

ORIGINAL

BEFORE THE ENVIRONMENT COURT

Decision No. A 084/2009

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals pursuant to clause 14 of the First Schedule to the Act

BETWEEN

ENVIRONMENTAL DEFENCE
SOCEITY INCORPORATED
(ENV-2007-AKL-000768)

CHEAL CONSULTANTS LIMITED
(ENV-2007-AKL-000779)

SADE DEVELOPMENTS NO. 2
LIMITED
(ENV-2007-AKL-000780)
Appellants

AND

TAUPÖ DISTRICT COUNCIL
Respondent

AND

CONTACT ENERGY LIMITED &
OTHERS
Section 274 parties

Hearing at Taupö on 17-20 February and 2-4 June 2009

Court: Environment Judge R G Whiting (presiding)
Environment Commissioner J R Mills
Environment Commissioner H M Beaumont

Counsel: Mr M J Maclean for Sade Developments No. 2 Limited and Cheal
Consultants Limited
Ms S Schlaepfer for the Environmental Defence Society Inc.
Mr J G A Winchester and Ms S J Scott for the Taupö District Council
Ms R Dixon for Contact Energy Limited
Ms J S Bain for New Zealand Transport Agency
Mr B A Watts for Mighty River Power Limited



Date of Issue: 14 September 2009

DECISION OF THE ENVIRONMENT COURT

- A. The appeals are allowed to the extent that Plan Change 19 is to be altered in accordance with Appendix 2 subject to the following:
- (i) Rule 4e.1.3 is to provide for a controlled activity;¹ and
 - (ii) The deletion of Sade and Cheal's proposed rule 4e.1#[b] and, consequentially 4e.1#[d]iii;² and
 - (iii) Rule 4e.1.#[c] is to provide for non-compliance with "j as to any identified Landscape Area" to be a discretionary activity (and f is to be deleted);³ and
 - (iv) Rule 4e.1#[d] is to provide for non-compliance with f or j (except for any identified landscape area) to be a non-complying activity.⁴
- B. The Taupō District Council is granted leave to make an application within 10 working days of receipt of this decision, in the event that there are consequential flow-on effects on the provisions of the plan that require minor amendment arising from this decision.
- C. Costs are reserved. It is our tentative view that costs should lie where they fall. Any party who wishes to apply for costs is to apply within 10 working days of the receipt of this decision.

¹ That provides for subdivision of lot sizes 10 hectares or greater as a controlled activity.

² This removes the rule providing for cluster subdivision at a density of between 1 lot per 10 hectares and 1 lot per 4 hectares as a discretionary activity.

³ Cluster subdivision in an identified landscape area is a fully discretionary activity.

⁴ Cluster subdivision where clusters are less than 1000m from the Wairakei-Tauhara geothermal area; or where clusters are located within a Significant Natural Area, the Mapara Structure Plan Area, Foreshore Protection Area, or the Wairakei-Tauhara Geothermal Area is a non-complying activity.



Introduction

[1] This appeal concerns the appropriate subdivision rules to control subdivision development in the Rural Environment of the Taupō District. The Rural Environment provisions have been completely re-written by Plan Change 19. Plan Change 19 is one of three plan changes that address the Rural Environment and urban growth. We attach the decisions version of Plan Changes 19, 20 and 21 as Appendix 1.

[2] Plan Change 19 adds new objectives and policies with the aim of protecting the Rural Environment including:

- (i) the protection of the rural landscape, amenity and character;
- (ii) management of subdivision in the Rural Environment to reflect rural amenity values and appropriate levels of infrastructure;
- (iii) provision for the future growth of the Taupō District;
- (iv) the efficient and effective functioning of the Rural Environment; and
- (v) the protection of adjoining environments from adverse effects of activities within the Rural Environment.

[3] These objectives and policies are implemented by new rules in sections 4(b) and 4(e), and through associated assessment criteria. The new rules aim to maintain rural character, provide for rural activities, avoid reverse sensitivity, and prevent urbanisation in the Rural Environment. The rules set new thresholds for rural subdivision based on lot size. The rules provide for:

- rural lots of 10 hectares or larger in area and notional building sites of the same land area, to be controlled activities;
- lots of between 10 hectares and 4 hectares to be discretionary activities; and
- lots below 4 hectares in area are discouraged by non-complying status.

These rules have been designed to prevent uncontrolled urban change in the Rural Environment.



[4] Generally, Sade Developments No2 Limited (Sade) and Cheal Consultants Limited (Cheal) sought in their appeals to change the subdivision rules to provide for an average density of residential allotments of less than 1 per 10 hectares as a controlled activity, provided there is a minimum balance allotment, and the subdivision is designed in accordance with design criteria. On the other hand, the Environmental Defence Society (EDS) sought in its appeal to impose restricted discretionary status for subdivision exceeding 10 hectares.

The Hearing

[5] The hearing took place at Taupō in February and June 2008. This appeal was one of three appeals heard by the Court contemporaneously during that time that considered Plan Change 19 and other related plan changes. The other two appeals were section 120 appeals relating to applications for consent for subdivisions in the Rural Environment – one by Sade Developments Limited and the other by Lakeview Ventures Limited. Many of the issues were interrelated and overlapped. To that extent much of what we say in the other two matters may well apply in this case and vice versa. However, because each case involves different parties we have kept each decision discrete.

[6] The Council supported its decisions versions of the plan change, but during the hearing, and after a facilitated meeting, agreed to a constrained cluster rule which did not go sufficiently far enough to meet Sade and Cheal's objective. The New Zealand Transport Agency and Mighty River Power Limited, section 274 parties, generally supported the Council's position. Contact Energy Limited (Contact), also a section 274 party, sought to protect the Wairakei-Tauhara Geothermal Area.

The issues as finally defined

[7] As mentioned, during the course of the hearing the parties caucused at a meeting facilitated by Commissioner Oliver. As a result, agreement was reached in part and the issues were substantially narrowed. The parties agreed to the wording of a proposed rule framework which makes provision for two additional proposed clustering rules in Part 4(e) of the district plan. While the parties agreed on the wording there was a difference of position on the inclusion of the second of the two rules in the plan, as well as some of the activity status trigger thresholds.



[8] Attached as Appendix 2 is the “proposed rule framework” lodged with the Court by the parties. In summary, as a result of the negotiations, the parties have agreed to a new rule which provides for cluster subdivision as a restricted discretionary activity, subject to compliance with a number of requirements, resulting in an average density of no more than 1 allotment (excluding access lots) per 10 hectares. Sade and Cheal propose a discretionary cluster rule resulting in an average density (excluding access lots) of between 1 allotment per 10 hectares and 1 allotment per 4 hectares. This is opposed by the Council and EDS. There is also disagreement with respect to some of the activity status trigger thresholds for identified landscape areas and geothermal areas.

[9] Specifically the resulting contested issues are:

- (i) the inclusion in the plan of a new discretionary cluster rule resulting in an average density of between 1 allotment per 10 hectares and 1 allotment per 4 hectares;
- (ii) the activity status for all subdivision of land resulting in allotments of 10 hectares or more;
- (iii) the activity status for a cluster style subdivision located within an identified landscape area; and
- (iv) the activity status for cluster subdivision with residential allotments within 1000 metres of the Wairakei-Tauhara Geothermal area.

Background to Plan Change 19

[10] Plan Change 19 needs to be seen in context. The evolution of Plan Change 19 has been referred to by a number of witnesses, particularly Mr K Tremaine and Mr R Gibbs, planning experts who gave evidence for the Council.

[11] The Taupō proposed district plan was notified in July 2000. It contained effects-based performance standards, whereby the scale and intensity of activity was managed, rather than the type of activity. The district plan did not contain strategic zoning for future development at the time of notification. It identified existing environments and provided performance standards within the identified environment to manage the effects



of change. It did not identify land for urban growth. Future development proposals were to be processed by way of a resource consent application, and the appropriateness of the site for a proposed use was to be dealt with on a case by case basis.

[12] Mr Gibbs told us that since about 2001, the subdivision of land and resulting land use change, particularly around Taupö town, significantly increased when compared with earlier years⁵. He told us that in the absence of any strategic zoning for urban growth in the district, and with a relatively low minimum lot size for controlled activity status, the Rural Environment essentially became an urban area in waiting.

[13] As a consequence, the Council decided to develop a growth management strategy along with an implementation plan for the district, to provide an overarching framework to manage its growth in a sustainable way. The Taupö District 2050 Growth Management Strategy (TD2050) was published in three volumes in June 2006 after considerable professional and expert input, extensive consultation and a rigorous participatory process. It said in the *Overview*:

Taupö district is facing a critical period in its history as it seeks to balance the reality of continued growth with a desire to maintain the existing character of the district and the high quality environment that it sits within.

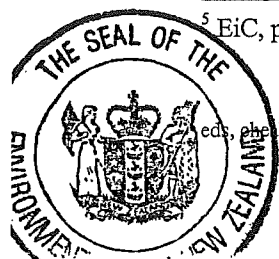
Poorly managed growth has the potential to impede economic and tourism development unless managed appropriately. The lack of direction for future growth management will also have significant adverse environmental effects.

Philosophically Taupö District 2050 has meant a shift in the way that the Taupö District Council addresses growth. The Council is seeking to provide greater leadership about the nature and location of growth, moving from a reactive to a proactive approach to growth management.

[14] In addition to identifying the need to protect rural landscape, amenity and character, TD2050 strategically identified areas of future urban growth, called "Urban Growth Areas". It specifically discouraged urban type development establishing outside the existing and planned environments, other than in the Urban Growth Areas and by a Structure Plan process and an associated plan change process.

[15] Having completed the TD2050 process, the Council resolved to notify three Variations (Variations 19, 20 and 21) to the proposed district scheme to give effect to the strategic direction for development in the Rural Environment enunciated in TD2050. The

⁵ EiC, paragraph 3.1.



Variations were notified in January 2007, decisions were issued on 18 October 2007, and the Taupō District Plan became operative for all parts except those provisions contained within the Variations. The Variations are now referred to as Plan Changes 19, 20 and 21.

[16] These plan changes are an integral part of the TD2050 implementation strategy, and although they are by no means separate or unrelated, each has a distinct purpose:

- (i) Plan Change 19 – to protect the Rural Environment from inappropriate urban development and to protect the rural character and amenity;
- (ii) Plan Change 20 – to provide for urban development in the short-term; and
- (iii) Plan Change 21 – to provide for urban development in identified parts of the Rural Environment (called Urban Growth Areas) in the longer term by a structure plan and associated plan change process.

Plan Change 19

[17] Plan Change 19 was introduced to have the effect of essentially managing the Rural Environment outside of land identified for future urban growth in Plan Changes 20 and 21. The Rural Environment comprises all of the land in the district that is not identified as Residential, Industrial and Town Centre Environments. It is characterised by its spatial landscape with dispersed buildings, predominantly forestry and farming land use, along with reserve land providing recreational opportunities⁶.

[18] Plan Change 19 replaced the existing objectives and policies with 5 new objectives and associated policies. For the purpose of this appeal 3 objectives and their associated policies are particularly relevant:

Objective 3b.2.1 – the protection of the rural amenity and character of the Rural Environment.

This objective seeks to protect the level of amenity currently provided by the Rural Environment by associated policies:



Environment Court of New Zealand, Environment Court of New Zealand v. EIC, paragraph 5.2.

Environment Court of New Zealand, Environment Court of New Zealand v. EIC, paragraph 5.2. (decision).doc (sp)

- (i) maintain and enhance the amenity and character of the Rural Environment by providing land use performance standards and subdivision rules to manage the scale and density of development;
- (ii) avoid urban development in the Rural Environment unless through a TD2050 Structure Plan process and associated plan change;
- (iv) maintain the open space and dispersed building character;
- (v) provide for a range of productive land use activities within the Rural Environment while ensuring any adverse effects are avoided, remedied or mitigated;
- (vi) protect the district's lakes and river margins from buildings that are visually obtrusive and/or result in a decline of the amenity of the margin area, by controlling the bulk and location of these structures;
- (vii) avoid, remedy or mitigate adverse effects of subdivision, use and development of land and areas or features of cultural, historical, landscape or ecological value.

Objective 3b.2.2 – manage the subdivision of rural land to reflect rural amenity values, rural land use and appropriate levels of infrastructure.

This objective seeks to protect amenity values and levels of infrastructure by its associated policies:

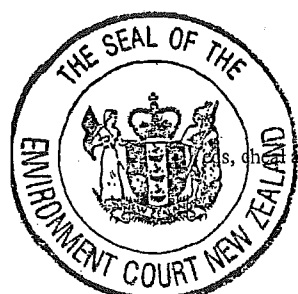
- (i) enable the subdivision of rural land in a manner that encourages a diversity of lot sizes that reflects the rural amenity and character of the area, and the landform;
- (ii) to allow subdivision of rural land only where there is adequate rural infrastructure;
- (iii) allow as a controlled activity, the creation of allotments and nominal allotments with an area of 10 hectares or more as a means of maintaining rural amenity and character, managing rural infrastructure and allowing for a diversification of rural land uses;
- (iv) prevent urbanisation of the rural environment except as provided through the TD2050 Structure Plan process and associated plan change process to prevent a dispersed pattern of settlement and the resulting inefficiencies in the management of resources;
- (v) avoid the subdivision of rural land where there are hazards, in particular, land affected by geothermal hazards and where land is unstable or prone to erosion or flooding;
- (vi) manage the subdivision of rural land overlying geothermal areas to avoid conflict with the resource use and development associated with geothermal electricity generation on identified geothermal development systems;



- (vii) encourage the retirement of steep land where such land is not appropriate for more intensive farming or further development including buildings, earthworks or clearance of vegetation;
- (viii) provide for the creation of Papakainga housing where any adverse effects on amenity and rural character are internalised within the present allotment; and where any other adverse effects on the wider Rural Environment are avoided, remedied, or mitigated;
- (ix) provide for the creation of smaller lots to provide for the development of infrastructure, or access lots;
- (x) any relevant guidelines should be taken into account in the design of any subdivision in the Rural Environment. In particular sensitive rural design should seek to achieve the following principles:
 - maintain significant open space area and increase net environmental gain – encourage sensitive rural design in subdivision, use or development where areas of continuous open space predominate. In particular protect and enhance topographical, water and vegetation features that contribute to the character of the Rural Environment.
 - areas or features of cultural, historical, landscape or ecological value are protected and enhanced.
 - appropriate overall density based on the level of development anticipated for the Rural Environment – maintain the expected level of built character in the Rural Environment, as anticipated by the District Plan.
 - Site analysis – undertake a design process and rationale that includes, but is not limited to identification of sensitive areas such as dominant ridgelines, water courses (constant and ephemeral), existing vegetation that contributes to the rural character, and any important cultural, historical, natural or landscape values;
 - appropriate building design and location – site and design buildings appropriately in a manner that is well integrated with the surrounding landform, maintains continuous areas of open space, and reduces any potentially adverse visual effects. Levels of infrastructure are minimised through appropriate siting of buildings and structures.

Objective 3b.2.3 – provide for the future urban growth requirements of the Taupō District.

- (i) avoid the creation of allotments below 10 hectares in TD2050 Urban Growth Areas identified in 3e.6. thereby preventing land fragmentation which will adversely affect the ability of the district to provide for future urban growth needs.



[19] To achieve the objectives and policies set out in Plan Changes 19 and 20, the plan change introduced new subdivision rules into the district plan for the Rural Environment. The rules relevant to these appeals are:

4e.1.3

Provided that the activity has not been identified as a discretionary activity by another rule in the plan, any subdivision of land in the Rural Environment where the resulting allotments are 10 hectares or larger, is a controlled activity.

4e.1.6

Unless provided for in Rule 4e.1.4, any subdivision of rural land as identified on Planning Map D3 where the resulting lots are 4 hectares or larger is a discretionary activity.

4e.1.8

Any subdivision in the New Residential Environment, and any other subdivision which is not identified as a controlled, restricted discretionary, or non-complying activity, is a discretionary activity. [Plan Change 20]

4e.1.11

Any subdivision of land in the Rural Environment where the resulting allotments are smaller than 4 hectares, unless provided for in rule 4e.1.4, is a non-complying activity.

[20] Essentially what the above rules mean, is that any new subdivision of land resulting in allotments below 10 hectares in area, but not smaller than 4 hectares, is a discretionary activity, and any subdivision resulting in allotments below 4 hectares in area is a non-complying activity. Complying subdivision, that is subdivision with a controlled activity status, must contain allotments of not less than 10 hectares in area.

Relationship with Plan Changes 20, 21 and 23

[21] Plan Change 19 cannot be considered in a vacuum. The plan change forms part of a suite of Variations (Plan Changes 19, 20 and 21) seeking to strategically zone land. Plan Change 19 was introduced to essentially manage the Rural Environment outside land identified for future urban growth in Plan Changes 20 and 21.

[22] Plan Change 21 re-writes Part 3(e) of the plan headed "Land Development". It provides for the future development of Rural Environment areas identified for urban



growth by TD2050 (Urban Growth Areas), and ensures that new urban growth is guided by the TD2050 Structure Planning process. This Structure Plan process is to ensure that there is a clear direction for what structure planning must cover, especially if it is to be carried out by a private party.

[23] By extension, Plan Change 23, Mapara Valley Structure Plan area, is also part of the parcel of TD2050 plan changes. Plan Change 23 provides for the urban development of the Mapara Valley area, by rezoning parts of the relevant land from Rural Environment to a number of new zones. These zones range from high density urban neighbourhoods, to low density valley and forest clusters that provide for a range of residential and rural-residential land uses. Mapara Valley was an area identified for future urban growth in TD2050 and Plan Change 21, and is an example of the strategic and sustainable approach to growth management implemented by the suite of plan changes.

Statutory basis for decision

[24] Plan Change 19 was notified in January 2007 and therefore the provisions of the Resource Management Act 2005 apply. The statutory and legal principles which we are required to apply are now well settled. Counsel have referred to the relevant statutory provisions and the tests outlined in *Aldamous Investments Limited v Gisborne District Council*⁷ and *Long Bay Okura Great Park Society Incorporated and Ors v North Shore City Council*⁸. We do not propose to repeat those submissions, nor do we propose to set out the lengthy summary in *Long Bay*.

[25] In the case before us now we are only concerned with rules. Rules that will better give effect to and fit within the settled objectives and policies that are relevant. Plan Change 19 together with Plan Changes 20 and 21 create effectively a code which gives effect to the long-term strategic direction for the Rural zone. To this extent they stand alone, although we note the further complementary Plan Change 23 (Mapara Valley Structure Plan) and Plan Change 24 and Variation 25 (landscape and natural values). Accordingly, we propose in this decision, to concentrate on the contested issues as to the rules that will better give effect to the objectives and policies of Plan Change 19.

⁷ Environment Court Decision W047/2005.
⁸ Environment Court Decision A073/2008.



The contested cluster rule

[26] For convenience we set out in full the contested cluster rule:

4e.1.#[b]Any subdivision of land in the Rural Environment which complies with all the following requirements is a discretionary activity:

- (a) The parent allotment is no less than 20ha in area and the subdivision results in an average density (excluding access lots) or between 1 allotment per 10ha and 1 allotment per 4ha;
- (b) Within the parent allotment, no more than one cluster area will be created per 40ha;

At the time of subdivision consent application the following will be identified within the parent allotment.

- (c) Each cluster area shall contain a group of no more than 10 allotments (excluding access lots) with each allotment containing no more than 1 dwelling house or accommodation unit;
- (d) Each cluster area will make up no more than 3% of the parent allotment;
- (e) Each cluster area will be no less than 50 metres from the external boundary of the parent allotment;
- (f) All allotments created pursuant to this rule shall have a consent notice registered preventing any further subdivision, or the creation of more than one new dwelling house or accommodation unit on that allotment;
- (g) No cluster area will be located within a Significant Natural Area, the Mapara Valley Structure Plan Area, Foreshore Protection Area or a Geothermal Area.

[27] The Council's concern (supported by EDS) about cluster subdivision is that it creates lots of less than 4 hectares, which amounts to urban development under the plan. Such a rule, they say, would dilute and undermine the coherence of Plan Changes 19 and 21 and the strategic direction to manage future growth in the Rural Environment. Both the Council and EDS are comfortable with the first of the two rules because the average density of 1 allotment per 10 hectares fits within the plan's anticipated minimum lot size structure for controlled activity status. The requirements that have to be met will ensure that any cluster subdivision would not give the appearance of urban development.

Further the large balance lot required will limit the opportunity for cluster subdivision.



[28] Sade and Cheal, on the other hand, contend that cluster subdivision is not urban development under the plan and fits within the overall density anticipated in the plan. It accordingly does not dilute and undermine the coherence of Plan Changes 19 and 21 and the strategic direction to manage future growth in the Rural Environment.

[29] It is not in dispute that there is a clear direction in the district plan, as enunciated in the plan changes, to avoid urban development in the Rural Environment unless through a TD2050 Structure Plan process and associated plan change in the Urban Growth Areas. Unfortunately urban development is not defined in the plan.

[30] What amounts to “urban development” in the context of the plan was considered by us in *Sade Development No. 2 Limited v Taupō District Council*, a decision heard sequentially with this matter and issued contemporaneously. We reiterate what we say there.

[31] In construing the provisions of a plan it is well settled that the plain ordinary meaning of the words must, where possible, be applied, but with a purposive interpretation, having regard to the context of the words and the purpose of the plan. The word or words should not be interpreted in a vacuum⁹.

[32] *Urban* is defined in the Concise Oxford Dictionary as:

Adj. of, living in, or situated in a town or city (an urban population) (opp. rural).

The dictionary cites rural as being opposite to urban. There is a spectrum of development with urban at one end and rural at the other. The question is – how does the plan define and control the threshold between urban and rural?

[33] The plan regulates a stepped level of control on subdivision in the Rural Environment - from controlled to discretionary to non-complying. The activity status is fixed in each case by a minimum lot size:

- 10 hectares or greater is controlled;
- 4-10 hectares is discretionary; and

⁹ See *Queenstown-Lakes District Council v McCauley* [1999] NZRMA 178 (HC); *Nanden v Wellington Council* [2000] NZRMA 562 (HC); *Powell v Dunedin City Council* [2005] NZRMA 174 (CA).



- smaller than 4 hectares is non-complying.

[34] The rules in the plan do not fix the activity status by means of a density rule. “Density”, or as it was called at times during the hearing “overall density” or “average density” is determined by dividing the overall area of the subdivision by the number of lots created. It is quite a different concept to “minimum lot size” the method used in the plan to trigger the stepped activity status.

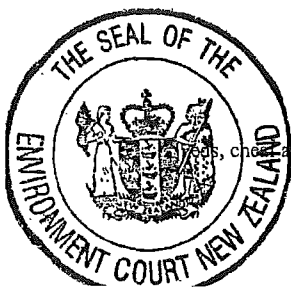
[35] It is clear from reading the relevant provisions of the plan as a whole, that the plan has fixed the non-complying activity status at a lot size smaller than 4 hectares to prevent urbanisation of the Rural Environment.

[36] Policy 3b.2.1(ii) seeks to specifically discourage urban type development establishing outside the existing and planned urban environments other than by way of the TD2050 Structure Plan process and the associated plan change process.

[37] Objective 3b.2.2 seeks to manage the subdivision of rural land to reflect amenity values, rural land use and appropriate levels of infrastructure. Again there is a policy (3b.2.2iv) which seeks to prevent urbanisation of the Rural Environment except as provided through the TD2050 Structure Plan process and associated plan change process. The explanation for this objective says:

3b.2.2 is reflected in the subdivision and development density rules which provide for rural lots of 10ha or larger in area and notional dwelling sites of the same land area, to be controlled activities, and lots of between 10ha and 4ha to be discretionary activities. **Lots below 4ha in area are discouraged by non-complying status. These rules are designed to prevent uncontrolled urban change in the Rural Environment.** Areas of rural land will be made available for small lot subdivision through plan changes that reflect and are consistent with the Land Development and Growth Management Objectives of this plan. Having identified areas in the existing Rural Environment for future urban growth through TD2050 and having determined a process for establishing urban development on this land, this objective seeks to protect the remaining Rural Environment from urban development. [Emphasis ours]

[38] Objective 3b.2.3 and its associated policy provides for the future urban growth requirement by avoiding and preventing land fragmentation of the identified urban growth areas. Interestingly the explanation says:



Urban growth in the Rural Environment outside the identified urban growth areas **will be treated as a non-complying activity.** [Emphasis ours]

The trigger for non-complying activity status outside the urban growth areas in the Rural Environment is any allotment smaller than 4 hectares. Thus any subdivision with an allotment size smaller than 4 hectares is considered by the plan to be urban growth.

[39] The same theme is taken up in Part 3b.4 of the plan headed **Principle Reasons for Adoption:**

In addition, future urban growth areas have been identified in the Rural Environment along with the process for developing these areas. The development of these areas is supported by more restrictive subdivision rules and assessment criteria in the Rural Environment to discourage smaller lot sizes.

[40] The theme of preventing urbanisation of the Rural Environment, except as provided through the TD2050 Structure Plan process, is continued strongly in Plan Change 21, which rewrites the land development section of the plan. We refer in particular to:

- **Objective 3e.2.1** and its associated policies that seek to ensure that the pattern or urban growth is in accordance with the direction provided by the TD2050 Urban Growth Areas; and
- **Objective 3e.2.2** and its associated policies that seek to ensure a comprehensive structure plan and plan change process for urban growth.

[41] We are satisfied, that on a purposive reading of the relevant objectives and policies, in conjunction with the rural subdivision framework, taken together with the wider plan provisions; the plan intent is clear. Any single lot which is less than 4 hectares in size is non-complying, because it is presumed for residential living (not associated with rural land use) and hence is urban development.

[42] Mr Maclean submitted, that the plan provides for cluster subdivision of lots less than 4 hectares, but with an overall density of less than 1 lot per 4 hectares in the Rural Environment. He submitted that in reality the level of “subdivision and development density” (a quote from the Explanation to objective 3b.2.2 and associated policies) is a



function of the number of allotments per given land area (ie density), not their individual lot sizes. We do not agree in the context of Plan Change 19. The full quote is:

3b.2.2 is reflected in the **subdivision and development density rules** which provide for rural lots of 10 hectares or larger in area and notional dwelling sites of the same land area, to be controlled activities, and lots of between 10 hectares and 4 hectares to be discretionary activities. Lots below 4 hectares in area are discouraged by non-complying status. [Emphasis ours]

The highlighted words “**subdivision and development density rules**” clearly refer to the subdivision rules in section 4(e) of the plan. Those rules set the activity status of a subdivision by minimum lot size not by density. In the plan, density is controlled by lot size. Sade and Cheal relied on policy x of objective 3b.2.2 as a policy basis for the cluster rule. Policy x relevantly states:

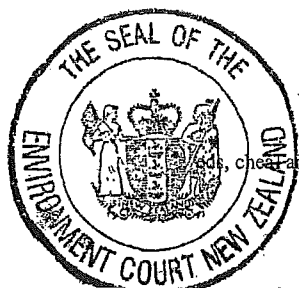
Any relevant guidelines should be taken into account in the design of any subdivision in the Rural Environment. In particular sensitive rural design should seek to achieve the following principles.

...

Appropriate Overall Density based on the level of development anticipated for the Rural Environment – maintain the expected level of built character in the Rural Environment, as anticipated by the District Plan.

[43] Sade and Cheal maintained that the district plan regards densities of less than 1 lot per 4 hectares as rural and densities of greater than 1 lot per 4 hectares as urban. We have already referred to the difference between “density” and “minimum lot size” – a difference we consider to be more than just semantic.

[44] Sade’s claim for its proposition was a detailed analysis of the TD2050 document and the Mapara Valley Structure Plan as implemented by Plan Change 23. In our view little assistance can be drawn from such an analysis. TD2050 sets out a strategic direction for urban growth for the Rural Environment. Plan Change 23 gives effect to that direction in respect to the area of the Mapara Valley identified for urban growth. The strategic direction of providing for urban growth is an exception to the Rural Environment provisions in the Rural Environment. Hence a detailed and comprehensive Structure Plan process is required. Only within that process is provision made for cluster



subdivision in the Rural Environment, with lot sizes less than 4 hectares, other than as a non-complying activity¹⁰.

[45] Accordingly we find that in the context of the district plan any lot size in the Rural Environment smaller than 4 hectares is deemed to be urban. It therefore follows that the proposed rule would result in urban development and the provisions of the plan relating to the control of urban development in the Rural Environment apply.

[46] The distinction between urban and rural is important to the Council's strategic growth planning as enunciated in TD2050 and Plan Change 19. The Council has specifically sought to separate out areas suitable for urban growth from the remaining Rural Environment. Plan Change 21 is integral in providing the policy framework within which urban growth is to be managed by identifying urban growth areas and prescribing a Structure Planning process to further guide the development of these areas. Importantly, it has introduced policies to prevent urban development outside the identified urban growth areas.

[47] To allow a rule that would facilitate development with a significant urban component in the Rural Environment would not, and cannot, accord with the Council's strategic directions as provided for in the plan changes. A deliberate attempt has been made to separate out rural from urban development and limit development of an urban form to identified areas through a Structure Plan and associated plan change process.

[48] Objective 3b.2.2 and its associated policies seek to protect the existing level of amenity provided by the Rural Environment. Policies i and ii protect rural amenity and character and ensure adequate infrastructure. Policy iii foreshadows the controlled activity rule which applies to the creation of allotments over 10 hectares. Policy iv seeks to specifically discourage urban type development establishing outside the planned environments other than by the TD2050 Structure Plan process.

[49] Not only does policy x need to be read in the context of its parent objective and other associated policies, but in the context of the wider provisions that express the strategic direction for urban development – a strategic direction that is expressly given effect to in policies iii and iv. The policies associated with objective 3b.2.2 are

¹⁰ Another exception is proposed by Plan Change 24 and Variation 25 which makes provision for bonus lots below 4 hectares where a Significant Natural Area has been protected in perpetuity.



effectively the criteria required by the plan to achieve the objective of managing subdivisions to reflect the rural amenity values. In this regard the 10 hectare controlled activity rule is specified in policy iii as the lot size criterion for maintaining rural amenity and character, managing rural infrastructure and allowing diversification of rural land uses.

[50] Thus we are of the view, that the words “**appropriate overall density based on the level of development anticipated for the Rural Environment**” reflect policies iii and iv. That is, the expected development in the Rural Environment is 10 hectares. While the plan enables some level of subdivision between 4 hectares and 10 hectares, such subdivision is wholly discretionary and subject to criteria. There is no presumption in favour of a discretionary activity.¹¹

[51] We agree with Mr Winchester that the cluster subdivision rules are an exception to the plan’s approach to control rural subdivision because:

- (i) the rules use the concept of density rather than minimum lot size as a threshold; and
- (ii) they recognise and enable the establishment of residential lot sizes that are considered urban and which are otherwise actively discouraged in the plan.

[52] The agreed clustering rule, as an exception, is carefully constrained thus limiting the potential scale and extent of development. By contrast the contested rule sought by Sade and Cheal would be much more permissive and would encourage residential occupation of the Rural Environment in a manner and at a scale not supported by the plan’s objectives and policies. As a consequence this would threaten the explicit growth management goals of Plan Changes 19-21¹².

[53] In our view, policy 3b.2.2x should not be used as a basis for a rule that would increase development possibilities in the Rural Environment, would result in residential allotments of a size recognised in the plan as urban, and facilitate an overall density of

¹¹ See *Roman Catholic Diocese v Franklin District Council*, Environment Court Decision W61/2004 at paragraph 166; and *Jackson Bay Mussels Limited v West Coast Regional Council*, Environment Court Decision C77/2000 at paragraph 70.

¹² See Gibbs, supplementary evidence, paragraph 5.11.



development higher than that anticipated. To do so would conflict with the strategic intent of Plan Changes 19-21 which deliberately place limitations on further urban development in the Rural Environment. The contested rule would result in a potentially large number of lots of an urban residential size, that would not be capable of being utilised for anything other than residential activity. This would be in direct conflict with the express intention of the district plan that the Rural Environment be characterised by dispersed building development.

[54] The Sade and Cheal overall density approach to subdivision is neither signalled nor authorised anywhere in the existing Rural zone provisions. We find that the clustering rule (at a density greater than 1 lot per 10 hectares) is not necessary in order to achieve or implement policy 3b.2.2x, nor is it the most appropriate or best method to achieve the plan's objectives in terms of section 32. We also find that the rule does not fit comfortably within the objectives and policies of Plan Changes 19-21.

Activity status for all subdivision of land resulting in allotments of 10 hectares or more

[55] It was EDS's final position that either:

- (i) the activity status for subdivision of allotments of 10 hectares or greater should be restricted discretionary activity rather than controlled; or alternatively
- (ii) the threshold of controlled activity status should be extended to 20 hectares.

[56] Mr Gibbs considered that allotments of 10 hectares or more would ensure a dispersed pattern of settlement and an affinity with the land that would be rural in nature. He did not see an increase to 20 hectares as necessary. He considered restricted discretionary status for all subdivision above 10 hectares to be overly restrictive¹³. Mr Gibbs noted that the district plan contained additional provisions relating to natural hazards, the geothermal resource and contaminated sites. He also referred to Plan Change

¹³ Mr J Gibbs supplementary evidence paragraphs 7.3 – 7.4



24 and Variation 25 with proposed provisions for landscape areas identified for their natural and landscape values¹⁴.

[57] Mr Peter D Reaburn, a planner called by EDS, was concerned that the Council would not always be able to manage the adverse effects of rural subdivision through the imposition of conditions. He considered that even very large lots may have limited or no capacity to absorb development. While he stated that he was satisfied with a 'fall-back position' of a 20 hectare threshold Mr Reaburn gave no reason for this and repeated his preference for the restricted discretionary status for all subdivision of sites greater than 10 hectares¹⁵.

[58] During cross-examination Mr Reaburn conceded that the 10 hectare threshold was generally appropriate and in the vast majority of cases the effects on rural character and amenity could be managed. His concern was with the "real possibility" that subdivision to 10 hectares would not be appropriate in some circumstances. He also acknowledged that Plan Change 24 and Variation 25 deal with the part of his concerns with respect to the values of outstanding landscapes¹⁶.

[59] We agree with both planners that 10 hectares is generally an appropriate threshold for controlled activity subdivision. We accept that this will ensure rural activities are carried out and that a dispersed pattern of settlement will result. We do not see any advantage in increasing this to 20 hectares. While we share Mr Reaburn's concern that such subdivision may not be appropriate in all circumstances we consider such inappropriate subdivision to be far less likely given Plan Change 24 and Variation 25 addressing landscape matters. Further we are satisfied that the controlled activity status and associated assessment matters do give the Council sufficient ability to manage the effects of such subdivision.

[60] We find that subdivision to create allotments of 10 hectares of greater should be a controlled activity in the Rural Environment.

¹⁴ R J Gibbs EIC 12.7

¹⁵ P D Reaburn supplementary evidence paragraphs 3.1 – 3.4

¹⁶ Transcript page 624 ff



The activity status for a cluster style subdivision located within an identified landscape area

[61] One of the requirements that has to be met for the purposes of the agreed cluster rule is:

- j. No cluster area will be located within a significant natural area, the Mapara Valley Structure Plan area, foreshore protection area, any identified landscape area or the Wairakei-Tauhara geothermal area.

[62] There is a further proposed rule (supported by the Council and EDS) which provides that any subdivision of land which does not comply with “j” as to “any identified landscape area” defaults to that of a non-complying activity. Sade and Cheal seek that any subdivision that does not comply with “j” as to “any identified landscape area” should default to a discretionary activity.

[63] Mr Gibbs noted that the provision for cluster type subdivision is an exception and should not be expected everywhere, especially in areas where the district plan has identified that a higher level of protection of landscape and other natural resources is required¹⁷. He set out the new rules proposed by Plan Change 24 and Variation 25 for Outstanding Landscape Areas to further restrict permitted building height, reduce building coverage, control earthworks, increase building setbacks and remove controlled activity subdivision¹⁸. Mr Gibbs concluded that it would be inappropriate for the district plan to anticipate urban development in these sensitive areas as discretionary activities¹⁹.

[64] Mr Reaburn weighed up the benefits of clustering, such as concentrating development in less sensitive areas and maintaining a large balance lot, against the costs of introducing urban development into the rural area. He supported the clustering rule for a density of less than 1 lot per 10 hectares in the general rural area²⁰. In response to questions from the Court Mr Reaburn addressed²¹ the issue of discretionary or non-complying status for clustering within an identified landscape area. He explained that clustering could achieve an environmental benefit through careful design. However he considered that the increased flexibility with respect to finding building platforms and the

¹⁷ R J Gibbs supplementary evidence para 6.3

¹⁸ R J Gibbs supplementary evidence para 6.7

¹⁹ R J Gibbs supplementary evidence para 6.9

²⁰ P D Reaburn supplementary evidence paragraphs 4.6 – 4.7

²¹ Transcript page 640



marketability of smaller lots could also enable development of sites that otherwise would not be subdivided. Therefore he favoured the more restrictive approach of clustering being non-complying in an identified landscape area.

[65] Mr Thomas P Bland, a planner called by Cheal, considered that the better landscape outcomes achieved by cluster style subdivision should not be more restricted than conventional subdivision at the same overall density²². During cross-examination he further explained²³ that conventional subdivision in identified landscape areas was proposed to be fully discretionary for lots greater than 4 hectares while cluster subdivision at an average density of 1 lot in 10 hectares is proposed to be non-complying. Hence there is a perverse incentive to subdivide at a higher average density using the conventional approach.

[66] We agree with the planners that cluster subdivision can achieve better outcomes with respect to landscape and natural values than the conventional subdivision approach. We also appreciate that the increased flexibility may facilitate residential development where it might not otherwise have been undertaken. On balance we consider that cluster style subdivision should not be discouraged compared to conventional subdivision at a higher overall density. We note the additional controls proposed in Plan Change 24 and Variation 25 and our earlier finding that cluster subdivision is only to be provided for at a density of 1 lot per 10 hectares or less. Given the additional provisions for identified landscape areas and the advantages of a more flexible design approach, we find that cluster style subdivision should be fully discretionary in identified landscape areas.

The activity status for cluster subdivision with allotments within 1000 metres of the Wairakei-Tauhara geothermal area

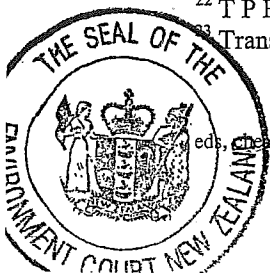
[67] One of the requirements that has to be met for the purposes of the agreed cluster rule is:

- f. Each cluster area will be no less than 1000 metres from the Wairakei-Tauhara geothermal area.

A subsequent rule makes non-compliance with “f” a discretionary activity. Contact seeks that a failure to comply with “f” should default to non-complying status.

²² T P Bland supplementary evidence para 4.14

²³ Transcript pages 717 ff



[68] Ms Dixon submitted that reverse sensitivity effects were managed by Contact in the rural environment, to the extent that people were moved out of their houses for the duration of drilling, but that becomes impossible when one house becomes a cluster of 5 to 10²⁴. She referred to technical advice from acoustic engineers that drilling rigs required a 900m separation distance to achieve the 40 dB noise limit in the district plan²⁵.

[69] Mr Gibbs supported the 1000m setback as a buffer and agreed there was an increased potential for reverse sensitivity requiring a higher level of assessment. He considered this could be undertaken through a fully discretionary approach and that non-complying status would be a disproportionate response²⁶. During cross-examination he agreed that noise from drilling activities was one example of a reverse sensitivity effect²⁷.

[70] Mr Mark B Chrisp, a planner called by Contact, referred to the Regional Policy Statement as providing a strong policy direction to ensure that subdivision rules did not allow the establishment of incompatible land-uses over or in proximity to the geothermal resources. He acknowledged that this is reflected in the assessment criterion for reverse sensitivity effects but as one of many such criteria he did not consider it to present any real barrier. His concern was that subdivision would be allowed with reverse sensitivity addressed by mechanisms such as a 'no complaints' covenant²⁸. Mr Chrisp concluded that cluster subdivisions, as rural residential development, changed land-use character and were incompatible with the development of the geothermal resource²⁹.

[71] We accept that cluster style subdivision close to the geothermal area has the potential to exacerbate reverse sensitivity effects when compared to conventional subdivision. We agree with Mr Chrisp that there is a strong policy direction to protect this resource and this should be reflected in the subdivision rules. Mr Gibbs is concerned that the non-complying status is a disproportionate response over the large area that would be affected by such a buffer. However we note that the non-complying status is only for cluster style subdivision which itself is an exception to the general approach of the district plan. Therefore we consider that a more restrictive approach for cluster subdivision compared to conventional subdivision is appropriate. We find that cluster

²⁴ R Dixon submissions 3 June 2009 para 16

²⁵ R Dixon submissions 3 June 2009 para 17

²⁶ R J Gibbs supplementary evidence 9.2 – 9.3

²⁷ Transcript pages 561 and 576

²⁸ M B Chrisp supplementary evidence 3.8 – 3.13

²⁹ M B Chrisp supplementary evidence 5.2



subdivision where any cluster is located within 1000m of the boundary of the geothermal area should be a non-complying activity.

Possible consequential effects

[72] While this appeal relates to Plan Change 19 we are aware that the changes resulting from this decision have to align with and be consistent with the suite of plan changes/variations that we have referred to, as well as the wider provisions of the plan. Also a number of appeals relating to the provisions of Plan Change 19 have been settled, and consent orders are before the Court. In case there may be consequential flow-on effects arising from this decision requiring amendment, the District Council is given 10 working days from receipt of this decision to make any application.

Determination

[73] For the reasons set out in this decision we make the following determinations:

A. The appeals are allowed to the extent that Plan Change 19 is to be altered in accordance with Appendix 2 subject to the following:

- (i) Rule 4e.1.3 is to provide for a controlled activity;³⁰ and
- (ii) The deletion of Sade and Cheal's proposed rule 4e.1#[b] and, consequentially 4e.1#[d]iii;³¹ and
- (iii) Rule 4e.1.#[c] is to provide for non-compliance with "j as to any identified Landscape Area" to be a discretionary activity (and f is to be deleted);³² and

³⁰ That provides for subdivision of lot sizes 10 hectares or greater as a controlled activity.

³¹ This removes the rule providing for cluster subdivision at a density of between 1 lot per 10 hectares and 1 lot per 4 hectares as a discretionary activity.

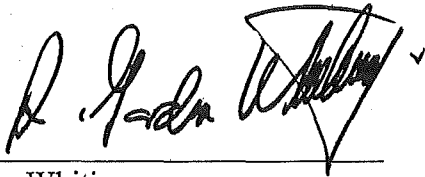
³² Cluster subdivision in an identified landscape area is a fully discretionary activity.



- (iv) Rule 4e.1#[d] is to provide for non-compliance with f or j (except for any identified landscape area) to be a non-complying activity.³³
- B. The Taupō District Council is granted leave to make an application within 10 working days of receipt of this decision, in the event that there are consequential flow on effects on the provisions of the plan that require minor amendment arising from this decision.
- C. Costs are reserved. It is our tentative view that costs should lie where they fall. Any party who wishes to apply for costs is to apply within 10 working days of the receipt of this decision.

DATED at Auckland this 14th day of September 2009.

For the Court:



R Gordon Whiting
Environment Judge

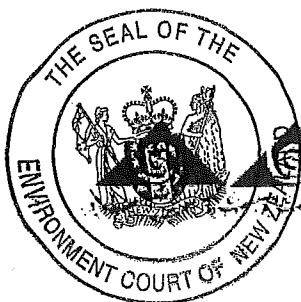


³³ Cluster subdivision where clusters are less than 1000m from the Wairakei-Tauhara geothermal area; or where clusters are located within a Significant Natural Area, the Mapara Structure Plan Area, Foreshore Protection Area, or the Wairakei-Tauhara Geothermal Area is a non-complying activity.

Taupo District 2050 District Plan Variations

Integrated Planning for Sustainable Growth

DECISION TEXT FOR VARIATIONS 19,
20 AND 21 AS A RESULT OF COUNCIL
DECISIONS



Introductory Note

The following document is divided into three chapters, one for each of the variations.

Changes made by Council are marked with new text shown with underlining (i.e. New Text) and text proposed to be removed in strike through (i.e. ~~Strike Through~~). Each change has a foot note which refers to the submissions and associated further submissions that led to the change.

Please note that this 'running text' does not include that text removed when the variations were notified, but reflects changes to that notified document.



VARIATION 19: RURAL LOT SIZES



3b RURAL ENVIRONMENT

3b.1 Introduction

The Rural Environment comprises all the land outside of the Residential, Town Centre and Industrial Environments. Most land within the District falls within the Rural Environment which is predominantly characterised by open space, dispersed buildings, rural roads and non-urban infrastructure supporting farming, horticulture and forestry land use. There is also a wide range of significant development associated with tourist activity, recreation, and the generation and transmission of electricity, ~~tourist activity and recreation.~~¹ The Rural Environment is considered an important resource for the District as well as for the region due to its productive potential and the range of land uses and diverse activities it encompasses.

The interaction of human activities and the natural landforms and natural processes give the Rural Environment a diverse range of landscapes. This results in a range of activities with inherent 'rural' characteristics, reflecting the productive nature of the land and resources along with reserves protecting steep land and high amenity landscapes. The resulting character defines the expected rural scale of development and level of effects. Included are such features as large allotments with very low site coverage and limited areas of impervious surface, buildings that are predominantly a minor element within the environment, with a few large buildings that are generally industrial and utilitarian in character.

Other principal elements are open landscapes including ridgelines generally free of buildings; large areas of vegetation including pasture, crops, productive forest and native bush; lakes, rivers and their margins. The predominant production activities of the Rural Environment can potentially create high levels of noise, vibration, spray drift, odour and dust. Additionally, activity in the Rural Environment is generally self sufficient with respect to water supply, wastewater disposal, and stormwater management, although some areas have limited communal water supplies.

Urban development can threaten the character, amenity and functioning of the Rural Environment, resulting in adverse effects on the rural landscape and creating reverse sensitivity issues. The principal activities in the Rural Environment may generate a certain level of effects. Performance standards have been developed to ensure that these are not unduly restricted. New activities with potential adverse effects seeking to locate in the Rural Environment will be required to demonstrate that these effects can be avoided, remedied or mitigated. Other activities that may be sensitive to existing activities will also be controlled through subdivision and residential density provisions.

Within the Rural Environment, there are also sensitive features such as sites of significance to Tangata Whenua, sites of important indigenous flora and fauna and significant landscapes. The Rural Environment objectives and policies seek to manage subdivision and land use activities in a way that reflects the amenity values of the landscape and sense of dispersed buildings and open space, the rural level of infrastructural services, and the busy productive nature of some parts of the District.

3b.2 Objectives and Policies

Objective 1

3b.2.1 ~~The protection of Rural Environment to maintain and enhance the rural amenity and character of the Rural Environment.~~²

Policies

- i. Maintain and enhance the amenity and character of the Rural Environment by providing land use performance standards and subdivision rules to manage the scale and density of development.



¹ TD2050.67.2 TD2050.82.F251, TD2050.82.1 TD2050.62.F056.

² TD2050.73.1, TD2050.82.3, TD2050.1.F068, TD2050.42.F332, TD2050.43.F332, TD2050.82.F102, TD2050.123.F021, TD2050.42.F344, TD2050.43.F344.

Variation 19: Rural Lot Sizes Running Text

- ii. Avoid urban development in the Rural Environment unless through a TD2050 Structure Plan Process and associated plan change.
- iii. Maintain the open space and dispersed building character ~~by setting minimum lot sizes.~~³
- iv. Provide for a range of productive land use activities within the Rural Environment while ensuring any adverse effects are avoided, remedied or mitigated.⁴
- v. Protect the District's lakes and river margins from buildings that are visually obtrusive and/or result in a decline of the amenity of the ~~foreshore margin~~ area, by controlling the bulk and location of these structures.⁵
- vi. Avoid, remedy or mitigate adverse effects of subdivision, use and development of land on areas or features of cultural, historical, landscape or ecological value.

Explanation

This objective and associated policies seek to protect the existing level of amenity provided by the Rural Environment. Protecting the amenity values of the Rural Environment is important because the rural landscape provides a clear aesthetic distinction between rural land and the urban environments. Although much of the Rural Environment has been modified over the years for productive land uses and contains many other diverse activities including large buildings, the spatial nature of this area with dispersed buildings and lack of urbanisation provides valuable amenity, productive potential and recreational opportunities for the District.

The increased desire for people to live in rural areas has brought changes to the land market with a dramatic increase in the demand for rural life style living in the Rural Environment. Because the Rural Environment is characterised by larger rural sized landholdings with predominantly low density development in the form of a dwelling with some associated farm buildings, this rural residential living has changed the rural amenity of some locations. The resulting smaller allotments often contain large residential buildings in close proximity to one another especially along transport corridors. Policy ii seeks to specifically discourage urban type development establishing outside the existing and planned urban environments, other than by way of the TD2050 Structure Plan Process and the associated plan change process.

Of particular concern is the grouping of a series of small lot subdivisions and the increased density of development this creates over a significant area. This is a form of urban development because many of these subdivisions do not maintain an open space and dispersed building character and the land is only used for residential living rather than a dwelling in the rural area associated with a rural land use. Often subdivision in an area is the catalyst for other nearby land owners to subdivide. The resulting cumulative effect of several adjacent subdivisions is the change to the landscape and the eroding of the rural character and amenity of the particular locality, especially when some of the newly created lots are further subdivided over time. Policy iii seeks to ensure subdivision, use and development of land in the Rural Environment maintains the open space and dispersed building character.

Policy iv seeks to maintain productive land use activities that make up a significant portion of the overall Rural Environment and it acknowledges that there are many different forms of productive land use. While general farming and forestry activity covers most of the rural area not in conservation reserve or national park, other industrial type activities such as electricity generation facilities and quarrying and tourist and commercial recreation activity provide a diverse range of established land use in the rural area. This policy recognises that the Rural Environment contains a wide range of resources that require the location of activities close to the resource. This means that there are many established activities that are not necessarily traditionally rural by nature, and rural amenity and character will vary in particular localities.

Given the District contains several large lakes and is intersected by rivers, a significant portion of rural properties are adjacent to lakes and waterways. Lakes and river margins are particularly

³ TD2050.82.4 TD2050.62.F057 TD2050.109.3 TD2050.1.F075 TD2050.42.F390 TD2050.43.F390 TD2050.82.F009

TD2050.123.F029 TD2050.133.F018

TD2050.73.2 TD2050.1.F069, TD2050.123.F032 TD2050.73.3, TD2050.42.F333 TD2050.43.F333 TD2050.123.F037

⁵ TD2050.82.5 TD2050.62.F058 TD2050.131.5 TD2050.62.F001, TD2050.123.F034.



susceptible to amenity and foreshore degradation. Policy v intends particular care be given to all buildings and structures located near the foreshore and has strong links to Part 2 and 3 matters set out in the Resource Management Act 1991.

The Rural Environment has many areas of high quality landscape and ecological value, as well as many significant sites containing cultural and historic values. Because the rural landscape has not undergone the rigours of urbanisation, many of these features remain and will be managed, and where appropriate, protected through various provisions contained throughout the District Plan.

Objective 2

3b.2.2 Manage the subdivision of rural land to reflect rural amenity values, rural land use and appropriate levels of infrastructure.

Policies

- i. Enable the subdivision of rural land in a manner that encourages a diversity of lot sizes that reflects the rural amenity and character of the area, and the landform.
- ii. Allow subdivision of rural land only where there is adequate rural infrastructure.
- iii. Allow as a controlled activity, the creation of allotments and nominal allotments with an area of 10 hectares or more as a means of ~~limiting fragmentation~~⁶ while maintaining rural amenity and character, managing rural infrastructure and allowing for a diversification of rural land uses.
- iv. Prevent urbanisation of the rural environment except as provided through the TD2050 Structure Plan Process and associated plan change process to prevent a dispersed pattern of settlement and the resulting inefficiencies in the management of resources.
- v. Avoid the subdivision of rural land where there are hazards, in particular, land affected by geothermal hazards and where land is unstable or prone to erosion or flooding.
- vi. Manage the subdivision of rural land overlying geothermal areas to avoid conflict with the resource use and development associated with geothermal electricity generation on identified geothermal⁷ development systems.
- vii. Encourage the retirement of steep land where such land is not appropriate for more intensive farming or further development including buildings, earthworks or clearance of vegetation.
- viii. Provide for the creation of Papakainga housing where any adverse effects on amenity and rural character are internalised within the parent allotment; and where any other adverse effects on the wider Rural Environment are avoided, remedied, or mitigated.
- ix. Provide for the creation of smaller lots to provide for the development of infrastructure, or access lots.⁸
- x. Any relevant guidelines should be taken into account in the design of any subdivision in the Rural Environment. In particular sensitive rural design should seek to achieve the following principles:
 - **Maintain significant open space area and increase net environmental gain – Encourage sensitive rural design in subdivision, use or development where areas of continuous open space predominate. In particular protect and enhance topographical, water, and vegetation features that contribute to the character of the Rural Environment.**
Areas or features of cultural, historical, landscape or ecological value are protected and enhanced.
 - **Appropriate Overall Density based on the level of development anticipated for the Rural Environment – Maintain the expected level of built character in the Rural Environment, as anticipated by the District Plan.**
 - **Site analysis – Undertake a design process and rationale that includes, but is not limited to identification of sensitive areas such as dominant ridgelines, water courses**



⁶ TD2050.108.7, TD2050.42.F381, TD2050.43.F381, TD2050.123.F047, TD2050.82.F153

⁷ TD2050.31.6

⁸ TD2050.82.11, TD2050.62.F059 and TD2050.123.F046

Variation 19: Rural Lot Sizes Running Text

(constant and ephemeral), existing vegetation that contributes to the rural character, and any important cultural, historical, natural or landscape values.

- **Appropriate Building Design and Location** – Site and design buildings appropriately in a manner that is well integrated with the surrounding landform, maintains continuous areas of open space, and reduces any potentially adverse visual effects. Levels of infrastructure are minimised through appropriate siting of buildings and structures.⁹

Explanation

The subdivision of land potentially generates an on-going process of creating smaller and smaller parcels of land. Over time this continued process can create a fragmented land ownership pattern

⁹ TD2050.42.1, TD2050.43.1 and TD2050.44.1 and further submissions TD2050.73.F003, TD2050.73.F006, TD2050.1.F106, TD2050.1.F107, TD2050.1.F108, TD2050.108.11, TD2050.109.11, TD2050.154.F006, TD2050.88.F006, TD2050.88.F004, TD2050.42.F385, TD2050.43.F385, TD2050.82.F157, TD2050.123.F006, TD2050.131.F026, TD2050.42.F396, TD2050.43.F396, TD2050.82.F017, TD2050.123.F007, TD2050.131.F027, and TD2050.1.F024, TD2050.134.4, TD2050.69.5, TD2050.70.5, TD2050.74.5, TD2050.75.5, TD2050.76.5, TD2050.83.5, TD2050.84.5, TD2050.85.5, TD2050.86.5, TD2050.87.5, TD2050.89.5, TD2050.95.5, TD2050.96.5, TD2050.28.5, TD2050.38.5, TD2050.53.5, TD2050.54.5, TD2050.60.5, TD2050.61.5, TD2050.106.5, TD2050.54.8, TD2050.27.2, TD2050.108.1, TD2050.108.9, TD2050.108.10, TD2050.109.9, TD2050.109.10, TD2050.133.1, TD2050.134.3, TD2050.134.5, TD2050.136.4, TD2050.137.1, TD2050.54.7, TD2050.136.6, TD2050.105.2, and further submissions TD2050.42.F220, TD2050.43.F220, TD2050.133.F008, TD2050.42.F221, TD2050.43.F221, TD2050.42.F222, TD2050.43.F222, TD2050.42.F223, TD2050.43.F223, TD2050.42.F224, TD2050.43.F224, TD2050.42.F225, TD2050.43.F225, TD2050.42.F226, TD2050.43.F226, TD2050.42.F227, TD2050.43.F227, TD2050.42.F228, TD2050.43.F228, TD2050.42.F229, TD2050.43.F229, TD2050.42.F230, TD2050.43.F230, TD2050.42.F231, TD2050.43.F231, TD2050.42.F232, TD2050.43.F232, TD2050.42.F215, TD2050.43.F215, TD2050.88.F019, TD2050.42.F216, TD2050.43.F216, TD2050.88.F021, TD2050.42.F217, TD2050.43.F217, TD2050.88.F020, TD2050.42.F218, TD2050.43.F218, TD2050.42.F219, TD2050.43.F219, TD2050.42.F289, TD2050.43.F289, TD2050.154.F001, TD2050.133.F012, TD2050.88.F003, TD2050.133.F017, TD2050.63.F035, TD2050.80.F007, TD2050.88.F008, TD2050.88.F009, TD2050.133.F021, TD2050.42.F310, TD2050.43.F310, TD2050.80.F002, TD2050.82.F248, TD2050.82.F108, TD2050.88.F005, TD2050.42.F416, TD2050.43.F416, TD2050.82.F260, TD2050.123.F145, TD2050.82.F044, TD2050.123.F129, TD2050.82.F047, TD2050.123.F130, TD2050.82.F050, TD2050.123.F131, TD2050.82.F053, TD2050.123.F132, TD2050.82.F056, TD2050.123.F133, TD2050.82.F059, TD2050.123.F135, TD2050.131.F015, TD2050.82.F062, TD2050.123.F136, TD2050.82.F065, TD2050.123.F137, TD2050.82.F068, TD2050.123.F138, TD2050.123.F139, TD2050.82.F074, TD2050.123.F140, TD2050.82.F077, TD2050.123.F142, TD2050.82.F080, TD2050.123.F143, TD2050.82.F029, TD2050.123.F123, TD2050.82.F032, TD2050.123.F124, TD2050.82.F035, TD2050.123.F125, TD2050.42.F309, TD2050.43.F309, TD2050.123.F126, TD2050.82.F038, TD2050.123.F127, TD2050.82.F041, TD2050.123.F128, TD2050.42.F371, TD2050.43.F371, TD2050.82.F112, TD2050.123.F144, TD2050.42.F311, TD2050.43.F311, TD2050.1.F053, TD2050.42.F377, TD2050.43.F377, TD2050.67.F001, TD2050.42.F383, TD2050.43.F383, TD2050.82.F155, TD2050.42.F384, TD2050.43.F384, TD2050.82.F156, TD2050.42.F394, TD2050.43.F394, TD2050.82.F015, TD2050.42.F395, TD2050.43.F395, TD2050.82.F016, TD2050.42.F413, TD2050.43.F413, TD2050.131.F029, TD2050.42.F415, TD2050.43.F415, TD2050.82.F259, TD2050.123.F009, TD2050.42.F417, TD2050.43.F417, TD2050.42.F420, TD2050.43.F420, TD2050.82.F263, TD2050.123.F010, TD2050.82.F265, TD2050.42.F422, TD2050.43.F422, TD2050.82.F264, TD2050.123.F146, TD2050.42.F366, TD2050.43.F366, TD2050.82.F071, TD2050.62.F030, TD2050.1.F135, TD2050.62.F037, TD2050.62.F038, TD2050.1.F141, TD2050.62.F039, TD2050.1.F144, TD2050.62.F040, TD2050.1.F147, TD2050.62.F041, TD2050.1.F153, TD2050.62.F044, TD2050.1.F159, TD2050.62.F045, TD2050.1.F162, TD2050.62.F046, TD2050.1.F165, TD2050.62.F047, TD2050.1.F168, TD2050.62.F048, TD2050.1.F171, TD2050.62.F049, TD2050.1.F120, TD2050.62.F031, TD2050.1.F123, TD2050.62.F032, TD2050.1.F126, TD2050.62.F033, TD2050.1.F185, TD2050.62.F034, TD2050.1.F129, TD2050.62.F035, TD2050.1.F132, TD2050.62.F036, TD2050.1.F184, TD2050.62.F050, TD2050.1.F023, TD2050.1.F028, TD2050.62.F029, TD2050.1.F027, TD2050.62.F051, TD2050.42.F423, TD2050.43.F423, TD2050.1.F190, TD2050.63.F050, TD2050.62.F052, TD2050.1.F114, TD2050.62.F064, TD2050.63.F089, TD2050.1.F138, TD2050.1.F150, TD2050.62.F042, TD2050.62.F043, TD2050.1.F156, TD2050.105.4, TD2050.108.4, TD2050.109.2, TD2050.108.2, TD2050.108.3 and TD2050.109.7 and further submissions TD2050.1.F020, TD2050.42.F389, TD2050.43.F389, TD2050.82.F008, TD2050.133.F013, TD2050.73.F002, TD2050.82.F010, TD2050.1.F054, TD2050.82.F148, TD2050.133.F014, TD2050.154.F005, TD2050.42.F378, TD2050.43.F378, TD2050.63.F037, TD2050.63.F037, TD2050.82.F149, TD2050.123.F025, TD2050.42.F392, TD2050.43.F392, TD2050.63.F038, TD2050.82.F013, TD2050.123.F030, TD2050.82.F150, TD2050.43.F379, TD2050.42.F379, TD2050.123.F110, TD2050.43.F368, TD2050.42.F368, TD2050.1.F115 and TD2050.133.F019, TD2050.108.5, TD2050.109.5 and further submissions TD2050.133.F015, TD2050.133.F016, TD2050.82.F151, TD2050.123.F022, TD2050.82.F011, TD2050.123.F023, TD2050.108.6 and TD2050.109.6 and further submissions TD2050.42.F380, TD2050.43.F380, TD2050.82.F152, TD2050.123.F042, TD2050.42.F391, TD2050.82.F012 and TD2050.123.F043, TD2050.108.7, and further submissions TD2050.42.F381, TD2050.43.F381, TD2050.123.F047, TD2050.82.F153, TD2050.109.8 and TD2050.108.8 and further submissions TD2050.88.F018, TD2050.80.F005, TD2050.88.F017, TD2050.1.F022, TD2050.1.F104, TD2050.62.F024, TD2050.63.F095, TD2050.63.F094, TD2050.42.F393, TD2050.43.F393, TD2050.82.F014, TD2050.123.F114, TD2050.42.F382, TD2050.43.F382, TD2050.82.F154, TD2050.123.F113, TD2050.81.1, and further submission TD2050.1.F194, TD2050.109.3 and further submissions TD2050.1.F075, TD2050.42.F390, TD2050.43.F390, TD2050.82.F009, TD2050.123.F029, TD2050.133.F018



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that ultimately reduces the range of rural activities that can be undertaken on the land, and leads to closer settlement and eventually a form of urban development. This objective and associated policy applies the amenity and character preservation objective of Objective 1 above as it relates to the effects of creating smaller lots in the rural area. The Subdivisions that result in smaller the allotments and overall reduced level of continuous open space the have a greater the chance it will of not being suitable for any rural activity and therefore the land is predominately used for some form of residential living. Sensitive rural design may further enhance the overall rural character by: specifically protecting and enhancing continuous areas of open space, particularly features that contribute to the character of the Rural Environment; by providing protection and enhancement of remnant indigenous ecosystems; and by improving overall water quality.

TD2050 resulted in a shift in the way Council addresses urban growth from a reactive to a more proactive strategic approach. This enables a clear distinction to occur between the different forms of urbanisation and rural uses. There are considerable costs to the community associated with uncontrolled urban growth. These costs include the inefficiencies of providing services and infrastructure to many small communities that can result from allowing people to live in the Rural Environment rather than within the urban environments where these services and infrastructure are already provided or can be extended efficiently. Environmental standards are placing more and more demands on rural/residential living to be provided with utility services and infrastructure. ~~and~~ People moving to a rural location often wish for improved services infrastructure such as water supplies and upgraded roads.¹⁰

Objective 2 is reflected in the subdivision and development density rules which provide for rural lots of 10ha or larger in area and notional dwelling sites of the same land area, to be controlled activities, and lots of between 10ha and 4ha to be discretionary activities. Lots below 4ha in area are discouraged by non-complying status. These rules are designed to prevent uncontrolled urban change in the Rural Environment. Areas of rural land will be made available for smaller lot subdivision through plan changes that reflect and are consistent with the Land Development and Growth Management Objectives of this Plan. Having identified areas, ~~through TD2050,~~ in the existing Rural Environment for future urban growth through TD2050 and having determined a process for establishing urban development on this land, this objective seeks to protect the remaining Rural Environment from urban development.

The intention is to make land available for rural/residential living ~~in close proximity to~~ within the urban growth areas identified in TD2050 so that future demand for this type of land will be met under the District Plan's urban growth management objectives.¹¹ As most small lot development will require some form of urban infrastructure in the future, the only efficient and environmentally sustainable way of providing for such serviced land is to ensure that it is located in close proximity to other serviced land in a TD2050 Urban Growth Area.

The Rural Environment contains a wide range of hazards that can place limitations on the extent to which the land can be further modified and developed. While the Natural Hazards and Unstable Ground (Section 31) deals with activity in general, Policy v ensures that more specifically, subdivision of land reflects any hazard limitations. Subdivision usually leads to some form of further land development, and the size of allotments can influence future use of the land, particularly where hazards are present.

Geothermal areas that have been identified in Regional Planning documents as development systems provide for the utilisation of the geothermal resource for electricity generation. Electricity generation facilities and associated infrastructure must be located in proximity to the resource. These facilities are industrial by nature and have associated industrial effects. The geothermal extraction activity

¹⁰ TD2050.16.4 TD2050.82.F245 and TD2050.82.F245

¹¹ TD2050.1.F112, TD2050.63.F041, TD2050.1.F111, TD2050.62.F016, TD2050.63.F064, TD2050.1.F178, TD2050.1.F183, TD2050.63.F079, TD2050.1.F182, TD2050.62.F065, TD2050.63.F093, TD2050.1.F110, TD2050.62.F023, TD2050.63.F096, TD2050.1.F098, TD2050.1.F100, TD2050.1.F097, TD2050.63.F105, TD2050.1.F189, TD2050.62.F007, TD2050.63.F100, TD2050.154.F021, TD2050.1.F195, TD2050.62.F069, TD2050.63.F101, TD2050.42.F287 TD2050.43.F287 TD2050.131.F043 TD2050.42.F364 TD2050.43.F364 TD2050.42.F365 TD2050.43.F365 TD2050.42.F376 TD2050.43.F376 TD2050.42.F399 TD2050.43.F399 TD2050.42.F402 TD2050.43.F402 TD2050.42.F312 TD2050.43.F312, TD2050.42.F298, TD2050.43.F298, TD2050.42.F148, TD2050.42.F297, TD2050.43.F297, TD2050.42.F270, TD2050.43.F270, TD2050.42.F301, TD2050.43.F301 TD2050.43.F055 TD2050.1.F064 TD2050.1.F056 TD2050.1.F065 TD2050.1.F057 TD2050.1.F066. TD2050.123.F014 TD2050.73.F004 TD2050.73.F007



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also has characteristics such as exploratory well drilling and testing of the resource which is wide spread across the resource area. Other activities that are sensitive to the receiving of effects resulting from geothermal exploration and electricity generation should be managed in respect to these effects.¹²

It is appropriate to provide for the subdivision of smaller lots for the purposes of soil conservation, such as for Land Improvement Agreements, on steep and unstable land.¹³

The Papakainga housing provisions recognise the intent of Part 2 of the RMA and provide for housing exclusively for members of the same whanau, hapu or iwi on Maori land. Maori land is owned by whanau, hapu or iwi, not individuals and cannot be subdivided or sold out of the whanau, hapu or iwi ownership. A significant portion of land within the Taupo District is Maori owned, and the Transitional Plan has historically provided for this form of housing. Some of the Maori owned land is made up of large rural blocks, with other land close to existing urban settlement or Marae. Papakainga housing is exempt for the nominal lot provision, but must meet all other building location provisions for the Rural Environment.

There are a number of structures and facilities associated with the provision of infrastructure, located throughout the Rural Environment. Policy ix recognises that these facilities often require leases or land title over only a small portion of land surrounding the physical works. Given that these infrastructural facilities are either existing or have permitted activity status, or have been through a land use consent process, the resulting subdivision of the land will have little effect on the surrounding environment.¹⁴

Objective 3

3b.2.3 Provide for the future urban growth requirements of the Taupo District.

Policies

- i. Avoid the creation of allotments below 10 Ha in TD2050 Urban Growth Areas identified in 3e.6 thereby preventing land fragmentation which will adversely affect the ability of the District to provide for future urban growth needs.

Explanation

TD2050 identified a number of future urban growth areas around the District for the purposes of ensuring an adequate land supply for future planned urban growth. These future growth areas are located in the Rural Environment generally in proximity to existing urban areas, or locations where there is sufficient land to accommodate projected growth requirements in an efficient critical mass to provide a full urban level of services.

It is important that these identified urban growth areas are kept available for the valuable future resource they represent. Planning for urban growth throughout the District is an important RMA Part 2 function, in providing for people and their communities' environmental social, economic and cultural wellbeing. Urban growth in the Rural Environment outside the identified urban growth areas will be treated as a non-complying activity.

Objective 4

3b.2.4 The efficient and effective functioning of the Rural Environment by enabling the use and development of natural and physical resources, while ensuring appropriate environmental outcomes are achieved.

Policies

- i. Control activities which may potentially restrict or compromise the operation of existing activities of the Rural Environment including the creation of new rural allotments that may lead to conflict between residential and rural activity.
- ii. Require potentially sensitive activities to provide mitigation methods to protect them from the effects of existing activities within the Rural Environment, in order to avoid the potential effects of reverse sensitivity.



¹² TD2050.62.5, TD2050.82.F138, TD2050.131.F036 and TD2050.123.F052

¹³ TD2050.123.3, TD2050.42.F405 and TD2050.43.F405

¹⁴ TD2050.82.11, TD2050.62.F059 and TD2050.123.F046

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- iii. Avoid subdivision and development of rural land that will put pressure on rural infrastructure and may require an increase in the level of service now or in the future.
- iv. Avoid creating a pattern of fragmented titles that reduces the potential for rural land use diversity.
- v. To recognise the important role of resource use and development in the Rural Environment, by providing for the continued operation and associated development of existing electricity generation facilities and network utilities by allowing their use, maintenance and minor upgrading where all significant adverse effects are avoided, remedied or mitigated.

Explanation

Any activity, which does not breach the specified standards, is provided for within the Rural Environment. However, some sensitive activities may not be suitable for such an environment. When an activity requires or expects a different level of amenity to that which exists in the environment, it may impact on the ability of existing activities in the environment to operate and result in conflicts with those existing activities. For example, if a residential unit establishes within the Rural Environment, the actual level of effects within the environment may be higher than expected. This can adversely affect the residential unit, and potentially place undue restrictions on other adjacent activities not requiring such a level of amenity.

The inclusion of the Rural Effects Area Radius endeavours to remove conflict between residential units and 'rural' activities within the Rural Environment, and minimise potential 'reverse sensitivity' issues. While ~~the Rural Effects Area Radius~~¹⁵ is not targeted at specific effects, it determines a distance at which conflict or 'reverse sensitivity' will be minimal, by ensuring a proposed residential building will be located within the site property and a sufficient distance away from site property boundaries, reducing the potential for conflict between the residential activity and surrounding rural activities.¹⁶

The existing facilities for the generation and transmission of electricity represent a significant investment that creates social and economic benefits both locally and nationally. Provision is made for the continued operation of existing electricity generation facilities and network utilities. The objective recognises that so long as appropriate environmental outcomes are achieved, resource use and development of the Rural Environment should be provided for. At the same time, where there are existing activities that by their nature are not of the same character or intensity as the generality of development in the environment, any new activity must recognise the existing physical resource.

Objective 5

3b.2.5 The protection of adjoining Environments from the adverse effects of activities within the Rural Environment.

Policies

- i. Manage the potential for adverse effects of activities in the Rural Environment at the interface of this and other more sensitive Environments.

Explanation

Activities within the Rural Environment can create a level of effects which are unacceptable within the other Environments of the District (i.e. residential/industrial). These effects include noise, dust, and the visual appearance of buildings, with the levels reached being adverse in more sensitive environments such as the Residential Environment. Therefore, at the interface between Environments, effects will be controlled with the potential for conflict minimised. This can include: the design and construction of structures to be more compatible; the provision of effective screening; setbacks for buildings and planted tree vegetation; and the meeting of the lower noise requirement at a boundary with different Environments.



TD2050.131.4, TD2050.82.F022, TD2050.123.F013, TD2050.154.F007
¹⁶ TD2050.131.4 TD2050.82.F022, TD2050.123.F013, TD2050.154.F007

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These provisions will ensure development and the level of environmental effects within the Rural Environment do not have excessive off-site effects, protecting the adjoining Environment as well as the amenity of the wider District.

3b.3 Methods

- i. Rules and performance standards for permitted activities, and rules and assessment criteria for subdivision, which protect the character, amenity and functioning of the Rural Environment.
- ii. Environmental assessment of activities which do not comply with performance standards through the resource consent process.
- iii. Conditions on resource consents such as consent notices and covenants on titles.
- iv. Education and information on the existing environmental levels, values, amenity and functioning associated with the Rural Environment.
- v. Allocation of funds through the LTCCP process.
- vi. Rules and policies within any relevant Regional Plan or Policy Statement.
- vii. Other legislation and Council Bylaws.
- viii. The publication of Design Guidelines to promote appropriate built development in the Rural Environment.¹⁷

3b.4 Principal Reasons For Adoption

A typical scale and character of development and level of environmental effects has been established over time within the Rural Environment. This has resulted in a level of character and amenity identified within the Rural Environment, which is defined by the operation of rural activities.

Threats to the functioning, character and amenity of the Rural Environment have been identified in the District-wide issues, policies, rules and performance standards of this section and are further discussed within the explanations for the Environment.

This section of the Plan recognises the variety of landscapes and great mix of activities which are undertaken within the Rural Environment, while also retaining the Environment’s valued character, amenity and functioning,

Accordingly, the approach within this section is to place emphasis on assessing the potential environmental impacts through a series of standards which must be met in order for any activity to be permitted, so the operational character of the Rural Environment can be protected. Failure to meet one or more of these standards requires that an activity obtain a resource consent, at which time a full and comprehensive assessment of environmental effects will be undertaken. In addition, future urban growth areas have been identified in the Rural Environment along with a process for developing these areas. The development of these areas is supported by more restrictive subdivision rules and assessment criteria in the Rural Environment to discourage smaller lot sizes.

¹⁷ TD2050.105.4, TD2050.108.4, TD2050.109.2, TD2050.108.2, TD2050.108.3 TD2050.109.7 TD2050.1.F020, TD2050.42.F389, TD2050.43.F389, TD2050.82.F008, TD2050.133.F013, TD2050.73.F002, TD2050.82.F010, TD2050.1.F054, TD2050.82.F148, TD2050.133.F014, TD2050.154.F005, TD2050.42.F378, TD2050.43.F378, TD2050.43.F378, TD2050.63.F037, TD2050.82.F149, TD2050.123.F025, TD2050.42.F392, TD2050.43.F392, TD2050.63.F038, TD2050.82.F013, TD2050.123.F030 TD2050.82.F150 TD2050.43.F379 TD2050.42.F379 TD2050.123.F110 TD2050.43.F368 TD2050.42.F368 TD2050.1.F115 and TD2050.133.F019, TD2050.108.5 TD2050.109.5 and further submissions TD2050.133.F015 TD2050.133.F016, TD2050.82.F151 TD2050.123.F022 TD2050.82.F011 TD2050.123.F023, TD2050.108.6 and TD2050.109.6 and further submissions TD2050.42.F380, TD2050.43.F380, TD2050.82.F152, TD2050.123.F042, TD2050.42.F391, TD2050.43.F391, TD2050.82.F012 and TD2050.123.F043, TD2050.108.7, and further submissions TD2050.42.F381, TD2050.43.F381, TD2050.123.F047, TD2050.82.F153, TD2050.12.3 and further submissions TD2050.133.F002, TD2050.43.F003 TD2050.82.F099.



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This approach will protect the functioning, character and amenity of the Rural Environment, and ensure the protection of the environmental qualities which make it an Environment suitable for a variety of activities that generate a range and level of environmental effects.

3b.5 Anticipated Environmental Outcomes

- i.** A range of activities compatible in scale, amenity and character with development within the Rural Environment.
- ii.** New activities and development does not create adverse impacts in terms of overshadowing, excessive building scale, and vehicle movements.
- iii.** Protection of the amenity of adjoining Environments from the adverse effects of activities within the Rural Environment such as noise.
- iv.** Protection of the wider environment and community from nuisances such as excessive dust, noise, glare, odour and stormwater.
- v.** The establishment, maintenance and enhancement of Papakainga housing in the District that enables tangata whenua to provide for their cultural, social and economic wellbeing.
- vi.** No urban development in the Rural Environment except as provided through the TD2050 Structure Plan Process and associated plan change.



4b RURAL ENVIRONMENT

4b.1 Rules

4b.1.1.5 Any activity that does not meet the Rural "Effects Area" Radius Performance Standard is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

- i.** The adverse effects of the reduced radius on:
 - the functioning of existing or consented activities on adjoining allotments.
 - Any areas or features of cultural, historical, landscape or ecological value, ~~(as identified through the provisions of this Plan;~~¹⁸
 - The extent to which the reduction in radius is necessary due to the shape or nature of the physical features of the allotment.
- ii.** The extent to which the existing topography or vegetation will mitigate effects of the reduced radius such as through increased separation.
- iii.** The ability for the proposed activity to mitigate adverse effects of the reduced setback; including the use of screening, planting, and alternative building location and design.

4b.2 Assessment Criteria

Please note: These criteria are not exclusive with other criteria able to be considered in the assessment of a discretionary activity.

1. GENERAL CRITERIA

- i.** Impact of the development or subdivision on the functioning of the Rural Environment, surrounding allotments and other adjoining Environments.
- ii.** Potential for conflict between the development or subdivision and other existing activities within the Rural Environment.
- iii.** Any cumulative effects of the development or subdivision, (including precedent effects).
- iv.** The design, density and layout of the development or subdivision (including any response to natural hazards).
- v.** Any immediate or potential cumulative effects of the land use on the quality of the District's lakes, waterways and aquifers, and the methods by which these adverse effects can be avoided, remedied or mitigated.
- vi.** Any actual or potential cumulative effects of the development or subdivision on the amenity and character of the Rural Environment, and the methods by which such effects can be avoided, remedied or mitigated. Attributes that may contribute to a higher level of amenity and rural character include, (but are not limited to):
 - A sense of place;
 - Aesthetic coherence;
 - Feelings of remoteness;
 - Open space, including existing recreational opportunities;
 - A relatively high standard of privacy;
 - A lower incidence of household noise;



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- A lower incidence of traffic on local roads and access ways;
 - A lower incidence of litter and pollution;
 - Open vistas of vegetation and prominent topographical features;
 - A lower incidence of buildings and structural clutter.
- vii. Any actual and potential effects of the development or subdivision on areas or features of cultural, historical, landscape or ecological value, ~~(as identified through the provisions of this Plan)~~,¹⁹
- viii. The provision, design and location of network utility services, secure water supply, waste water treatment systems, access ways and vehicle crossings, new and existing roads.
- ix. The location general assessment criteria and scope of earthworks, including its movement to, from and on the site.
- x. The clearance or planting of vegetation, including its location, species and maintenance.
- xi. The imposition of conditions in accordance with Section 108 of the Resource Management Act 1991.
- xii. Consideration of any relevant Management Plan or Strategy as guidance during the resource consent process.
- xiii. Any effects or potential effects on land stability.

4b.3 Performance Standards

4b.3.5 Rural "Effects Area" Radius

Any proposed building to be used as a residential unit dwellinghouse or for an accommodation activity shall have an "effects area" within the allotment of:

- i. 100m from any Industrial Environment boundary.
- ii. 50m all other allotment boundaries.

EXCEPTION: One dwellinghouse²⁰ per allotment, for allotments created where subdivision consent was granted prior to the notification of the Proposed District Plan (18th July 2000).

The Rural Effects Area Radius does not apply in respect to boundaries of allotments in the Residential Environment.

4b.3.13 Nominal Allotments

The second and subsequent dwellinghouse / accommodation unit on an allotment shall be sited within its own 10 hectare "nominal allotment". Dwellinghouses²¹ / accommodation units within the nominal allotment shall comply with the Minimum Building Setback and Rural Effects area Radius Performance Standards of the Plan as if the nominal boundaries are legal boundaries.

EXEMPTION: Papakainga Housing.



2050.91.10 and further submissions TD2050.82.F126, TD2050.154.F023, TD2050.123.F122, TD2050.42.F346, TD2050.42.F346, TD2050.123.F121, TD2050.82.27, TD2050.82.27

4e DISTRICT WIDE RULES

4e.1 Subdivision and Services

RULES

4e.1.3 Provided that the activity has not been identified as a discretionary activity by another rule in the plan, Any subdivision of land in the Rural Environment where the resulting allotments are 10 hectares or larger, is a controlled activity. 22

4e.1.4 Any subdivision of land for the sole purpose of providing for utility services, upgrade of roads infrastructure, or access to lots to existing or new lots is a controlled activity 23.

For the purposes of Rules 4e.1.1 to 4e.1.4 the matters which the Council reserves control for the purpose of assessment of controlled activities are: 24

- i. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
ii. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified engineer person 25 whose investigations are supplied with the subdivision application.
iii. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines.
iv. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
v. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value, as identified through the provisions of this Plan. 26

4e.1.9 Any subdivision of rural land as identified as a Geothermal Area on the Planning Maps D3 where the resulting lots are 4 hectares or larger is a discretionary activity.

4e.1.10 Any subdivision which is not identified as a controlled, restricted discretionary, or non complying activity, is a discretionary activity.

4e.1.11 Any subdivision of land in the Rural Environment where the resulting allotments are smaller than 4 hectares, unless provided for in rule 4e.1.4, is a non-complying activity. 27

ASSESSMENT CRITERIA

- i. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupo District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated. 28

22 TD2050.131.7, TD2050.62.F002, TD2050.82.F024.

23 TD2050.16.5, TD2050.67.F002, TD2050.82.28, TD2050.62.F063.

24 TD2050.22.4

25 TD2050.123.9, TD2050.123.10

26 TD2050.91.10 and further submissions TD2050.82.F126, TD2050.154.F023, TD2050.123.F122, TD2050.42.F346, TD2050.43.F346, TD2050.123.F121.

27 TD2050.82.30 TD2050.131.F049

28 TD2050.82.31 TD2050.42.F347, TD2050.43.F347.



Variation 19: Rural Lot Sizes Running Text

- ii. Any immediate adverse or potentially adverse cumulative effects on the amenity values and the existing level of infrastructure of the Rural Environment, and the methods by which such effects can be avoided, remedied or mitigated.²⁹
- iii. The level to which the amenity and landscape of the Rural Environment has already been compromised by subdivision and development and the extent to which the locality can absorb further change without creating cumulative adverse effects.
- iv. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified engineer person³⁰ whose investigations are supplied with the subdivision application.
- v. The location and scope of earthworks, including its movement to, from and on the site.
- vi. The clearance or planting of vegetation, including its location, species and maintenance.
- vii. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.
- viii. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- ix. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value (as identified through the provisions of this Plan).³¹



²⁹ TD2050.82.31 TD2050.42.F347, TD2050.43.F347.

³⁰ TD2050.123.10

³¹ TD2050.91.10 and further submissions TD2050.82.F126, TD2050.154.F023, TD2050.123.F122, TD2050.42.F346, TD2050.43.F346, TD2050.123.F121.

10 DEFINITIONS

10.1 Definitions

Geothermal Areas -

"Geothermal Areas are the consented areas and/or the geothermal system boundaries shown on the maps at the end of Section O. For the Wairakei-Tauhara Geothermal System the map does not include the land which forms part of the existing Taupo Urban Area or the future proposed urban growth areas identified in the Taupo Urban Structure Plan 2004 to the west of the designated East Taupo Arterial."³²

Infrastructure, -

(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, or geothermal energy;

(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;

(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989;

(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—

(i) uses them in connection with the generation of electricity for the person's use; and

(ii) does not use them to generate any electricity for supply to any other person;

(e) a water supply distribution system, including a system for irrigation;

(f) a drainage or sewerage system;

(g) structures for transport on land by cycleways, rail, roads (local and State highway)³³, walkways, or any other means;

(h) facilities for the loading or unloading of cargo or passengers transported on land by any means;

(i) an airport as defined in section 2 of the Airport Authorities Act 1966;

(j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990;

(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;

(l) anything described as a network utility operation in regulations made for the purposes of the definition of "network utility operator" in section 166 of the Act.³⁴

Nominal Allotment - An area of land wholly within the boundaries of a legal allotment, of a minimum size specified in the Plan, identified by a land owner / developer to accommodate a complying dwelling. Note that a "nominal allotment" is not a legal allotment as defined under Section 218(2) of the Act, but is a method to regulate the density of dwellings for the purposes of this Plan.

Papakainga - For the purposes of the Taupo District Plan, Papakainga is defined as:

³² TD2050.68.3, TD2050.62.4, TD2050.82.14, TD2050.123.2, TD2050.131.6 and further submissions TD2050.1.F061, TD2050.82.F137, Accept submissions TD2050.131.6 and further submissions TD2050.62.F025, TD2050.82.F094, TD20.131.F035 and TD2050.82.F023.

³⁴ TD2050.16.2 TD2050.1.F082 TD2050.129.F001 TD2050.82.F243 and TD2050.154.F013 TD2050.16.7, TD2050.129.F004 TD2050.82.F247 TD2050.16.3 TD2050.129.F002 TD2050.82.F244



Variation 19: Rural Lot Sizes Running Text

- Any dwellings erected to exclusively house members of the same whanau, hapu or iwi on land which is owned by the whanau, hapu, or iwi, and;
- is located on Maori land within the meaning of Section 129 (1) (a, b or c) of Te Ture Whenua Maori Land Act 1993, and
- is consistent with any licence to occupy Maori land that has been issued by the Maori Land Court.

Rural Effects Area Radius (Figure 5) – (Rural Environment) the establishment of an 'effects area' (as provided for in Performance Standard 4b.3.5) around proposed buildings to be used for residential units dwellings³⁵ or accommodation activities within the Rural Environment.



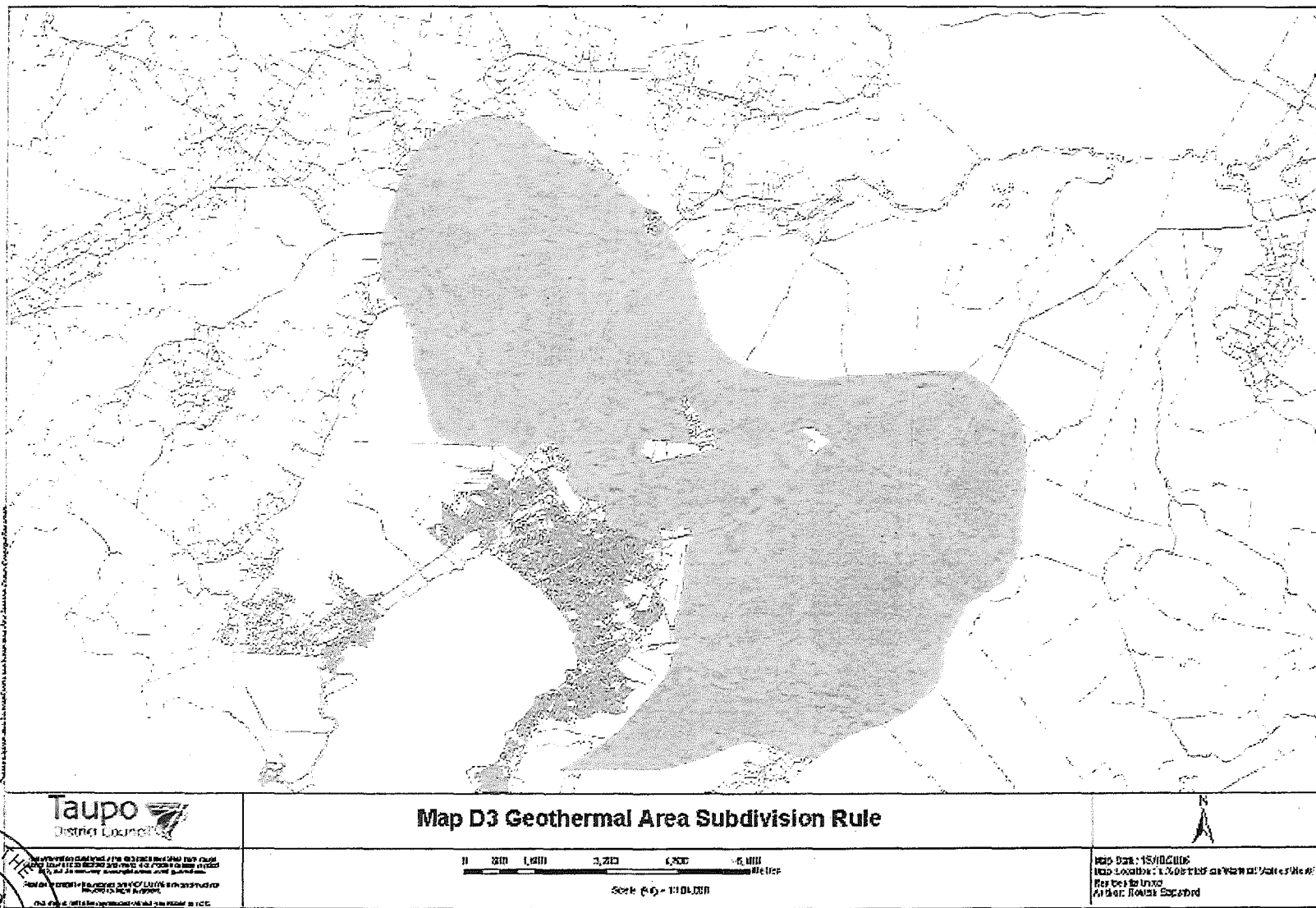
Variation 19: Rural Lot Sizes Running Text

Change to District Planning Maps

Addition of 'Geothermal Area' as shown on Map 1, to the Taupo Proposed District Plan Maps



Variation 19: Rural Lot Sizes Running Text



VARIATION 20: FUTURE RESIDENTIAL ENVIRONMENT



3a RESIDENTIAL

3a.2 Objectives and Policies

Objective 2

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

Policies

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

Explanation

Subdivision and development can result in increased pressure on the supporting infrastructure and services,³⁷ such as For the purposes of Objective 3a.2.2 and associated policy, supporting infrastructure is considered to be for drinking water, wastewater, roading (including the local and state roading networks) and stormwater. For those areas of the Residential Environment which are identified on the District Planning Maps as unserviced, development must ensure that the increased loading on services will be able to be effectively managed whilst avoiding remedying or mitigating any associated adverse effects.³⁶

Objective 4

To enable the ~~Future Acacia Bay Residential Area~~ New Residential Environment³⁷ to be developed in a manner which reflects the characteristics of the land and minimises offsite effects.

Policies

- i. Subdivision and development in the New Residential Environment ~~Future Acacia Bay Residential Area~~ should be in a form and layout that includes a range of lot-sizes built densities³⁸ that is are appropriately suited to the physical, landscape and amenity characteristics, natural values and constraints of the land.
- ~~ii. Subdivision and development in the Future Acacia Bay Residential Area should not adversely affect any Landscape Amenity Management Area.³⁹~~
- iii. Subdivision and development in the New Residential Environment ~~Future Acacia Bay Residential Area~~ should not adversely affect the amenity of the wider Residential Environment.

Explanation

Whilst the New Residential Environment ~~Future Acacia Bay Residential Area~~ has been identified as suitable for residential development, the physical and landscape characteristics of the site mean require that the form and built densities lot-sizes⁴⁰ of that development would have to be more sensitive to such factors.

³⁶ TD2050.63.10, TD2050.129.3

³⁷ TD2050.66.1, TD2050.66.5, TD2050.66.6, TD2050.66.7, TD2050.49.7, TD2050.66.9, TD2050.49.3 and TD2050.49.4
TD2050.49.F014, TD2050.49.F008, TD2050.49.F009, TD2050.49.F010, TD2050.66.F013, TD2050.129.F009,
TD2050.49.F012, TD2050.66.F009, TD2050.66.F010 and TD2050.129.F006

³⁸ TD2050.49.5 TD2050.66.F011 TD2050.42.F293 and TD2050.43.F293

³⁹ TD2050.49.6 and TD2050.66.13 and TD2050.66.F012 and TD2050.49.F016

⁴⁰ TD2050.49.5 TD2050.66.F011 TD2050.42.F293 and TD2050.43.F293



4e DISTRICT WIDE RULES

4e Subdivision and Services

4.e.1.75⁴¹ Any subdivision within unserviced areas of the Residential Environment or any activity which results in a new public road or extension of existing public roads, water, stormwater or wastewater utility services is a **restricted discretionary activity**.

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

- i. Those matters of control identified in Section 4e.1 above;⁴²
 - ii. The impact of the resulting development on the ability of the wastewater, stormwater and drinking water infrastructure to service the new development;
 - iii. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;
 - iv. Whether or not the lots will be adequately serviced for drinking water;
 - iv. The effect that the development will have on the storm water catchment.
- 4e.1.10 Any subdivision in the New Residential Environment Future Acacia Bay Residential Area⁴³, and any other subdivision which is not identified as a controlled, restricted discretionary, or non complying activity, is a **discretionary activity**.

ASSESSMENT CRITERIA

- x. In respect to the New Residential Environment Future Acacia Bay Residential Area the appropriateness of the design, layout and density of the subdivision, having particular regard to any:
 - relevant stormwater catchment management plan,
 - geotechnical and topographical considerations,
 - landscape issues (particularly as they relate to any Landscape Amenity Management Area),
 - natural values and any infrastructural servicing issues.

⁴¹ TD2050.1.7, TD2050.17.7, TD2050.34.7, TD2050.35.7, TD2050.36.7, TD2050.57.7, TD2050.58.7 and TD2050.64.7.

⁴² TD2050.22.5 and TD2050.129.F005

⁴³ TD2050.66.1, TD2050.66.5, TD2050.66.6, TD2050.66.7, TD2050.49.7, TD2050.66.9, TD2050.49.3 and TD2050.49.4 TD2050.49.F014, TD2050.49.F008, TD2050.49.F009, TD2050.49.F010, TD2050.66.F013, TD2050.129.F009, TD2050.49.F012, TD2050.66.F009, TD2050.66.F010 and TD2050.129.F006



Change to District Planning Maps

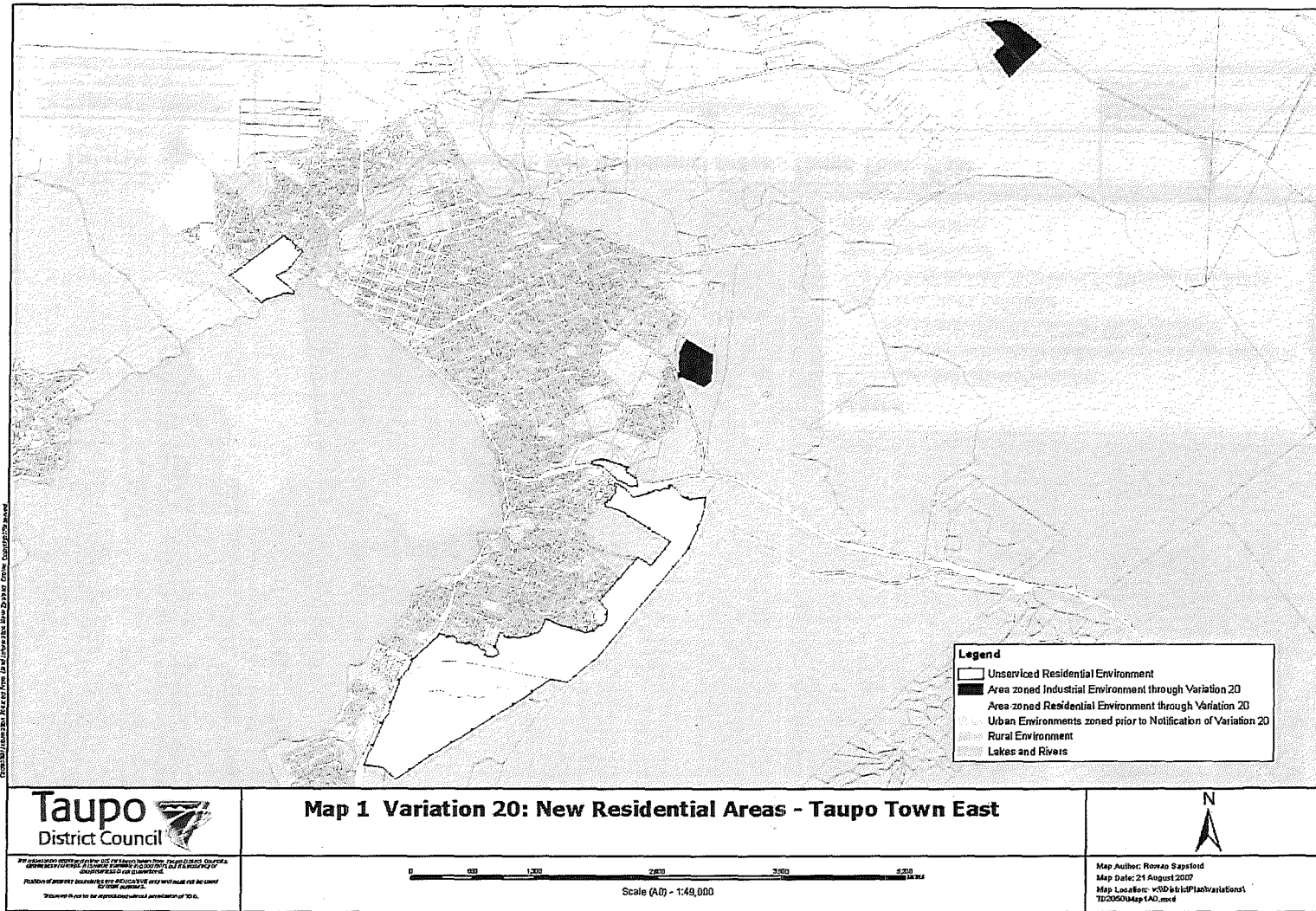
Addition of the following as shown on Maps 2,3,4 and 5 to the Taupo Proposed District Plan Maps

- New Residential (Low Density) Environment,
- New Residential Environment,
- New Industrial Environment, and
- New Residential Environment Future Acacia Bay Residential Area⁴⁴ (which is to be considered as part of the Residential Environment).

⁴⁴TD2050.66.1, TD2050.66.5, TD2050.66.6, TD2050.66.7, TD2050.49.7, TD2050.66.9, TD2050.49.3 and TD2050.49.4 and further submissions TD2050.49.F014, TD2050.49.F008, TD2050.49.F009, TD2050.49.F010, TD2050.66.F013, TD2050.129.F009, TD2050.49.F012, TD2050.66.F009, TD2050.66.F010 and TD2050.129.F006



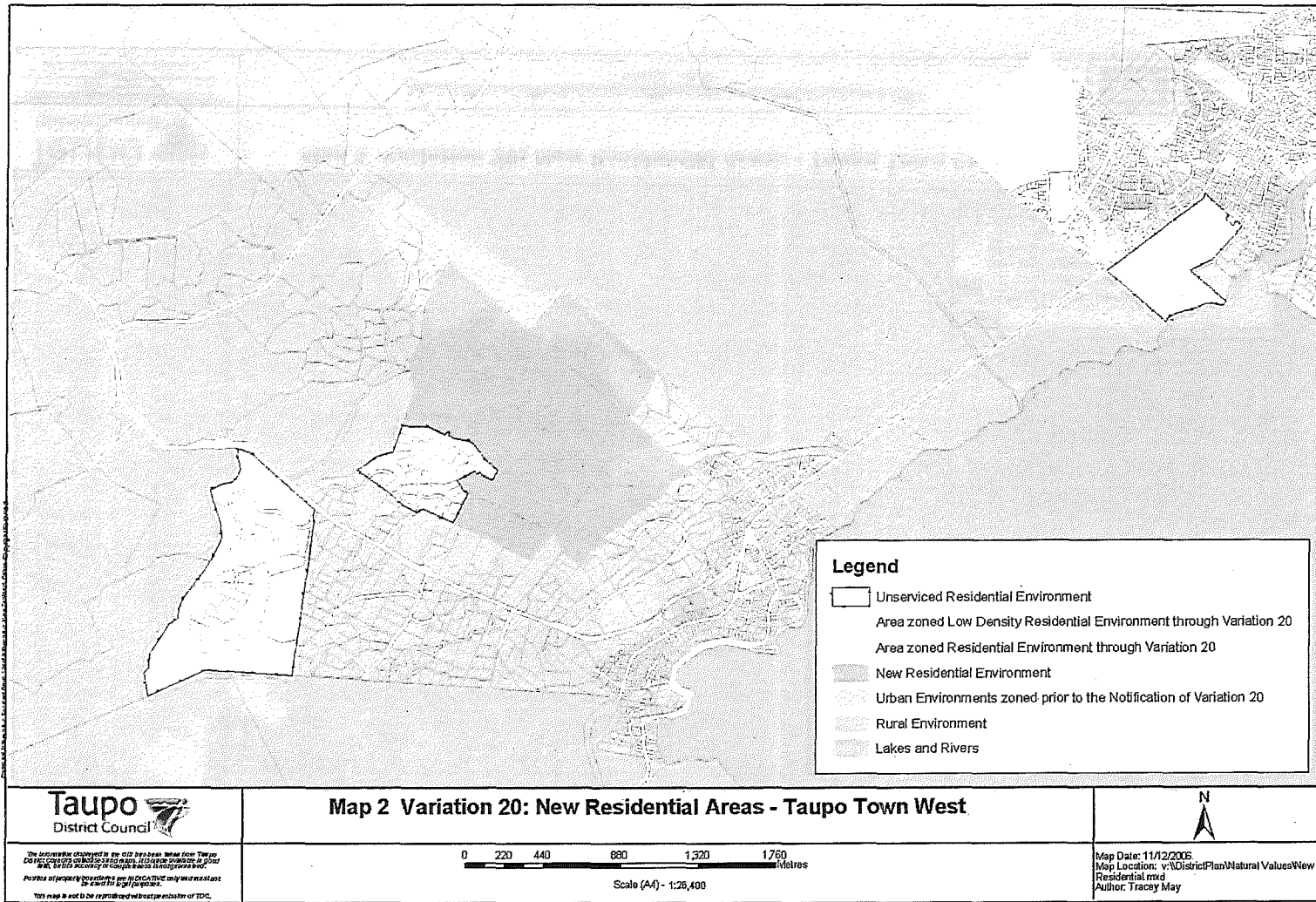
Variation 20: Future Residential Environment Running Text



TD2050.37.1, TD2050.37.2, TD2050.139.1, TD2050.37.4

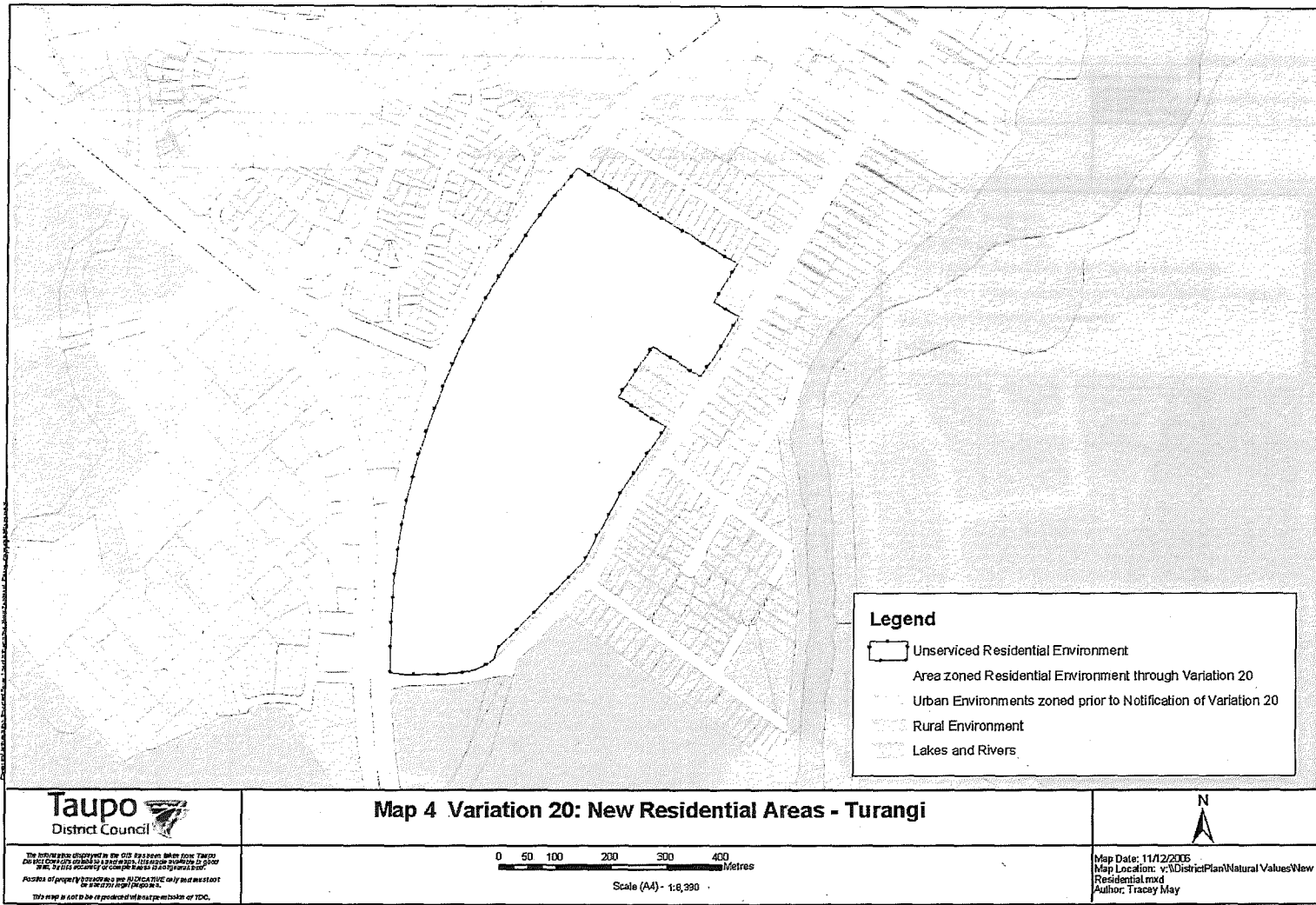
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Variation 20: Future Residential Environment Running Text



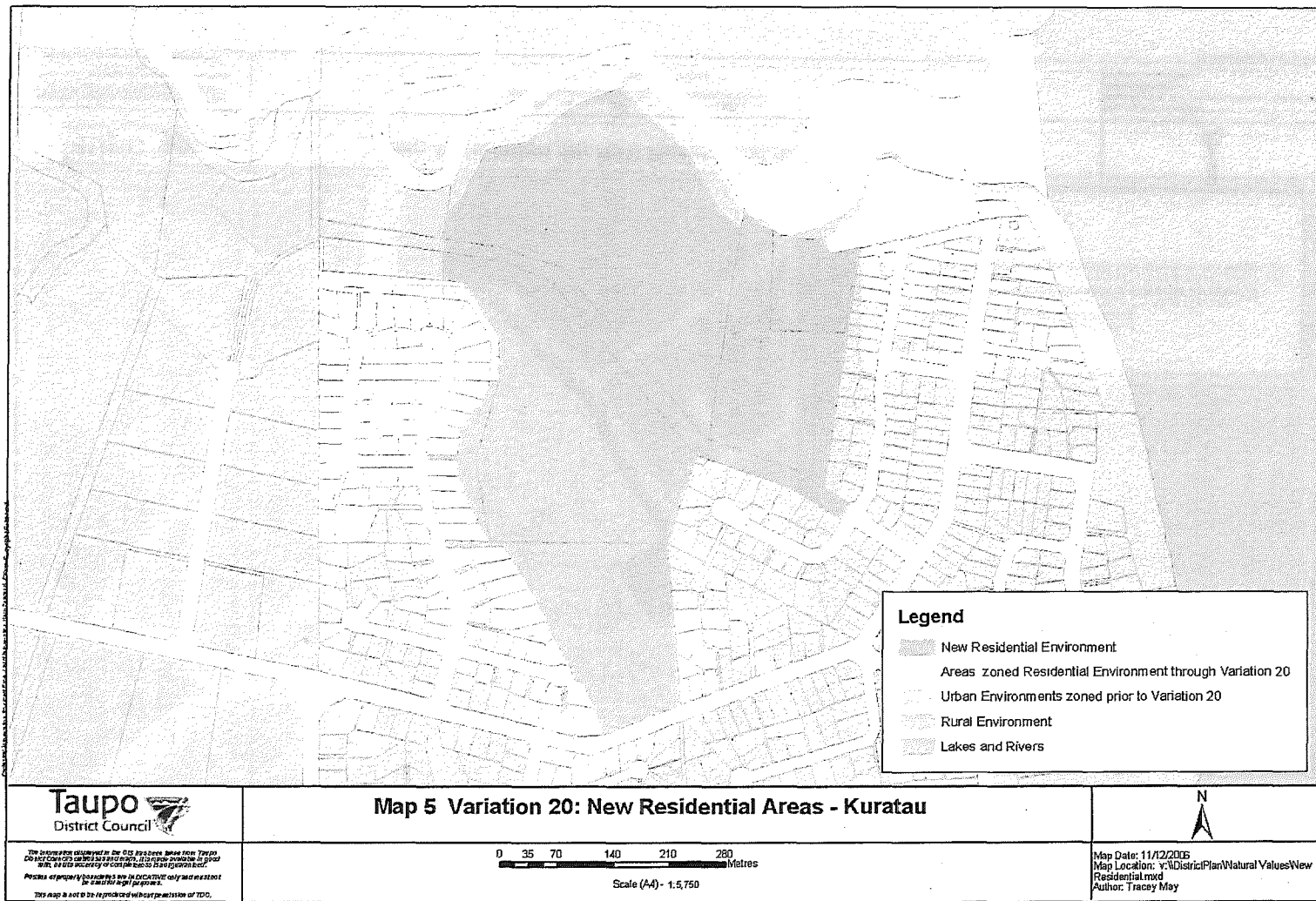
TD2050.66.1, TD2050.66.5, TD2050.66.6, TD2050.66.7, TD2050.49.7, TD2050.66.9, TD2050.49.3 and TD2050.49.4 TD2050.49.F014, TD2050.49.F008, TD2050.49.F009, TD2050.49.F010, TD2050.66.F013, TD2050.129.F009, TD2050.49.F012, TD2050.66.F009, TD2050.66.F010 and TD2050.129.F006

Variation 20: Future Residential Environment Running Text



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Variation 20: Future Residential Environment Running Text



TD2050.55.4, TD2050.6.3, TD2050.8.1, TD2050.14.1, TD2050.15.1, TD2050.18.1, TD2050.18.2, TD2050.18.3, TD2050.18.4, TD2050.19.1, TD2050.19.2, TD2050.19.3, TD2050.19.4, TD2050.20.1, TD2050.21.1, TD2050.21.2, TD2050.21.3, TD2050.21.4, TD2050.23.1, TD2050.23.2, TD2050.23.3, TD2050.23.4, TD2050.25.1, TD2050.25.2,



Variation 20: Future Residential Environment Running Text

TD2050.25.3, TD2050.25.4, TD2050.26.1, TD2050.26.2, TD2050.26.3, TD2050.26.4, TD2050.39.1, TD2050.39.2, TD2050.39.3, TD2050.39.4, TD2050.39.6, TD2050.40.1, TD2050.40.2, TD2050.40.3, TD2050.40.4, TD2050.41.1, TD2050.41.2, TD2050.41.3, TD2050.41.4, TD2050.45.1, TD2050.46.1, TD2050.46.2, TD2050.46.3, TD2050.46.4, TD2050.46.5, TD2050.55.1, TD2050.55.2, TD2050.55.3, TD2050.59.1, TD2050.59.2, TD2050.59.3, TD2050.59.4, TD2050.71.1, TD2050.122.1, TD2050.122.2, TD2050.122.3, TD2050.122.4, TD2050.125.1, TD2050.125.2, TD2050.125.3, TD2050.125.4, TD2050.126.1, TD2050.126.2, TD2050.126.3, TD2050.126.4, TD2050.126.7, TD2050.127.1, TD2050.127.2, TD2050.130.1, TD2050.130.2, TD2050.130.3, TD2050.130.4, TD2050.135.1, TD2050.135.2, TD2050.135.3, TD2050.135.4, TD2050.138.1, TD2050.138.2, TD2050.138.3, TD2050.138.4, TD2050.142.1, TD2050.142.2, TD2050.142.3, TD2050.142.4, TD2050.143.1, TD2050.143.2, TD2050.143.3, TD2050.143.4, TD2050.144.1, TD2050.145.1, TD2050.145.2, TD2050.145.3, TD2050.145.4, TD2050.146.1, TD2050.146.3, TD2050.146.4, TD2050.146.5, TD2050.146.6, TD2050.146.7 and TD2050.146.8 and further submissions TD2050.7.F016 TD2050.6.F016 TD2050.7.F015 TD2050.6.F015 TD2050.7.F014 TD2050.6.F014 TD2050.7.F013 TD2050.6.F013 TD2050.7.F012 TD2050.6.F012 TD2050.7.F011 TD2050.6.F011 TD2050.7.F010 TD2050.6.F010 TD2050.7.F009 TD2050.6.F009 TD2050.55.F005 TD2050.55.F004 TD2050.126.F006 TD2050.126.F003 TD2050.55.F003 TD2050.7.F028 TD2050.6.F028 TD2050.7.F027 TD2050.6.F027 TD2050.7.F026 TD2050.6.F026 TD2050.7.F025 TD2050.6.F025 TD2050.7.F024 TD2050.6.F024 TD2050.7.F023 TD2050.6.F023 TD2050.7.F022 TD2050.6.F022 TD2050.7.F021 TD2050.6.F021 TD2050.7.F020 TD2050.6.F020 TD2050.7.F019 TD2050.6.F019 TD2050.7.F018 TD2050.6.F018 TD2050.7.F017 TD2050.6.F017 TD2050.7.F040 TD2050.6.F040 TD2050.7.F039 TD2050.6.F039 TD2050.7.F038 TD2050.6.F038 TD2050.7.F037 TD2050.6.F037 TD2050.7.F036 TD2050.6.F036 TD2050.7.F035 TD2050.6.F035 TD2050.7.F034 TD2050.6.F034 TD2050.7.F033 TD2050.6.F033 TD2050.7.F032 TD2050.6.F032 TD2050.7.F031 TD2050.6.F031 TD2050.7.F030 TD2050.6.F030 TD2050.7.F029 TD2050.6.F029 TD2050.6.F041, TD2050.7.F041, TD2050.6.F042, TD2050.7.F042, TD2050.6.F043, TD2050.7.F043, TD2050.6.F044, TD2050.7.F044, TD2050.6.F045, TD2050.7.F045, TD2050.55.F006, TD2050.6.F050, TD2050.7.F050, TD2050.55.F007, TD2050.6.F046, TD2050.7.F046, TD2050.6.F047, TD2050.7.F047, TD2050.6.F048, TD2050.7.F048, TD2050.6.F049, TD2050.7.F049, TD2050.6.F051, TD2050.7.F051, TD2050.6.F052, TD2050.7.F052, TD2050.6.F053, TD2050.7.F053, TD2050.6.F054, TD2050.7.F054, TD2050.55.F008, TD2050.6.F055, TD2050.7.F055, TD2050.6.F056, TD2050.7.F056, TD2050.6.F057, TD2050.7.F057, TD2050.6.F058, TD2050.7.F058, TD2050.6.F059, TD2050.7.F059, TD2050.6.F060, TD2050.7.F060, TD2050.6.F061, TD2050.7.F061, TD2050.6.F062, TD2050.7.F062, TD2050.6.F063, TD2050.7.F063, TD2050.6.F064, TD2050.7.F064, TD2050.6.F065, TD2050.7.F065, TD2050.6.F066, TD2050.7.F066, TD2050.6.F067, TD2050.7.F067, TD2050.6.F068, TD2050.7.F068, TD2050.6.F069, TD2050.7.F069, TD2050.6.F070, TD2050.7.F070, TD2050.6.F071, TD2050.7.F071, TD2050.6.F072, TD2050.7.F072, TD2050.6.F073, TD2050.7.F073, TD2050.6.F074, TD2050.7.F074, TD2050.6.F075, TD2050.7.F075, TD2050.6.F076, TD2050.7.F076, TD2050.6.F077, TD2050.7.F077, TD2050.6.F078, TD2050.7.F078, TD2050.6.F079, TD2050.7.F079, TD2050.6.F080, TD2050.7.F080, TD2050.6.F081, TD2050.7.F081, TD2050.6.F082, TD2050.7.F082, TD2050.6.F083, TD2050.7.F083, TD2050.6.F084, TD2050.7.F084, TD2050.6.F085, TD2050.7.F085, TD2050.6.F086, TD2050.7.F086, TD2050.6.F087, TD2050.7.F087, TD2050.6.F088, TD2050.7.F088, TD2050.6.F089, TD2050.7.F089, TD2050.6.F090, TD2050.7.F090, TD2050.6.F095, TD2050.7.F095, TD2050.6.F096, TD2050.7.F096, TD2050.6.F097, TD2050.7.F097, TD2050.6.F098, TD2050.7.F098, TD2050.6.F099, TD2050.7.F099, TD2050.6.F100, TD2050.7.F100, TD2050.6.F101, TD2050.7.F101, TD2050.6.F102, TD2050.7.F102, TD2050.6.F103, TD2050.7.F103, TD2050.6.F104, TD2050.7.F104, TD2050.6.F105, TD2050.7.F105, TD2050.6.F106, TD2050.7.F106, TD2050.55.F009, TD2050.6.F107, TD2050.7.F107, TD2050.6.F108, TD2050.7.F108, TD2050.6.F109, TD2050.7.F109, TD2050.6.F110, TD2050.7.F110, TD2050.6.F111, TD2050.7.F111, TD2050.6.F112, TD2050.7.F112, TD2050.6.F113, TD2050.7.F113, TD2050.6.F114, TD2050.7.F114, TD2050.6.F115, TD2050.7.F115, TD2050.6.F116, TD2050.7.F116, TD2050.6.F117, TD2050.7.F117, TD2050.6.F118, TD2050.7.F118, TD2050.6.F119, TD2050.7.F119, TD2050.6.F120, TD2050.7.F120, TD2050.6.F121, TD2050.7.F121, TD2050.6.F122, TD2050.7.F122, TD2050.6.F123, TD2050.7.F123, TD2050.6.F124, TD2050.7.F124, TD2050.6.F125, TD2050.7.F125, TD2050.6.F126, TD2050.7.F126, TD2050.55.F010, TD2050.6.F127, TD2050.7.F127, TD2050.6.F128, TD2050.7.F128, TD2050.6.F129, TD2050.7.F129, TD2050.6.F130, TD2050.7.F130, TD2050.6.F131, TD2050.7.F131, TD2050.6.F132, TD2050.7.F132, TD2050.6.F133, TD2050.7.F133, TD2050.6.F134, TD2050.7.F134, TD2050.6.F135, TD2050.7.F135, TD2050.6.F136, TD2050.7.F136, TD2050.6.F137 and TD2050.7.F137.



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VARIATION 21: GROWTH MANAGEMENT AND LAND DEVELOPMENT



1 INTRODUCTION

1.4 Other National Plans and Documents

INTER-RELATIONSHIP OF THE PLANS OF THE TAUPO DISTRICT COUNCIL - FIGURE 1

The District Plan is an important planning document in its own right. However to achieve an integrated approach to the use of land and provision of infrastructure, Taupo District Council is required to take a range of planning and policy documents into consideration. The interrelationship of those documents is shown in Figure 1.

The Community Outcomes are part of the process identified in the Local Government Act 2002 to enable the community to identify its strategic goals. Although many agencies are involved in helping to achieve these outcomes over time, the Council has a critical role to play. The Community Outcomes set out what the community wants to achieve from a social, economic, cultural and environmental perspective.

The Community Outcomes are linked directly to the overarching policy direction for the work that Council does through it's key strategic documents. These strategies cover a broad range of issues such as economic development, water quality and recreation. Of most significance for the District Plan is Taupo District 2050 Growth Management Strategy June 2006⁴⁸ (TD2050) - Council's long term strategy for managing future urban growth in the District.

TD2050 aims to establish a sustainable pattern of urban settlement. Along with a policy framework to guide future urban growth, TD2050 identifies a number of future urban growth areas. These are broadly divided into those areas where significant land use and infrastructure planning has already been undertaken, and those which are indicative only and which⁴⁹ still require structure planning before they can be developed.

TD2050 provides for structure plans to be prepared for each Identified urban growth area showing, in an integrated way, how it will be developed over time. This will include the anticipated pattern of land use activities and the infrastructure requirements. These structure plans will be implemented through plan changes to the District Plan. This structure planning will essentially form the analysis that is required under section 32 of the Resource Management Act to support a change to the District Plan.

While structure plans will be used to support changes to the District Plan they also provide inputs into Council's asset management plans. The asset management plans show how Council intends to develop and manage the infrastructure assets that it is responsible for, such as wastewater and roading networks. These plans are "living documents" and are updated regularly to reflect ongoing structure planning. They also provide an important link between the planning for and management of growth and the funding mechanisms.

The work identified in the asset management plans is specifically reflected in the Long Term Council Community Plan (LTCCP). That Plan is prepared under the Local Government Act 2002, and essentially identifies what the Council intends to do over the coming ten year period to help achieve the identified Community Outcomes. The LTCCP also sets out how the Council intends to fund the work that it identifies.

The links between the structure planning, the District Plan, asset management planning and the LTCCP are important in ensuring that the Council is identifying future land use patterns, their resulting infrastructure needs and the funding for those needs in an efficient and affordable manner. This integrated approach aims to ensure that the Council is able to achieve sustainable management and the objectives of Part II of the Resource Management Act 1991.

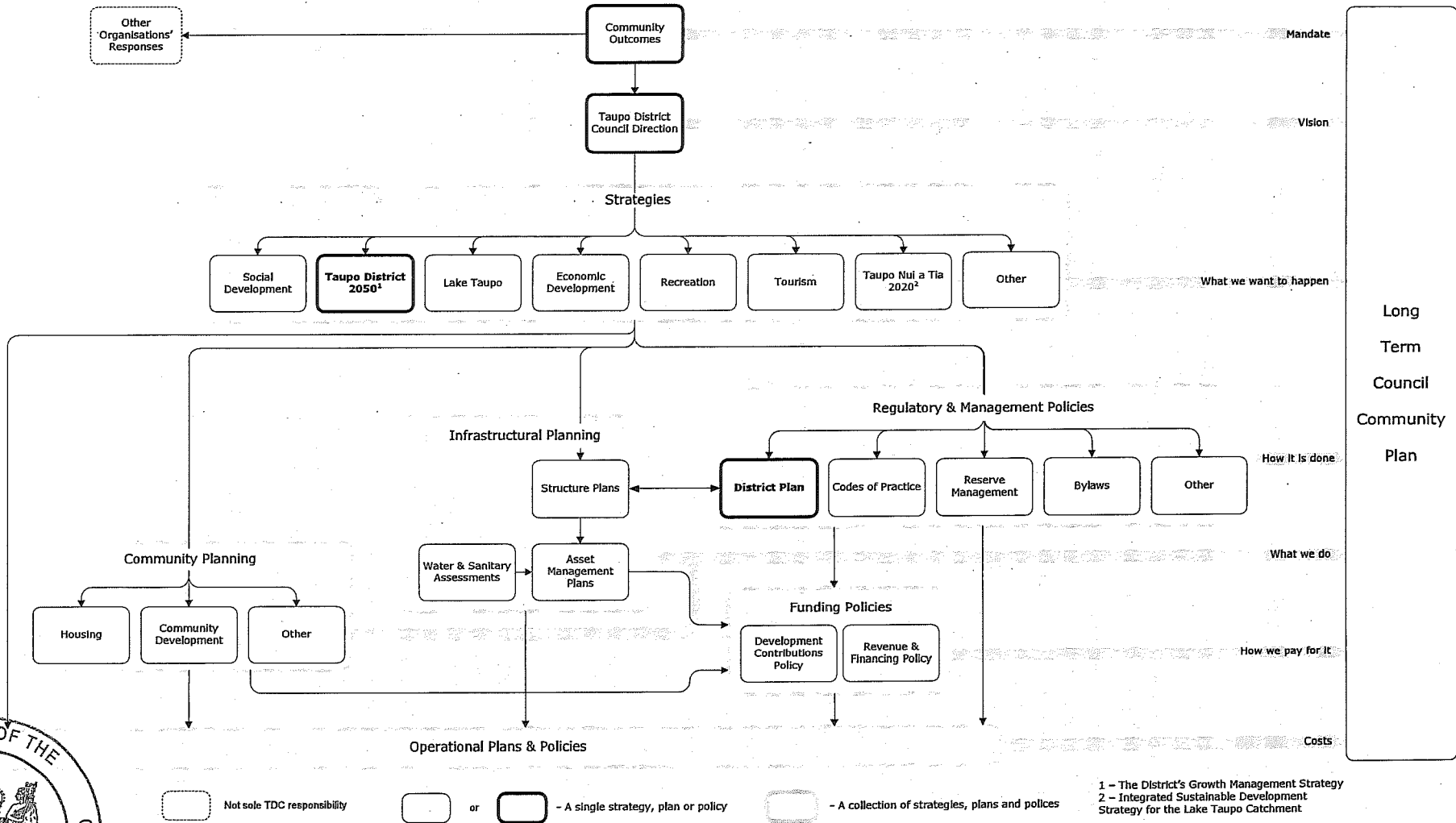
⁴⁸ TD2050.128.1 and TD2050.128.2

⁴⁹ TD2050.91.12 TD2050.11.3



Variation 21: Growth Management and Land Development Running Text

National and Regional Legislation and Policy Statements



1.5 The Taupo District Plan – its Philosophy

The Taupo District Plan has been developed around the significant resource management issues identified for the District. It is important for the Plan to be read as a whole document in order to gain an understanding of what these issues are and how they are comprehensively addressed through a number of provisions.

The Plan, as publicly notified in 2000, had an effects based approach to planning. Land was not identified for urban growth, but rather, resource consent applications could be made for activities on any land provided such developments caused no more than minor adverse effects on the pre-existing environment. While flexible, this approach made it very difficult to take the cumulative effects of growth into consideration. Following the adoption of TD2050, which strategically identified areas for future urban growth of the District, the Plan has moved, at a macro level, to strategic zoning. This has been ~~supplemented~~ supported⁵⁰ by changes to the categorisation of activity status and a tightening of subdivision provisions in the Rural Environment.

At the macro scale the District Plan seeks to manage the growth of the District’s urban areas through the identification of particular urban growth areas. While this process has been partially done through TD2050, ongoing structure planning will still need to be undertaken before all of the identified growth areas can be carried through into the District Plan. Through that process the District Plan identifies where in the District future urban development is expected and correspondingly the Plan signals that the remaining Rural Environment is expected to remain rural. This approach at a macro level is directive as it is intended to provide the community, developers and infrastructure providers with greater certainty about the location of future urban growth so that its effects, particularly cumulative effects, can be managed in a sustainable manner.

At a micro level the Plan focuses on the effects of activities instead of the type of activity. Regulating activity through effects based provisions provides a number of advantages and it allows opportunity for innovative design and technology, as well as flexible administration of the Plan.

To reflect the effects based provisions, the Plan refers to Environments instead of Zones. Four Environments have been identified within the District – the Residential, Rural, Town Centre and Industrial Environments. Each of the four Environments have a distinct character which has been established through zoning in the Transitional District Plan, where zones dictated the location of certain activities. As a result, similar types of activities are clustered together such as Residential activities within the Residential Environment, giving the area recognisable character and amenity. This has resulted in each of the four Environments having distinctive characteristics relating to the level of the amenity including noise levels, building density, open space, vehicle movements and the location of roads and public services. There is also some variation of these characteristics within each Environment. For example, an area within the Residential Environment may have limited water and wastewater facilities and contain lower density housing than another area. The Plan establishes acceptable limits for each environmental effect according to the characteristics of the Environment. Providing an activity can meet the rules and performance standards for the appropriate Environment, that activity is able to establish without the need for resource consent.

The Plan addresses regulatory issues by focusing on the effects of activities instead of the type of activity. The types of environmental effects regulated through the Plan by rules and performance standards include:

- Number of vehicle movements to and from a site – to help regulate the intensity of the activity.
- Noise levels – to ensure the level of noise associated with an activity is acceptable to the surrounding area.
- Building height, site coverage, setbacks from boundaries, plot ratios – to regulate the scale and density of development relative to the area in which it is located.
- Height to boundary standard – to provide daylight to the site.

⁵⁰ TD2050.128.7



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The Plan also includes a number of overlay provisions to enable the Council to fulfill its responsibilities under the Act, such as the matters detailed in Section 6, Matters of National Importance. Overlay provisions do not apply to all allotments but deal with issues which may only apply to certain areas of the District, certain allotments or a particular type of activity e.g. hazardous substances; natural hazards and unstable ground; activities on the surface of the water; network utilities; heritage issues including Tangata Whenua cultural values and natural, landscape and historic values. The Planning Maps at the back of the Plan provide a guide for allotments where these overlay provisions are relevant.

1.7 How to Use the District Plan

The following steps provide a guide to users of this Plan, to determine whether an activity is permitted or whether resource consent is required.

- Step 1 Check the Planning Maps to determine which Environment the particular allotment is within i.e. the Residential, Rural, Town Centre or Industrial Environment.
- Step 2 Use the Key of the Planning Maps to distinguish all other annotations or overlay details that relate to the allotment. This can include road hierarchy, the presence of natural hazards, designations, heritage orders, sites of historic value, height restrictions and Unserved Residential areas. Check the Landscape and Natural Values Maps to determine whether the allotment is within an Outstanding Landscape Management Area, Landscape Amenity Management Area or Natural Value Management Area. Check the TD2050 Urban Growth Areas in section 3e.6 of the text to establish if the allotment is within proximity of an identified urban growth area.
- Step 3 Refer to Part 4: Rules and Standards to determine the relevant Environment rules and standards (Subsections A, B, C or D) and the District Wide rules and standards (Subsection E) required to be taken into account.
- Step 4 Refer to the Definitions when the meaning of words or phrases is unclear.
- Step 5 Determine whether the activity will meet the rules and standards to determine how the activity will proceed i.e. whether it is a permitted activity and does not require a resource consent or whether the activity is a controlled, restricted discretionary, or discretionary or non-complying activity and therefore requires a resource consent.

Add the following:

Type of Activity: non-complying

Do I need a Resource Consent?: Yes

Explanation: Council may grant consent (with or without conditions) only if it is satisfied that either:

- (a) The adverse effects if the activity on the environment will be minor; or
- (b) The activity will not be contrary to the objectives and policies of the Plan.⁵¹

⁵¹ TD2050.22.6 TD2050.82.F129



2 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

2.3 Significant Resource Management Issues

The significant resource management issues of the District have been identified and discussed in the following, forming the basis of the Plan. They are addressed through a number of objectives and policies, tying the Plan to the community's desired outcomes.

ISSUE 1 – AMENITY AND CHARACTER

WHAT IS AMENITY?

The Resource Management Act 1991 defines amenity as:

"...those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."

The Environment Court has expanded on the Act's definition of amenity in the *Phantom Outdoor Advertising Ltd v Christchurch CC* case (EnvC C90/2001) by stating:

"...pleasantness, aesthetic coherence, and cultural and recreational attributes were not some combined absolute value which members of the public appreciated to a greater or lesser extent. Rather, the definition of amenity embraces a wide range of elements and experiences, and appreciation of amenity values may change depending on the audience."

Amenity values almost defy a specific definition. Amenity values are subjective to each individual person, and may be influenced by their particular circumstances and traits. These observations signal the importance of consultation to find out those features or values that are important in respect to each proposal.

WHAT IS CHARACTER?

While the Act does not define "character", the Oxford Dictionary defines it as:

"Collective qualities or peculiarities that distinguish an individual or group..."

Although there is also a subjective component to 'character', it can be more readily described than amenity. Hence in case law it is not uncommon for participants or even for the Environment Court to identify particular qualities or peculiarities that comprise the character of an area. For example, in the context of the Rural Environment such components may include, (but are not limited to): open space; a lower incidence of built structures (as compared to other environments); fewer people; more flora (both indigenous and exotic / commercial), and fauna; open vistas; a lower level of background noise; less "hustle and bustle"; and a higher incidence of organic odours (compared with a higher incidence of inorganic odours in other environments).

However, there will be significant diversity in character of each Environment identified within the Plan, as each Environment itself is generally quite large in area and hosts many different activities.

Over time, distinct Environments have been created within the District. The nature of each Environment has been largely determined by the type of predominant activity taking place, and often the resulting community perception of the associated level of amenity. One of the Council's roles is to define, develop and maintain, and enhance the community's amenity and character within these identified environments. This is achieved through the performance standards of the Plan and through the allocation of resources in the Annual and Strategic Plans.

Within the Plan, the Environments of the District have been identified as being Residential, Rural, Town Centre and Industrial. The Plan contributes directly to the amenity of these Environments through the establishment of performance standards, such as building setbacks, noise standards and maximum height. Natural Value and Landscapes contribute to the amenity and character of the District, particularly in the Rural Environment, and are provided for through the implementation of policy. In addition to these environmental standards, the community develops itself, creating an environment to reflect its own individual character. Therefore, it is essential to recognise that



development of this community amenity and character is not static, but instead is part of a dynamic and continuous process in which the District Plan is involved.

The role of the Plan, therefore, is to ensure the maintenance and promote the enhancement of the identified character, amenity and utility of these Environments. This is through ensuring that any adverse effect of an activity on the identified character, amenity and utility of the particular Environment is avoided, remedied or mitigated. Adverse effects can arise through the location of activities within an inappropriate Environment, or through conflict at the interface of Environments with different levels of accepted effects. Some Environments can be sensitive, with other Environments perceived to be more robust – absorbing potential effects more readily. These issues are reflected within each of the Environments and within the relevant performance standards.

Implemented through: Residential Environment, Rural Environment, Industrial Environment, Town Centre Environment.

ISSUE 6 – GROWTH MANAGEMENT

Parts of the district are currently experiencing population growth resulting in the need for residential and urban expansion, which increases the pressure on existing infrastructure. This requires the construction of new infrastructure for roads, water, wastewater, stormwater and reserves networks that collectively create a sustainable urban form. The district is also experiencing increased recreational and tourism development which places pressure on the natural and physical resources of the district such as lakes, rivers and natural areas and reserves. The issue of growth management also directly deals with the avoidance, remedying and mitigation of adverse effects on the natural environment.

The provision of infrastructure, land ownership issues, the presence of natural resources and existing development can all influence how and where new development takes place. In terms of geothermal resources, Council has measures to address the issue of reverse sensitivity of urban expansion and development in the immediate proximity of power stations. In addition, as people's expectations and desires change over time so do their aspirations towards where and how they want to live. ~~The Plan does not pre-judge where development or growth may occur, but instead identifies issues and concerns which need to be addressed in order for development to proceed. Structure Plans prepared by the Council indicate long term growth options to guide urban expansion in a coherent way.~~ Structure plans prepared either by Council or privately, indicate the nature of any urban growth options to guide urban expansion in a coherent way.⁵²

Implemented through: All sections of the Plan.



3e GROWTH MANAGEMENT AND LAND DEVELOPMENT

3e.1 Introduction

Note: This Chapter is to be read in conjunction with the Objectives, Policies and Rules and Standards pertinent to each Environment

Land development is a continuous process reflecting the way the District responds to urban growth demands and use of resources. Land development includes the redevelopment or intensification of activities on an allotment, the formation of new allotments within an existing Environment, or the formation of new patterns of development consistent with Taupo District 2050 Growth Management Strategy June 2006 (TD2050).⁵³

TD2050 is a valuable supporting document providing a 20 year growth model for managing urban growth, including identifying a critical mass of people in growth areas to provide for efficiency and affordability in servicing the needs of the population increase.

Preparation of structure plans to be incorporated into the District Plan by plan changes is encouraged required⁵⁴ as the method to provide appropriately for the land development framework and infrastructure necessary for the identified urban growth areas. This is a specific process to realise the development of the TD2050 Urban Growth Areas and distinguishes these indicative new urban growth⁵⁵ areas from the existing urban areas of the District.

New activities and development can place pressure on the designed level of service and provision of resources. This impacts on the existing users of the system, and potentially the wider environment. Network utility infrastructure systems may therefore need to be upgraded or improved as a consequence of the new development. Proposals for new development needs to address the adequacy of existing or proposed infrastructure to meet the additional demand, and the manner by which any adverse effects on the existing infrastructure will be avoided, remedied or mitigated.

Development and land use may result in an adverse effect on the quality of Taupo District's lakes, waterways and aquifers by increasing the level of pollutants entering these water bodies. Such effects often take a long period of time to manifest themselves, and an even longer time to remedy, but will invariably have a serious adverse impact on the environment. This is considered to be a local, regional and national issue. While Regional Councils have a mandate to manage discharges to land, air and water, (Section 30 the Act), territorial authorities can also manage land uses that have effects on the environment (Section 31).

Development and subdivision can impact on the amenity values. Policy in this section of the Plan provides direction in assessing the effect of proposed development upon those values.



⁵³ TD2050.128.1 and TD2050.128.2
⁵⁴ TD2050.1.11, TD2050.17.11, TD2050.34.11, TD2050.35.11, TD2050.36.11, TD2050.57.11, TD2050.58.11 and TD2050.64.11
⁵⁵ TD2050.91.12 TD2050.11.3

3e.2 Objectives and Policies

Objective 1

- 3e.2.1 Ensure the management and pattern of urban growth is in accordance with the direction provided by TD2050 Urban Growth Areas⁵⁶ to achieve the sustainable management of the District's natural and physical resources.

Policies

- i. Recognise the appropriateness of TD2050 Urban Growth Areas as described in section 3e.6⁵⁷ as an important resource for providing for new urban land development and⁵⁸ as the focus for future urban growth.
- ii Ensure patterns of future urban development that are consistent with the identified TD2050 Urban Growth Areas as described in Section 3e.6
- iii Prevent urban development in the rural environment outside of the identified TD2050 Urban Growth Areas as described in section 3e.6.
- iv Avoid the cumulative effect that subdivision and consequent fragmented land ownership can have on the role of the TD2050 Urban Growth Areas in providing the supply of land for urban development.
- v Ensure that urban development of an identified TD2050 Urban Growth Area occurs by way of a TD2050 Structure Plan Process and associated plan change process.⁵⁹

Explanation

The location of the TD2050 Urban Growth Areas has been the result of a comprehensive process of evaluation carried out as part of developing the TD2050. This strategy was the result of a need to provide for greater direction in the integrated management of identified future growth and its associated effects.

TD2050 was developed from the strategic directions that provided a comprehensive picture as to how the community and Council saw growth as being managed. These directions are;

- Outstanding Landscapes and Natural Areas,
- Settlement Patterns and Urban Form,
- Well Designed Places,
- Strong Communities,
- Tangata Whenua,
- Sustainable Economy,
- Integrating Landuse,
- Infrastructure and Funding,
- Transport Modes and Connections,
- Water Resources,
- Open Space Networks,
- Leadership, Partnership and Collaboration

⁵⁶ TD2050.128.11 TD2050.1.F273

⁵⁷ TD2050.128.15

⁵⁸ TD2050.1.12, TD2050.17.12, TD2050.34.12, TD2050.35.12, TD2050.36.12, TD2050.57.12, TD2050.58.12,

TD2050.64.12 TD2050.1.13, TD2050.17.13, TD2050.34.13, TD2050.35.13, TD2050.36.13, TD2050.57.13, TD2050.58.13

and TD2050.64.13

⁵⁹ TD2050.128.12



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By anchoring the location of urban growth areas the community is provided with certainty as to where future urban expansion will occur and the management of resources is provided for in an efficient and sustainable manner in accordance with Part II of the Resource Management Act 1991.

Objective 2

3e.2.2 Ensure that the subdivision and development of TD2050 Urban Growth Areas for new urban growth occurs by way of a comprehensive TD2050 Structure Plan Process and plan change.

Policies

- i. Define the precise location, extent, form and staging of development of TD2050 Urban Growth Areas by way of the TD2050 Structure Plan Process and associated plan change process ~~as described in Section 3e.7.~~
- ii. Ensure that the development framework for the TD2050 Urban Growth Areas are determined by the TD2050 Structure Plan Process. ~~as described in Section 3e.7.~~
- iii That a range of residential densities, location of rural residential opportunities and the staging of the development of the TD2050 Urban Growth Areas shall be determined by the TD2050 Structure Plan Process ~~as described in Section 3e.7.~~⁶⁰
- iv Ensure that staging of development in the TD2050 Urban Growth Areas is efficient, consistent with and supported by adequate infrastructure

Explanation

The TD2050 Structure Plan Process requires a comprehensive approach for preparing the framework for the development of a TD2050 Urban Growth Area. As the TD2050 Structure Plan Process requirements complete the process for determining the extent of the⁶¹ TD2050 Urban Growth Areas and need to incorporate specific assessment criteria, they have been specifically defined.

3e.7 sets out matters to be addressed by the TD2050 Structure Plan Process, including the outcomes desired, the methods of implementation (including a high degree of technical feedback from Council) and matters to be considered.⁶²

The TD2050 Structure Plan Process has been developed to determine the extent and precise location of the TD2050 Urban Growth Areas. The TD2050 Structure Plan Process is to be carried out in parallel with a district plan change process. A district plan change enables community involvement through consultation to address environmental issues and enables flexibility in the range of development form through the use of zoning. Further, this process provides a robust opportunity to consider wider environmental, social and economic effects.

The TD2050 Structure Plan Process is necessary to ensure the availability of land required within the TD2050 Urban Growth Areas and to provide for and manage urban growth. The range of residential and rural residential densities must be determined by the TD2050 Structure Plan Process to avoid pre-emptive subdivision and development that may prematurely restrict the extent of the growth area.

Objective 3

3e.2.3 Ensure the maintenance of an appropriate and sufficient level of community infrastructure within existing serviced areas.

Policies

- i. Allow new activities and development to connect to existing water and wastewater infrastructure where there is adequate capacity to meet the needs of the development.

⁶⁰ TD2050.128.15, TD2050.128.17
⁶¹ TD2050.91.12 TD2050.11.3
⁶² TD2050.128.18 TD2050.1.F286



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- ii. Avoid, remedy or mitigate any adverse effects of the disposal of stormwater on the receiving environment.
- iii. Ensure new activities and development adequately compensate for their impact on existing services, water and wastewater infrastructure through a financial contribution to ensure service delivery to existing users is not adversely affected.
- iv. Ensure new activities and development contribute to the provision and standard of reserves and open space amenity to meet the needs of the community including Esplanade Reserves in accordance with the provisions of the Act.
- v. Avoid, remedy or mitigate the adverse effects of new development and activities on the safe and efficient functioning of the existing and future roading networks including those identified through TD2050 Structure Plan Process.

Explanation

There is a potential for new urban development and activities within existing serviced areas to exceed the design capacity of existing infrastructure and the network of resources. Assessments may be required to determine the extent of effect on design capacity and identify upgrading of community services where necessary.

The Plan is required to manage the effects of growth within existing urban areas. New activities and development increase the demand on existing community infrastructure including water and wastewater services, stormwater disposal, roading and the reserves network. The increased pressure on these systems and resources could, if not considered at the time of building or resource consent, result in ineffective and inefficient service for the community. The sustainable management of these physical resources is essential to the community and required for the continued development of the District.

Water and wastewater services are necessary for health, safety and operational purposes. New activities and development must have access to the provision of these services, whether it be publicly or privately owned infrastructure.

The disposal of stormwater from new activities and development has the potential to adversely affect the environment through the flooding of the allotment and neighbouring allotments. Stormwater infrastructure in the District is confined to systems designed to deal with runoff from roads. The exceptions are two areas within the Taupo Town Centre Environment where 50% and 100 % of stormwater generated on private property can be catered for within the system, and defined areas within the lakeshore settlements of Omori, Kuratau, Pukawa and Whareroa (as shown on the Planning Maps) which cater for roof water. For the remainder of the District, on-site disposal of stormwater is a requirement of the Plan. This is possible due to the high pumice content of the District's soils which promotes excellent drainage for stormwater with the use of effective soak hole design and construction. The use of on-site stormwater disposal will ensure that the limited stormwater infrastructure serving the roads and Town Centre Environment can continue to function.

As the disposal of stormwater is a discharge to the environment, the Regional Plan also includes rules with regard to stormwater. Therefore developers will need to determine whether a resource consent is required from the Regional Council for this discharge prior to establishing the activity or development.

Open space, recreation facilities and the reserves network are currently provided for throughout the District to meet the needs of the community. New development and activities can place increased pressure on these existing facilities when they increase the number of users of this resource. Establishment of new residential areas may require the provision of new neighbourhood reserves to meet the recreational needs of the increase in population. The construction of new residential and commercial accommodation units will need to contribute to the open space, recreation and reserve requirements of the District through the financial contributions provisions in Section 5.



Objective 4

3e.2.4 Avoid the degradation of Taupo District’s lakes, waterways and aquifers from effluent and waste water resulting from land development.

Policies

- i. Implement integrated land management strategies in conjunction with Regional Authorities that will avoid, remedy or mitigate adverse environmental effects on Taupo District’s lakes, waterways and aquifers.
- ii. Allotments that are not serviced by an off-site wastewater disposal system are to be of an adequate size to ensure that the proposed land use can operate and maintain appropriate on-site effluent and waste water treatment systems.

Note: Resource consent approval may be required from the appropriate Regional Council to operate some effluent and wastewater systems, or to change some land use activities.

Explanation

In assessing development proposals there is a clear duty to manage the effect of development upon the natural and physical resources in a sustainable way in accordance with Part II of the Resource Management Act 1991.

Concerns have been expressed regarding the degradation of water quality in Taupo District’s lakes, waterways and aquifers. Algae blooms and a reduction in the clarity of the water in Lake Taupo is perceived as evidence of such degradation. It is known that on-site effluent and waste water disposal systems can contribute to the degradation of Taupo District’s lakes, waterways and aquifers.

New development could potentially increase the rate of contamination of Taupo District’s lakes, waterways and aquifers. The preceding objective and policies express the community’s desires in respect to these features, and gives notice that Council will be seeking improved practices for new land use activities. Although Council would much prefer to completely avoid the degradation of Taupo District’s lakes, waterways and aquifers from effluent and waste water, it is acknowledged that any new development will generate some contaminants, even though they may only be miniscule. However, it is appropriate that measures are undertaken to mitigate against the problem. Conditions on consents can be imposed to require improved systems should an application proposal not satisfactorily address this matter.

Objective 5

3e.2.5 Ensure land development does not detract from the amenity value or qualities of the local environment.

Policies

- i. Ensure that proposals for the subdivision and development of land assess the particular amenity values of the area including the physical characteristics of the land and avoids, remedies or mitigates any adverse effects.
- ii. Subdivision and subsequent development shall either maintain or enhance, but not detract from, the significance of features or areas of cultural, spiritual, historical, landscape or ecological value, (as identified through the provisions of this Plan).
- iii. Enable the creation of allotments below any minimum allotment size identified as a controlled activity in this Plan for the exclusive purpose of providing or enhancing public or private access, or to exclusively accommodate a complying network utility activity.

Explanation

Subdivision and subsequent changes in land use will change the character of the surrounding environment, and may undermine the very amenity values enjoyed by those who choose to live



there, or frequent the area. Significant changes to character and amenity usually occur incrementally, meaning that the cumulative impacts of gradual development become more noticeable over time. The intent of this objective and subsequent policies is to ensure that those changes maintain the quality and amenity of the environment at the very least.

The size of an allotment and the physical features encompassed by its boundaries are key determinants on how the land parcel can be used. The location of boundaries can either detract from, or maximize, both the amenity and utilitarian values of features and characteristics of a site. Such features may include, (but is not limited to) geological or topographical features, stands of indigenous flora, or historical and cultural features. Low impact design of subdivision proposals can maximize the positive aspects of the allotment for future land owners and the community.

The Act requires the setting aside of esplanade reserve or esplanade strips where land development occurs adjacent to water bodies, to avoid, remedy or mitigate the effects of the development, such as restricting public access. Land adjacent to the District's water bodies not already in esplanade reserve often has limited potential for development because of such things as inhospitable topography, multiple ownership issues or because it is in Conservation Estate. Due to these factors, the requirements contained in the Act for esplanade reserves and esplanade strips are reasonable and it is not necessary to provide separate provisions in the Plan. Where the requirement for esplanade reserves and esplanade strips applies, a condition will be included on the land use or subdivision consent to this effect.

The fragmentation of land can also result in a reduction in the versatility of future development and the reduction of possible land use options for the newly created allotments. Therefore, the planning process must focus on assessing the existing or proposed activities on the land and the longer term implications on district growth of the subdivision of land, to ensure any potential adverse effect is avoided.

3e.3 Methods

- i. Environmental assessment of activities which do not comply with performance standards through the resource consent process.
- ii. Conditions on resource consents such as the provision of water and wastewater services and the design and layout of roads.
- iii. Allocation of funds through the LTCCP processes.
- iv. Assessment of the servicing requirements through the Council's Asset Management Plans and TD2050 Structure Plan Process.
- v. Rules and policies within any relevant Regional Plan or Policy Statement including rules relating to stormwater discharges, the rate of take of groundwater and on-site effluent discharges.
- vi. Esplanade Reserve Provisions of the Act.
- vii. Identify in Section 3e.6 of this Plan the areas of the rural environment suitable for future urban development.
- viii. Utilise the TD2050 Structure Plan Process described in 3e.7 of this plan to establish the boundaries of, and assess the development framework for, the TD2050 Urban Growth Areas.
- ix. Use the plan change process in the Resource Management Act 1991 for implementing the TD2050 Structure Plan Process.

3e.4 Principal Reasons for Adoption

Land Development is important, allowing for the growth of the District and its communities. Infrastructure systems are vital to the effective and efficient functioning of the community, through the provision of essential services such as transport links, water supply and wastewater disposal. Where new infrastructure systems are to be provided, it is important that the needs of anticipated land uses is considered.

The quality of the District's lakes, waterways and aquifers has been declining for some time. The integrated management of land uses provides an opportunity to introduce appropriate measures to protect water quality.



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Urban growth and development needs to be undertaken in an effective and efficient manner to ensure the sustainable management of natural and physical resources. The development process for the identified urban growth areas is subject to a specific TD2050 Structure Plan Process to determine the location and extent of the TD2050 Urban Growth Areas and to provide the framework for development. New activities and development will be assessed to ensure they have access to existing water and wastewater systems, roads and reserves or that new infrastructure can be provided. Any additional demand from new activities on existing infrastructure, will be assessed to ensure the designed capacity of the system is not overloaded through servicing new users.

Subdivision and subsequent changes in land use will ultimately change the character of the surrounding environment, and may undermine the very amenity values enjoyed by those who choose to live there or frequent the area. The effects of development, (including subdivision) should not detract from the character and amenity of the surrounding environment.

3e.5 Anticipated Environmental Outcomes

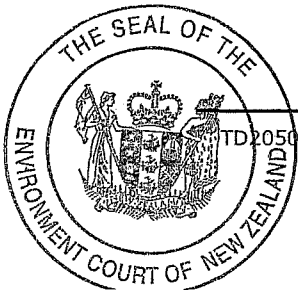
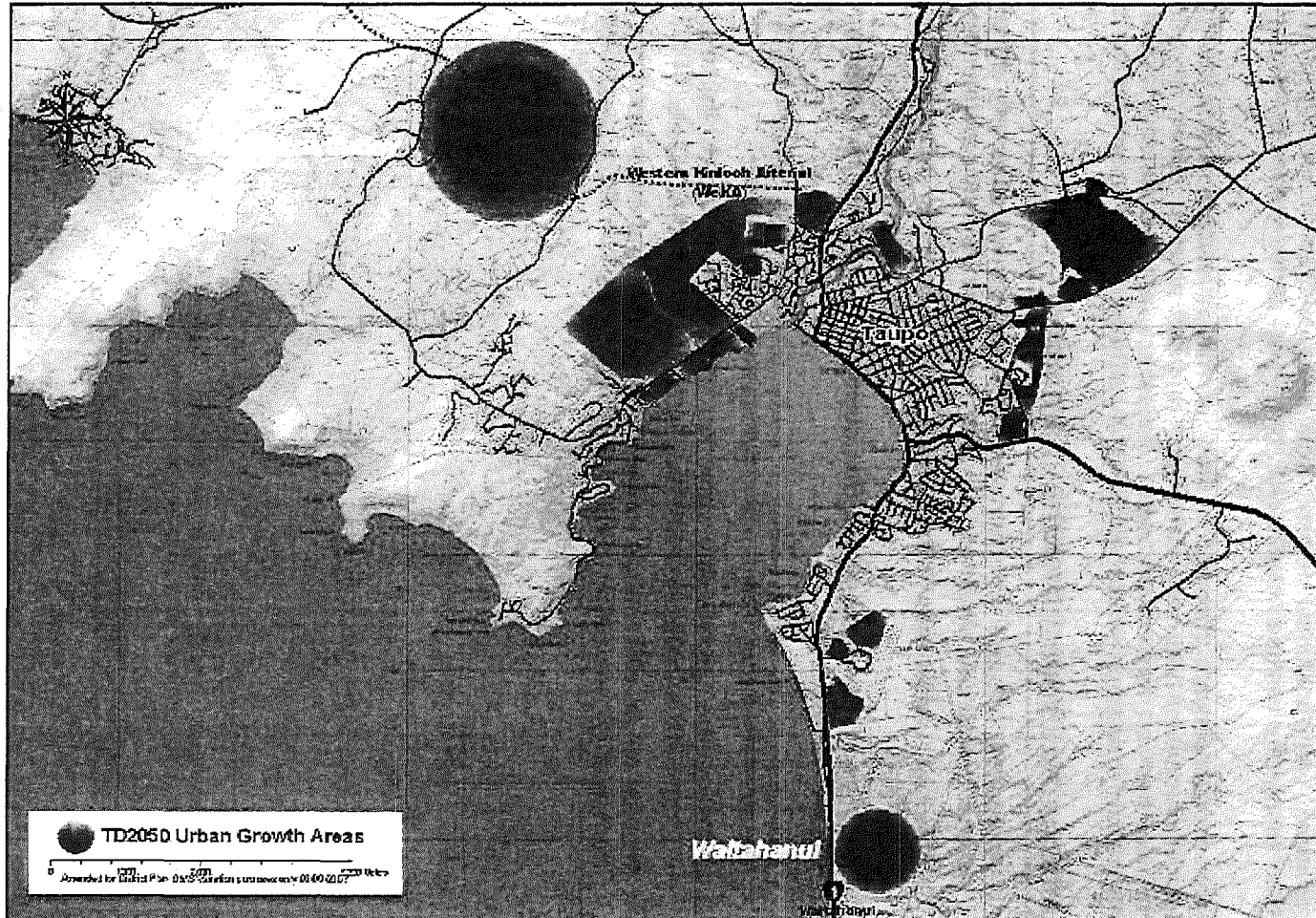
- i. Appropriate disposal of stormwater that does not adversely impact on adjoining property owners, Council's stormwater system or the wider environment.
- ii. Water and wastewater infrastructure able to meet the demands of the users of the systems.
- iii. A variety of new development that does not detract from the character and amenity of the surrounding area.
- iv. Protection of the water quality of Taupo District's lakes, waterways and aquifers from the adverse effects of land use activities and development.
- vi. Enabling urban growth only within the TD2050 Urban Growth Areas as provided for in Taupo District 2050 Growth Management Strategy June 2006 (TD2050) ⁶³.
- vii. Provide for an efficient use of resources in planning for an effective and efficient framework for new urban development within the TD2050 Urban Growth Areas.



⁶³ TD2050.1.32, TD2050.17.32, TD2050.34.32, TD2050.35.32, TD2050.36.32, TD2050.57.32, TD2050.58.52 and TD2050.84.32 TD2050.128.1 and TD2050.128.2

3e.6 TD2050 Urban Growth Areas⁶⁴

3e.6.1 Northern Urban Growth Areas



Northern Urban Growth Area Descriptions

This area stretches from Waitahanui around to Kinloch taking in Taupo Town and the Mapara Valley. It is the location of approximately 80% of the anticipated future growth. By 2026 it is estimated that the actual take up of lots will be approximately 500 in Kinloch and 3,000 in the Taupo Urban Area. This is a total of 3,500 over 20 years meaning approximately 2,000 additional lots will be needed in other Northern growth areas. It is anticipated that the majority of this projected growth will occur within Waitahanui and the Mapara Valley.

Waitahanui

There are challenges in developing Waitahanui but it has been identified as a future development area because of its potential for a comprehensive development such as a marina. Waitahanui is considered to be a potential location for a waterways style development similar to that in Whitianga as it is low-lying and in close proximity to the Lake. It is estimated that approximately 200 residential lots could be accommodated.

Mapara Valley⁶⁵

The Mapara Valley will fulfil the majority of growth in the northern area of Taupo for the coming 20 years. It is proposed to locate this future urban growth area close to a major cross valley transport corridor linking Kinloch and Taupo, the West Kinloch Arterial (WeKA). ~~There are a number of other reasons why development in the Mapara Valley needs to be focused on the central part of the Mapara Valley~~ Consideration should be given to the following:

- ~~Mapara Road already faces significant capacity issues and is considered inappropriate for the large increases in traffic flow resulting from urban growth in the Mapara Valley area. if growth was to be focused at the southern end of the Mapara Valley.~~
- ~~Future growth unless primarily served by the WeKA focused on the southern part of the Mapara Valley would significantly reduce the benefits of a cross valley link between Kinloch and Taupo making it uneconomic. As a result, the greater benefits for Taupo and particularly the Kinloch area would be removed.~~
- ~~Formal consultation as part of the Draft Taupo West Rural Structure Plan identified a community desire to have development set back up the valley away from Whakaipo Bay. This was based on concerns about water quality, landscape values and the immediate impacts on Whakaipo Bay.~~
- ~~Future development is unable to be located further to the north due to the existing geothermal field, consented power station, existing surface and subsurface encumbrances and the future plans for re-injection of geothermal fluid in this northern area.~~
- Community desires outlined in previous documents, i.e. the Taupo West Rural Structure Plan identified water quality, landscape values, and impacts on Whakaipo Bay as issues of concern. Development set-backs from Whakaipo Bay have been identified as potential mitigation strategy
- Future development in the north of the valley is problematic due to existing surface and subsurface encumbrances and geothermal fields.

The exact extent of the future growth area in the Mapara Valley will be determined through future structure planning process of the entire valley catchment. This will provide the framework for future development in the valley. Structure plans will be limited in their northern,



⁶⁵ ~~TD2050.12.5, TD2050.48.2, TD2050.80.8, TD2050.93.8, TD2050.107.5 and TD2050.107.6 and further submission TD2050.1.F325, TD2050.151.F005 but TD2050.42.F342, TD2050.43.F342, TD2050.110.F044, TD2050.152.F044, TD2050.42.F374, TD2050.43.F374, TD2050.42.F375, TD2050.43.F375 TD2050.1.F319, TD2050.1.F177, TD2050.1.F321 TD2050.42.F282 TD2050.43.F282 and TD2050.1.F324.~~

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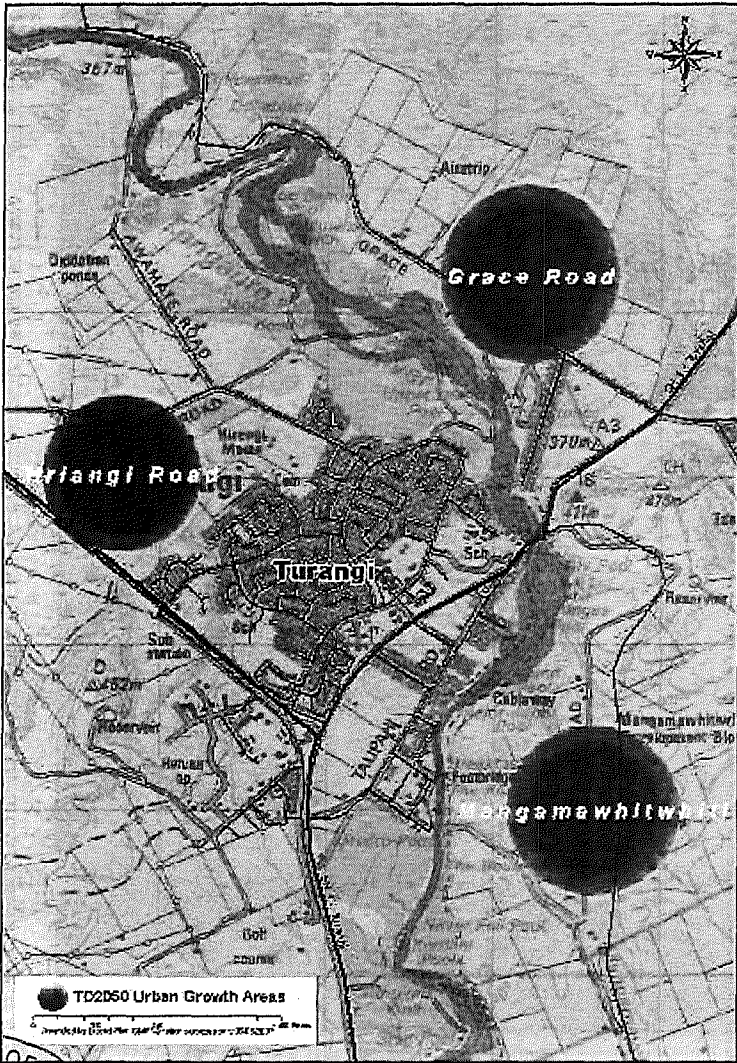
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~~western and eastern extents by the ridges that define the valley. While the future commercial centre, the focus of the growth node, will be located close to the Weka, future residential areas may well stretch further to the south at differing densities. The southern extent of the future urban area will need to reflect the community's desire for a substantial setback from the margins of Lake Taupo.~~



3e.6.2 Southern Urban Growth Area

Description



The area around Turangi is likely to experience about 5% of the anticipated growth for the District. This equates to approximately 340 new residential lots or around 38 hectares. However, this land area is likely to increase with more low density development being planned for.

Hirangi Road and Grace Road are more likely to suit residential and low density residential development. The Mangamawhitiwhiti block is seen as more appropriate for lifestyle and rural residential development.

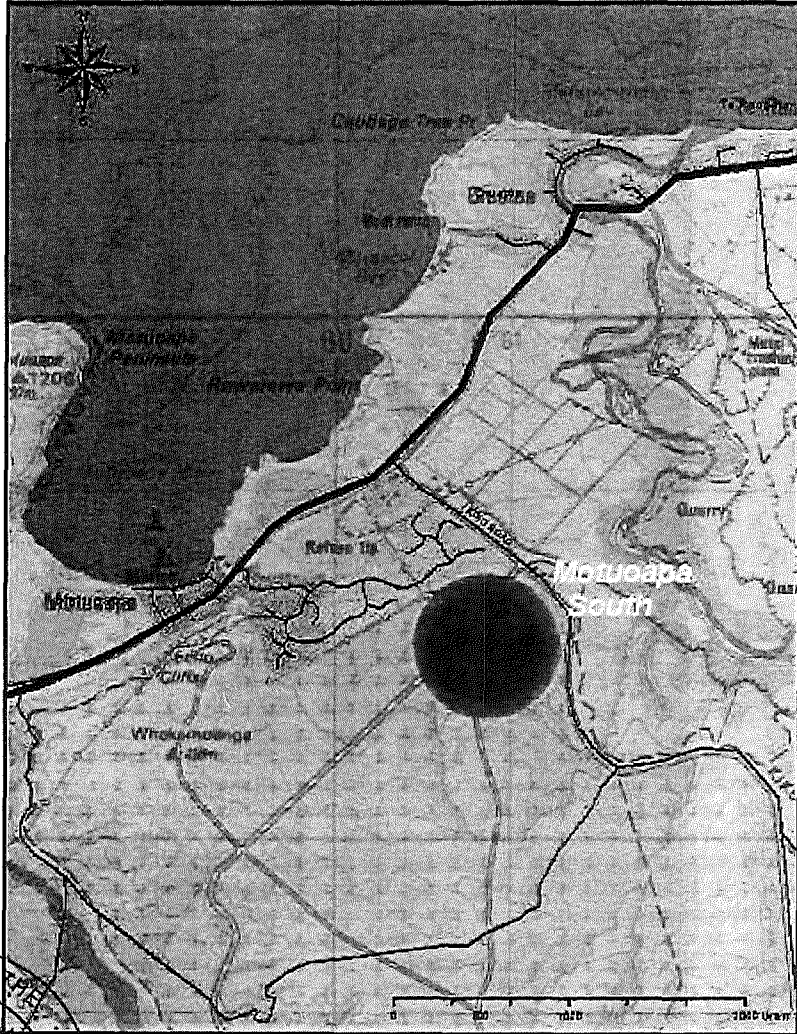
The areas around Grace Road and Hirangi Road offer significant advantages over the other potential growth areas because the close proximity of existing service networks reduces the costs of future development. Close proximity builds well on the existing critical mass of population and enhances opportunities to link well with social services, the existing activity centre in the Central Business District and those areas which offer employment opportunities.

While more separated by the Tongariro River, the Mangamawhitiwhiti block does offer the potential for lifestyle and rural residential development over time. This density of development better reflects the likelihood that this area will need to be self sufficient with regard to servicing.



3e.6.3 South Eastern Urban Growth Area

Description



The location of the South Eastern and South Western settlements in close proximity to Turangi town has meant they are not only able to cater for the traditional holiday homes that characterise the area, but increasingly they are becoming home to more permanent residents. These areas offer higher amenity values while the Te Puke Road area to the west of Kuratau offers low density residential living which is not currently available in close proximity to Turangi town.

With 10% of the District's growth anticipated for these areas there will be a need to plan for approximately 680 new residential lots, requiring about 76 hectares of land.

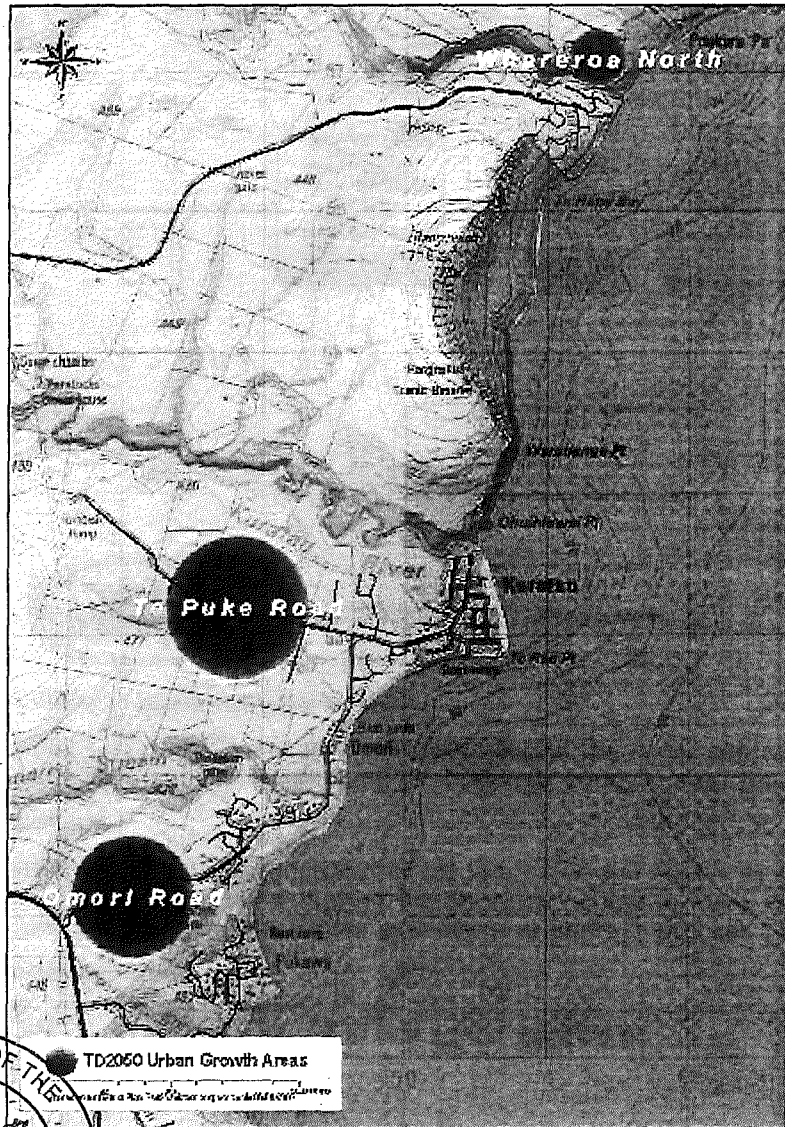
Along the south eastern side of Lake Taupo there are very limited opportunities for future residential development in close proximity to existing settlement areas. In particular the majority of potential growth locations evaluated were significantly affected by floodplains.

As a result, the area to the south of Motuoapa has been identified as the only substantial area for growth looking out to 2026. This area has the potential for linkages to the nearby reticulated networks and roading access via a number of different options.



3e.6.4 South Western Urban Growth Area

Description



The potential growth locations that were evaluated in the south west tend to focus in and around the existing settlements. With a strong focus on building on the existing infrastructure, both Whareroa and Omori have been identified as the preferred locations for residential growth in the next 20 years. In Omori growth is being promoted behind the existing settlement. This reflects concerns about the effects that continued lakeshore development might have on the landscape.

In contrast, future growth to the north of Whareroa will be located closer to the margin of Lake Taupo. Due to topographical constraints the future growth of Whareroa is necessarily directed northward over the Whareroa Stream rather than westward and away from the Lake.

Substantial opportunities exist along Te Puke Road to the west of the main urban area of Kuratau. With an already established land use pattern of low density residential development it is proposed to continue this theme over the coming 20 year period. This will build on the existing character as well as meet a particular demand in the market place for low density residential development.

The area around Te Puke Road is favoured as the main location for low density residential growth because of the long term opportunities that are offered. Te Puke Road offers the option of a comprehensive approach facilitating the development of the appropriate infrastructure in a more orderly and cost effective manner.



3e.7 TD2050 Structure Plan Process

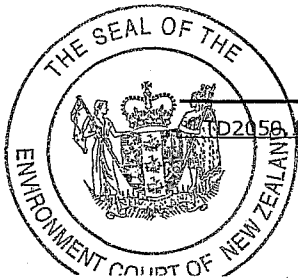
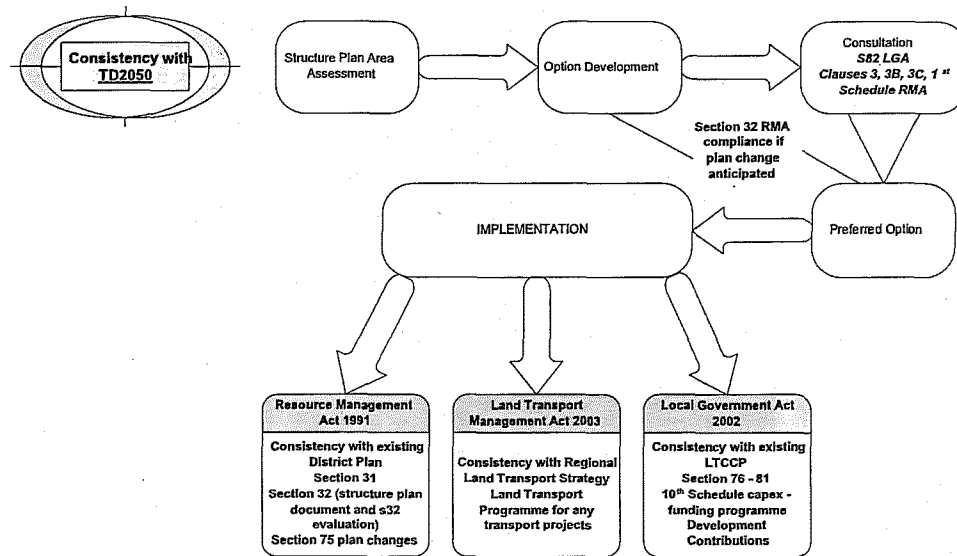
Introduction

The TD2050 Structure Plan Process is a specific process for determining the framework of a TD2050 Urban Growth Area by defining future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), funding, and other key features for managing the effects of development.

Process

TD2050 Structure plans shall be prepared to align with the higher order of the Taupo District 2050 Growth Management Strategy June 2006 (TD2050)⁶⁶, and be undertaken within the wider contexts of the catchment(s), District, and region in the following manner:

Figure 1 Structure Plan process



Project Planning

Overall outcomes desired

The overall outcomes desired of the structure plan should be in alignment with TD2050, and as applicable: national policy directions, regional policy statements and plans, regional land transport strategies, community outcome statements in LTCCPs, District Plan, Council development guidelines, and iwi management plans.

Defining location and extent of Growth Area

The TD2050 Structure Plan process is necessary to determine the exact location and extent of a TD2050 Urban Growth Area, the pattern of residential densities and associated community facilities, commercial development, reserves and key infrastructure requirements and their costs. A TD2050 Structure Plan is to individually provide for the development pattern of a TD2050 Urban Growth Area and the basis for future zoning⁶⁷.

Development and implementation timelines

Timelines for TD2050 Structure Plan development should allow adequate time for assessment of the boundaries of the TD2050 Urban Growth Area, option development, consultation, and statutory processes under the Local Government Act 2002/ Resource Management Act 1991 / Land Transport Management Act 2003.

Method(s) of implementation

Implementing the TD2050 Structure Plan will be by way of the plan change process under the provisions of the Resource Management Act 1991.

Preparing a TD2050 Structure Plan may be carried out either by Council or the private sector. A high degree of technical feedback from Council is required as it is a process that is intricately linked to asset management planning for key infrastructure.

Risk assessment

An assessment needs to be made on what risks (including legal, political, and resource/cost funding) may impact on the successful development and implementation of the structure plan, and how these can be managed.

Matters to be considered in structure plan area assessment

The TD2050 Structure Plan shall contain consideration of the following:

Landscape and natural value management

- identification and management of areas with high⁶⁸ landscape value
- identification and management of significant natural areas

Hazards and land suitability



⁶⁷ TD2050.1.34, TD2050.17.34, TD2050.34.34, TD2050.35.34, TD2050.36.34, TD2050.57.34, TD2050.58.34 and TD2050.64.34
⁶⁸ TD2050.1.36, TD2050.17.36, TD2050.34.36, TD2050.35.36, TD2050.36.36, TD2050.57.36, TD2050.58.36 and TD2050.64.36

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- slope, geotechnical limitations, susceptibility to flooding, erosion, location of earthquake faults, geothermal hazards

Natural resources

- catchment characteristics (upstream and downstream)
- vegetation coverage
- biodiversity

Heritage Sites

- sites, places, and values of importance to Tangata Whenua
- sites, places, and values of importance to the general community including the likely presence of archaeological sites⁶⁹

Existing and potential future desired land-use considerations⁷⁰

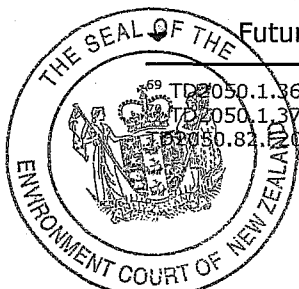
- the shape, form, and design of the area taking account of separate land ownerships
- the relationships in the area between the area's functional characteristics, infrastructures, landscapes, and structures
- choice in urban form (e.g. choice of densities, development types, transport options and land use activities)
- low impact design and/or quality urban design (as applicable)
- Open space and reserve requirements
- Existing land uses particularly those that have the capacity to be incompatible with the proposed land uses
- The relationship of the built form to the area's inherent environmental values that may contribute to or become features of the urban form

Infrastructure

- matching infrastructure to population / land-use and vice versa
- an integrated network approach to sewerage, water supply, stormwater detention treatment and disposal, energy supply, roading and transport, open space, community facilities
- Stormwater Catchment Management Plans
- the existing capacity and availability of infrastructure
- the investment/funding needed to service the area being structure planned to the level of development anticipated

Future public transport needs

⁶⁹ TD2050.1.36, TD2050.17.36, TD2050.34.36, TD2050.35.36, TD2050.36.36, TD2050.57.36, TD2050.58.36 and TD2050.64.36
TD2050.1.37, TD2050.17.37, TD2050.34.37, TD2050.35.37, TD2050.36.37, TD2050.57.37, TD2050.58.37, TD2050.64.37 TD2050.82.F172, TD2050.82.F182, TD2050.82.F192,
TD2050.82.F202, TD2050.82.F212, TD2050.82.F222, TD2050.82.F232 and TD2050.82.F242.



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- providing for a choice of transport routes and modes appropriate to the level and type of development
- Utilisation of the geothermal resource
- Location and operation of electrical transmission infrastructure

Funding, timing/staging, and affordability

- Timing/staging of development
- Funding of infrastructure (CAPEX programme works, development contributions)
- Impact on Council's future operating budgets once development assets are accepted
- In situations where budget implications are considerable, the role of targeted rating in reducing financial impacts on both Council and other ratepayers.

Boundary Determination

- Determination of the location and extent of the TD2050 Urban Growth Area is to be carried out as a result of consideration of the above matters.

Structure plan development and implementation – legislative compliance

Structure plan development and implementation shall achieve statutory compliance with the following statutes:

Local Government Act 2002

Structure Plan development

- section 82 - consultation

Structure Plan implementation

- consistency with existing LTCCP (community outcomes)
- sections 76-81 – decision-making

Resource Management Act 1991

Structure Plan development

- Clauses 3, 3B, 3C 1st Schedule - consultation

Structure Plan implementation

- consistency with existing District Plan objectives, policies and rules.
- section 31 – functions of territorial authorities



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- section 32 – structure plan development documentation, and section 32 assessment of draft plan change document
- section 75 – contents of district plans
- existing cross-referencing to structure plans in assessment of resource consents – a 'halfway-house' until plan change notification.

Land Transport Management Act 2003

Structure Plan development

- consistency with the Regional Land Transport Strategy
- take into account the objectives of the NZ Transport Strategy and the LTMA

Structure Plan implementation

- any transport infrastructure to be included in Regional/District Land Transport Programme(s)



10. DEFINITIONS

10.1 Definitions

TD2050 Urban Growth Areas – The areas identified for urban growth resulting from the TD2050 strategic planning process and as mapped in 3e.6. The location map identifies general location however does not provide precision in location or extent of these areas. The extent of these areas will be identified through future TD2050 Structure Plan processes.

TD2050 Structure Plan Process– A comprehensive structure planning process for determining the precise location, extent and the development framework of a TD2050 Urban Growth Area as set out in 3e.7.

Electricity Generation Core Site – areas identified in the District Plan Maps as being the core part of sites that are or are consented for the generation of electricity.⁷¹

Reverse Sensitivity – Reverse Sensitivity refers to the situation that arises when a new activity establishes in proximity to an existing resource or a lawfully established activity and the new activity is incompatible with:

- the existing activity leading to restraints on the existing activity.,
- the characteristics or utilisation of the resource leading to restraints on the existing resource⁷².

Rural Effects Area Radius - Delete reference to figure 5.⁷³

⁷¹ TD2050.22.1 TD2050.131.9 TD2050.62.F017 TD2050.82.F127

⁷² TD2050.131.4, TD2050.82.F022, TD2050.123.F013, TD2050.154.F007

⁷³ TD2050.22.3





Proposed Rule framework

(Provided to the Court by way of supplementary information from the parties dated 21 July 2009)

4e.1.3 Provided that the activity has not been identified as a discretionary activity by another rule in the plan, any subdivision of land in the Rural Environment where the resulting allotments are 10 hectares or larger, is a **controlled** ~~restricted discretionary~~ **activity**.

4e.1.4 Any subdivision of land for the sole purpose of providing for infrastructure, or access lots, or legal protection in perpetuity of Significant Natural Areas, is a **controlled activity**.

4e.1.#[a] Any subdivision of land in the Rural Environment which complies with **all** the following requirements is a **restricted discretionary activity**:

- a. The parent allotment is no less than 20ha in area and the subdivision results in an average density of no more than 1 allotment (excluding access lots) per 10ha;
- b. Within the parent allotment, no more than one cluster area will be created per 100ha;

At the time of subdivision consent application the following will be identified within the parent allotment:

- c. Each cluster area, shall contain a group of no more than 10 allotments (excluding access lots) with each allotment to contain no more than 1 dwelling house or accommodation unit;
- d. Each cluster area will make up no more than 3% of the parent allotment or be no larger than 3ha which ever is the smaller;
- e. Each cluster area will be no less than 100 metres from the external boundary of the parent allotment;
- f. Each cluster area will be no less than 1000m from the Wairakei Tauhara Geothermal Area;
- g. Each cluster area will be no less than 1000m from the Residential Environment and any other cluster area created under this rule;
- h. All allotments created pursuant to this rule shall have a consent notice registered preventing any further subdivision, or the creation of no more than one Dwelling House or Accommodation Unit on that Allotment;
- i. All land within 20m of a water body or a river¹ will be planted in indigenous vegetation;

¹As defined in section 2 of the RMA as [river means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal):]



- j. No cluster area will be located within a Significant Natural Area, the Mapara Valley Structure Plan Area, Foreshore Protection Area, any identified Landscape Area or the Wairakei-Tauhara Geothermal Area;
- k. No cluster area will be located within any identified Geothermal Area not covered by (i) above.

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

- i. The size and shape of the cluster area and the distribution of the allotments, so that the allotments are concentrated in a non linear fashion.
- ii. The impact of the resulting development on the ability of the roading networks, including the State highway network, to safely and sustainably operate and service the new development;
- iii. The location of the cluster areas, in respect to ridgelines and to ensure the maintenance of open space character of the wider Rural Environment and the protection of water courses and existing vegetation.
- iv. The level and characteristics of the required revegetation of the parent allotment, including consideration of guidance contained in Appendix Three, Section 2.11 relating to Revegetation Corridors.
- v. The location of the cluster area in respect to identified natural hazards or contaminated sites,
- vi. The location and quantity of earthworks, including its movement to, from and on the site.
- vii. Any clearance of vegetation, including its location and species.
- viii. Any reverse sensitivity effects on existing and potential rural landuses including any effect on renewable energy resources, electricity generation and transmission.
- ix. The location of any structures to be built, and any mitigation proposed (including colour schemes, reduced reflectivity or planting).
- x. The provision, design and location of network utility services, secure water supply, waste water treatment systems, access ways and vehicle crossings, and new and existing roads.

4e.1.#[b] Any subdivision of land in the Rural Environment which complies with all the following requirements is a discretionary activity:

a) The parent allotment is no less than 20ha in area and the subdivision results in an average density (excluding access lots) of between 1 allotment per 10ha and 1 allotment per 4ha;

b) Within the parent allotment, no more than one cluster area will be created per 40ha;

At the time of subdivision consent application the following will be identified within the parent allotment:



- c) Each cluster area shall contain a group of no more than 10 allotments (excluding access lots) with each allotment containing no more than 1 dwelling house or accommodation unit;
- d) Each cluster area will make up no more than 3% of the parent allotment;
- e) Each cluster area will be no less than 50 metres from the external boundary of the parent allotment;
- f) All allotments created pursuant to this rule shall have a consent notice registered preventing any further subdivision, or the creation of more than one new Dwelling House or Accommodation Unit on that Allotment;
- g) No cluster area will be located within a Significant Natural Area, the Māpara Valley Structure Plan Area, Foreshore Protection Area or a Geothermal Area.

4e.1.#[c] Subdivision of land under rule 4e.1.#[a] which does not comply with one or more of d, e, f, g, i, j as to "any Identified Landscape Area", or k of that rule will be a **Discretionary Activity** except where the subdivision does not comply with both d and k.

ASSESSMENT CRITERIA

Please Note: These criteria relate specifically to rules 4e.1.#[b]. and 4e.1.#[c] and, together with the relevant Objectives and Policies should be considered in the assessment of rules 4e.1.#[b] and [c].

- i. The reasons that the cluster area is larger than that specified in the rules, and its design to reduce the impact of a larger than anticipated cluster on the amenity of the wider Rural Environment;
- ii. The effects of a cluster area located within the setback to an external boundary, in relation to actual and potential reverse sensitivity effects that may arise from surrounding landuses;
- iii. Whether the cluster area can be seen from a public road and any steps taken to mitigate the visual effects of the cluster area;
- iv. The reasons that the cluster area is not located at least 1000m from the Residential Environment, and/or other cluster areas and/or the Wairakei Tauhara Geothermal Area, and the effect that its proximity may have on:
 - > the effective functioning of the Residential Environment and Geothermal Area; and/or
 - > the cumulative and precedent effects of cluster areas in relation to issues of urbanisation of the Rural Environment and wider rural amenity;
- v. Any alternative design and cluster area locations that could be considered so that the development could be more consistent with the requirements of rule 4e.1.#[a].
- vi. The reasons why land within 20 metres of a waterbody or river is not planted in indigenous vegetation and any alternative methods used to achieve a Net Environmental Gain from the subdivision and resulting development.



- vii. The consideration of the location of cluster areas, in respect to ridgelines and for the maintenance of open space character, water courses and existing vegetation.
- viii. The level and characteristics of revegetation of the balance lot which is planned, including consideration of guidance contained in Appendix Three, Section 2.11 relating to Revegetation Corridors.
- ix. The proximity of the lots to any existing urban area or identified Urban Growth Areas and the effects that the lots may have on those areas.
- x. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.
- xi. Any immediate adverse or potentially adverse cumulative effects on the amenity values and the existing level of infrastructure of the Rural Environment, and the methods by which such effects can be avoided, remedied or mitigated.
- xii. The level to which the amenity and landscape of the Rural Environment has already been compromised by subdivision and development, and the extent to which the immediate environment can absorb further change without creating cumulative adverse effects.
- xiii. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- xiv. The location and quantity of earthworks, including its movement to, from and on the site.
- xv. Any clearance of vegetation, including its location and species.
- xvi. Any reverse sensitivity effects on existing and potential rural landuses including any effect on renewable energy resources, electricity generation and transmission.
- xvii. The location of any structures to be built, and any mitigation proposed (including colour schemes, reduced reflectivity or planting).
- xviii. The provision, design and location of network utility services, secure water supply, waste water treatment systems, access ways and vehicle crossings, and new and existing roads.
- xix. Any effects on the wider roading network, including the State highway network.

4e.1.#[d] Subdivision of land:

- (i) under rule 4e.1.#[a] which does not comply with one or more of a, b, c, **h**, **g**;
- (ii) under rule 4e.1.#[a] which does not comply with both d and k; or
- (iii) under rule 4e.1.#[b] which does not comply with all of requirements a-g**

is a **Non Complying Activity**.



4e.1.8 Any subdivision in the New Residential Environment, and any other subdivision which is not identified as a controlled, restricted discretionary, or non complying activity, is a **discretionary activity**.

4e.1.11 Unless specifically provided for by any other rule in this plan any subdivision of land in the Rural Environment where the resulting allotments are smaller than 4 hectares is a **non-complying activity**.

AMENDED RULES

Maximum Building Height

4b.3.1

- i. 10m
- ii. EXCEPTION: Height Restricted Areas – 5m unless otherwise indicated on the Planning Maps.
- iii. EXCEPTION: Activities associated with Electricity Generation on land identified as Geothermal Area in Section O and on land identified as an Electricity Generation Core Site – 15m
- iv. EXCEPTION: Cranes being used as part of any construction or maintenance works for the duration of those works – no height limit
- v. EXCEPTION: Drilling Rigs for up to 60 days per well site – no height limit
- vi. EXCEPTION: Outstanding Landscape Areas – refer to rule 4b.1.7
- vii. EXCEPTION: 8m in an Allotment within a Cluster Area

4b.3.2 Maximum Coverage

The aggregate total of all buildings will not exceed 2.5% building coverage OR the ground floor area of a single building will not exceed 1000m², WHICH EVER IS THE MORE RESTRICTIVE

- i. EXCEPTION: Outstanding Landscape Areas – refer to rule 4b.1.7
- ii. EXCEPTION: The aggregate total of all buildings will not exceed 250m² building coverage in an Allotment within a cluster area

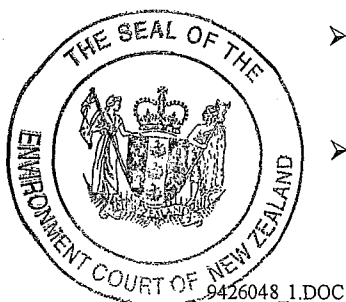
4b.3.5 Rural "Effects Area" Radius

Any proposed building to be used as a dwellinghouse or for an accommodation activity shall have an "effects area" within the allotment of:

- i. 100m from any Industrial Environment boundary.
- ii. 50m all other allotment boundaries.

EXCEPTIONS:

- One dwellinghouse per allotment, for allotments created where subdivision consent was granted prior to the notification of the Proposed District Plan (18th July 2000).
- Any dwellinghouse within a cluster area created under Rule 4e.1.#



The Rural Effects Area Radius does not apply in respect to boundaries of allotments in the Residential Environment.

Blue highlighted text is in dispute between Sade/Cheal and the Taupo District Council / Environment Defence Society.

Green highlighted text is proposed by the Environment Defence Society and not supported by Taupo District Council.

Red highlighted text is in dispute between Contact Energy and the Taupo District Council.

