
BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change 42:
General Rural and Rural Lifestyle
Environments

Application by: Taupō District Council

Section 42A of the RMA Report by
CRAIG SHARMAN

Dated: 28 July 2023



Taupō District Plan

CHANGES - BUNDLE ONE

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1 Preamble

- 1) This report is a report prepared under section 42A of the Resource Management Act 1991 (the RMA). It has been prepared at the request of Taupō District Council (TDC) in relation to Plan Change 42 – General Rural and Rural Lifestyle Environments (PC42).
- 2) My full name is Craig Melville Sharman. I am a Technical Director of Planning at Beca Limited based in Hamilton. I have held this position since early 2023, having worked at Beca Limited in similar roles since 2017. I hold a Bachelor of Resource and Environmental Planning (Massey University 1996) and a Master of Philosophy (Geography) (Massey University 1998). I have been employed in the practice of planning and resource management both in Aotearoa and overseas for some 25 years. This experience includes working as a Senior Planner at TDC from 2001 to 2004.
- 3) I was commissioned by TDC to assist in considering the plan change both in terms of this Section 42A Report, the formulation of the plan change and developing the First Schedule RMA Section 32 report in 2022. I am familiar with all of the submissions and further submissions made on this plan change. I am also familiar with the Taupō District and the district’s rural locations, having worked for TDC from 2001 to 2004. This includes the various locations proposed to be Rural Lifestyle Environment (RLE).
- 4) I have read and am familiar with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 5) In preparing this report I have reviewed and relied on the following, unless otherwise specifically stated:
 - Appendix 3 – Evidence in Chief – Economics, Phil Osborne
 - Appendix 4 – Evidence in Chief – Acoustics, Jon Styles
 - Appendix 5 – Evidence in Chief – Transport, Dave Smith
 - Appendix 6 – Property Economics Limited – Taupō Rural Lifestyle Economic Overview Report, July 2023
- 6) Terms and coding used in the evidence include:
 - PC38 – Plan Change 38 Strategic Directions
 - PC42 – Plan Change 42 General Rural and Rural Lifestyle Environments
 - ODP – Operative Taupō District Plan
 - NPS-IB – National Policy Statement Indigenous Biodiversity
 - NPS-ET – National Policy Statement on Electricity Transmission
 - NPS-HPL – National Policy Statement on Highly Productive Land

- NPS-UD – National Policy Statement on Urban Development
 - NESET – National Environmental Standard on Electricity Transmission
 - RMA or the Act – The Resource Management Act 1991
 - TD2050 – Taupō District Growth Strategy (updated 2018)
 - TDC – Taupō District Council
 - WRC – Waikato Regional Council
 - GRE – General Rural Environment
 - RLE – Rural Lifestyle Environment
- 7) The purpose of this Section 42A Report is to recommend to the Hearings Panel whether PC42 as notified, or as amended by submissions, will better meet the purpose of the RMA compared to the existing Operative Taupō District Plan (ODP) provisions.

2 Introduction

2.1 Background

- 8) PC42 has been prepared and notified on 14 October 2022 in accordance with section 74 of the RMA, and Schedule 1 RMA, which outlines the requirements for changing a District Plan. It is part of the ‘Changes – Bundle One’ of the TDC Sectional District Plan Review. For additional background refer to the Overarching Section 42A Report prepared by Ms Hilary Samuel that covers the timeline for preparing this plan change, engagement, and additional legislative context.
- 9) The ODP was notified in 2000 and became fully operative in 2007. TDC is required to commence a review of those provisions in the District Plan that have not been reviewed in the last 10 years, pursuant to section 79 of the RMA. Within the ODP the Rural Environment was applied to virtually all land located outside of urban areas within the district. There was no spatial provision for lifestyle or rural-residential development within the ODP. The resource consent process then became the means through which decisions have been made on the suitability of rural-residential development in a particular location. Pressure for further rural-residential development increased and decreased over time in line with broader economic cycles.
- 10) When the full review of the ODP Plan commenced in 2018, initial options assessment concluded that there was once again pressure on the market for lifestyle blocks. The framework set up through the District’s Growth Strategy ‘Taupo District 2050’ (TD2050) (adopted 2006) and the subsequent plan changes had worked in ‘shutting off’ ad hoc rural subdivision, but the existing supply of lifestyle blocks was assessed as being gradually used up. Research was commissioned from Property Economics in 2019 (Appendix 5 to the Section 32 for PC42) which showed that there was a shortage of lifestyle blocks, and this was once again creating pressure on the rural environment for subdivision between 4-10ha blocks. At this point TDC looked to find a balance between providing for some additional rural lifestyle supply,

while still ensuring that the objectives and policies to avoid rural fragmentation set through TD2050 and the ODP were met.

11) The release of the National Planning Standards at this point also gave the direction for territorial authorities to use the ‘menu’ of zones where the activity was occurring on the ground. TDC is gradually reshaping the district plan to achieve compliance with the standards and has taken the opportunity through PC42 to identify areas that were already rural lifestyle in character. Allowing for 2ha blocks within the already fragmented areas is intended to meet the demand while taking subdivision pressure off the wider General Rural Environment (GRE) avoiding further fragmentation of land that remains productive.

12) The Strategic Directions Chapter (PC38) also proposes to reinforce the strategic growth pattern set through TD2050. This is done through Strategic Direction Three – Urban Form and Development, and below is a selection of the relevant objectives and policies:

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

...

3. Avoid the subdivision, use and development of land that is not consistent with TD2050 2018.

Policy 4. Avoid fragmented urban development that results in inefficient:

- a. Use of land,*
- b. the provision and functioning of infrastructure, and*
- c. landuse functioning of the General Rural Environment.*

13) PC42 (in combination with the above PC38 Strategic Directions) is the continuation of a consistent and coherent growth management framework which has been in place since the early 2000s. The creation of the RLE is about meeting supply and providing for that type of living choice, but even more importantly is about continuing the protection of the GRE from fragmentation.

14) The report titled ‘Section 32 Evaluation Report: Plan Change 42 Rural Chapter – General Rural Environment and Rural Lifestyle Environment’ should be reviewed as it is the primary PC42 background document. In preparing PC42, TDC staff undertook analysis, with review of the following:

- District Plan Monitoring Report and Issues Identification, undated, TDC
- Taupō District Plan Review – Issues and Options Report: Rural Section, undated, Taupō District Council
- Taupō Rural Lifestyle Economic Assessment, June 2019, Property Economics Limited
- Taupō District Plan Noise Review, 8 July 2020, Styles Group Limited.

15) This report analyses and responds to submissions and further submissions received on the provisions proposed in PC42.

2.2 Purpose of Plan Change 42

16) Proposed PC42 to the ODP seeks to update the Rural Environment provisions. Key changes proposed are:

- Deletion of the existing ODP Rural Environments sections and replacement with new provisions.
 - Creating a new RLE and a new GRE.
 - Removal of the Mapara Valley Structure Plan, Mapara Valley Environments and associated provisions.
 - Formulation of a separate set of objectives and policies for the RLE and for GRE.
 - More flexible papakāinga provisions.
- 17) As above, under the ODP the entirety of the rural portion of the district was within the Rural Environment. Each subdivision application in the Rural Environment was addressed on a case-by-case basis, which led to the Rural Environment coming under significant pressure from ad hoc lifestyle subdivision applications through the early 2000s. In response, TDC prepared TD2050, which set out where and how future urban development would take place. It also established that the Rural Environment was intended to be used for rural productive purposes, and that the cumulative effects from fragmentation into lifestyle properties should be avoided. A series of plan changes incorporated the TD2050 direction into the ODP.
- 18) Plan Change 19 was introduced to the ODP to protect the productive capacity of rural land. Plan Change 19 introduced new subdivision rules and included clear direction that there would now be a minimum lot size in the Rural Environment of 10 hectares. Creation of lots smaller than four hectares became a non-complying activity, with the ODP signalling that lots below that four hectare threshold were more akin to urban development. The protection of the Rural Environment, its land uses, amenity and character and providing for efficient and sustainable resource use by concentrating growth within identified areas was the focus of Plan Change 19.
- 19) Plan Change 19 also introduced an objective and policy framework focused on avoiding the fragmentation of the Rural Environment and directing growth into specified growth areas. The relevant objectives and policies from the ODP are:
- Objective 3b.2.1
 - Objective 3b.2.2
- 20) TD2050 was subsequently reviewed in 2018. It essentially took the broad strategic direction from the 2006 version of TD 2050 and refined it into a more accessible and outcomes-focussed document.
- 21) The most significant change made by PC42 the move to creating two new 'Environments' for the Rural Environment of the district. As described within the introductions for each Environment, the separation highlights the need to preserve the productive potential of the land and other natural resources of the Rural Environment and its production values, while also meeting demand for rural lifestyle living in specific locations (within the RLE), whilst being more restrictive of this in the GRE. The creation of the GRE aims to support primary productive uses, renewable electricity generation activities, and rural industry being an activity dependent on primary production and/or has a locational or functional need to be within the GRE (rather than an urban environment).

- 22) The 2018 review of TD2050 signalled that through a future review of the ODP rural environment provisions changes would be made to address ongoing fragmentation and subdivision of the rural land resource. It was described in TD2050 that the goals would be to:
- Prevent the urbanisation of the rural environment
 - Protect functional activities within the rural environment
 - Consolidate rural lifestyle opportunities within existing areas
 - Ensure that the district plan allows for appropriate and sustainable alternatives to farming.
- 23) TDC's section 35 RMA 'District Plan Monitoring Report and Issues Identification' highlighted the ongoing incremental fragmentation of the rural land resource as an intensifying issue given ongoing rural subdivision and provision of rural housing. Wider TD2050 work highlighted the adequacy of identified urban growth cells, and the absence of a need for housing supply within the rural environment. The Property Economics 'Taupō Rural Lifestyle Economic Assessment Report' dated July 2019 (attached as Appendix 5 to the Section 32 Evaluation Report) identified an adequacy of supply for rural lifestyle development within the rural lifestyle locations that TDC was considering as the PC42 RLE. Housing choice within the district rather than a supply issue was a key driver behind the creation of the RLE.
- 24) A separate but connected issue was identifying a RLE then enabled the GRE to operate as a 'working rural environment' in recognition of the presence of geothermal electricity generation plant, rural industry, quarries and other (effects-generating) resource user land use activities. The separation of the two 'environments' enables each of them to have a clear purpose and intent, without having to manage the whole range of rural uses within a single 'environment'. This also provides increased certainty for rural land use activities to establish and operate within the GRE, with reverse sensitivity effects largely avoided as rural lifestyle development is specially provided for in identified locations within the RLE. This approach is consistent with National Planning Standards, and is a start in the transition of the ODP to a format and structure consistent with the standards (in future). It also enables the RLE to accommodate a smaller allotment size of two hectares or four hectares (dependent on whether sharing a boundary with the GRE) and provide for a different mix of rural land uses in recognition of the already different established character of the RLE (given these locations were identified based on analysis of clusters of small lot sizes within the wider rural environment of the district).
- 25) Another key aspect of the formulation of PC42 is the removal of the Mapara Valley Structure Plan. The structure plan was adopted in 2009, and at the time was a response to pressure for urban development within the Mapara Valley. The level of growth experienced in the district since was well below the expectations in 2009, and the pressure for growth has waned. An outcome of the 2018 review of TD2050 was that the structure plan was no longer necessary and had ceased to serve any purpose. The current provisions within the Mapara Valley are also causing issues with general anticipated development of rural land, given the urban provisions that apply. PC42 is the first opportunity to remove the structure plan from the ODP.

- 26) As part of a broader review of the strategic direction of the ODP (PC38 being the outcome of that), a review of papakāinga provisions across the district was conducted. This work had a general focus to enable papakāinga to occur with increased flexibility. The outcome of this work was incorporated into PC42 as it relates to the rural environment.
- 27) All of the above necessitated a review of the objectives, policies, rural and other provisions of the Rural Environments Chapter of the ODP. Firstly, given the wholesale split of the operative provisions into two entirely separate 'environments', formulation of a separate set of objectives and policies with supporting introductions for the RLE and for GRE, a re-working of rules and assessment matter provisions to enable the objectives and policy framework for each of the 'environments', amendments to provisions around the allowance for minor residential units, providing for primary production and rural industry, and the more flexible papakāinga provisions.
- 28) The above necessitated the deletion of the entire ODP Rural Environments Chapter, and wholesale replacement with an entirely new chapter, as available on TDC's website. The revised planning maps with the extents of the RLE and GRE, and removal of Appendix 3 Mapara Valley Structure Plan, are also fundamental parts of PC42 as notified.

2.3 Structure of this S42A Report

- 29) For efficiency and in accordance with Clause 10(3) of the First Schedule of the RMA, the following evaluation has been undertaken on a topic-based approach, as opposed to a submission by submission approach. This analysis is provided for both the GRE and the RLE, being the main component for the Rural Environment of PC42.
- 30) The evaluations provided should be read in conjunction with the summaries of submissions and the submissions themselves.
- 31) Appendix 1 of this report is the PC42 Summary of Decisions Requested spreadsheet, containing the officer's recommended response for each of those submission points. Further submissions are briefly analysed within the body of this report, with recommendations aligning with the relevant original submission point that the further submission supports or opposes.
- 32) Appendix 2 of this report is the 'Officers Recommended Amendments to PC42', containing a 'live' text version of the PC42 provisions that displays the officers recommended amendments in response to submissions. Recommended additions are shown as underlined text as follows: new text. Recommended deletions are shown as struck through text as follows: ~~deleted text~~. Each change is footnoted with the corresponding submission point associated with the amendment.

3 Statutory Considerations

- 33) Before a plan change request can be incorporated into a District Plan it must fulfil a number of statutory requirements set down in the RMA, including:
- a) Part 2, comprising section 5, Purpose and Principles of the Act; section 6, Matters of National Importance; section 7, Other Matters; and section 8, Treaty of Waitangi;
 - b) Section 31, Functions of Territorial Authorities;
 - c) Section 32, Duty to consider alternatives, assess benefits and costs;
 - d) Section 74, Matters to be considered by territorial authorities; and
 - e) Section 75, Contents of district plans.
- 34) The statutory requirements under the RMA for each aspect of the plan change have been summarised in the Section 32 Evaluation Report, and are only referenced within this report (except where noted below). Analysis of the degree to which PC42 is consistent with the relevant provisions listed above is undertaken within the body of the report and in the concluding statements as considered necessary.
- 35) The purpose of this assessment is to determine whether the provisions of PC42 should be confirmed, amended or deleted, after consideration of the alternative provisions sought in submissions.

3.1 Section 32AA Matters

- 36) This report is structured by topic heading with the key submissions under topic grouped together and discussed, to evaluate and provide reasons for the recommended decisions on similar matters raised in submissions. An evaluation is required under s32AA of the RMA for any recommended changes to the plan change.
- 37) The section 32AA further evaluation is done for topic heading and considers:
- Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - The reasonably practicable options for achieving those objectives.
 - The environmental, social, economic, and cultural benefits and costs of the amended provisions.
 - The efficiency and effectiveness of the provisions for achieving the objectives.
 - The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
- 38) The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. The section 32AA evaluation process is undertaken on a topic by topic basis throughout the report.

3.2 Procedural Matters

- 39) As acknowledged within 'Minute 1 of the Independent Hearing Panel' PC42 discussions have been held with Waikato Regional Council (WRC), Te Kotahitanga Ngāti Tūwharetoa, Contact Energy (Contact) and Genesis Energy (Genesis). Recent discussions have also been held with Transpower New Zealand (Transpower), Waka Kotahi New Zealand Transport Agency (Waka Kotahi), EnviroWaste and agents on behalf of submitter 74 Steve Hawkins.
- 40) Minute 6 specifically addresses submitter 74 Steve Hawkins and the consideration of scope. This is in respect of the proposed provisions in respect of the 'Te Tuhi Development Area'. The issues around the relief sought and alternative relief are discussed below at Section 5.10 of this report.
- 41) The 'Bundle One Plan Changes' of Plan Changes 38 to 43 have been formulated in parallel and in a manner that avoids conflict within them. The main area of overlap with PC42 and rural environment provisions is with PC38 Strategic Directions, as the Strategic Directions chapter covers broad district-wide issues, with objectives and policies to address these issues. In the context of the Rural Environment provisions, these Strategic Direction chapter objectives and policies will have relevance for future resource consent and plan change processes within the Rural Environment. As the section 42A report for PC38 was made available on 3 July 2023, the contents of this report have been reviewed to ensure there are no areas of conflict between the recommendations. Mr Rowan Sapsford has also undertaken a review of the PC42 recommendations and with a particular focus on papakāinga and rural subdivision 'bonus lot' submission points, given earlier work undertaken by Mr Sapsford on these topics.
- 42) The Section 32 Evaluation Report prepared in support of PC42 sets out analysis in response to the statutory planning documents in effect and with relevance to PC42. This analysis continues to be relied upon, except where separately evaluated within this report. This includes two recent national policy statements as reported on below.

3.3 National Policy Statement for Highly Productive Land 2022

- 43) The National Policy Statement for Highly Productive Land (NPS-HPL) came into force on 17 October 2022. This was following the notification of PC42 on 14 October 2022 and PC42 was formulated prior to the publishing of NPS-HPL in September 2022. Nevertheless, the NPS-HPL is a relevant matter for decision-making.
- 44) The purpose of the NPS-HPL is to identify and protect highly productive land. Every territorial authority must notify changes to objectives, policies and rules in its district plan to give effect the NPS-HPL no later than two years after maps of highly productive land in the Waikato Regional Policy Statement (WRPS) becomes operative (a regional council has three years to incorporate the above mapping within the regional policy statement). Clause 3.5(7) is relevant to PC42 as it directs that at the commencement date that highly productive land, being land that is zoned general rural or rural production and LUC 1, 2 or 3,

but is not ‘subject to a Council initiated...notified plan change to rezone it from general rural or rural production to urban or rural lifestyle’. As PC42 was notified prior to the date of commencement, the position is that only additional areas of land that are LUC 1, 2 or 3 that are rezoned to RLE through decisions on PC42, are impacted by NPS-HPL.

- 45) The Property Economics Limited report titled ‘Taupo Rural Lifestyle Plan Change 42 Economic Overview’ and dated July 2023 (attached to this report as Appendix 6) displays the areas of highly productive land in the district and overlays this with the proposed RLE land (see Figures 1 to 7 within the above report). There are no areas recommended within this section 42A report for inclusion within the RLE in response to submissions that are also LUC 1, 2 or 3 soils (i.e. highly productive land), beyond that included in the notified PC42.

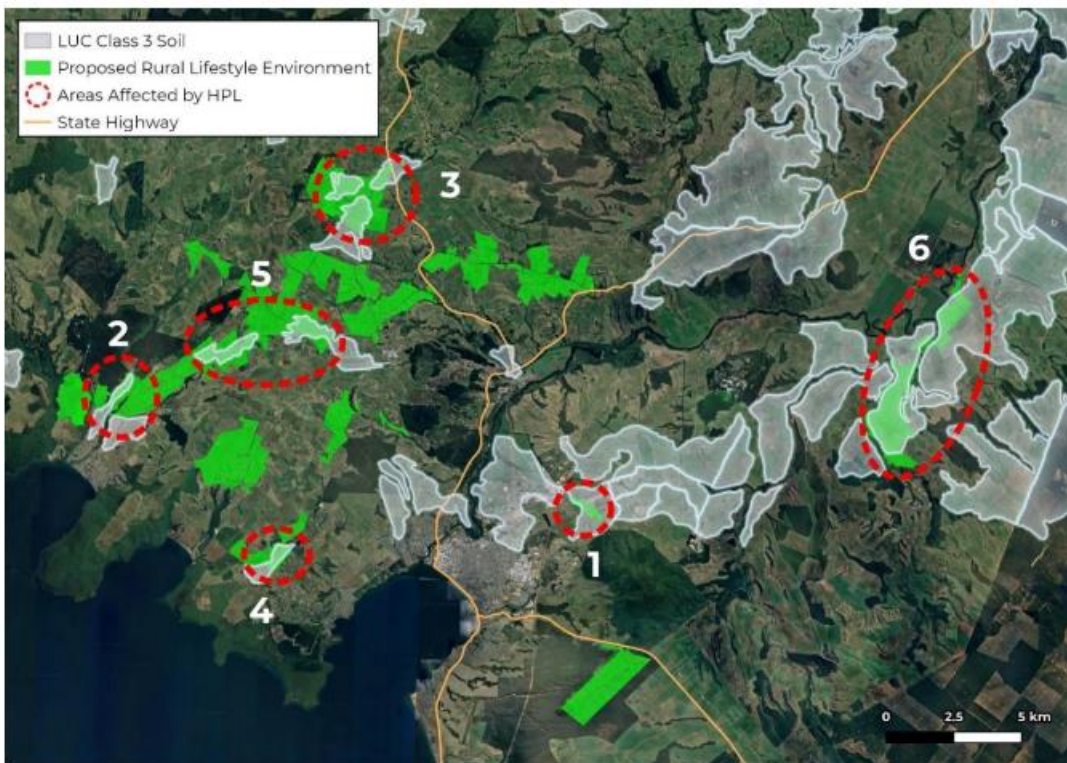


Figure 1: Overlap between PC42 RLEs and LUC Class 3 Soil (source: Property Economics report titled ‘Taupo Rural Lifestyle Plan Change 42 Economic Overview’, July 2023)

- 46) Figure 1 above displays the extent of overlap between the proposed PC42 RLE locations and the LUC Class 3 soils in the district (there are no LUC 1 or 2 soils in the Taupo District). The position is that as per above, as PC42 was notified prior to the NPS-HPL coming into force on 17 October 2022, and is therefore “subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle” (clause 3.5(7)), that only extensions to these areas via PC42 decisions would be subject to NPS-HPL restrictions. Whilst there are several RLE extensions recommended by this section 42A report, none of these include land mapped as include LUC Class 3 soils.

- 47) This will ensure that the decisions the panel makes in due course will not involve highly productive land being rezoned from GRE to RLE, unless that land was subject to the clause 3.5(7) wording above.
- 48) In addition a policy and a subdivision rule applying to land within the RLE that is LUC3 Soil has been recommended and is discussed further below. These provisions seek to align the RLE provisions (as GRE provisions are based on a 10 hectare minimum lot size and therefore are aligned) with the clause 3.8 'avoiding subdivision of highly productive land' and other provisions of NPS-HPL.

3.4 National Policy Statement for Indigenous Biodiversity 2023

- 49) The National Policy Statement for Indigenous Biodiversity (NPS-IB) was gazetted on 7 July 2023 and comes into force on 4 August 2023. Once in force, all local authorities must give effect to it as soon as possible. Given that NPS-IB comes into force prior to the hearing of PC42, it is a relevant matter for decision-making.
- 50) Local authorities must identify and protect areas of high biodiversity values. WRC will undertake a regional mapping exercise in collaboration with territorial authorities, but in the interim publicly notify any changes to their policy statements and plans that are necessary to give effect to the NPS-IB within eight years after the commencement date, and for provisions for Significant Natural Areas (SNAs), within five years of the commencement date.
- 51) The identification of SNAs is outside of the scope of PC42. The only area of overlap is in respect of the Rural Environment subdivision and 'bonus lot' provisions where an SNA is being protected via a covenant as part of a subdivision process. These provisions remain largely unchanged from the ODP and during formulation of the PC42 amended provisions were basically a 'roll over' of the ODP provisions. TDC will in future prepare a plan change in direct response to NPS-IB. There is not considered any other relevance of the NPS-IB to PC42 decision-making.

3.5 National Planning Standards 2019

- 52) The National Planning Standards were published in April 2019, and are required to be implemented in district plans by territorial authorities within five years (i.e. April 2024) for some standards, and seven years (i.e. April 2026) for other standards (including definitions). The standards must be implemented earlier if a proposed district plan is prepared and implemented (but not required for a plan change). The purpose of National Planning Standards is to create a standardised district plan (and also other plans and policy statements) nationally.
- 53) PC42 as notified was formulated as an amendment to the ODP, and was not formulated to implement National Planning Standards. This was due to PC42 relating only to the Rural Environment. Whilst part of a bundle of plan changes, this bundle did not entail the entirety of the district, and it is not practical to partially implement National Planning Standards for some portions of the district and not others.

- 54) Some submitters have sought that TDC adopt National Planning Standards definitions and use of related terminology within rural provisions via PC42 decisions. In some cases this has been recommended within this report, but not universally due to several implementation problems with doing so. National Planning Standard definitions and use of terminology has been recommended for acceptance where: a) relate solely to the rural environment and do not have statutory effect elsewhere within the district; and b) does not necessitate wide-spread re-writing of plan provisions due to a definition having a significantly wider or narrower statutory effect. Many of the submitters have sought incorporation of definitions and use of terminology consistent with National Planning Standards, but that generates substantial compatibility challenges with integration into the Rural Environment provisions via PC42.
- 55) It is TDC's intention to proceed with a National Planning Standards transition process in 2024, following release of decisions on Plan Changes 38 to 43. This transition to National Planning Standards will be undertaken on a district wide basis involving the entirety of the ODP (as amended by decisions on Plan Changes 38 to 43). The section 42A recommendations for PC38 also recommends accepting submission points in respect of some National Planning Standard definitions, and the PC42 recommendations have aimed to complement this.

4 Supporting Technical Reports

- 56) There are a number of supporting technical reports that have been relied upon for the preparation of the recommendations presented in this section 42A report. These are attached to this report as Appendices 3 to 6 as follows:
- Appendix 3: Evidence in Chief – Economics, Phil Osborne
 - Appendix 4: Evidence in Chief – Acoustics, Jon Styles
 - Appendix 5: Evidence in Chief – Transport, Dave Smith
 - Appendix 6: Property Economics Limited, 'Taupō Rural Lifestyle Plan Change 42 Economic Overview', dated July 2023
- 57) These reports are in addition to the reports attached to the Section 32 Evaluation Report which continue to be relied upon, being as follows:
- Property Economics, 'Taupo Rural Lifestyle Economic Assessment', July 2019 (Appendix 5 to the Section 32 Evaluation Report)
 - Abley, 'High Level Transport Assessment of Proposed Rural Lifestyle Areas', dated September 2022 (Appendix 6 to the Section 32 Evaluation Report)
 - Styles Group, 'Taupō District Plan Noise Review', dated 8 July 2020 (Appendix 7 to the Section 32 Evaluation Report)
 - Roam Consulting, 'Memo – Taupo District Plan Papakāinga Provisions', dated 7 February 2022 (Appendix 8 to the Section 32 Evaluation Report).

5 Overview of Submissions and Responses

- 58) PC42 was notified on 14 October 2022 with the submission period closing on 9 December 2022, as part of a series of plan changes (Plan Changes 38 – 43) to the ODP as part of the sectional review of the Plan (see the Overarching Report for more on this). 97 submissions were received during the submission period with 874 submission points, with none being late. The summary of decisions requested was notified on 17 March 2023, with the further submission period then ending on 7 April 2023. The ‘Summary of Decisions Sought for Plan Change 42’ and the ‘Summary of Further Submissions’ are available on the TDC website.
- 59) Submissions were received from iwi, individuals, interest groups, developers and local and central government. A full list of submissions and further submissions on PC42 is contained in Appendix 1 – Summary of Decisions Requested. Appendix 1 also contains the officer’s recommendation for each submission point. Appendix 2 – Officers Recommended Amendments to PC42 shows the recommended amendments to PC42 provisions as a result of submissions. Recommended additions are shown as underlined text as follows: new text. Recommended deletions are shown as struck through text as follows: ~~deleted text~~. Each change is footnoted with the corresponding submission point associated with the change.
- 60) There are a number of submissions in support of the provisions that form PC42. In all cases the support of these submissions is noted and generally accepted. There are situations where the provision supported is recommended for change. In such cases the submissions are accepted in part given the recommended changes to the supported provisions.
- 61) On review of the submissions received the key matters raised are:
- The location of zoning boundaries between general rural and rural lifestyle
 - Reverse sensitivity effects and the range of land uses that should be provided for and enabled (and not provided for) within the rural environment
 - The inclusion of a suite of rural specific definitions and the interaction with National Planning Standards
 - Various detailed matter with performance standards, activity status for activities and wording of objectives, policies and rule provisions
 - Recognition of regional and national planning documents
 - Recognition of Te Kaupapa Kaitiaki and Te Tiriti o te Waitangi.
- 62) These matters are assessed in the following sections, under a series of topic headings. The commentary below is intended to assist the panel in deliberations on key topics, as the Appendix 1 Summary of Decisions Requested spreadsheet contains recommended responses for each of the individual submission points.

5.1 Further Submissions

- 63) Following the release of the summary of submissions and decisions requested, 27 further submissions were received during the further submission period. Full copies of the further submissions received are located on TDC's website.
- 64) The recommendations in response to all further submissions are as aligned with recommendations for the relevant original submission (or submission point) that the further submission supports or opposes. Appendix 1 Summary of Decisions Requested should therefore be analysed in this regard. The table below displays which original submission each further submission supports or opposes.

| Further Submitter (Name and Numbers) | Original Submission in support or in opposition to |
|---|--|
| FS200: Deborah Nickel | In support of submission 27 (Matthew Shepherd) |
| FS201: NZ Pork Industry Board | In support of submissions 26 (Horticulture NZ), 35 (Miraka Ltd), 57 (Manawa Energy), 68 (Mercury), 79 (Cheal Consultants), 84 (Genesis), 91 (Federated Farmers) and 93 (Contact Energy Limited) |
| FS205: Muirs Beef Limited | In support of submissions 4 (Muirs Beef Limited), 25 (Manulife Forest Management New Zealand), 26 (Horticulture NZ), 37 (Tuaropaki Trust), 47 (Wairarapa Moana Incorporation Ltd), 56 (Permapine Limited), 79 (Cheal Consultants) 57 (Manawa Energy), 68 (Mercury) and 79 (Cheal Consultants). |
| FS206: Manulife Forest Management New Zealand | In support of submissions 23 (New Zealand Agricultural Aviation Association), 25 (Manulife Forest Management New Zealand) and 78 (Balance Agri-Nutrients) In opposition to submissions 83 (Penelope Aston) and 113 (Waka Kotahi) |
| FS207: NZ Forest Managers | In support of submissions 23 (New Zealand Agricultural Aviation Association) and 25 (Manulife Forest Management New Zealand). In opposition to submission 13 (Waka Kotahi) |
| FS209: Manawa Energy | In support of submissions 9 (New Zealand Defence Force), 22 (New Zealand Pork Industry Board), 26 (Horticulture New Zealand), 68 (Mercury), 78 (Balance Agri-Nutrients), 84 (Genesis), 93 (Contact), 106 (The Lines Company Limited), 110 (Transpower) and 112 (Radio New Zealand Limited). In opposition to submissions 11 (Douglas Colin Wallace), 101 (Lakes and Waterways Action Group) and 114 (Taupō Climate Action Group) In both support and opposition to submission 91 (Federated Farmers). |
| FS210: PermaPine Limited | In support of submissions 22 (New Zealand Pork Industry Board), 25 (Manulife Forest Management New Zealand), 47 (Wairarapa Moana Incorporation Ltd), 79 (Cheal Consultants), 84 (Genesis). In opposition to submissions 8 (Jamie Dale), 9 (New Zealand Defence Force), 38 (Terry Palmer), 43 (Sikka & Aggarwal Investment Limited), 109 (Rural Contractors New Zealand Incorporated) and 113 (Waka Kotahi). In both support and opposition to submissions 26 (Horticulture New Zealand) and 35 (Miraka Ltd). |

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| FS211: Mercury | <p>In support of submissions 23 (New Zealand Agricultural Aviation Association), 71 (TDC), 78 (Dominic Adams) and 110 (Transpower New Zealand Limited)</p> <p>In opposition to submission 35 (Miraka Ltd)</p> <p>In both support and opposition to submission 26 (Horticulture New Zealand).</p> |
| FS212: Waikato Regional Council | <p>In support of submissions 79 (Cheal Consultants) and 96 (Heritage New Zealand Pouhere Taonga).</p> <p>In opposition to submissions 4 (Muir's Reef Limited), 5 (Elizabeth and Rodney Tipping), 33 (Kirsteen McDonald), 34 (Highlands Trust), 42 (Ian Britten), 61 (McKenzie & Co), 73 (Jan Curtis), 74 (Steve Hawkins), 77 (E F Deadman Limited), 80 (Sunny Ridge Farm GP Limited), 81 & 82 (Timothy and Geoff Carlton), 92 (Samuel Gray) and 116 (Bryce McGrath).</p> |
| FS213: Doug Gartner | <p>In support of submissions 30 (Stanaway & Chris Tamarua) and 113 (Waka Kotahi)</p> |
| FS214: Bertrand Harald Walter | <p>In support of submission 4 (Muir's Reef Limited).</p> |
| FS215: Genesis Energy | <p>In support of submissions 109 (Rural Contractors New Zealand Incorporated) and 110 (Transpower New Zealand Limited).</p> <p>In opposition to submissions 22 (New Zealand Pork Industry Board), 35 (Miraka Ltd), 91 (Federated Farmers of New Zealand), 96 (Heritage New Zealand Pouhere Taonga), 113 (Waka Kotahi) and 116 (Bryce McGrath).</p> <p>In both support and opposition to submission 26 (Horticulture New Zealand).</p> |
| FS216: Dingle Roberts Trust | <p>In support of submissions 1 (Hay Tyler Family Trust), 6 (Graham Langford), 13 (Philip Greaves), 24 (Classic Builders Lakes District), 30 (Stanaway & Chris Tamarua), 53 (CH GP Ltd Trust), 54 (BACS GROUP TRUST), 55 (Rick Keehan) and 73 (Jan Curtis)</p> <p>In opposition to submission 11 (Douglas Colin Wallace).</p> |
| FS219: Sikka & Aggarwal Investment Limited | <p>In support of submissions 53 (CH GP Ltd Trust), 54 (BACS GROUP TRUST), 55 (Rick Keehan), 73 (Jan Curtis), 79 (Cheal Consultants), 80 (Sunny Ridge Farm GP Limited), 81 (Timothy and Geoff Carlton), 92 (Samuel Gray) and 116 (Bryce McGrath).</p> |
| FS220: Federated Farmers of New Zealand | <p>In support of submissions 22 (New Zealand Pork Industry Board), 23 (New Zealand Agricultural Aviation Association), 25 (Manulife Forest Management New Zealand), 26 (Horticulture New Zealand), 35 (Miraka Ltd), 37 (Tuaropaki Trust), 73 (Jan Curtis) and 109 (Rural Contractors New Zealand Incorporated)</p> <p>In opposition to submissions 47 (Wairarapa Moana Incorporation Ltd), 57 (Manawa Energy) and 96 (Heritage New Zealand Pouhere Taonga)</p> <p>In both support and opposition to submissions 56 (Permapine Limited), 68 (Mercury), 84 (Genesis), 93 (Contact Energy Limited) and 110 (Transpower New Zealand Limited)</p> |
| FS221: Wairarapa Moana Incorporation Ltd | <p>In support of submissions 6 (Graham Langford), 9 (New Zealand Defence Force), 22 (New Zealand Pork Industry Board), 24 (Classic Builders Lakes District), 25 ((Manulife Forest Management New Zealand), 35 (Miraka Ltd), 37 (Tuaropaki Trust), 40 (Tuwharetoa Settlement Trust), 49 (John Harpham), 56 (Permapine Limited), 79 (Cheal Consultants), 83 (Penelope Aston), 88 (Jocelyn Reeve) and 91 (Federated Farmers of New Zealand).</p> <p>In opposition to submissions 8 (Jamie Dale) and 113 (Waka Kotahi)</p> <p>In both support and opposition to submission 26 (Horticulture New Zealand)</p> |

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| FS224: Radio New Zealand Limited | In support of submissions 9 (New Zealand Defence Force), 22 (New Zealand Pork Industry Board) and 68 (Mercury). |
| FS225: Transpower New Zealand Limited | In opposition to submissions 26 (Horticulture New Zealand), 39 (EnviroWaste Services Ltd), 84 (Genesis), 91 (Federated Farmers of New Zealand), 93 (Contact) and 106 (The Lines Company Limited) In both support and opposition to submissions 57 (Manawa Energy) and 68 (Mercury) |
| FS226: Heritage New Zealand Pouhere Taonga | In support of submission 91 (Federated Farmers of New Zealand) In opposition to submissions 23 (New Zealand Agricultural Aviation Association), 26 (Horticulture New Zealand), 53 (CH GP Ltd Trust), 54 (BACS GROUP TRUST), 80 (Sunny Ridge Farm GP Limited), 81 & 82 (Timothy and Geoff Carlton) and 116 (Bryce McGrath). |
| FS227: NZ Helicopter Association | In support of submission 23 (New Zealand Agricultural Aviation Association) |
| FS228: Adair Jefferies | In support of submission 1 (Hay Tyler Family Trust) |
| FS230: Popeye Development Limited | In opposition to submissions 4 (Muir's Reef Limited), 10 (Anna Pol), 13 (Philip Greaves), 14 (Daniela Shepherd), 18 (Brett Shepherd), 27 (Mathew Shepherd), 28 (Belinda Leonard-Jones) and 100 (Mark Westbrook) |
| FS231: Taupo Racing Club | In opposition to submissions 4 (Muir's Reef Limited), 10 (Anna Pol), 13 (Philip Greaves), 14 (Daniela Shepherd), 18 (Brett Shepherd), 27 (Mathew Shepherd), 28 (Belinda Leonard-Jones) and 100 (Mark Westbrook) |
| FS233: Horticulture New Zealand | In support of submissions 22 (New Zealand Pork Industry Board), 23 (New Zealand Agricultural Aviation Association), 25 (Manulife Forest Management New Zealand), 78 (Ballance Agri-Nutrients), 91 (Federated Farmers of New Zealand) and 109 (Rural Contractors New Zealand Incorporated). In opposition to submissions 56 (Permapine Limited), 75 (Tauhara Quarries Ltd), 79 (Cheal Consultants), 85 (Ministry of Education) and 96 (Heritage New Zealand Pouhere Taonga) In both support and opposition to submissions 57 (James Ryan), 68 (Mercury), 84 (Genesis), 93 (Contact), 106 (The Lines Company Limited), 110 (Transpower New Zealand Limited), 112 (Radio New Zealand Limited) and 113 (Waka Kotahi). |
| FS235: Waka Kotahi NZ Transport Agency | In support of submissions 68 (Mercury) and 93 (Contact Energy Limited) In opposition to submissions 22 (New Zealand Pork Industry Board), 56 (Permapine Limited), 61 (McKenzie & Co) and 79 (Cheal Consultants) In both support and opposition to submission 26 (Horticulture New Zealand) |
| FS237: New Zealand Defence Force | In support of submissions 68 (Mercury), 105 (Fire and Emergency New Zealand) and 110 (Transpower New Zealand Limited) In opposition to submissions 8 (Jamie Dale) and 38 (Terry Palmer) |
| FS238: EnviroWaste Services Ltd | In support of submissions 43 (Sikka & Aggarwal Investment Limited), 57 (James Ryan), 68 (Mercury), 75 (Tauhara Quarries Ltd), 84 (Genesis), 93 (Contact), 97 (Popeye Development Limited, Taupo Motorsport Park (NZ) Limited trading as Taupo International Motorsport Park and Events Centre) and 112 (Radio New Zealand Limited) In opposition to submissions 10 (Anna Pol), 53 (CH GP Ltd Trust), 56 (Permapine Limited), 100 (Mark Westbrook) and 110 (Transpower New Zealand Limited) |

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| | In both support and opposition to submissions 22 (New Zealand Pork Industry Board), 26 (Horticulture New Zealand), 35 (Miraka Ltd) and 79 (Cheal Consultants). |
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5.2 Transpower and NPSET

- 65) The Transpower submission (submission 110) broadly seeks the inclusion of a set of provisions to give effect to the National Policy Statement on Electricity Transmission 2009 (NPS-ET) and the associated national environmental standard. Several recent discussions have been held to discuss and potential remedies. The context is that the ODP does not include provisions that respond to NPS-ET and the national environmental standard, except in the Industrial Environment. The key thrust of the Transpower submission is that the Rural Environment provisions must give effect to the NPS-ET.
- 66) Whilst I broadly agree, there are some practicality points of importance here. The ODP became operative in 2007, whilst the NPS-ET and the national environment standard took effect in 2009. The Rural Environment provisions have not been reviewed since that time until PC42, and therefore for the submitter this is the first opportunity to seek relief in this regard. PC42 has not been drafted to give effect to National Planning Standards as it was formulated in 2021 and 2022, and solely for the Rural Environment and not the entirety of the ODP. Accordingly, amending the Rural Environment provisions to a National Planning Standards format, but not for the remainder of the ODP is not practical.
- 67) TDC's intention is that in 2024 a transition occurs to a National Planning Standards format, with the formulation of a district-wide matters 'Energy, Infrastructure, and Transport' chapter. Transpower are invited to be part of a joint Council and industry 'working party' approach to formulating this, and this has also been discussed with Contact and the wider energy companies regarding this. The intent would be that this chapter would apply district-wide, would rely on National Planning Standards definitions, and fully give effect to NPS-ET and the associated national environmental standard.
- 68) As an interim step, recommendations are to accept some Transpower submission points and relief with amendments to Rural Environment provisions in PC42, based on the Industrial Environment ODP provisions to maintain consistency within the ODP. Primarily this interim step is the inclusion of an additional rule 4b.1X 'Earthworks within the National Grid Corridor'. It is understood that Transpower do not support that interim step and will address this at the hearing.

5.3 Energy Company Submitters

- 69) Submissions received from Genesis, Contact, Mercury, Manawa Energy have a generally consistent set of submission points and relief sought, recognising that collaboration had occurred in preparing submissions. TDC officers have communicated with this group of submitters regarding a future work programme to prepare a National Planning Standards format 'Energy, Infrastructure, and Transport' chapter in conjunction with TDC. This is in part TDC's intended response to many of the detailed submissions from these parties, given the confines of PC42 being only partly a response to National Planning Standards (that being moving to GRE and RLE from the ODPs Rural Environment).

- 70) There are recommendations to accept many of the detailed provision wording amendments from the energy companies, where that can be done to enhance the provisions, working within the confirms of PC42 applying only to the Rural Environment, and not being able to have district-wide statutory effect.
- 71) I consider also that the PC38 Strategic Directions provisions as recommended for amendment within the PC38 section 42A report, provide an elevated and suitable level of recognition given the National Policy Statement for Renewable Electricity Generation 2011 and the importance of this industry for the district.
- 72) It is anticipated that the submitters will address this at the hearing as to the recommendations to partially accept the submission points and proposed amendments, in relation to the future work programme.

5.4 Waka Kotahi and State Highways

- 73) Waka Kotahi (submission 113) have sought a series of additional provisions to manage reverse sensitivity and other issues along the State Highway network through the district's Rural Environment. These are responded to within Appendix 1 with individual recommendations, but importantly the submission (113.05 and 113.11) seeks to introduce "new rules relating to the control of reverse sensitivity effects that Objective 3b.2.5 and Policy 3b.2.13 seek to control", with relief as "per Attachment 1 to the submission and/or introduce rules that achieve the same outcome for sensitive noise receivers".
- 74) The submission also seeks to impose new reverse sensitivity noise rule per Attachment 1 attached to the submission and/or introduce rules that achieve the same outcome for sensitive noise receivers.
- 75) It is important to note here, that the identification of the Rural Lifestyle areas specifically excluded blocks which otherwise met the criteria but were accessed from the State Highway network. This was also driven by policy 6.6.1 of the WRPS:
- *6.6.1 Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment:*
 - *a) avoids, as far as practicable, adverse effects on the function of significant transport corridors as defined in Maps 6.1 and 6.1A (section 6B), and otherwise remedies or mitigates any adverse effects that cannot be practicably be avoided;*
 - *b) avoids, as far as practicable, the adverse effects of ribbon development along the defined significant transport corridors, and otherwise remedies or mitigates any adverse effects that cannot practicably be avoided;*
- 76) So it is important to note that the development potential along the State Highway network (in combination with the proposed non-complying rule for subdivision below 10 Ha in the GRE) is significantly reduced.
- 77) TDC staff and consultants met with Waka Kotahi on 19 June 2023 to discuss, and subsequent discussions followed. Whilst there was broadly agreement of the importance of avoiding conflicts between activities and reverse sensitivity effects along the state highway corridor gives it importance to transportation

within and through the district, I understand that Waka Kotahi have since refined the proposed buffer areas and it is expected that this will be lodged through evidence.

- 78) The acoustic evidence from Mr Jon Styles (Appendix 4 to this report) also discusses this matter and the relief sought with submission points 113.05 and 113.11. Further work will be conducted on this matter, including with the submitter Waka Kotahi.

5.5 Recognition of Regional and National Planning Direction

- 79) As described in Section 3.5 of this report, PC42 was not formulated to give effect to the National Planning Standards given that it relates to only part of the district (albeit a substantial part), and therefore was impractical to implement the standards. In particular with key phrases relied upon in provisions and associated definitions, this would be complex and effectively require a parallel set of plan definitions for the Rural Environment only, with confusion and complexity created with the multiple approaches used for different parts of the district. TDC has a clear intent to produce a full National Planning Standards ODP in 2024 and will do so on a district-wide basis.
- 80) Whilst acknowledging submissions seeking that PC42 be 'the vehicle' to implement the standards for the Rural Environment (WRC submission 29.28 and industry group and resource user submissions such as Miraka Limited (submission 35), Horticulture New Zealand (submission 26, New Zealand Pork Industry Board (submission 22) and Transpower (submission 110), this would require a significant 'retro-fit' of the PC42 provisions, would result in a Rural Environments chapters distinct from and inconsistent with other parts of the ODP, and reliant upon a duplicate set of definitions. At best this would be an interim step, as for example with national grid NPS-ET provisions, there would be no district-wide 'Energy, Infrastructure and Transport' chapter, and could only be a rural-only set of provisions. This is not considered practical or desirable when within a reasonable amount of time a district-wide implementation of the standards can occur.
- 81) Several submissions (such as EnviroWaste Services submission 39) have sought use of terminology and provisions reflecting the Natural and Built Environments Bill currently before Parliament. This does not have merit given the inherent uncertainty of the legislative process, and that PC42 has been formulated and will be decided on the RMA Schedule 1 process.
- 82) The WRC submission (OS29.22) has also stated that there is a need to give regard of Plan Change 1 - National Policy Statement on Urban Development 2020 (NPS-UD) and Future Proof Strategy update - October 2022 to the WRPS. Plan Change 1 is to amend the WRPS as required under the NPS-UD and to incorporate updates to the Sub-Regional Future Proof Growth Strategy. Submissions closed on 16 December 2022, further submissions closed on 15 February 2023, the hearing was held on 8 and 9 May 2023 and it is understood that the Hearing Panel is preparing the decision. Whilst a change to the WRPS and therefore of importance in preparation of district plans, TDC is a tier 3 territorial authority under NPS-UD with limited obligations as a result, and the Future Proof Sub-regional Growth Strategy does not

have relevance to the Taupō District. Whilst of importance to the region, there is limited overlap with PC42.

- 83) It is also important to note that TDC has undertaken significant work in the growth planning area over the past two decades. TD 2050 was first produced in 2006. This has since been reviewed in 2018. The point being here that Taupō is not sitting within a vacuum of strategic growth planning, and has been active in ensuring that growth is managed effectively within the District.

5.6 Recognition of Te Kaupapa Kaitiaki and Te Tiriti o te Waitangi

- 84) Te Kotahitanga o Ngati Tuwharetoa (submission 115) have sought broad relief that the wider suite of plan changes being progressed are aligned with, and that the plan changes reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi. TDC has sought to do this and primarily through PC38 Strategic Directions, given the relationship with Te Tiriti and Te Kaupapa Kaitiaki are foundational to the district plan, and I consider this to be an effective approach. It should be noted that through PC38 and the Strategic Directions it is recommended that a new policy, 2.1.3.1.d specifically references the vision, objectives and values of Te Kaupapa Kaitiaki is added to the plan. This policy will need to be considered in the application of the rural provisions. Te Tiriti also has a clear underpinning through section 8 RMA, and PC38 includes a new objective which specifically directs that the principles of Te Tiriti o Waitangi are taken into account through district plan planning and decision making (2.1.2.6).

5.7 Extents of RLE and GRE

- 85) The location of the 'zoning' boundary between the RLE and the GRE is a key matter of concern within several submissions. My response to this matter starts with the broad intent of PC42. As described in earlier sections, this is to identify RLE locations based on existing land use and clustering of existing lifestyle block development, with limited capacity within these identification locations to provide for minimal amounts of additional such development. The PC42 approach and intent is to avoid the fragmentation of the rural environment (which is occurring under the ODP provisions). This intent is articulated through the 'introduction' and within the objectives and policies applying to each of the two environments, and that intent is then given effect to the PC42 rural provisions, as amended by recommendations within this report.
- 86) Further, that the Property Economics economic assessment addressed supply and demand factors for rural lifestyle development within the rural environment of the district, and informs (and provides context for) my recommendations in response to these submissions, as they collectively seek to expand the land within RLE at various locations within the rural environment. The Property Economics economic assessment provides a robust factual basis to conclude that there is no demand-based need to expand the extent of RLE land at a district-wide level, as sufficient land exists within the PC42 proposed RLE to provide for such demand. Therefore the recommendations within this report are based on the specific locational factors that exist in relation to submissions seeks inclusion (or exclusion) from the proposed RLE boundary within PC42.

- 87) A key matter of consideration for TDC in formulating PC42 and the RLE boundary was recognition of existing rural lifestyle block development within the Rural Environment. As described in the Section 32 Evaluation Report and appendices to that report, a mapping exercise was conducted based on identification of clusters of small lot sizes (as typically these represent rural lifestyle development), with proposed RLE boundaries drawn to recognise existing clusters (with small areas of expansion provided for in some cases within these areas) of lifestyle development, but not providing for wide-spread expansion of these areas or in any additional areas. Appendix 5 to the Section 32 Report sets out that these identified clusters comfortably provide for anticipated demand, with no additional areas being required.
- 88) Several submissions seeking expansion of the RLE boundary to include a property have been recommended for acceptance. These are submitter 11 and 61 and this is due to these properties meeting the RLE criteria listed below:
- There is a presence or existing clusters of smaller/lifestyle lots.
 - Little to no physical constraints such as topography, geography or infrastructure
 - Lots are smaller than 30ha (unless completely surrounded by smaller rural lifestyle blocks).
 - Location relevant to overlays such as Outstanding Natural Landscapes
 - Proximity to Taupō township.
 - No frontage onto State Highways.
 - Properties subject to the D1 Geothermal Rule have been excluded
- 89) Submitter 61 McKenzie & Co attached a set of maps displaying a large expansion of the proposed RLE. As responded to within Appendix 1, apart from a single property at 254 Oruanui Road (which due to locational and suitability factors with proximity to the proposed PC42 RLE is being accepted for inclusion within RLE and was a property that was subdivided following the initial selection of rural lifestyle areas), the inclusion of these additional properties and widespread expansion of the district's RLE is not supported. The Property Economics Assessment Report (Appendix 6 to this report) as well as the earlier 2019 Property Economics Report (Appendix 5 to the Section 32 Evaluation Report) makes clear there is no demonstrable need for additional RLE land to meet demand or supply factors, nor has the submitter made a strong evidential case for why inclusion of these locations has merit. The Property Economics reports demonstrate that sufficient supply of rural lifestyle opportunity exists within the PC42 RLE extents proposed.
- 90) In respect of other submitters seeking changes to the RLE boundary, submitter 11 Douglas Colin Wallace sought the portion of his property (208 Tukairangi Road) be rezoned to rural lifestyle. This is recommended for inclusion within RLE as the property is in a logical location for a minor extension, being bordered by existing RLE properties and not being overly large (15ha).
- 91) In respect of the majority of the submissions seeking inclusion within the RLE boundary however, the recommendations are for rejecting. These are submitters 4, 5, 17, 32, 33, 34, 44, 46, 53, 54, 73, 80, 81,

82 87, 92, 116 and 119 and this is mostly due to properties exceeding the hectare size criteria (i.e. represent significant and unneeded expansions to the RLE) and/or not displaying existing rural lifestyle land use and character. These are discussed in further detail below.

- 92) Submitter 4 George Muir, submitter 5 Elizabeth and Rodney Tipping, submitter 33 Marcus Deadman, submitter 34 Highlands Trust and submitter 92 Samuel Gray were rejected based on properties being too large and not rural lifestyle in existing character. Submitter 17 Jennifer Molloy-Hargreaves property met the size requirement (being 4ha) but was not rural lifestyle in character. Submitter 32 Unicorn Pacific Trust and submitter 44 Vcard Solutions were rejected based on their existing restrictions under the geothermal residential rule. Submitter 53 Burke Carlton, submitter 54 Sally Carlton, submitter 73 Jan Curtis, submitter 82 Geoff Carlton and submitter 116 Bryce David McGrath all sought their property 1160 Mapara Road to be zoned RLE. This is rejected based on exceeding size requirements, being a 40ha site and not currently being a rural lifestyle block. Similarly, submitter 80 Lars Carlton and submitter 81 Timothy Carlton also sought their property 1182 Mapara Road be zoned RLE. This too did not meet size requirements (45 ha). The intent behind both 1160 and 1182 is to keep large blocks of land 'large' so that they continue to be available for rural production activities.
- 93) Submitter 87 Rodney Dickinson sought his property 607 State Highway 1 be RLE based on being located near existing lifestyle blocks. However, this was rejected based on being contrary to the Waikato Regional Policy Statement regarding subdivision on the State Highway Network as a regionally significant infrastructure corridor. Submitter 119 Ed Juzwa sought two different properties, 862 Whangamata Road and 764 Whangamata Road be zoned RLE. 764 Whangamata Road is rejected as it is an extremely large property at in excess of 600ha and therefore not appropriate size (nor needed to meet any supply/demand for additional RLE land) for RLE criteria. 862 Whangamata Road is already proposed as RLE. Lastly, submitter 46 Tukairangi Trust sought their property at 3/864 be RLE. This was rejected based on PC42 not proposing this be zoned RLE so the original submission is incorrect.

5.8 Centennial Drive RLE

- 94) The Contact submission (particularly submission points 93.23 and 93.76), and the submissions from Taupo International Motorsport Park and Events Centre (submission 97) and Taupo Racing Club Inc. (submission 99), all seek the removal of the RLE zoning from the Centennial Drive locality and replacement with GRE. The Contact submission frames this by stating:

“Contact supports the creation of Rural Lifestyle Zones on the basis that they can provide for rural residential activities in appropriate locations. However, a key aspect of Contact’s submission is seeking to ensure that Rural Lifestyle Zones are only created in appropriate locations which does not include within or in close proximity to permitted, lawfully existing and/or consented renewable electricity generation activities.”

Further that:

“existing land use character is a relevant factor when determining land use zoning, but it is not necessarily determinative of the outcome. There are a range other factors that need to be taken into account. A Rural Lifestyle Environment in this location would reinforce the ongoing existence, and enable the intensification, of rural residential activities which are incompatible with the nature and character of the surrounding environment. The Centennial Drive area is vitally important for enabling large scale industrial activities, noisy recreationally activities, and the utilisation of the Wairakei-Tauhara Geothermal System for renewable electricity generation purposes (the latter being a matter of national significance as recognised in the NPS for Renewable Electricity Generation). This area should not be compromised by an ability to increase and/or intensify the establishment of incompatible rural residential activities.”

- 95) These submission points are then supported by Taupō International Motorsport Park and Events Centre and Taupo Racing Club Inc with the same relief sought, with similar reasoning.
- 96) The Centennial Drive location was included within RLE as it is characterised by existing and long-standing rural lifestyle block development. The location was zoned as Farm and Farmlet Zone under the Transitional District Plan (1985). This zone reflected the priorities identified at the time, which included encouraging diversification of rural activities and encouraging rural re-population of the rural area and supporting rural communities. The zone covered a relatively large portion of rural land north and east of Taupō township, including the Centennial Drive locality. The existing pattern of development dates from that time with lot sizes between 0.95ha and 4.5ha. It is clear from the submissions received that the PC42 proposal to include with the RLE is seen as a ‘rezoning’. Part of this is due to the format and approach of the ODP which when formulated in the early 2000s was based on the concept of ‘Environments’ identified on the basis of the existing land use and character for different parts of the district. This is described at Section 1.5 of the ODP, and resulted in all parts of the district that in land use and character were ‘rural’ being included within the Rural Environment. This included the Centennial Drive locality.
- 97) Whilst as described elsewhere within this report, PC42 was not formulated to be a full National Planning Standards transition, a key element of the standards that was adopted was a shift towards the four rural zones of the standard, with rejection of the ‘Rural Production Zone’ and ‘Settlement Zone’, and adoption of the ‘General Rural Zone’ and the ‘Rural Lifestyle Zone’. The identification of separate extents for the RLE and GRE (still utilising the ‘Environment’ label for consistency with the ODP but effectively being zones) is a fundamental part of PC42 in readiness for a full transition to National Planning Standards in 2024. Centennial Drive met the set of criteria applied as set out within the Section 32 Evaluation Report, as is characterised by existing lot sizes and the pattern of land use, and of a suitably large and coherent size and scale to be an RLE location.
- 98) The majority of the Centennial Drive RLE location is comprised of lots that ‘adjoin the GRE’ and therefore 4b.5.2 applies with any subdivision resulting in lots smaller than four hectares being discretionary (with

smaller than two hectares being non-complying). The only properties that 'do not adjoin' the GRE are fronting onto Centennial Drive but pursuant to 4b.5.3 with a 2ha minimum lot size and default to a non-complying activity (and are smaller properties of 2ha or less). Given that the largest property within the Centennial Drive locality has a 4.5ha property size, there is no further potential for subdivision within this locality despite inclusion within RLE.

- 99) At a 'without prejudice' discussion with Contact and TDC staff and consultants on 16 June 2023, concern was expressed by Contact that inclusion with RLE sets amenity expectations within this area that would be different (and higher) than for properties within GRE. This is also articulated within the written Contact submission with the words "*a Rural Lifestyle Environment in this location would reinforce the ongoing existence, and enable the intensification, of rural residential activities which are incompatible with the nature and character of the surrounding environment.*" This matter is recognised as being important given the presence of geothermal electricity generation infrastructure, the motorsports park, the horse racing track and glider club, all within fairly close proximity and therefore potential for exacerbation of reverse sensitivity effects with the more sensitive land use present already within the Centennial Drive RLE locality (as there is a history of complaints in this regard). Another key point for Contact was that zoning as RLE provides for ongoing incremental development.
- 100) I consider that the RLE provisions do satisfactorily avoid reverse sensitivity effects as they remain restrictive in terms of further development when applied to the already small lot sizes within the Centennial Drive locality, and provide increased certainty as to the form and nature of any additional development, relative to the GRE. It is TDC's intent through PC42 to recognise the existing rural lifestyle development within the Centennial Drive RLE, but not to allow further rural lifestyle intensification. I consider the PC42 provisions will be effective in this regard.
- 101) Further to this, I consider that as the RLE provisions have been formulated to manage an environment with lot sizes of between 2ha and 10ha, that the provisions are more suitable and more attuned to the matter identified by the submitters. Replacing the RLE provisions with GRE provisions for Centennial Drive as sought by the submitters would apply provisions developed for a context of 10ha or larger lot sizes, and provisions formulated for that context. I consider that making amendments to the RLE provisions would be a better response to the submitter's relief sought for that reason. There is also nothing fundamentally contradictory between managing reverse sensitivity effects and cross-boundary effects with the intent and purpose (and particularly the provisions) of the RLE.
- 102) Activities provided for within RLE are 'minor residential units' (4b.3.2), 'home business, commercial and retail activity' (4b.3.3), 'Intensive indoor primary production' (4b.3.4), 'temporary activities' (4b.3.5), 'papakāinga' (4b.3.6), and 'high voltage transmission lines' (4b.3.7), all subject to performance standards including managing scale of activity, with all other activities being a discretionary activity. In terms of performance standards, for 'residential units' (4b.4.4) one per 2ha or one per 4ha for lots adjoining the GRE (matching the subdivision lot sizes), for 'minor residential units' (4b.4.5) no more than one minor residential unit per primary residential unit and with floor area and proximity standards, and with

‘minimum building setbacks’ (4b.4.7) of 30 metres from front road boundaries and 15 metres from all other boundaries, except for a boundary from the GRE of 50 metres.

- 103) It is apparent from the above that additional dwellings (primary residential units as opposed to minor residential units) occurring in the Centennial Drive locality will not be a permitted activity (as the performance standard would always be exceeded) and instead be a discretionary activity. This reflects the existing extent of development (i.e. dwellings already exist on the properties) and the existing property size (which cannot be further subdivided). I recognise that there is potential for further minor residential units to occur, which whilst smaller in floor area could enable a near doubling of residential units in the locality. This is not addressed by PC42 and should be given the potential to exacerbate reverse sensitivity effects. Accordingly, the recommendation is to amend 4b.3.2 and 4b.4.5 ‘minor residential units’ with a non-complying activity status and an additional exception applying to Centennial Drive which states:

4b.3.2 Minor residential units

- i. A minor residential unit which complies with the performance standards is a permitted activity.*
- ii. A minor residential unit which does not comply with the performance standards is a restricted discretionary activity.*
- iii. A minor residential unit within the Rural Lifestyle Environment as it applies to Centennial Drive is a non-complying activity.*

...

In addition to the above, for the purposes of assessment under Rule 4b.3.2iii the matters over which the Council reserves control for the purpose of assessment include:

- a. Any effects on the functioning of the General Rural Environment and other Environments including adverse effects on infrastructure, renewable electricity generation activities and access to renewable energy resources.*

4b.4.5 Minor residential units

- i. No more than one minor residential unit per primary residential unit is permitted.*
- ii. All minor residential units shall:*
 - a. Be no larger than 100m² in size (inclusive of garaging).*
 - b. Be located no greater than ~~20~~40 metres from the primary residential unit.*
 - c. Share an accessway/driveway with the primary residential unit.*

EXCEPTION: Papakāinga.

EXCEPTION: No further minor residential units are provided for within the Rural Lifestyle Environment as it applies to Centennial Drive, and any such application is a non-complying activity as per 4b.3.2.

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

- 104) An additional policy is also recommended that would apply to the RLE at Centennial Drive locality only. This additional policy aims to better give effect to Objective 3b.3.2 ‘Avoid Reverse Sensitivity’, and recognises the proximity to the Tauhara Geothermal field, existing geothermal electricity generation plant, the Taupō Motor Sports Park, the racing club and gliding club airfield. The policy seeks to avoid further subdivision and development within the Centennial Drive locality. The relief sought by the submitters was replacing the RLE in this locality with GRE, and accordingly the recommendation is an alternative relief. The aim is that for future resource consent applications for subdivision or development

that this policy be applied to consideration of those applications and discourage such development, as follows:

[Policy 3b.3.16 Centennial Drive Rural Lifestyle Environment](#)

[Avoid subdivision and development within the Rural Lifestyle Environment at Centennial Drive to ensure avoidance of adverse reverse sensitivity effects, including conflict with permitted, legally established and/or consented activities in neighbouring Environments.](#)

- 105) Important background to consideration of these issues is that through Environment Court mediation (involving Contact Energy) in 2007 that land use control and avoidance of reverse sensitivity where underground geothermal fields exist given the potential for electricity generation of this nationally important renewable energy resource. 4b.3.8 within the ODP applies to Area Y as shown on planning map D3, and 4b.3.3 within the ODP relates to Area X (and Area Y), both being subdivision rules. As shown on ODP Planning Map D3, Area X applies to the Centennial Drive locality, but is excluded from Area Y. See Figure 3 below for the extents of Area X and Area Y.
- 106) Area Y (yellow area on D3) is predominately formed around property boundaries and involves a double layer of rules within the ODP, in that all properties are restricted to one dwelling (within the District-wide section of the plan 4e.15.1) as well as additional subdivision constraints within the rural section of the ODP. This was used as one of the criteria for “deselection” of potential lifestyle blocks as PC42 was being formulated within the proposed RLE. It is important to note that Area Y does not cover the Centennial Drive RLE locality, nor several other areas Contact have submitted in opposition on (see Figures 1 to 4 within the submission). As above the relevant rules in this regard are 4e.15 ‘Geothermal’ in the ODP and are not subject to PC42 (as district-wide in effect), and 4b.5.6 ‘Subdivision – Other’ which is subject to PC42 (see within the ODP 4b.3.1, 4b.3.3 and 4b.3.8).
- 107) Area X (orange area on D3) is a ‘soft boundary’ relating to where geothermal activities may occur (due to the presence of the geothermal field) and therefore the potential for reverse sensitivity. This boundary was not used as a “deselection” criteria for potential RLE blocks when PC42 was being formulated, however is proposed within PC42 to have similar subdivision restrictions placed upon it to ensure the management of reverse sensitivity effects.
- 108) Rule 4e.15.1 states that *“notwithstanding any other rule in this Plan, any residential activities (apart from one dwelling house per lot) or accommodation activities which are located on land being part of the Wairakei-Tauhara or Ohaaki Geothermal Systems (as shown on Planning Map D1) or any subdivision of such land, is a discretionary activity.”* This rule does cover ‘minor residential units’ as it falls within the defined phrase of ‘residential activities’. But as stated above and as shown in Figure 2, 4e.15 does not apply to the Centennial Drive RLE. Whilst amending 4e.15 is considered outside of the scope of PC42, the amendments to 4b.3.2 and 4b.4.5 ‘minor residential units’, and supported by the additional Policy 3b.3.16 Centennial Drive RLE, all as recommended above, are within scope given the broad scope available with the above three submission.

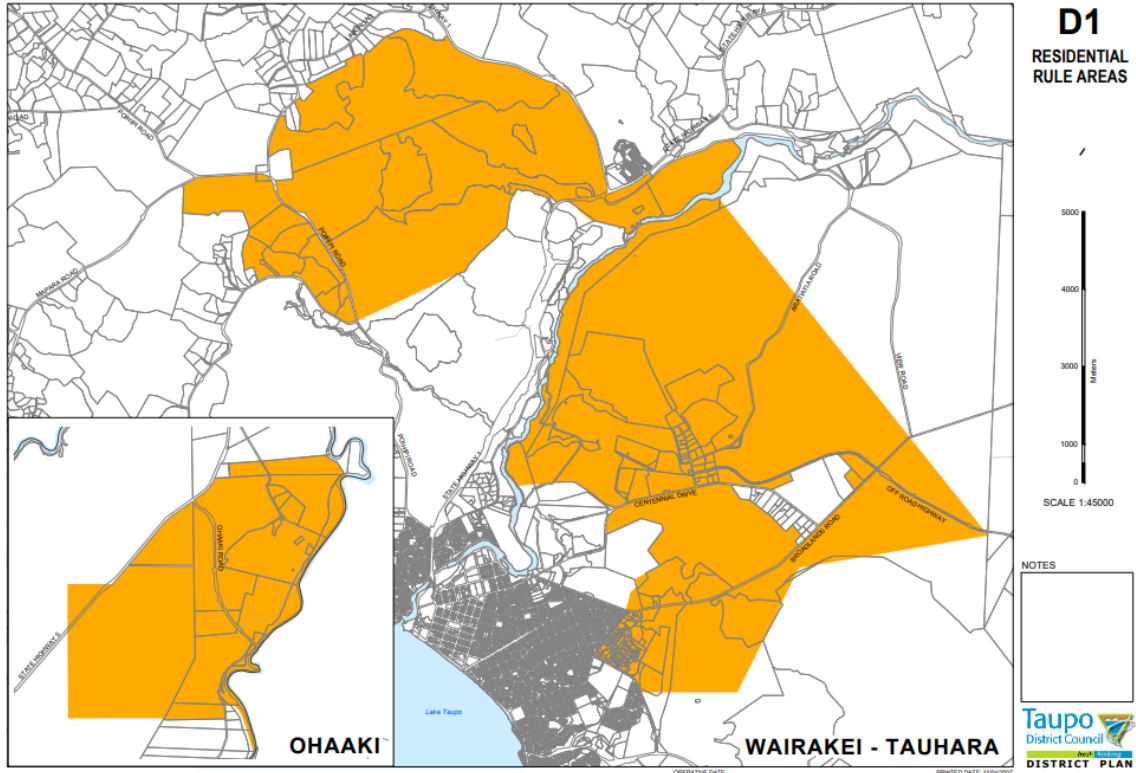


Figure 2 – ODP Planning Maps – D1 Residential Rule Areas (source: TDC website)

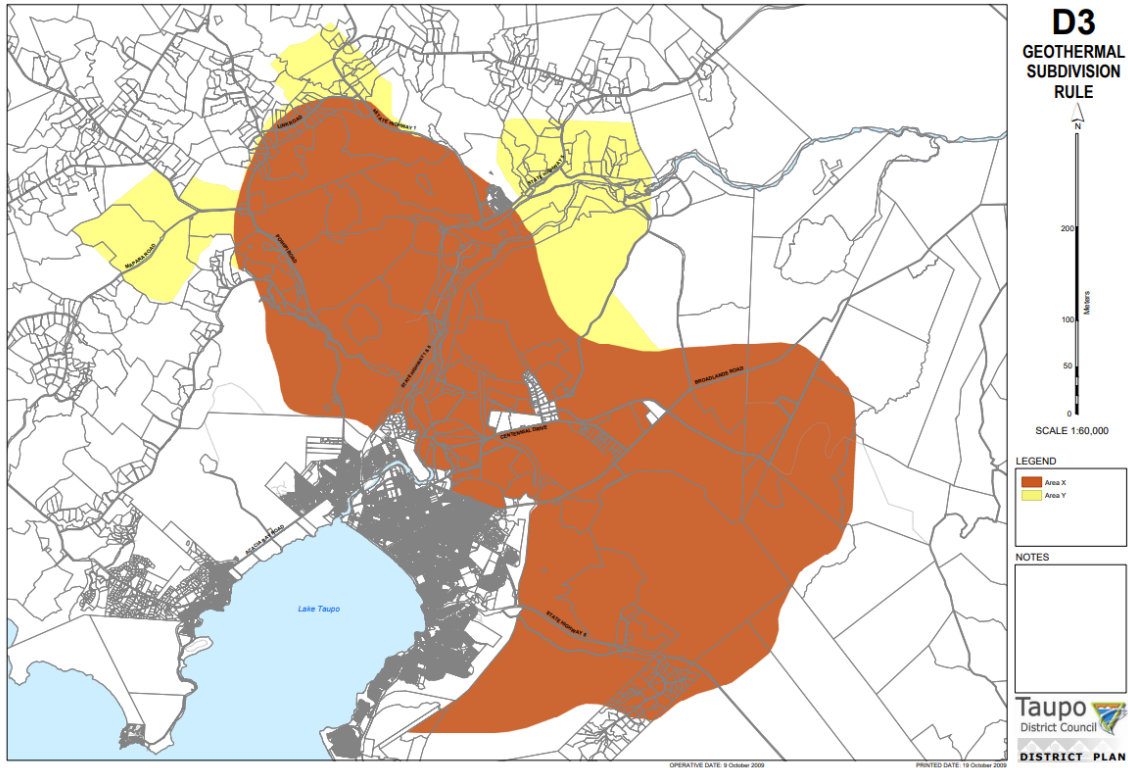


Figure 3 – ODP Planning Maps – D3 Geothermal Subdivision Rule (source: TDC website)

109) Given the inability for any additional primary dwellings on properties at Centennial Drive, and the recommended restrictions for minor residential units, I consider this a satisfactory response to the

Contact Energy, Taupo International Motorsport Park and Events Centre, and Taupo Racing Club Inc points in this regard.

- 110) It should be noted that considerable thought has been given to the provisions within the Area X and Y areas, initially in 2007 as part of Environment Court mediation, but then also in formulating PC42 and decision-making on RLE extents and boundaries. Amending the Centennial Drive locality as GRE has the potential to create adverse internal reverse sensitivity effects. An example of this would be that the GRE provisions enable and provide for rural industry and land use activities that typically would generate adverse effects of a nature and degree (involving large buildings (up to 5000m²) as a permitted activity, in close proximity and amongst rural lifestyle properties. Amending the Centennial Drive locality as GRE would also not recognise the existing land use character of the locality.
- 111) TDC is highly aware of the record of complaints in the Centennial Drive locality (as it receives them, as does Contact Energy directly). The Contact submission expresses the matter that inclusion of Centennial Drive into RLE raises or reinforces expectations of a rural-residential character (presumably leading to more complaints). Whilst acknowledging the point identified, I would strongly suggest that the existing land use character of the area is already rural lifestyle with that expectation already 'baked in' for the residents/landowners, and inclusion within RLE does little to increase or change that. As above, substituting the GRE provisions will not alter the existing expectations and would instead apply a less suitable and less nuanced set of plan provisions. Although I am not convinced that managing expectations is a matter we need to manage under the RMA, additional policies and provisions have been recommended to respond with submitter concerns regarding this issue.
- 112) PC42 has sought to reach a balance between recognising the existing land use activities 'on the ground', while also recognising and seeking to avoid the potential for reverse sensitivity with existing geothermal energy generation activities. It is anticipated that Contact Energy will present haring evidence on this 'balance'.

5.9 White Road RLE and Highly Productive Land

- 113) Several submitters (submitters 14, 18, 27, 28, 50, 51 and 118) have challenged the White Road RLE on the basis of various inter-related points, whilst submitters 1 and 102 support the RLE at White Road. These challenges are on the basis of reduction in land productivity with fragmentation of landholdings, the impact on businesses and livelihood, creation of reverse sensitivity effects, limiting future land use, having negative impacts on the environment, and the absence of infrastructure capacity. These submitters also question the demand for rural lifestyle and considers that White Road is too far from town for such demand. Linked to that point is the submitters assert that as there is no infrastructure to support smaller properties the rates will need to increase to fund infrastructure upgrades.
- 114) I do not concur with any of these points, for the reasons set out in response to individual submission points within Appendix 1. The RLE are relative small portions of the rural environment (relative to the district's rural environment overall) and have been selected on the basis of existing rural lifestyle land

use, suitability in terms of forming a coherent location, and in consideration of the evidence within the Property Economics analysis of supply/demand factors and economic impacts more widely. There is not currently, nor intended to be in future, any infrastructure provision to RLE locations. The provisions make clear that RLE development is reliant on on-site servicing of three waters, with telecommunications and transport provided through the existing rural network as it is throughout the rural environment. Further whilst the submitter is correct that avoidance of reverse sensitivity is important given RLE locations are 'embedded' within the wider rural environment (which is GRE), wide-spread further subdivision is not anticipated and is not provided for within the RLE subdivision provisions (given the two hectare of four hectare minimum lot sizes dependent on whether adjacent to GRE or not).

- 115) Submitter 26 Horticulture New Zealand has sought that subdivision in the rural environment generally be avoided, and has sought a policy and regulatory response to NPS-HPL. This matter is particularly important within the White Road RLE location as there is a substantial overlap between RLE and LUC 3 Soils in this part of the district. The broad approach of PC42 to avoid land fragmentation, maintain large lot sizes (above 10 hectares) and enable primary production and rural-based activities within the GRE; and then conversely to allow some rural lifestyle development within the RLE, is described throughout this report. I do concur though that a policy and rule should be inserted within the RLE for lots smaller than 10 hectares to respond to NPS-HPL. As despite the absence of detailed region-wide mapping undertaken by WRC and a WRPS plan change in response to NPS-HPL, clause 3.5(7) makes clear that Council has obligations to manage the LUC 3 Soil in the district and apply NPS-HPL. The proposed rule and supporting policy is below and are displayed within the recommendations in Appendix 2:

4b.5.X Subdivision – Rural Lifestyle Environment on land containing Land Use Capability Class 3 Soils

- i. Subdivision resulting in lots that are larger than 2 hectares but smaller than 10 hectares on land containing Land Use Capability Class 3 Soils is a discretionary activity.
- ii. Subdivision resulting in lots that are 2 hectares or less on land containing Land Use Capability Class 3 Soils is a non-complying activity.

NOTE: This rule pertains to the Land Use Capability Class 3 soils as defined under the National Policy Statement for Highly Productive Land 2022.

- 116) The above rule is proposed to be supported by specific assessment matters and a supporting policy as set out below:

In addition to the above, for the purposes of assessment under Rule 4b.5.Xi the matters over which the Council reserves control for the purpose of assessment are:

- a. Any potential adverse effects on the cumulative loss of the availability and productive capacity of highly productive land.
- b. Any potential reverse sensitivity effects on surrounding land-based primary productive activities.

Policy 3b.3.15 Highly Productive Land

Subdivision of highly productive land is avoided, except as provided in the National Policy Statement for Highly Productive Land 2022.

5.10 Submitter 74 – Steve Hawkins

- 117) The submission received from Steve Hawkins (submission 74) relates to the property 387 Whakaroa Road and seeks that zoning of the property be altered from GRE to RLE. In addition the submission seeks that Rule 4b.5.1 be amended to “make subdivision that results in lots smaller than 10ha a discretionary activity”; “amend the rural environment chapters to reflect the objectives and policies of the NPS-HPL”; and “make any other consequential amendments to give effect to the relief”.
- 118) TDC staff and the report author met with the submitter’s agents on 20 July to discuss the submission, and the submitter’s request to make a presentation during the hearing regarding the suitability of the property for rural lifestyle development and a specific proposal that will shortly be submitted as a resource consent application. There is not considered a need to determine the merits of the submitter’s proposal within the confines of the PC42 hearing. If the panel were minded to accept the relief sought that outcome would be a change to RLE for the property, but would remain subject to 4b.5.2 ‘Rural Lifestyle Environment that adjoins the General Rural Environment’ with a four hectare minimum lot size. It is apparent from the submitter discussions that the intended density of development would exceed that and that subdivision of the property is part of the future proposal (and therefore 4b.5.2 would be relevant). If the submitter’s relief was granted then pursuant to 4b.5.2 any such future resource consent applications would be discretionary activity.
- 119) There is a clear submission scope issue here given that the relief sought in the submission is specific. It is beyond the scope of PC42 to consider any specific proposal for the property. The merits of amending the zoning of the property to RLE are weak. Despite not being highly productive land, the property is a large unfragmented block of land generally suitable for pastoral or rural purposes, and is not unique to many other large rural properties in the district. The Property Economics economic assessments make clear that there is not a need for additional rural lifestyle land in the district, and that the PC42 proposals for RLE land is sufficient to meet anticipated demand and to provide choice.
- 120) The submission does not make a strong case why this property is distinctly different and more suitable than any other large rural property in the district for inclusion in RLE. Whilst the presentation at the hearing may seek to make the case, this is considered the incorrect forum for debating the merits of the specific development proposal. Instead a future resource consent application should be made, this will be a non-complying activity pursuant to 4b.5.1 (subject to PC42 decisions on this provision). Should the consent be granted and the development proceed, then a string caselaw would exist for a future change to the RLE to reflect the environment that exists on the property.
- 121) Mr James Gardner-Hopkins submitted a ‘Memorandum on behalf of Steve Hawkins’ dated 25 July 2023. This document describes some background to the project, states the relief sought in the submission, and sets out commentary on jurisdiction and scope matters for consideration by the panel. Attachment 1 to the memorandum sets out detailed proposed amendments to PC42 provisions to make provision for the ‘Te Tuhi Development Area’. Minute 6 has since been released by the panel which seeks a formal legal

opinion on the scope matter, gives a direction for some expert conferencing and also allows some supplementary evidence around the planning policy context. The matter will be further addressed as directed by the panel.

5.11 Objectives and Policies

- 122) The focus of submitters in respect of the objectives and policies within 3b.2 Objectives and Policies – General Rural Environment and 3b.3 Objectives and Policies – Rural Lifestyle Environment is in respect of several key topic areas. In respect of the GRE, a submitter focus is reflected in Objective 3b.2.1 Enable Primary Production with a wider focus to include also the use of natural resources. Several amendments have been recommended in response to Genesis (submitter 84), Contact (submitter 93) and Manawa Energy (submitter 57).
- 123) In respect of Objective 3b.2.4 Other activities Tuaropaki Trust (submitter 37) and The Lines Company (submitter 106) sought amendments that have been recommended for acceptance. The amendments are in respect including ‘sub transmission’ to the wording to broaden from ‘renewable electricity generation and transmission’; and also enabling ‘other activities that have a locational need’ to be located in a rural environment.
- 124) Similarly with Objective 3b.2.5 Avoidance of reverse sensitivity, inclusion of ‘and/or consented’ to the broader phrase on ‘permitted and legally established’ in respect of reverse sensitivity effects being managed in respect of. An amendment has been made in response to Genesis (submitter 84), Contact (submitter 93) and Manawa Energy (submitter 57).
- 125) With Objective 3b.2.6 Impacts on infrastructure a re-wording is recommended and the inclusion of the phrase ‘the safe and efficient function of infrastructure’, in response to submissions from Genesis (submitter 84), Contact (submitter 93), Mercury (submitter 68) and Manawa Energy (submitter 57).
- 126) Similarly with the GRE policies, Policy 3b.2.9 Maintaining the established character was heavily submitted on. A series of amendments are recommended to make explicit recognition of ‘visitor accommodation and tourism activity’ as being part of the established character, the additional of the word ‘generally’ to recognise the extent of variety within the environment, and the addition of a clause regarding odour and dust as being a characteristic of primary production activities. These recommended amendments are in response to Sikka & Aggarwal Investment Limited (submitter 43), Miraka Ltd (submitter 35), Aston (submitter 83) and New Zealand Pork Industry Board (submitter 22).
- 127) In respect of Policy 3b.2.10 Residential units, a strengthening of the policy is recommended to make explicit that residential units will be restricted within GRE but provided for within the RLE (subject to lot sizes and standards). This is in response to submissions received from Genesis (submitter 84), Contact (submitter 93), Mercury (submitter 68) and Manawa Energy (submitter 57).
- 128) Similarly in respect of Policy 3b.2.13 Avoiding reverse sensitivity, an explicit recognition of ‘reverse sensitivity’ is recommended, as is a widening to recognise ‘and/or consented’ neighbouring activities as

being part of the 'environment'. This is in response to Radio New Zealand Limited (submitter 112), Genesis (submitter 84), Contact (submitter 93), Mercury (submitter 68) and Manawa Energy (submitter 57).

- 129) An amendment is recommended to Policy 3b.2.14 Commercial and industrial activity to differentiate 'rural industry' which is a defined term, with the much broader 'commercial and industry activity', in response to Rural Contractors New Zealand Incorporated (submitter 109).
- 130) In respect of the RLE, recommended wording changes to Objectives 3b.3.1, 3b.3.2 and 3b.3.3 to amend 'incremental' to 'inappropriate' to reflect a different focus, to insert and/or consented (as described above), and an explicit recognition of 'Rural Lifestyle Environment to enhance clarity, all in response to Genesis (submitter 84), Contact (submitter 93), Mercury (submitter 68) and Manawa Energy (submitter 57).
- 131) An amendment is recommended to Objective 3b.3.5 Allotment Size as part of the broader response to NPS-HPL and protection of highly productive land. The amendment is to include wording on this matter within the objective, in response to the Horticulture New Zealand submission (submitter 26).
- 132) In respect of Policy 3b.3.9 Character of the RLE, an additional clause is recommended to recognise elements of a 'working rural environment' surrounding the RLE locations. This is in response to Genesis (submitter 84), Contact (submitter 93), Mercury (submitter 68) and Manawa Energy (submitter 57).
- 133) In respect of Policy 3b.3.12 Minor residential unit, several amendments are recommended in response to Genesis (submitter 84) regarding explicitly recognising reverse sensitivity effects that can arise with minor residential units.
- 134) As described above within this report, an entirely new policy is recommended in response to NPS-HPL in support of the corresponding rule, being Policy 3b.3.15 Highly Productive Land in response to the Horticulture New Zealand submission (submitter 26). Also an entirely new policy in response to Contact (submitter 93) in recognition of the proximity of the Centennial Drive RLE to surrounding geothermal electricity generation plant and geothermal fields, and proximity to the motor sports park, horse racing track and glider club.

6 Conclusion and Recommendations

6.1 Conclusion

- 135) In the assessment of PC42 having regard to the submissions and further submissions received, I am satisfied that PC42 with amendments as recommended, is the most appropriate means of sustainably managing the physical resources in the Taupō District and responding to Part 2 RMA. PC42 is consistent with the Sectional District Plan review process and with the purpose and principles of the RMA. This

broad position recognises and is subject to, that there remain several topic areas with unresolved matters however, as described in the above sections.

- 136) The various amendments proposed as part of PC42, as recommended for further revision within this section 42A report, are consistent with the TDC's functions under section 31 of the RMA. PC42 enables a consistent planning approach to be applied to the rural environments within the District. The policy framework and rules as amended are also considered consistent with higher order planning documents, including the WRPS, Te Ture Whaimana o Te Awa Waikato, and also with TDC's TD2050.
- 137) PC42 is consistent with section 75(1) of the RMA, which requires a District Plan to state the objectives for the District, any policies to implement the objectives, and the rules (if any) to implement the policies. PC42 provides a clear means of implementation of the objectives within the Strategic Directions Chapter and responds to Part 2 of the RMA. The submission points that request amendments and that have been recommended to be accepted, improve the clarity and effectiveness of PC42.
- 138) Furthermore, the report writer concurs with the findings of the Section 32 Evaluation Report which considered the approach to be the most efficient and effective means of achieving the purpose of the RMA. With respect to the purpose and principles of the RMA, the report writer considers the proposed PC42 provisions to be consistent with section 5 and the entirety of Part 2 of the RMA. Matters of National Importance set out in section 6 of the RMA are discussed within the Section 32 Evaluation Report, as are a discussion of section 7 'other matters' to which decision makers shall have particular regard.
- 139) Section 8 of the RMA, Treaty of Waitangi, requires that the Principles of the Treaty of Waitangi to be taken into account in relation to managing the use, development and protection of natural and physical resources. Tangata whenua representatives were identified as Schedule 1 clause 3 parties, and consulted accordingly during the draft consultation phase (Schedule 1 clause 4a) of the development of PC42 as well as following formal notification of the plan change.

6.2 Recommendations

- 140) Accordingly, and for the reasons set out above and within Appendix 1 Summary of Decisions Requested, the report writer recommends that PC42 be approved, that the relief sought by the submitters and further submitters be accepted, accepted in part or rejected in accordance with the recommendations contained within the Appendix 1 Summary of Decisions Requested, and with the recommended amendments as shown in Appendix 2 to the PC42 provisions.
- 141) As provided for by clause 10(3) Schedule 1 RMA, whilst a specific recommendation has been provided for individual submission points within Appendix 1 Summary of Decisions Requested, the further submission points in support or opposition have generalised recommendations as per Section 5 of this report.

Craig Sharman
Consultant Planner
Beca Limited
28 July 2023

Appendix 1. Summary of Decisions Requested

Appendix 2. Officer's Recommended Amendments to PC42

Appendix 3. Evidence in Chief – Economics, Phil Osborne

Appendix 4. Evidence in Chief – Acoustics, Jon Styles

Appendix 5. Evidence in Chief – Transport, Dave Smith

Appendix 6. Property Economics Limited – Taupō Rural Lifestyle Economic Overview Report, July 2023