised) | <i>Application</i> |
|--|----------------------------------|
| <i>s74 Matters to be considered by territorial authority (TA)</i> | |
| (1) TA must prepare and change district plan in accordance with: | |
| (a) its functions under s31 | |
| (b) Part 2 of the Act | <i>Section 9</i> |
| (e) Particular regard given to a s32 evaluation report | <i>Section 11 and Appendix 8</i> |

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| (ea) A national policy statement | <i>Further information (Attachment 7) provided to TDC 3/10/18</i> |
| (2) TA shall have regard to: | |
| (b)(i) Management plans or strategies prepared under other Acts | <i>Section 5</i> |
| (2A) TA must take into account any relevant iwi planning document lodged with it | <i>Section 7</i> |
| <i>s75 Contents of a District Plan</i> | |
| (1) District Plan must state: | |
| (b) the policies to implement the objectives | <i>Amended plan provisions provided to TDC 21/10/19</i> |
| (c) the rules (if any) to implement the policies | <i>Amended plan provisions provided to TDC 21/10/19</i> |
| (3) A District Plan must give effect to: | |
| (a) any national policy statement | <i>Further information (Attachment 7) provided to TDC 3/10/18</i> |
| (c) any regional policy statement | <i>Section 7.3</i> |
| <i>s76 District Rules</i> | |
| (3) TA shall have regard to the actual or potential effects on the environment of activities including, in particular, adverse effects. | <i>Section 8</i> |

9.5 In addition to matters I consider below in my evidence, the following further assessments (provided by the applicant) supplement the information and assessments previously available:

- Photomontages, video animation, and statement of methodology (prepared by U6 Photomontages Limited and provided to TDC 6th April 2020);
- Additional economic, archaeological, engineering (geotechnical, infrastructure, and stormwater), ecological, and landscape and visual, information and assessments of effects included and/or referred to in the expert evidence of Kevin Counsell, Sian Keith, Harshad Phadnis, Mike Keys, Tony Kelly, Chris Wedding, and Mary Monzingo;
- The evidence of Duncan McKenzie and Merylyn Connolly including about the background to the Whareroa village development and its importance to the shareholders of the Incorporation and their whanau;
- Additional assessment of relevant WRPS provisions in the response to the WRC submission in Section 6 of my evidence (including, by reference, the assessment of relevant WRPS policies in the evidence of Chris Wedding, Mary Monzingo, and Harshad Phadnis).

Plan change to accord with TA s31 functions

9.6 The plan change is anticipated by Section 3e.6 of the operative TDP (and the SSSP, a structure plan required by the District Plan to be a prerequisite to the plan change application) and therefore I

conclude that the Plan Change is in accordance with TDC's functions under s31 of the Act, in particular about:

- plan provisions to *“achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”* s31(1)(a);
- plan provisions to *“ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district”* s31(1)(aa);
- *“the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of”* *“the avoidance or mitigation of natural hazards”* and..... *“the maintenance of indigenous biological diversity”* s31(1)(b).

Plan change to accord with Part 2 of the Act

9.7 Section 9 of the application considers relevant Section 6, 7, and 8 matters, and provides concluding comment about the over-riding purpose of the Act (s5).

9.8 In my view the additional information and assessments (referred to in paragraph 9.5) and referenced to the relevant s6, 7, and 8 matters in paragraphs 9.9 to 9.14 below provide further support for the conclusions reached in Section 9 of the application.

Section 6 - Matters of National Importance

9.9 In the case of s6 matters (which are required to be recognised and provided for):

- The evidence of landscape architect Mary Monzingo (which positively informs consideration of s6(a) and s6(b) matters) includes recommendations which are incorporated into the modified plan change provisions and assessments of natural character, visual and landscape effects;
- The evidence of ecologist Chris Wedding, which positively informs consideration of s6(a) and s6(c) matters, proposes mitigation and offsetting measures to ensure overall positive biodiversity outcomes (and which are incorporated into the modified plan change provisions), and includes an assessment of biodiversity effects;
- The evidence of Duncan McKenzie regarding the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga positively informs consideration of s6(c) matters;
- The evidence (including archaeological assessment) of Sian Keith confirms that in terms of s6(f) historic heritage is able to be appropriately managed;

- The evidence of engineers Mike Keys and Hashard Phadnis regarding potential natural hazards (including geohazards, flood risk, and faultlines) positively informs consideration of s6(h) and the absence of significant risks from natural hazards.

Section 7 - Other Matters

9.10 In the case of s7 matters (to which particular regard is to be given):

- The evidence of Duncan McKenzie (paragraph 3.4) about how the landowners (being tangata whenua) exercise their kaitiakitanga responsibilities at Whareroa positively informs consideration of s7(a) matters;
- The evidence of economist Kevin Counsell about likely demand for residential property at Whareroa and economic benefits of the plan change positively informs consideration of s7(b) matters about the efficient use and development of resources;
- The evidence of landscape architect Mary Monzingo which addresses amenity values positively informs consideration of s7(c) matters;
- The evidence of ecologist Chris Wedding which concludes that overall positive biodiversity outcomes can be achieved from the plan change positively informs consideration of s7(d) matters concerned with the intrinsic values of ecosystems;
- The evidence of Chris Wedding and Mary Monzingo (about how the values associated with natural and landscape areas are proposed to be managed, and about amenity aspects of the proposal) positively informs consideration of s7(f) matters about maintaining and enhancing the quality of the environment;
- The evidence of engineer Tony Kelly is that the approach to stormwater management intends (along with other objectives) to avoid adverse effects on the Whareroa Stream. The Whareroa Stream is a trout spawning stream and the approach to stormwater management positively informs consideration of s7(h) matters about protecting the habitat of trout.

Section 8 Matters - Te Tiriti o Waitangi

9.11 Section 8 of the Act requires RMA decision-makers to take into account Te Tiriti o Waitangi, and there is no reason to expect that will not occur. This hearing process, being undertaken in accordance with a Joint Management Agreement between TDC and The Tuwharetoa Maori Trust Board is indicative of those obligations being fulfilled.

9.12 In terms of the development of the proposal and the plan change application, Section 9.4 of the application acknowledges the cultural authority of Ngati Parekaawa (as hapu) and Tuwharetoa (as

iwi) and explains how the preparation of the plan change has both reflected and relied on the principles of partnership and recognition of the kaitiaki role of tangata whenua. Those efforts support the exercise of tinorangatiranga and kaitiakitanga, the importance of which is signalled in the Tuwharetoa Environmental Iwi Management Plan 2003 as is the principle of partnership in the Deed of Settlement with Ngati Tuwharetoa (referred to in the evidence of Duncan McKenzie).

9.13 In these ways, I consider the principles of Te Tiriti o Waitangi have been respected during the preparation of this application.

Section 5 – Purpose of the Act

9.14 In terms of the purpose of the RMA (s5), and taking into account the additional information and assessments now provided and referred to above, my opinion remains that development of Whareroa North in accordance with the proposed plan change (including the Whareroa North Outline Development Plan) will enable both the landowners and the Taupo District community to provide for their social, economic and cultural well-being while:

- Sustaining the potential of the natural environment to meet the foreseeable needs of future generations;
- Safeguarding the life-supporting capacity of air water and soil ecosystems;
- Avoiding remedying and mitigating any adverse effects of activities on the environment.

9.15 The TDP is the TDC's primary tool for achieving the purpose of the Resource Management Act. Accordingly, given that the Plan Change is specifically envisaged by the District Plan and that it sits comfortably with the principles of the Act set down in Sections 6, 7, and 8 of the Act (as discussed in Section 9 of the application and above), in my view approving the plan change will also promote the sustainable resource management purpose of the Act (s5).

9.16 In my view, based on the discussion above, the requirement that the plan change be in accordance with Part 2 of the Act, as required by s74(1)(b), is met.

Particular regard is to be given to s32 evaluation

9.17 A s32 evaluation was provided in Appendix 8 of the plan change application and summarised in Section 9. Following lodgement and including modifications now proposed at Section 8 of my evidence, a further evaluation assessment pursuant to s32AA is required to "*be undertaken at a level of detail that corresponds to the scale and significance of the changes*" - s32AA(1)(c). In my view:

- The proposed new policy “v” is the most appropriate method for giving effect to TDP Objective 3a.2.1;
- The new plan provisions (new policy 3a.2.1v, new Residential Environment Subdivision Rule 4a.3.1B, the new “Note” below that rule, and amended Appendix 8) are efficient and effective.

9.18 In my view the requirement for the plan change to be in accordance with the s74(1)(e) obligation to have particular regard to an evaluation report prepared pursuant to s32 of the Act has been met.

Plan change to be prepared in accordance with any National Policy Statement

9.19 An assessment of the plan change proposal against National Policy Statements (NPSs) was provided to TDC along with other “further information” on 3rd October 2018. The assessment concludes that the proposed plan change does not require any amendment to be in accord with or give effect to the NPSs.

NPS on Urban Development Capacity (NPS-UDC)

9.20 In the case of the NPS on Urban Development Capacity (NPS-UDC), updated in 2017 and currently under review, the focus is “urban environments” (defined in the NPS “*Urban environment means an area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries.*”). That is consistent with the purpose of the NPS which developed from concern about rising house prices in larger urban areas such as Auckland, and seeks to recognise the national significance of urban environments (and the need to enable them to develop and change to meet residential and business growth demands).

9.21 While the NPS-UDC (which is concerned with driving national policy matters) applies to the Taupo Urban Area, it does not apply to the small settlement of Whareroa which has about 20 permanently occupied properties. In my view it is not relevant, therefore, to the plan change and the plan change is required to neither be in accord with it nor give effect to it.

NPD on Freshwater Management (NPS-FM)

9.22 The October 2018 NPS assessment considered the NPS-FM in relation to proposed water supply, wastewater management, and stormwater management at Whareroa North and concluded that the plan change proposal does not require amendment in order to ensure that the District Plan gives effect to the NPS-FM.

Other NPSs

- 9.23 No new NPS has come into effect since the October 2018 assessment provided to TDC that time although government is currently working on several potential new NPSs. Clearly these are not operative and therefore have no effect. The plan change is not required therefore to be in accordance with these, and for that reason I have not assessed them.
- 9.24 In my view therefore the the s74(1)(ea) obligation for a District Plan to be in accordance with any NPS is met.

Regard is to be given to management and plans prepared under other Acts

- 9.25 The Taupo District has prepared growth management strategies and structure plans under the Local Government Act 2002 which may be relevant to the plan change. The TD2050 (2006), SSSP (2013), and TD2050 Refresh (2018) are discussed below.

TD2050

- 9.26 In 2006 TDC adopted a district wide urban growth strategy (“TD2050”) which was developed largely as a result of increasing concern that the effects based TDP was not adequately managing the effects of urban growth pressures in the rural periphery of Taupo, Acacia Bay, and Kinloch townships. As explained in greater detail in Section 5 of the application (“TDC Planning – Growth at Whareroa North”), District Plan changes to implement TD2050 outcomes were completed in 2010. That Plan Change introduced Section 3e of the TDP which provides statutory support for the future growth areas. These urban growth areas, including one at Whareroa North, are shown by “red blobs” (as they are informally referred to) in Section 3e.6 of the District Plan. Urban development in these areas is required to occur by way of a Taupo District Structure Plan process (which is specified in Section 3e.7 of the TDP).

Southern Settlements Structure Plan (SSSP)

- 9.27 Based on TD2050 and in accordance with the process set out in the new TDP provisions, TDC undertook a structure planning process (including extensive public consultation, hearings etc) and in 2013 adopted the Southern Settlements Structure Plan (SSSP). Significantly, an outcome of the SSSP (which considered growth needs, infrastructure capability and other development related issues), was that only three of the seven “urban growth areas” (red blobs) which TD2050 had identified in that part of the District were supported for future urban development. Those three areas are Whareroa North, Omori, and Kuratau. As explained in Section 5.3 of the application the

SSSP clarifies that private landowners rather than council should undertake the plan change required to secure the SSSP outcomes, and

- 9.28 The SSSP (and Section 3e of the TDP which requires such a structure plan before any application to rezone land was made) remains an operative TDC policy document and therefore in my view the owners can rely upon it.

TD2050 (2018)

- 9.29 Following a submission process in mid 2018, TDC adopted what was referred to as a “refresh” of the TD2050 urban growth strategy in October 2018.

- 9.30 Section 4 of TD2050 (2018) provides for Whareroa North as follows:

4.7 Whareroa North

“Whareroa North is included as a future growth area on the basis that it has previously been identified in planning documents and Council has recently received a private plan change seeking to have the zoning changed.

It will need to be demonstrated that there is demand for this land and that costs to the community can be appropriately managed. Ultimately its future will be determined through the private plan change process.”

- 9.31 I note that the evidence of Kevin Counsell considers the costs and benefits of the plan change request (including to the community) and discusses residential market considerations.

Conclusion

- 9.32 Several growth management policy documents have been discussed including in the plan change application as referenced above. In my view the plan change request gives due regard to these documents as required by s74(2)(b)(i).

Any relevant iwi planning document is to be taken into account

- 9.33 Section 7.5 of the application considers the Ngati Tuwharetoa Environmental Iwi Management Plan 2003 and concludes that the plan change proposal is consistent with that Plan and that the Whareroa North development will be subject to RMA plans and future resource consent processes which will enable the appropriate protections for Nga Taonga o Tuwharetoa.

- 9.34 Further, through consultation with Ngati Parekaawa and the Tuwharetoa Maori Trust Board the preparation of the plan change has involved recognition of both the kaitiaki role of tangata whenua and also the rights of legal ownership (in the case of the bridge crossing over the Whareroa Stream, the bed of which is held in title by the Trust Board). This supports the exercise

of kaitiakitanga and tinorangatiratanga, the importance of which is signalled in the Environmental Iwi Management Plan.

- 9.35 In my view, therefore, the plan change has (as required by s74(2A) of the Act) taken into account the Ngati Tuwharetoa Environmental Iwi Management Plan 2003 being an iwi planning document of Ngati Tuwharetoa which is lodged with TDC.

District Plan to state policies to implement objectives, and rules to implement policies

- 9.36 The structure of the provisions proposed to be introduced into the TDP (to enable the Whareroa North development), and as modified in Section 8 above, meet the required hierarchy of rules to implement policies and policies to implement objectives.

- 9.37 In my view therefore the obligation in s75(1) of the Act about objectives, policies, and rules is met.

Plan Change must give effect to any National Policy Statement

- 9.38 Paragraphs 9.19 to 9.24 address relevant NPSs and concludes that the proposed plan change does not require amendment to accord with or give effect to the NPSs

- 9.39 In my view therefore the the s75(3)(a) obligation for a District Plan to give effect to any national policy statement is met.

District Plan must give effect to regional policy statement

- 9.40 A District Plan must give effect to “any regional policy statement”, in this case the WRPS which became operative in 2016.

- 9.41 The WRPS sets out objectives, policies, and implementation methods (including directions that “local authorities shall...”) to achieve that policy framework. The WRPS policy areas relevant to the WRPS objectives that relate to the plan change request in my view are:

- Built Environment policies (in Section 6);
- Heritage policies (in Section 10);
- Indigenous Biodiversity policies (in Section 11);
- Landscape and Natural Character policies (in Section 12);
- Natural Hazards policies (in Section 13).

- 9.42 The WRPS policies are considered in Section 7 of the application and further assessment is provided in the evidence of Mary Monzingo (in relation to landscape related policies), Chris

Wedding (in relation to biodiversity policies), Sian Keith (in relation historic heritage policies), and Harshad Phadnis (in relation to natural hazard policies).

9.43 My response to the matters raised in the WRC submission (in the tables in Section 6 of this evidence) also includes discussion about WRPS policies raised in the WRC submission.

9.44 The relevant policies are considered and assessed below.

| WRPS Policy | Assessment of plan change |
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| <p>6.1 Planned and co-ordinated subdivision, use and development</p> <p>Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:</p> <ol style="list-style-type: none"> has regard to the principles in section 6A; recognises and addresses potential cumulative effects of subdivision, use and development; is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and has regard to the existing built environment. <p>6A - General Development Principles New development should:</p> <ol style="list-style-type: none"> support existing urban areas in preference to creating new ones; make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas; | <p>Policy 6.1 seeks to ensure that there is a planned and co-ordinated approach to developing the built environment.</p> <p>The implementation methods direct that regard is given to a set of “General Principles” (in 6A, and discussed below), when a district plan is changed.</p> <p>The cumulative effect of development has in this case been considered through the development of the operative TDP provisions relating to land development and urban growth.</p> <p>The policy requires that sufficient information is available. For this application that includes;</p> <ul style="list-style-type: none"> the December 2017 application for plan change; numerous reports and assessments provided to TDC since that time; Expert evidence to this hearing from Mike Keys (servicing and infrastructure), Tony Kelly (stormwater management), Harshad Phadnis (geotechnical), Kevin Counsell (economic), Chris Wedding (ecological), and Mary Monzingo (landscape and visual), and Sian Keith (archaeological). <p>In my view an appropriate level of information is available to enable the assessments required policy 6.1c.</p> <p>I have considered the twenty “6A General Development Principles” which Implementation Method 6.1.1 requires local authorities to have regard to when considering District Plan changes. The explanation section (on page 6-3 of the WRPS) explains that “<i>Section 6A includes a set of principles to guide future development of the built environment in the Waikato Region. These principles are not absolutes and it is recognised that some developments will be able to support certain principles more than others....</i>”.</p> <p>In my view the plan change request is consistent with most of the general development principles. In its submission WRC points to two of the development principles (about supporting existing rather than new</p> |

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| | <p>urban areas, and about preferring intensification rather than greenfield development) which, it infers, the Whareroa North proposal does not meet. In my view WRPS policy 6.11 (which specifically gives policy support to TD 2050, and the District Plan provisions and structure plans that flow from that) is also concerned with principles of urban settlement and intensification and has greater weight than the general development principles referred to. In my view therefore, given alignment of the Whareroa North development Plan Change request (in terms of planned and co-ordinated growth) with WRPS policy 6.11, Taupo District Plan Section 6e, and the SSSP, it is not significant, when considering this Plan Change request, that all the general development principles in the WRPS are not met.</p> |
| <p>6.3 Co-ordinating growth and infrastructure</p> <p>Management of the built environment ensures:</p> <ol style="list-style-type: none"> a. the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to: <ol style="list-style-type: none"> i. optimise the efficient and affordable provision of both the development and the infrastructure; ii. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure; iii. protect investment in existing infrastructure; and iv. ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place; b. the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated; c. the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and d. a co-ordinated and integrated approach across regional and district boundaries and between agencies; and e. that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure | <p>The staged residential development at Whareroa North (and efficient delivery of infrastructure) is considered to be consistent with policy 6.3 which is focussed on co-ordinating growth and infrastructure provision.</p> <p>Structure planning in Taupo District, and specifically the SSSP is concerned with matching urban growth and infrastructure planning – “.. <i>it is important for Council to have in place a Structure Plan, because infrastructure and development planning are essential long-term functions for Council to fulfil</i>” (p7, SSSP). That SSSP developed by TDC is required, by the TDP growth management objectives and policies, as a prerequisite to rezoning applications.</p> <p>Further, in accordance with the WRPS policy 6.3, and as set out in infrastructure reports and assessment provided by the applicant (including for roading, bridge crossings, stormwater management, wastewater, water supply etc), infrastructure has been planned in anticipation of the northside development. These reports include “<i>Whareroa North - Infrastructure efficiency – potential costs to the community</i>” (KeySolutions, September 2018) which identifies how the Whareroa North development will enable existing community infrastructure at Whareroa to be utilised more efficiently.</p> <p>Further, in terms of funding infrastructure for the northern development, the costs of infrastructure expansion (including additional roading and bridging of the Whareroa Stream) to service the northside will fall to the Incorporation as the sole landowner/developer affected in this case.</p> <p>Accordingly, I conclude that the plan change will assist TDC to give effect to WRPS policy 6.3 which is aimed at managing development in a way that appropriately co-ordinates growth and infrastructure components.</p> |

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| <p>provided by central, regional and local government agencies.</p> | |
| <p>6.11 Implementing Taupo District 2050</p> <p>Growth in the Taupo District will be managed in a way that:</p> <ol style="list-style-type: none"> a. recognises that Taupo District 2050 provides for the management of future growth, including by: <ol style="list-style-type: none"> i. 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; ii. ensuring patterns of future urban development are consistent with the strategic directions of Taupo District 2050, the identified urban growth areas, and any subsequently adopted structure plans; iii. 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; iv. 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; v. ensuring that staging of development in the urban growth areas is efficient, consistent with and supported by adequate infrastructure; and b. ensures that urban development of an identified urban growth area occurs by way of a Taupo District 2050 structure plan process and associated plan change process. c. acknowledges that changes to the Taupo District Plan intended to implement Taupo District 2050 must be considered on their merits under the RMA. | <p>Policy 6.11 of the WRPS “Implementing Taupo District 2050” provides regional policy support for the TDCs urban growth management strategies and plans and including by (my emphasis added) “<u>ensuring patterns of future urban development are consistent with the strategic directions of TD2050, the identified urban growth areas, and any subsequently adopted structure plans</u>” - 6.11 a) ii).</p> <p>Significantly, the SSSP specifically directs that landowners are to undertake the necessary Plan Change to facilitate development in the urban growth areas and to determine when the market is ready “<i>rather than Council attempting to determine when more land is necessary</i> (SSSP page 8).</p> <p>While I agree that such a Plan Change is to be determined under the RMA and on its own merit (policy 6.11c), in my view that assessment is made in the context of the relevant settled plans and policies which have been developed in a formal public policy making process. As explained in my 3/10/18 covering letter to TDC when further information was provided, “<i>landowners need to be able to rely upon Council policy and planning documents (that have been through a robust public consultation and policy-making process within the last 6 years), to provide them with the confidence to make serious investment decisions. The Proprietors of Hauhungaroa No 6 have accepted that policy approach and with the south side of the Whareroa subdivision now complete and all sections sold, they are looking to advance their plans for the north side as signalled in the TDC’s 2013 Structure Plan (SSSP) and the operative Taupo District Plan...</i>”</p> <p>I conclude that the plan change will assist TDC to give effect to WRPS policy 6.11 which is aimed at supporting TDCs growth management planning. This growth management planning is, through Section 3e of the TDP, specifically required to be implemented by a structure plan and then plan change process. That results, in my view in the SSSP (while not, I accept, a <u>part</u> of the District Plan), having a direct relationship to it whereby the SSSP (as a plan which integrates growth and infrastructure planning) is in effect a mandatory implementation component required by, and to give effect to, TDP growth management provisions. That view underpins my comment above that the required RMA assessment which the plan change is determined by is appropriately made in the context of the relevant settled plans and policies which have been developed in a formal public policy making process, in this case including the SSSP.</p> |
| <p>10.3 Effects of development on historic and cultural heritage</p> | <p>The owners have commissioned an archaeological assessment of the site in relation to the plan change request. The assessment is included with the evidence</p> |

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| <p>Manage subdivision, use and development to give recognition to historic and cultural heritage and to integrate it with development where appropriate.</p> | <p>of archaeologist Sian Keith which concludes that there are no anticipated effects on archaeological values as a result of the proposal but that there remains potential that subsurface evidence related to early settlements at that location. The assessment recommends that following vegetation removal and prior to earthworks an archaeological field inspection is undertaken and that if there is cause to consider that archaeological material will be present (and it cannot be avoided), then an application for an archaeological authority be made to Heritage NZ. That is included in the modified plan provisions provided in Appendix 1.</p> <p>In this way I conclude that WRPS policy 10.3 is given effect to.</p> |
| <p>11.1 Maintain or enhance biodiversity</p> <p>Promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent as necessary to achieve healthy ecological functioning of ecosystems, with a particular focus on:</p> <ol style="list-style-type: none"> working towards achieving no net loss of indigenous biodiversity at a regional scale; the continued functioning of ecological processes; the re-creation and restoration of habitats and connectivity between habitats; supporting (buffering and/or linking) ecosystems, habitats and areas identified as significant indigenous vegetation and significant habitats of indigenous fauna; providing ecosystem services (external link); the health and wellbeing of the Waikato River and its catchment; contribution to natural character and amenity values; tāngata whenua relationships with indigenous biodiversity including their holistic view of ecosystems and the environment; managing the density, range and viability of indigenous flora and fauna; and the consideration and application of biodiversity offsets. | <p>In my view, and as detailed in the evidence of Chris Wedding, the proposal does promote positive indigenous outcomes and “<i>protect significant indigenous vegetation and significant habitats of indigenous fauna</i>” (as required by Policy 11.1 implementation measure 11.1.1a). That is achieved by minimising the road footprint in the SNA, managing biodiversity effects through the hierarchy of biodiversity effects management, and securing on-going legal and physical protection (such as through maintenance and pest management) of the affected part of SNA062 and including offset planting in or contiguous to it. These are outcomes which will result from the Whareroa North development (and otherwise would not necessarily be achieved).</p> <p>Further, existing TDP provisions which manage effects of activities in SNAs (and in particular resource consent requirements around removal of indigenous vegetation in SNAs), remain unchanged as a result of the Plan Change sought. The TDP assessment criteria at Section 4e.6.2 requires matters to be considered which reflect the biodiversity aims of RPS policy 11.1.</p> <p>The Whareroa North proposal (which no longer includes house sites set in SNA062 but does include vegetation removal for access) will, in accordance with the TDP Natural Values policy framework, need to demonstrate an overall “net environmental gain” and in this way the WRPS policy framework will also be advanced.</p> <p>In my view, therefore, the plan change proposal will assist the TDP to better give effect to the positive biodiversity outcomes sought by WRPS policy 11.1.</p> |
| <p>11.2 Protect significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not</p> | <p>The WRPS explains that Policy 11.2 addresses the requirements of s6(c) of the RMA. The policy and methods to implement it recognise that protection of significant sites need not prevent their use where activities will not materially compromise the characteristics or values which deemed the site significant.</p> |

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| <p>adversely affected to the extent that the significance of the vegetation or habitat is reduced.</p> | <p>In my view the clear focus of the policy is that the characteristics that contribute to the significance of an area are <u>“not adversely affected to the extent that the significance of the vegetation or habitat is reduced”</u>. Chris Wedding (paragraph 9.1) confirms that <i>“I consider that the permanent loss of vegetation for the access road, alone, would not compromise the overall significance of the SNA vegetation or its habitats, including its provision of habitat to ‘Threatened’ (but common and widespread) kanuka and manuka, intermittent ‘At Risk’ fauna, representativeness and underrepresented vegetation”</i>. That policy directive informs the implementation measures including 11.2.2 which states the matters that District Plans (and therefore Plan Changes) shall include. That is the policy context for the hierarchy of avoid, remedy, mitigate, offset, which Implementation Method 11.2.2 requires. Further the expectation of “no net loss” is also part of the policy implementation. The TDP (Section 3i.2 Natural Values Objectives and Policies) seeks a “net environmental gain” when SNA indigenous vegetation is removed, and that is a similar, though more onerous, goal.</p> <p>The management hierarchy (of avoid, remedy, mitigate, offset) is adopted in the plan change proposal as explained in the evidence of Chris Wedding.</p> <p>I note that as well as setting out the hierarchy of management tools discussed above, Implementation Method 11.2.2 requires that District Plans <i>“have regard to the functional necessity of activities being located in or near areas of significant indigenous vegetation and significant habitats of indigenous fauna where no reasonably practicable alternative location exists”</i> (11.2.2g). In my view that is particularly relevant in the circumstances of this proposal where an assessment of alternative stream crossings was explored, as explained in the evidence of Mr Keys (paragraph 5.4), alternative routes are not reasonably practicable, and as a result of these circumstances the access road would not be able to avoid the SNA. In my view the WRPS appropriately recognises that.</p> <p>Overall, I conclude that the plan change gives effect to the WRPS policy 11.2.</p> |
| <p>12.1 Outstanding Natural Features and Landscapes</p> <p>Identified values and characteristics of outstanding natural features and landscapes (including seascapes) of regional or district significance are protected from adverse effects, including cumulative effects, arising from inappropriate subdivision, use and development.</p> | <p>WRPS Policy 12.1 seeks to protect the values and characteristics of ONFLs from adverse effects of inappropriate subdivision, use, and development.</p> <p>In her assessment of WRPS policy 12.1 “Outstanding Natural Features and Landscapes” Ms Monzingo assesses the effects of the proposal (including access) on the ONFL and concludes <i>“In my opinion, given the information that I now have, the access will initially create localised adverse effects on the natural and amenity values of ONFL 9 (and that these adverse effects can be somewhat mitigated by revegetation planting and other measures to reduce these effects),</i></p> |

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| | <p><i>however because of the large extent of the ONFL 9 in my view those localised effects will not result in the overall values and character of the ONFL (described in Section 12A of the WRPS) being adversely affected.”</i></p> <p>Accordingly, it is considered that WRPS policy 12.1 will be given effect to.</p> |
| <p>12.2 Preserve natural character</p> <p>Ensure that activities within the coastal environment, wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character and:</p> <ol style="list-style-type: none"> where natural character is pristine or outstanding, activities should avoid adverse effects on natural character; where natural elements/influences are dominant, activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character; where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered; promote the enhancement, restoration, and rehabilitation of the natural character of the coastal environment, wetlands and lakes and rivers and their margins; and regard is given to the functional necessity of activities being located in or near the coastal environment, wetlands, lakes, or rivers and their margins where no reasonably practicable alternative locations exist. | <p>In terms of the levels of natural character set out in policy 12.2, Appendix 7 of Ms Monzingo’s evidence assesses the natural character of the margins of Lake Taupo (near the existing Whareroa Village and Whareroa North) and the margins of the Whareroa Stream (north of the existing village) to have “level b” natural character values. That is, in terms of policy 12.2 “<i>where natural elements/influences are dominant</i>” and “<i>activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character</i>”). For the reasons discussed in Appendix 7, Ms Monzingo concludes that the proposed residential subdivision and the bridge/road will not result in adverse effects on the natural character (of the margin of Lake Taupo or in the vicinity of the Whareroa Stream).</p> <p>Accordingly, it is considered that WRPS policy 12.2 will be given effect to.</p> <p>It is noted that sub-clause “g” of Policy 12.2 ensures that “<i>regard is given to functional necessity of activities being located in or near rivers of their margins where no reasonably practicable alternative locations exist</i>”. As discussed previously in this evidence alternative access routes for the proposal are not considered to be reasonably practicable.</p> |
| <p>12.4 Maintain and enhance public access</p> <p>Public access to and along the coastal marine area, lakes, and rivers will be maintained and enhanced by:</p> <p>.....</p> <ol style="list-style-type: none"> ensuring subdivision, use and development do not result in inappropriate loss of existing public access. | <p>Policy 12.4 recognises the importance of maintaining and enhancing public access to and along waterways. In Appendix 7 of her evidence, Ms Monzingo concludes that “<i>The Whareroa North Concept Plan includes vehicular and pedestrian access from the land to the existing Whareroa Village and thus to the Lake and Stream. The development of the land will not result in the loss of existing public access to the Lake and Stream</i>”.</p> <p>Accordingly, it is considered that WRPS policy 12.4 will be given effect to.</p> |

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| <p>13.1 Natural hazard risk management approach</p> <p>Natural hazard risks are managed using an integrated and holistic approach that:</p> <ol style="list-style-type: none"> ensures the risk from natural hazards does not exceed an acceptable level; protects health and safety; avoids the creation of new intolerable risk; Reduces intolerable risk to tolerable or acceptable levels; enhances community resilience; is aligned with civil defence approaches; prefers the use of natural features over man-made structures as defences against natural hazards; recognises natural systems and takes a ‘whole of system’ approach; and seeks to use the best available information/best practice. <p>13.2 Manage activities to reduce the risks from natural hazards</p> <p>Subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level including by:</p> <ol style="list-style-type: none"> ensuring risk is assessed for proposed activities on land subject to natural hazards; reducing the risks associated with existing use and development where these risks are intolerable; avoiding intolerable risk in any new use or development in areas subject to natural hazards; minimising any increase in vulnerability due to residual risk; avoiding the need or demand for new structural protection works; and discouraging hard protection structures and promoting the use of alternatives to them, including natural defences in the coastal environment. | <p>Based on the evidence (including hazard assessment) of Mr Phadnis, the available information about flood hazard risk, and the absence of faultline risk, in terms of the WRPS:</p> <ul style="list-style-type: none"> The land affected by the Whareroa North proposal (shown on the “Whareroa North Concept Plan” in proposed Taupo District Plan Appendix 8) does not constitute a “primary hazard zone” (being ‘an area in which the risk to life, property or the environment from natural hazards is intolerable’); The proposal will not create an “intolerable risk” which the WRC submission states is defined as “risk which cannot be justified and risk reduction is essential e.g. residential housing being developed in a primary hazard zone’. <p>Accordingly, I consider that the appropriate assessment has been undertaken in terms of the relevant parts of WRPS:</p> <ul style="list-style-type: none"> Policy 13.1 that “Natural hazard risks are managed using an integrated and holistic approach that: <ol style="list-style-type: none"> ensures the risk from natural hazards does not exceed an acceptable level; protects health and safety; avoids the creation of a new “intolerable risk....“ Policy 13.2 that “Subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level including by: <ol style="list-style-type: none"> ensuring risks are assessed for proposed activities in land subject to natural hazards: avoiding intolerable risk in any new use or development in areas subject to natural hazards” <p>In these ways, it is considered that the relevant parts of WRPS policies 13.1 and 13.2 are given effect to.</p> |
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9.45 In my view therefore based on the assessment above, Section 6 of my evidence, and the evidence of other witnesses I have referred to, the modified plan change provisions in relation to Whareroa North (at Appendix 1 of this evidence) would enable the TDP to give effect to the relevant WRPS provisions and accordingly the s75(3)(c) obligation for a District Plan to give effect to any regional policy statement is met

Shall have regard to the actual or potential effects on the environment of activities including, in particular, adverse effects

9.46 The affects assessment overview provided below is based on the 2017 application for plan change, subsequent information provided to Council, and the evidence given on behalf of the applicants to the plan change hearing. It addresses the following areas of potential adverse effects:

- Growth management / economic
- Ecological
- Natural hazards /Geotechnical
- Heritage management
- Landscape and visual
- Servicing

Growth Management / Economic Effects

9.47 My understanding of the growth management and associated economic effects of the plan change are framed by consideration of:

- The WRPS policies about co-ordinated growth;
- The TDP (Section 3e) objectives and policies in Section and the SSSP;
- The economic evidence of Mr Kevin Counsell regarding property demand at Whareroa and the associated matters of:
 - The uniqueness of Whareroa which sets it apart as a property market offering (from other settlements in the southern area of Lake Taupo)
 - the market experience of the owners in terms of staging development and market response.

WRPS policy framework

9.48 The relevant WRPS policies which I have assessed in the table at paragraph 9.44 above include:

- Policy 6.1 which seeks to ensure that there is a planned and co-ordinated approach to developing the built environment;
- Policy 6.3 which is focussed on co-ordinating growth and infrastructure provision;
- Policy 6.11 of the WRPS which provides regional policy support for the TDCs urban growth management strategies and plans and including by *“ensuring patterns of future urban development are consistent with the strategic directions of TD2050, the identified urban growth areas, and any subsequently adopted structure plans”* - WRPS policy 6.11 a) ii).

9.49 In my opinion the plan change gives effect to these WRPS policies and therefore, in terms of growth management and economic effects, these are acceptable and anticipated by the community through the settled policies and plans.

TDP policy framework

9.50 Below I have assessed the plan change request against the urban growth related objectives and policies in Section 3e of the TDP.

| TDP Objective 3e.2.1: Provide for and manage urban growth so as to achieve the sustainable management of the District's natural and physical resources. | |
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| Policy 3e.2.1i | 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. |
| <u>Comment</u> The Plan Change seeks to facilitate the development of new urban land in the Whareroa North Urban Growth Area as specifically signalled in the TD2015 and SSSP, being TDC policy documents intended to provide for and manage urban growth to achieve the sustainable management of the District's natural and physical resources. | |
| Policy 3e.2.1ii | Ensure patterns of future urban development are consistent with the identified Urban Growth Areas as described in Section 3e.6. |
| <u>Comment</u> Whareroa North is an identified Urban Growth Area described in Section 3e.6 of the District Plan. | |
| Policy 3e.2.1iii | Prevent urban development in the rural environment outside of the identified Urban Growth Areas. |
| <u>Comment</u> The Plan Change seeks to facilitate urban development <u>within</u> an Urban Growth Area. | |
| Policy 3e.2.1iv | 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. |
| <u>Comment</u> Land fragmentation is not a risk to development of the Whareroa North Urban Growth Area as the affected property is in the control of a single landowning interest (held in two entities). | |
| Policy 3e.2.1v | 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. |
| <u>Comment</u> The current Plan Change process is the appropriate next step (as a structure plan is already in place) to give effect to urban development within the identified Whareroa North Urban Growth Area. | |
| <i>Based on my comments about each of the policies above, I conclude that the proposed Plan Change advances achievement of Objective 3e.2.1</i> | |
| Objective 3e.2.2: Ensure that the subdivision and development of Urban Growth Areas for new urban growth occurs by way of a comprehensive Taupo District Structure Plan Process and plan change. | |
| Policy 3e.2.2i | Define the precise location, extent, form and staging of development of Urban Growth Areas by way of the Taupō District Structure Plan Process and associated plan change process. |
| <u>Comment</u> In association with the SSSP, the Plan Change proposal (including through the Whareroa North Residential Concept Plan) defines the precise location, extent, form and staging of development of the Whareroa North Urban Growth Area. | |
| Policy 3e.2.2ii | Ensure that the development framework for the Urban Growth Areas is determined by the Taupō District Structure Plan Process. |
| <u>Comment</u> The SSSP (prepared by TDC in consultation with the community) sets out the development framework for the Whareroa North Urban Growth Area. | |

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| Policy 3e.2.2iii | That a range of residential densities, location of rural residential opportunities and the staging of the development of the Urban Growth Areas shall be determined by the Taupō District Structure Plan Process. |
| <u>Comment</u> In relation to Whareroa North, the SSSP has already been prepared by TDC in consultation with the community. | |
| Policy 3e.2.2iv | Ensure that staging of development in the Urban Growth Areas is efficient, consistent with and supported by adequate infrastructure. |
| <u>Comment</u> As explained in the proposed plan provisions, it is intended to undertake the development of the Whareroa North urban growth area in stages. Further, and as discussed in the KeySolutions Report at Appendix 3 of the application, the staging of development in the Whareroa North Urban Growth Area is efficient, able to be serviced, and is supported by long-planned infrastructure proposals. | |
| Policy 3e.2.2v | Ensure that the planning and development of Urban Growth Areas adequately takes into account the efficient and effective functioning of supporting and surrounding infrastructure. |
| <u>Comment</u> The purpose of the SSSP (which was developed after these provisions came into the TDP and was concerned with <u>integrating urban growth and infrastructure provision</u>) is the TDC policy document which addresses this growth management policy. Further, and as concluded in the KeySolutions Report at Appendix 3 of the application “Economies of scale, cost effectiveness and general infrastructural efficiency all have the potential to increase as a result of the expansion of Whareroa”. Further, in term of residential property demand and infrastructure costs from an economic perspective, I rely on the evidence of economist Kevin Counsell and his conclusions that a net benefit is likely to result from the Whareroa development (para 25). Based on my comments about each of the policies above, I conclude that the proposed Plan Change advances achievement of Objective 3e.2.2. | |
| Objective 3e.2.3: Ensure the maintenance of an appropriate and sufficient level of community infrastructure within existing serviced areas. | |
| Policy 3e.2.3i | Allow new activities and development to connect to existing water and wastewater infrastructure where there is adequate capacity to meet the needs of the development. |
| <u>Comment</u> As concluded in the KeySolutions Report at Appendix 3 of the application, “Water Supply headworks are largely in place to cater for Whareroa North. The WRC consent for the water supply will accommodate growth at Whareroa North” and “Due to a collaborative effort between TDC and the Owners, wastewater infrastructure and the necessary WRC consents are in place to service Whareroa North”. I note that the evidence of My Keys and also the TDC infrastructure engineers agree that the Whareroa North development is able to be provided for in terms of water supply and wastewater infrastructure. | |
| Policy 3e.2.3ii | Avoid, remedy or mitigate any adverse effects of the disposal of stormwater on the receiving environment. |
| <u>Comment</u> The evidence of stormwater engineer Mr Kelly addresses the proposed “low impact approach” to stormwater management which I note that WRC is supportive of (at paragraph 3.4 of the WRC submission). | |
| Policy 3e.2.3iii | Ensure new activities and developments contribute to the provision and standard of reserves and open space amenity to meet the needs of the community including Esplanade Reserves in accordance with the provisions of the Act. |
| <u>Comment</u> As referred to in the evidence of Nathan Mourie (for TDC) no recreation or neighbourhood reserve was considered necessary in the Whareroa North residential area. Provision is made, however, for public pedestrian linkages as shown on the Whareroa North Concept Plan. The landowners have already set aside esplanade reserves over and above that required. Additional land (currently SNA) will be legally protected as an outcome of implementation of the Plan Change proposal. The landowners’ preference is through the Maori Reservation mechanism. | |
| Policy 3e.2.3iv | 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. |

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| <p><u>Comment</u> In terms of roading infrastructure the evidence of Mike Keys is that <i>“the roading in the existing village is built to a good geometry and standard and can easily cater for the low number of existing movements plus the extra demand from development at Whareroa North”</i> (paragraph 7.3)</p> <p><i>Based on my comments about each of the policies above, I conclude that the proposed Plan Change advances achievement of Objective 3e.2.3.</i></p> | |
| <p>Objective 3e.2.4: Ensure the maintenance of an appropriate and sufficient level of community infrastructure within existing serviced areas.</p> | |
| <p>Policy 3e.2.4i</p> | <p>Implement integrated land management strategies in conjunction with Regional Authorities that will avoid, remedy or mitigate adverse environmental effects on Taupō District’s lakes, waterways and aquifers.</p> |
| <p><u>Comment</u> The KeySolutions Report at Appendix 3 of the application states that <i>“Due to a collaborative effort between TDC and the Owners, wastewater infrastructure and the necessary WRC consents are in place to service Whareroa North”</i>.</p> <p><i>In my view, therefore, the proposed Plan Change advances achievement of Objective 3e.2.4.</i></p> | |

9.50 Based on this assessment of how the plan change proposal meets the relevant objectives and policies of Section 3e of the TDP (in terms of growth management and economic effects), I conclude that such effects are acceptable and anticipated by the community through settled policies and plans.

Economic Advice

9.51 The evidence of Kevin Counsell considers the likely demand for properties at Whareroa and identifies (at paragraph 45) a shortfall in demand over supply *“which provides a context for the need for the Whareroa development”* (paragraph 46). His evidence also points to other circumstances particular to Whareroa which are also relevant to the issue of likely demand for residential properties at Whareroa. These are:

- The market experience of the owners in terms of staging development and market response: As referred to in the evidence of Marilyn Connolly (paragraphs 5.5 and 7.2) the owners have developed the existing Whareroa Village in seven stages, with development proceeding once sufficient section sales were achieved. That is to be the same approach with the northside. The peaks in demand for sections logically reflected when those stages were “released” to the market, resulting in Mr Counsell’s observation (at paragraph 19) that *“when new lots have been released for sale in Whareroa in the past, there has always been demand for those lots. When there are no new lots available, it is not surprising that demand seems to be slower. The demand may still be present in these times, but it does not become tangible until new lots are released for that demand to be met.”*

- The uniqueness of Whareroa which sets it apart as a property market offering. From reading the draft evidence of Mr Sanderson (a permanent resident at Whareroa since 2001 and a real estate salesperson for the past 16 years), Whareroa is a “unique” settlement in the southern part of Lake Taupo and he expressed this in paragraph 5.2 of his evidence:

“Some people like suburbia which is catered for by places like Kuratau and Omori. There is a “feeling” of isolation and retreat at Whareroa which is different to the atmosphere provided at those other lakeside settlements. People here are very like-minded. A lot of the time Whareroa will appeal to a different type of person than a purchaser who is looking to be close to a business centre. This, with its other attributes, makes Whareroa unique. I have been involved with many different communities, but Whareroa truly has a different “feel” about it.”

From that statement I understand that in terms of property market offering, Whareroa is set apart from other lakeside settlements in the southern part of Lake Taupo because of these qualities. I expect, therefore, that a prospective purchaser unable to secure a property at Whareroa would not necessarily then purchase a property in Omori, Kuratau, or Pukawa for example. I understand that this is the aspect of “uniqueness” that Mr Counsell refers to in paragraph 14 of his evidence when he says that *“The PE Report also argues that various potential benefits do not arise in respect of the Whareroa Development, largely because of the finding in the PE Report that Whareroa is not “unique, so there will be a lack of unique (or any) demand in the Development”.*” To the contrary it appears to me, based on Mr Sanderson’s observations that Whareroa is regarded as a unique residential property market offering in the context of the southern settlements of Lake Taupo.

- 9.52 In addition to considering residential property supply and demand, Mr Counsell’s evidence also considers the economic benefits and costs of the Whareroa development. He concludes (my emphasis added) that:

“Overall, my findings in the NERA Report and my further analysis in this brief of evidence lead me to disagree with the conclusions in the PE Report and Mr. Osborne’s evidence that the Whareroa Development represents an additional cost to the Taupo community but without any associated benefit. In contrast, I consider there is likely to be a net benefit that results from the Whareroa Development.” [Counsell evidence, paragraph 25]

Summary

- 9.53 In summary, I conclude that, in terms of potential adverse urban growth and associated economic effects, the outcome sought by the plan change request (and therefore urban growth and associated economic effects arising from it) are anticipated by the WRPS and the TDP, and that (based on the evidence of Mr Counsell) positive rather than adverse economic effects are likely to result from it.

Ecological

- 9.54 The evidence of Chris Wedding provides an overview of the biodiversity resource associated with the plan change area based on identified ecological investigations and site visits.
- 9.55 The site includes land identified as SNA062 in the TDP and an area of regenerating vegetation which (although not part of SNA062) meets the criteria for indigenous biodiversity significance in Table 11-1 of the WRPS.
- 9.56 Mr Wedding explains (at paragraph 2.3) that potential adverse biodiversity effects resulting from the plan change proposal are generally associated with:
- proposed access through the SNA (which would result in loss of indigenous vegetation, fauna and their habitats, fragmentation of the SNA and associated edge effects);
 - increased proximity of human activity to wildlife habitats (which would contribute some level of permanent habitat degradation).
- 9.57 Mr Wedding goes on to affirm (paragraph 8.3) that *“in my opinion, the permanent loss of vegetation for the access road, alone, would not compromise the overall significance of the SNA”,* but that the *“cumulative potential adverse effects of vegetation loss, edge effects and habitat degradation would be significant if not managed or offset”*.
- 9.58 The modified plan change provisions include, in accordance with the recommendations of Mr Wedding, an approach of avoiding, remedying, mitigating or offsetting these potential adverse biodiversity effects with best practice management and restoration methods.
- 9.59 Section 8 of Mr Wedding’s evidence provides detail about the measures to achieve this, including the careful timing of any vegetation removal, wildlife relocations, habitat replacement and enhancement, pest predator control, dense buffer planting and revegetation. Mr Wedding describes how there are ample suitable areas for biodiversity offsetting in or adjacent to SNA062 which extends west into Whareroa Station.
- 9.60 Mr Wedding concludes *“that provided the proposed plan change development is undertaken in accordance with attached Appendix 8, I consider that the positive biodiversity outcomes and Net Environmental Gain referred to in my evidence can be achieved”* (paragraph 12.5).
- 9.61 The approach and outcomes which Mr Wedding proposes (and which the modified plan provisions secure) accord with the relevant WRPS and TDP objectives and policies concerned with biodiversity matters.
- 9.62 In terms of the WRPS biodiversity policies:

- Policy 11.1 is concerned with promoting positive indigenous biodiversity outcomes and working towards no net indigenous biodiversity loss at a regional scale. That is achieved by minimising the road footprint in the SNA, managing biodiversity effects through the hierarchy of biodiversity effects management, and securing on-going legal and physical protection (such as through maintenance and pest management) of the affected part of SNA062 and including offset planting in or contiguous to it. These are outcomes which will result from the Whareroa North development;
- Policy 11.2 is concerned with ensuring that the characteristics that contribute to the significance of indigenous vegetation are not adversely affected to the extent that the significance of the vegetation or habitat is reduced. This policy also addresses the requirements of s6(c) of the Act to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. That is the WRPS policy context for the hierarchy of avoid, remedy, mitigate, offset, which Implementation Method 11.2.2 requires (and is reflected in the plan change proposal). Policy 11.2 also provides for the “*functional necessity*” of activities being located in or near areas of significant indigenous vegetation “*where no reasonably practicable alternative location exists*” (implementation method 11.2.2g, c, and d). That policy concession applies to site access in this case (where there is no reasonably practicable alternative route), with indigenous vegetation loss proposed to be addressed through a biodiversity offset proposal designed and implemented through the subdivision consent process.

9.63 As set out in Section 7.2 of the application, the TDP Natural Values policy framework seeks:

- Protection of SNAs from more than minor adverse effects of indigenous vegetation clearance (through an avoid, remedy, mitigate approach) - Objective 3i.2.1;
- Facilitation of the long-term protection of areas of natural value (including enabling activities that result in a Net Environmental Gain for natural areas) - Objective 3i.2.2;
- Enhancement of areas of natural value (including recognising landowners, including tangata whenua, who have protected areas of natural value on their land, and who continue to exercise kaitiakitanga over them) - Objective 3i.2.3.

9.64 It is significant that the TDP policy approach is not to prohibit indigenous vegetation clearance from being undertaken within SNAs but instead protecting the values of areas from the effects of inappropriate clearance and utilising the opportunity that the consent process provides to secure overall positive benefits for the on-going enhancement and protection of SNAs. That is well reflected in this proposal whereby the positive biodiversity gains that Mr Wedding proposes through the opportunity that development brings might not otherwise be achieved.

- 9.65 In relation to potential adverse effects of indigenous vegetation removal (required to provide access for road and services up the river escarpment and through SNA 062) through the resource consent process required by District Plan Rule 4e.6.2, a “net environmental gain” is required to be secured. In this way the WRPS and TDC policy guidance is aligned.
- 9.66 Overall, I agree with Mr Wedding that potential adverse biodiversity effects from the plan change proposal are able to be avoided, remedied, mitigated or offset as proposed, and that “positive biodiversity outcomes” and “net environmental gain” as sought by the WRPS and TDP respectively can be achieved through the modified plan provisions.

Hazards/Geotechnical

- 9.67 The potential for geohazards and associated risk has been raised in the s42A report and through the submission of WRC.
- 9.68 The evidence of geotechnical engineer Harshad Phadnis explains that he has undertaken a desktop assessment of the full range of geohazards that could potentially affect the site. That assessment is at Section 9.2 of his evidence.
- 9.69 Mr Phadnis includes assessment of geohazards such as liquefaction susceptibility, lateral spreading, flow liquefaction, compressible soils, settlement/subsidence, piping/ underground erosion, effects and/or appropriateness of onsite soakage, effects on the “bowl” and the scar. Mr Phadnis, in his technical conclusion at Section 12, explains how such geohazards are routinely encountered in the Taupo area and that *“engineering solutions exist to mitigate effects of these geohazards and are used regularly by professional engineers”*.
- 9.70 In summary Mr Phadnis confirms *“that the site and access corridor is or can be made to be suitable for residential development from a geotechnical perspective”* (para 12.1).
- 9.71 At paragraph 9.7 of his evidence Mr Phadnis explains the extensive geotechnical site investigation work proposed to be undertaken to inform the detailed subdivision design process, and that it is proposed to undertake that programme of work in a single “campaign” at a time following plan change and prior to subdivision consent application.
- 9.72 In my view it is important that prior to rezoning for residential purposes there is sufficient confidence of the absence of any unsurmountable geohazard affecting the site. The expert opinion of Mr Phadnis, and the particular circumstances of this case, lead me to agree with the view of Mr Keys about this:

“In my view, a number of factors have a bearing on how to best optimise the timing for the geotechnical investigation that is described in Mr Harshad’s evidence. This extensive work (required prior to the subdivision application being prepared at the latest) involves taking a sophisticated rig to the site and testing in a sufficient number of locations (and to a sufficient depth in the case of core recovery drilling) to provide enough data to prepare a statistically acceptable description of the subsoil conditions. These investigation sites need to include the future residential area and also the access corridor and bridge site. In my view, it would be both economically and practically preferable to do all this work in one “package”.

This will be an expensive exercise, I expect it to be well into 6 figures. The investigation will involve firstly the gaining of resource consent to disturb vegetation in the SNA to carry out the testing in the access corridor, then the testing itself which involves getting the equipment to site and then possibly getting it into position with a helicopter after individual test site preparation. The test results will then be collated and analysed by geotechnical specialists and conclusions drawn.

I strongly believe that not only should all this investigation be done at one time as suggested in 6.4, but given Mr Harshad’s view (and, as stated earlier, I support that view) that there is no indication that there will be insurmountable geotechnical problems with the project, then the Owners should have the confidence that goes with having an appropriate zone in place in the District Plan before commissioning that investigation”. [Keys evidence, paragraphs 6.4 to 6.6]

9.73 I agree, that because there is a high degree of confidence that an insurmountable geotechnical hazard will not be encountered, and given the remote location of the site, the preference (in a practical sense) for the extensive work to be undertaken at the one time, and the costs involved, it is preferable to undertake the work once the zoning is secured.

9.74 The site investigation work will involve indigenous vegetation removal from SNA062 (for tracks and site preparation) and that is also best avoided until the zoning is secured in my view.

Heritage Management

9.75 The potential for adverse heritage management effects has been raised in the s42A report and in submission from Heritage New Zealand.

9.76 The owners have commissioned archaeologist Sian Keith to assess the site in relation to the plan change proposal. Ms Keith’s evidence, (which is based on a desktop assessment of available reports, plans and other information, as well as a recent site inspection) has concluded that:

- There will be no known effects on archaeological values as a result of the proposal;
- Because of the site’s location between known settlements (of Poukura and Whareroa/Piripekapeka) there remains potential that subsurface evidence related to these settlements is present.

9.77 Ms Keith has recommended the following measures to appropriately manage potential heritage effects:

“2. An archaeological authority be sought from Heritage NZ Pouhere Taonga to manage the risk of encountering intact archaeology on the south side of the Whareroa Stream.

3. A field inspection should be undertaken of the connecting road and bush areas to the east of the development as part of the preliminary stages outlined above:

3.1. Specifically following the vegetation removal and prior to earthworks (e.g. track formation).

3.2. If archaeological material is identified, or there is reasonable cause to assume that archaeological material will be present, then an application to HNZPT for an archaeological authority should be submitted.

3.3. If no archaeological evidence is uncovered the earthworks to install services and infrastructure and to form the subdivision should be undertaken under the provisions of an ADP. To this end: -

3.3.1. if sub-surface archaeological evidence (shell midden, hangi, storage pits, etc) be unearthed during construction, work should cease in the immediate vicinity of the remains and HNZPT should be contacted.

3.3.2. if koiwi (human remains) be exposed during development, work should cease in the immediate vicinity and the tangata whenua and HNZPT should be contacted so that appropriate arrangements can be made.”

9.78 The recommendations will be incorporated into the modified plan provisions provided in Appendix 1). I conclude, therefore, that potential heritage effects are appropriately managed through the plan change.

Landscape and Visual

9.79 The evidence of Mary Monzingo describes the landscape surrounding the Whareroa North site and notes that part of the land is within:

- OLA60, being an outstanding landscape area identified in the Taupo District Plan as “Western Lake Taupo Bays (Waihi to Whakaroa Peninsula)”;
- ONFL9, being an outstanding natural feature and landscape identified in the Waikato Regional Policy Statement as “Lake Taupo”.

9.80 Considering both the proposed residential development on the plateau, and access to it, Ms Monzingo provides an assessment of landscape, visual, and cumulative effects. I note that the assessment is based on a seven point scale (extreme / very high / high / moderate / low / very low / negligible).

9.81 The conclusions from these assessments are at paragraph 2.5 of Ms Monzingo’s evidence which I include here for completeness. The conclusions of the landscape assessment are:

- *“the anticipated environmental outcomes of the subdivision and residential development on the Land will ensure the development visually integrates into the surrounding landscape and adverse landscape effects resulting from the proposed residential development of the Land on the character and amenity of the surrounding landscape will be moderate.*

- *the access will initially create localised high adverse effects on the natural and amenity values of OLA 60 (and that these adverse effects can be somewhat mitigated by revegetation planting and other measures to reduce these effects), however because of the large extent of the OLA (described in Section 7 of the District Plan as the Western Lake Taupo bays extending from Waihi to Whakaroa Peninsula) in my view those localised effects will not result in the overall values and character of the OLA (described in the TDP) being adversely affected”.*

9.82 The conclusions of Ms Monzingo’s assessment of visual effects are:

- *“the visual effects of residential development will be moderate initially and change to low once the planting is well established.*
- *the access will initially create localised adverse effects on the natural and amenity values of OLA 60 (and that these adverse effects can be somewhat mitigated by revegetation planting and other measures to reduce these effects), however because of the large extent of the OLA (described in Section 7 of the District Plan as the Western Lake Taupo bays extending from Waihi to Whakaroa Peninsula) in my view those localised effects will not result in the overall values and character of the OLA (described in the TDP) being adversely affected.”*

9.83 The conclusions of Ms Monzingo’s assessment of cumulative effects are:

- *“residential development at Whareroa North is likely to have an amenity similar to the existing Village and will sit comfortably in the surrounding landscape and will not create cumulative landscape and visual effects.*
- *the access will initially create localised high adverse effects on the natural and amenity values of OLA 60 (and that these adverse effects can be somewhat mitigated by revegetation planting and other measures to reduce these effects), however because of the large extent of the OLA (described in Section 7 of the District Plan as the Western Lake Taupo bays extending from Waihi to Whakaroa Peninsula) in my view those localised effects will not result in cumulative effects on the overall values and character of the OLA (described in the TDP)”.*

9.84 On page 8 of Appendix 7 of Ms Monzingo’s evidence she considers natural values associated with the lake and river margins and concludes that neither the proposed residential development nor the proposed access to it will result in adverse effects.

Servicing

- 9.85 It is proposed that Whareroa North be serviced with urban connections to the community water supply and wastewater systems, by a long-planned extension of the public roading network (including bridging of the Whareroa Stream) and that stormwater be managed in accordance with a low-impact design that takes into account the geotechnical characteristics of the site and surrounding area.
- 9.86 The evidence of Mike Keys provides an overview of the infrastructure and servicing components of the proposal and any issues relating to them. In summary Mr Keys concludes that:
- The wider roading network and the local roading network have the capacity to carry the extra load from development at Whareroa North. Traffic impacts will be insignificant, and there are no safety issues that need addressing;
 - Walking and cycling opportunities will be enhanced in the area once Whareroa North is developed and good “connectivity” will be available;
 - The existing Whareroa community water supply can be extended to serve Whareroa North and the resource consent authorising the “take” of that water (which expires in 2033) provides for the extra demand from Whareroa North;
 - The existing Whareroa community wastewater scheme can be extended to serve Whareroa North and the resource consent authorising the discharge of treated wastewater to the environment (which expires in 2039) provides for the extra demand from Whareroa North;
 - Proposed stormwater solutions for the development at Whareroa North will better manage rainfall runoff from the development site and also provide a means of arresting the erosion which is currently occurring on the escarpment below the “bowl” area.
- 9.87 It is proposed to bridge the Whareroa Stream to provide access for road and services. The streambed title is owned by the Tuwharetoa Maori Trust Board which, though supportive of the Whareroa North proposal, is understandably unwilling to forego title rights. As explained in paragraph 7.24 above, recent further discussions with TMTB have resulted in an agreed mechanism (involving a deed and the bridge crossing becoming maori roadway) to provide the necessary legal access. I understand that such a mechanism is currently in place for some Crown owned roading assets over maori land and that accordingly the same arrangement can apply to the bridge asset to be owned by TDC.
- 9.88 I understand therefore that suitable provision has and can be made to provide the required supportive infrastructure for the Whareroa North project, including access for road and services.

10 CONCLUSION

- 10.1 In my opinion, this plan change, with the recommended modifications (to the text and Appendix 8) attached to this evidence, will deliver the planning outcomes set out in the objectives and policies of the Taupo District Plan and give effect to the relevant WRPS provisions.
- 10.2 Further, in my view and based on the assessment provided in this evidence the plan change meets the tests of the Resource Management Act 1991 and merits approval in its modified form.

A handwritten signature in blue ink, appearing to read 'Joanne Lewis', with a stylized flourish at the end.

Joanne Lewis, BRP(Hons), M Phil, MNZPI

29 April 2020

List of Appendices

- 1 Modified Plan provisions