

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**

Rebuttal Evidence of **Michael Keys** for The Proprietors of Hauhungaroa No 6

1 INTRODUCTION

1.1 My name is Michael Keys.

1.2 My experience and qualifications are set out in my Evidence in Chief (Eic).

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 rebuttal 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.

1.4 This rebuttal evidence responds to infrastructure matters raised in the following rebuttal evidence filed for Taupo District Council:

- Mr Hansson
- Mr Swindells
- Mr Cordell
- Mr Stokes
- Mr Lewis

1.5 As a result of considering the rebuttal evidence of TDC and following joint witness conferencing process, further changes are proposed to the plan provisions intended to be introduced. The engineering related changes are explained in Section 7 of this rebuttal evidence.

2 REBUTTAL EVIDENCE OF MR KRISTOFFER HANSSON

2.1 Mr Hansson raises two issues with respect to Transport which he regards as outstanding, the legal mechanism proposed for the bridge crossing of Whareroa Stream and connectivity for pedestrians and cyclists.

2.2 The bridge crossing issue is discussed in Sections 8 of this evidence.

2.3 With respect to connectivity for pedestrians and cyclists, as recorded in the JWS, it has been agreed that the access road can safely provide for all modes of transport (vehicles, cyclists and pedestrians). The “off road” pedestrian link provides recreational opportunities but I agree that it does not cater for impaired pedestrians (mobility scooters etc). Mr Hansson has asked for it to be noted that the

access road (including the bridge) will be designed with separated provision for pedestrians and this has now been incorporated into the “Access” section of the modified Appendix 8.

3 REBUTTAL EVIDENCE OF MR THOMAS SWINDELLS

3.1 Mr Swindells also identifies two outstanding issues, the timing of determining costs of the necessary water supply upgrades and the extension of water reticulation across the Whareroa Stream.

3.2 With respect to the timing of determining costs of the upgrading work of the existing water supply network, the witness conferencing failed to achieve a consensus on this issue. It is my view that it is not necessary to know these costs prior to the plan change being approved. Mr Swindells (Section 9) advises that Mr Bonis believes they should be.

3.3 I believe it is more important for TDC’s infrastructure team to know **when** Whareroa North will develop so that it can be incorporated into planned water supply infrastructure improvements and agreements (including cost share) put in place at that time. Without the appropriate zoning it is more difficult for the Incorporation to make an assessment as to when the development will occur.

3.4 With respect to the Whareroa Stream crossing, this is discussed in detail in Section 8 of this evidence.

4 REBUTTAL EVIDENCE OF MR MICHAEL CORDELL

4.1 Mr Cordell responds to three issues and I believe that these are all addressed in the JWS.

5 REBUTTAL EVIDENCE OF MR ROGER STOKES

5.1 Mr Stokes raises two issues and I believe that these are addressed in the JWS apart from unknown details of the Trust governing the Proposed Maori Reservation.

5.2 I believe that, from a stormwater management perspective, he is comfortable with the area shown as “PMR” to the north of the “scar” on the concept plan in Appendix 8 becoming Maori Reservation providing that he had more details regarding the proposed Management Structure for the Maori Reservation. His preference is for that Management Structure to be “locally” based. This is a subject which is outside my field of expertise so I could not provide further clarity for him on this matter.

6 REBUTTAL EVIDENCE OF MR DENIS LEWIS

6.1 Mr Lewis's evidence is discussed in Section 8

7 SUGGESTED CHANGES TO APPENDIX 8

7.1 The addition proposed in the "Preliminary Stage" section, ".....existing infrastructure network assessments,....." refers to the need to assess where additional capacity is needed in the existing water supply and wastewater infrastructure and agree on a cost share for this work. Since this is not strictly a "site investigation", it was added for clarity.

7.2 In Section 4, under the heading Water, Wastewater, Power, Telecommunications, the words "cater for" have been replaced by "recognise the future demand from". "Cater for" suggests that the development can be serviced without the need to upgrade any of the existing infrastructure. Whilst this is true for some components of the infrastructure (eg sections of the reticulation) there are other elements of the network (eg pumps, reservoir storage, treatment capacity) that it has always been deemed logical to upgrade/supplement in a modular fashion and when the demand dictates. The new wording better reflects that long established approach.

8 WHAREROA STREAM CROSSING

8.1 Both the Rebuttal Evidence of Mr Denis Lewis and the Legal Memorandum from Mr James Winchester detail the TDC's issues relating to the stream crossing.

8.2 It has long been the Incorporations intention to reach agreement regarding this crossing, my Infrastructure Report dated 7th December 2017 states:- *"Obviously, pivotal to this access proceeding is the gaining of consent from the owner of the Whareroa Stream bed, the Waikato Regional Council, and the Taupo District Council as the future owner of the infrastructure. Discussion with these parties is ongoing."*

8.3 That discussion is still ongoing.

8.4 A "Zoom" online meeting involving the Owners of the Stream Bed (Tuwharetoa Maori Trust Board), Taupo District Council and the Incorporation was held on the afternoon of 27th May 2020, the purpose being to confirm the willingness of the 3 parties to find resolution to this situation and to agree on the next steps in that process.

8.5 All 3 parties confirmed a willingness to seek resolution to the conundrum and it was agreed that the first step was to produce an initial "high level" series of "bullet points" that would form the framework for a more substantial agreement in the fullness of time. The initial document was to be short and succinct. The Incorporation was tasked with producing the first draft of this list.

8.6 The Incorporation produced the first draft of an “Aspirations” document which is **attached** to this Rebuttal Evidence as Appendix 1.

8.7 This document was conveyed to TMTB and TDC on 29th May. I am aware that both Mr Lewis and Ms Mohi intended to take some annual leave this week following the long weekend. Ms Mohi has confirmed that she has set aside time to provide a response to the ‘Aspirations’ document on Monday 9th June, and Mr Lewis has advised that TDC will also be responding in a similar timeframe so I hope that we are in a position to advise the Panel of further progress on this matter at the Hearing.

9 CONCLUSIONS

9.1 I believe that from an engineering/infrastructure perspective, there are 3 unresolved issues:

- Agreement regarding a legal mechanism for getting access and services across the Whareroa Stream
- Timing of determining the costs of the necessary water supply upgrades
- Details of the Maori Reservation Trust for Mr Stokes

9.2 **Agreement regarding the Whareroa Stream Crossing:** – The parties agreed to work towards a high level agreement that will recognize the outcomes that each needs to achieve and confirm acceptance with those outcomes. I do not see any reason why progress towards that agreement will not continue.

9.3 **Timing of determining the costs of the necessary water supply upgrades:** - It is my contention that it is not necessary, appropriate or efficient to determine these costs prior to the Plan Change process. Unlike council initiated plan changes, the infrastructure upgrades proposed will not be funded from public money and I don’t believe are relevant to the Council’s assessment of the Plan Change application.

9.4 **Maori Reservation Trust Management Structure:** - Further clarification may be available to Mr Stokes prior to or during the Hearing. I understand that the land will remain in private ownership of the Incorporation.

Dated: 5 June 2020

Michael Keys