

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Change 43 to the Taupo District Plan

**STATEMENT OF EVIDENCE OF JOANNE LEWIS
ON BEHALF OF ADVANCE PROPERTIES GROUP LIMITED
August 2023**

Introduction

1. My name is Joanne Patricia Lewis, and I am a resource management consultant resident and practising predominantly in Taupo for almost 40 years. From Massey University I hold a Bachelor of Regional Planning (with First Class Honours), a Master of Philosophy (Regional Planning), and a Postgraduate Diploma in Social Sciences. I have been a full member of the New Zealand Planning Institute since 1988 from which time, up until 1995, I held the position of District Planner at Taupo District Council. Since 1995 I have been in private practice, and in this capacity, I have been involved in a wide range of resource management matters and have also taught resource management part-time at Massey University (in the Department of Finance, Banking, and Property).
2. In my roles as a local authority planner and then a consultant planner I have had extensive experience in a wide range of resource management matters throughout the Taupo District (including for rural, commercial, industrial, residential, and accommodation projects). Accordingly, I am very familiar with the Taupo District Plan (TDP) and its evolution.

Code of Conduct

3. I have read and am familiar with the Code of Conduct for Expert Witnesses in section 9 of the Environment Court Practice Note (2023). I have complied with and will follow the Code when presenting evidence. I also confirm that the matters addressed in this Statement of Evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

4. This statement relates to the submission provided by Advance Properties Group Limited (APGL) on the proposal by Taupo District Council (TDC) to rezone land at 189 Napier Road ("the property") from Rural Environment to Taupo Industrial Environment.

APGL Submission

5. The APGL submission opposes the rezoning of the property from Rural Environment to Taupo Industrial Environment. In summary the reasons provided by APGL are:
 - The property proposed to be zoned for industrial purposes adjoins residentially zoned land. Residential and industrial land uses are considered to be inherently incompatible;
 - The property is not available to meet the need for additional industrial land in Taupo, as use of the land is managed through a comprehensive East Urban Lands (EUL) Land Use Consent and associated masterplan, the outcomes of which are secured by a

Consent Notice registered on the title of the affected properties (including the land proposed to be rezoned). The Consent Notice states:

- i. *“Direct Access onto Napier Road is not permitted.*
- ii. *Development including further subdivision, building and any change of use is required to demonstrate compliance with the approved East Urban Lands landuse consent Masterplan reference 080142 granted on 9 June 2009 for the area described as “The Campus”*

The APGL submission includes an overview of the EUL consent which I prepared, and which is attached to this evidence (**Appendix 1**);

- If land uses (other than those provided for in the Land Use Consent) are suitable and have resource management merit, the owner of the land can reasonably expect that a variation to the consent notice condition would be obtained for such land uses, as has been the case for southern stages of the EUL. That is the appropriate resource management process. It is considered that rezoning the land “Taupo Industrial Environment” is premature, unnecessary, and contrary to the Land Use Consent and Consent Notice;
 - Although the s32 report supporting the Plan Change considers site constraints, the report does not refer to the Land Use Consent or the Consent Notice, nor does it assess the effects of the proposed rezoning on the land use outcomes intended through the EUL consent (including the range of residential, accommodation, educational, and commercial activities provided for in The Campus Precinct).
6. Mr Warren Ladbrook (director of APGL) made a further submission. The further submission opposed the submission of Taupo Industrial Estate Limited (TIEL), owner of the property, and which supports the rezoning proposal. In his further submission, Mr Ladbrook reinforced the matters raised in the APGL submission, and the need for the Consent Notice and EUL consent matters to be appropriately addressed. About that, Mr Ladbrook states that *“No rezoning should be contemplated until that process is firstly undertaken and unless the outcome of that process is consistent with the application of an Industrial Environment zoning for the site.”*

Applications recently lodged with TDC and earthworks undertaken

7. For context, I note that since the closing of submissions and further submissions, TIEL has lodged an application with TDC which:
- requests cancellation of the Consent Notice from the title;

- seeks land use and subdivision consents for a mixed use commercial development (including a building trade retail store and several food outlets).
8. At the time of preparing this evidence the applications are early in the statutory process, I understand that further information has been requested of the applicant, and that notification decisions have yet to be made.
 9. I notice that bulk earthworks have recently been undertaken across the property, the nature and extent of which appears to align with the development proposed in the recent application for resource consents. The Consent Notice registered on the title requires that any “development” must demonstrate compliance with the approved EUL land use consent and masterplan. The reference in the Consent Notice to “development” in my view includes bulk earthworks. If (as it appears) the earthworks undertaken are not in compliance with the EUL land use consent, the land developers may be in breach of the Consent Notice requirement.

Response to s42a assessment of APGL submission and further submission

10. The s42a report provides a brief comment on the submission prepared by APGL and the further submission made by Mr Ladbrook, and concludes that both should be rejected. I provide an opinion on that assessment below, adopting the two part breakdown that the s42a report (para 166) adopts ie:
 - the issue of a new industrial zone on land which adjoins residential zoned land;
 - the relevance of the Consent Notice and EUL land use consent.

Establishing a new industrial zone adjoining residential zoned land

Incompatibility of adjoining zones

11. In my view the separation of incompatible land uses is a fundamental land use planning principle, and residential and industrial activities have long been regarded as incompatible neighbours.
12. Sometimes where such zones are near each other, a buffer is provided (for example by public roads, vegetated reserve strips, or topography). No such buffer is present or proposed by the rezoning proposal.
13. Sometimes District Plan provisions require that the interface between such zones is managed to address the issue of incompatible adjoining land uses. Contrary to the opinion expressed in the s42a report (and explained below) that is not the case with the TDP. Instead, if the land is rezoned, permitted future development there may include a proliferation of 12m high industrial style buildings located 5m away from, and fully visible to, the adjoining residentially zoned land. In my view that is not a desirable land use planning outcome.

14. Para 167 the s42a report states that “*the respective provisions that are applicable at the interface between the Residential Environment and the Taupo Industrial Environment, including managing effects associated with noise, setbacks and tree planting*” have been identified, and concludes that “*the Operative Plan provisions appropriately contemplate and establish controls at the interface to manage environmental effects generated by development activities in the Taupo Industrial Environment*”. That view is also expressed in the further submission of TIEL, opposing the APGL submission, which states that “...*the Taupō District Plan contemplates the interface between the Industrial Zone and Residential Zone land uses, by way of specific setbacks and landscaping requirements*”. As explained below, that view is based on a misunderstanding of the relevant TDP provisions, and I do not agree with it.
15. **Appendix 2** is a copy of the Taupo Industrial Environment performance standards that would apply to the land if rezoning is approved. I have identified the building height, coverage, setback, and landscaping performance standards which, in my view, would influence future built form and character at the zone interface. In particular:
- 12m maximum building height (Performance standard 4h.1.1a). I also observe that there is no “height to boundary” performance standard in the Taupo Industrial Zone (which would preclude such tall buildings being located close to property boundaries);
 - 75% of the site is permitted to be covered in buildings (Performance standard 4h.1.2a);
 - 5m minimum building setback (Performance standard 4h.1.3d);
 - No landscape or tree-planting requirement (the landscaping required by Performance standard 4h.1.4 applies only to road frontages).
16. Given the above TDP performance standards, I disagree with the s42a report when it concludes that in terms of adjoining residential and industrial zones “*the Operative Plan provisions appropriately contemplate and establish controls at the interface to manage environmental effects generated by development activities in the Taupo Industrial Environment*”. To the contrary, the performance standards would permit many 12m high industrial style buildings as close as 5m away from, and fully visible to, the adjoining residentially zoned land. That is a land use outcome which in my view should be avoided because of the potentially significant adverse effects on adjoining residential zoned land.
17. Accordingly, I agree with the submission of APGL (and disagree with the s42a report and the further submission of TIEL) that rezoning the land for industrial purposes is not appropriate given that the adjoining land is zoned for residential purposes, and that the operative Taupo Industrial Environment performance standards (which are outside the scope of Plan Change 43) would not deliver appropriate interface outcomes.

Relevant District Plan Objectives and Policies

18. It is also appropriate to consider the relevant policy framework in the TDP. I note that PC43 does not propose to amend any of the objectives and policies in the Taupo Industrial Environment, Land Development, or Residential Environment sections of the TDP.

19. The Taupo Industrial Environment provisions of the TDP include Objective 3t.2.6 and associated policies as set out below.

“OBJECTIVE

3t.2.6

Manage the interface between activities in the Taupō and Centennial Industrial Environments and more sensitive activities in other environments.

POLICIES

- i. Manage the effects of activities within the Taupō and Centennial industrial Environments so the scale of development and level of environmental effects does not degrade the amenity of the other Environments of the District.
- ii. Utilise the existing landform to maintain space between industrial activity and other Environments.
- iii. Encourage the development of buffer strips at the time of subdivision to create space between industrial activity and other environments.
- iv. Establish landscaping along interface boundaries to reduce the impact of industrial buildings when viewed from other environments”.

20. In my view, for the reasons set out in paragraphs 14 to 17, the rezoning proposal does not achieve the objective of managing the interface between the proposed industrial zoned land and the existing Residential Environment zoned land in an appropriate way. Further, rezoning the land to Taupo Industrial Environment would not achieve policy 3t.2.6i as the rezoning would not appropriately manage the scale and effects of activities such that degradation of the amenity of the adjoining land would be avoided. Also, the outcomes sought through policies ii – iv could not be ensured if the property was zoned Taupo Industrial Environment.

21. The Land Development section of the TDP includes Objective 3e.2.5 and associated policies as set out below.

“OBJECTIVE

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 natural 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 and infrastructure”.
22. For the reasons set out in paragraphs 14 to 17, in my view the rezoning proposal would not achieve the objective of ensuring that land development does not detract from the amenity value or qualities of the local environment. Further, rezoning the land to Taupo Industrial Environment would not achieve policy 3t.2.5i about assessing the particular values of an area and avoiding, remedying, or mitigating adverse effects.
23. The Residential Environment section of the TDP includes Objective 3a.2.1: “*The maintenance and enhancement of the character and amenity of the Residential Environment*”. A suite of policies support that objective. Several of the policies (i, ii, iii, and vi) reference the importance of ensuring activities are consistent with residential amenity and character in terms of the level of environmental effects. In my view rezoning the property at 189 Napier Road is inconsistent with the achievement of the TDP objective about maintaining the character and amenity of the Residential Environment.
24. Proposed Plan Change 38 to the TDP introduces “Chapter 2 Strategic Directions” (including Section 2.3, “Urban Form and Development”). I note that Urban Form and Development Objective 2.3.2.7 is: “*Subdivision, use and development will not detract from the planned urban built form and effective functioning of the environment which it is located*”, and that Objective 2.3.2.8 (as recommended to be changed by the s42a report) is: “*Subdivision, use and development is designed to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that protects or enhances the important natural, cultural and historic values of the environment where it is*”.
25. In my view the rezoning proposal for 189 Napier Road is not supported by those overarching objectives proposed in Section 2.3 of PC38, as an industrial zoning would result in detraction of the planned urban residential built environment at that location, and the Taupo Industrial Environment provisions cannot ensure that future potential adverse effects on the surrounding environment would be avoided, remedied, or mitigated.
26. Overall, in my view the rezoning proposal is at odds with the policy framework set out in the TDP, and also with that being advanced through PC38 (in relation to strategic direction about urban form and development).

Relevance of the Consent Notice and EUL land use consent

27. The APGL submission explains the Consent Notice that is registered on the title of the land and which is therefore a legal constraint on the availability of the land to meet the future

industrial land needs of Taupo district. It is, unfortunately, a constraint that was not identified (and therefore not considered) in the s32 report supporting Plan Change 43.

28. The s42a report (paragraph 170) dismisses the Consent Notice as being a relevant matter to the issue of rezoning.
29. I disagree with that view and the submission of TIEL (at paragraphs 16 which considers the Consent Notice “essentially redundant”). The EUL land use consent and associated masterplan which is secured by the Consent Notice is explained in the overview at **Appendix 1**). The EUL consent is the outcome of a significant TDC initiated resource consent process undertaken to strategically plan for urban growth on the southeast part of the Taupo urban area. The consent is being implemented from the south through commercial and residential development currently underway near the southern EUL gateway (from Lake Terrace). A central portion of the EUL lands (Tauhara Ridge Drive / Moa Lane) has also been developed for residential properties in accordance with the land use consent. The property proposed to be rezoned is the northern EUL gateway (from Napier Road).
30. Further, it is not the case (as advanced at paragraphs 15 and 16 of the TIEL submission) that the land use consent can be overlooked on the basis that TDC (as the applicant for the EUL consents) is no longer the landowner. Land Use Consents run with the property (not the original consent applicant), and in this case the Consent Notice registered on the title serves to alert new landowners to that, in my view.
31. While the Consent Notice is registered on the land title, my view is that rezoning the land is premature as it presumes the outcome of a process which has not been concluded (ie the application by TIEL to cancel the consent notice) and sends mixed messages to the Taupo community and landowners involved, including TIEL.
32. Accordingly, on the matter of the Consent Notice and associated EUL land use consent, I agree with the position stated in Mr Ladbrook’s further submission that the land should not be rezoned until the Consent Notice and associated EUL land use consent is addressed, and unless the outcome of that process is consistent with application of the Taupo Industrial Environment zoning to the land.

Conclusion

33. This evidence has considered the two issues raised by the APGL submission:
 - about establishing a new industrial zone on land adjoining land zoned residential (in paragraphs 11 to 26), and
 - about the relevance of the Consent Notice and EUL land use consent (in paragraphs 27 to 32).

34. In conclusion my view is (as requested by the APGL submission) that rezoning of the land at 189 Napier Road to Taupo Industrial Environment should not proceed because:

- of the inherent incompatibility of adjoining residential and industrial zoned land (and the absence of appropriate interface controls in the TDP) as well as inconsistency with the relevant District Plan policy framework, and
- while a Consent Notice registered on the title requires that the land be developed in accordance with the EUL Land Use Consent.

Joanne Lewis

9 August 2023

APPENDIX 1

EUL LAND USE CONSENT – OVERVIEW

Land use consent RM080142 was granted by Taupo District Council on the 8th June 2009 for “*Staged development of the land for 2200 residential units and 18,510m² gross floor area of commercial space. The land is zoned Residential (un-serviced) and the overall development will exceed District Plan provisions in respect to maximum vehicle movements, and in some locations development controls in respect of maximum building height, maximum height to boundary, maximum building coverage, maximum plot ratio, maximum total coverage, and minimum building setbacks*”.

1.3 Masterplan



2009 Masterplan for Taupo East Urban Lands

The consent is for a 20-year non-lapse duration and provides for development in accordance with a “Taupo East Urban Lands Masterplan” (see above).

The development is divided into seven “precincts” linked by a main road extending from Lake Terrace in the southwest, to Napier Road in the northeast. Development within each of these precincts is detailed in the masterplan document in terms of building design, access, linkages, and open space. The proposal is primarily focused on a range of residential housing forms and density and also includes two commercial hubs (including the primary commercial core in the southwestern Village Precinct and a more education focused commercial area in the northeast Campus Precinct).

Below is an enlarged excerpt of the northern part of the masterplan. The land proposed to be zoned Taupo Industrial is at the top right-hand (northeast) corner of the snip, with Napier Road to the north and State Highway One alongside the eastern boundary. The elevated land to the south and southwest is owned by Taupo District Council. It is zoned and planned, through the EUL consent, for residential development.



Northern excerpt of the EUL Masterplan

All of the land covered by the EUL Land Use Consent has a Consent Notice registered on the land titles, requiring that development be undertaken in accordance with the Land Use Consent and masterplan.

The southern stages of the EUL consent are currently being developed, including construction of part of Tauhara Ridge Drive (the spine road from Lake Terrace in the south to Napier Road in the north). Development has also included the Kokomea Park commercial area where a

Countdown supermarket has recently opened. Residential subdivision and house construction is also underway, along with the first stage of a retirement village.

The developers of these EUL stages obtained variation to the Land Use Consent (pursuant to s127 of the Resource Management Act 1991) to authorise changes to the masterplan aligning with current market drivers, and to reflect best practice urban design approach. The next EUL stage to the northeast (including the oval reserve in the image above) was similarly assessed and a varied consent granted in mid 2022.

APPENDIX 2

4h TAUPŌ INDUSTRIAL ENVIRONMENT AND CENTENNIAL INDUSTRIAL ENVIRONMENT

Section Index:

4h.1 Performance Standards

4h.2 Land Use Rules

4h.3 Subdivision Rules

4h.4 Assessment Criteria

4h.1 Performance Standards

		Taupō Industrial	Centennial Industrial
4h.1.1	Maximum Building Height	a. 12m <i>Exception: 8m on Taupō Industrial site identified on Planning Map D5</i>	b. 16m Exception: 25m on land associated with Geothermal Electricity Generation as identified on the maps at the end of Section O.
		c. No maximum building height for cranes being used as part of any construction or maintenance works for the duration of the works, or for Drilling Rigs for up to 100 days per well site.	
4h.1.2	Maximum Building Coverage	a. 75% <i>Exception: 45% on Taupō Industrial site identified on Planning Map D5</i>	b. 75%
4h.1.3	Minimum Building Setback	a. 5m building setback from Miro Street, Crown Road, Broadlands Road and any new district arterial road. b. 15m building setback from Centennial Drive, Napier Road and the East Taupō Arterial road (to become State Highway 1). c. 3m building setback from any other road. d. 5m setback along boundaries adjoining another Environment. e. No minimum setback from other boundaries. Exception: There shall be no minimum setback required in relation to pipelines (including associated structures) that cross a boundary.	
4h.1.4	Landscaping	a. Landscaping must be established and maintained on any industrial site according to the following provisions: <ol style="list-style-type: none"> An average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. On any site boundary fronting the East Taupō Arterial road (to become State Highway 1), a 3 metre wide planted landscaping strip and an average of 1 specimen tree per 10 metres of road boundary, with a minimum of 3 trees per 30 metres. Specimen trees must be a minimum of 1.8 metres tall at the time of planting. Specimen trees must be one of the species listed in Appendix 7 and planted according to the specifications within Appendix 7. 	
4h.1.5	Maximum Earthworks	a. 2m vertical ground alteration in a new face or cut and/or fill.	b. 3m vertical ground alteration in a new face or cut and/or fill.
		c. No dust or silt nuisance beyond the boundaries of the allotment.	
		d. No Earthworks in and around high voltage transmission [National Grid] networks that: <ol style="list-style-type: none"> are at a greater depth than 300mm within 2.2m of a pole support structure, or are at a depth than 750mm within 2.2m and 5m of a pole support structure, or are at a greater depth than 300mm within 6m of the outer visible edge of a tower support structure, or are at a greater depth than 3m between 6m and 12m of the outer visible edge of a tower support structure, or; create an unstable batter; or 	

		<p>vi. within 12m of the centreline of an high voltage transmission network, result in a reduction of the existing conductor clearance distances.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> • (a) and (b) do not apply to vertical holes, not exceeding 500mm diameter, beyond 1.5m from a pole support structure • These rules do not apply to earthworks undertaken by utilities. • These rules do not apply to normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway. 									
4h.1.6	Parking, Loading and Access	Provision must be made for on-site parking, loading and access and be designed in accordance with Section 6									
4h.1.7	Maximum Equivalent Vehicle Movements See definitions	200									
4h.1.8	Maximum Noise	<p>a. The noise level arising from any activity measured within the boundary of any industrial environment, other than the site where the noise is generated, shall not exceed 75dBA L_{eq} at any time.</p> <p>b. The noise level arising from any activity measured within the boundary of any residential environment site or the notional boundary of any site within the Rural Environment shall not exceed the following limits:</p> <ol style="list-style-type: none"> 7.00am — 10.00pm 55dBA L_{eq} 10.00pm — 7.00am 45dBA L_{eq} and 75dBA L_{max} <p>c. All construction noise shall meet the requirements of <i>New Zealand Standard NZS 6803:1999 Acoustics — Construction Noise</i>.</p> <p>d. Noise from uses at Electricity Generation Core Sites shall comply with the noise limits specified in 4t.1.8.a and b above as measured:</p> <ol style="list-style-type: none"> outside the noise control boundary relating to each Electricity Generation Core Site as shown on the Planning Maps; or within the notional boundary of any dwelling within the Rural Environment where this is beyond the noise control boundary; or within the boundary of any site within the Residential Environment where this is beyond the noise control boundary. <p>e. Any new buildings with habitable spaces (i.e. dwellings, retirement homes, etc) built within the noise control boundaries shall be required to ensure they are appropriately designed to achieve suitable internal noise levels (35dBA L_{eq}).</p> <p>The noise control boundary will be either the Electricity Generation Core Site boundary or the existing 40dBA L_{eq} and 75dBA L_{max} contour where this is beyond the Core Electricity Generation Site boundary, as shown on the planning maps.</p> <p>e. Noise from well drilling and testing within any Electricity Generation Core Site boundary as measured:</p> <ol style="list-style-type: none"> within the boundary of any site within the Residential Environment; within the notional boundary of any dwelling or accommodation activity within the Rural Environment shall not exceed the noise levels set out in the following table measured and assessed in accordance with the provisions of NZS 6803:1999 — Construction Noise, if the occupiers do not agree to vacate the premises at the noise generator's expense during the drilling period. <p>Time Period Monday to Sunday</p> <table style="margin-left: 40px;"> <tr> <td></td> <td style="text-align: center;">L_{eq}</td> <td style="text-align: center;">L_{max}</td> </tr> <tr> <td>7.00am — 10.00pm</td> <td style="text-align: center;">70</td> <td style="text-align: center;">85</td> </tr> <tr> <td>10.00pm — 7.00am</td> <td style="text-align: center;">60</td> <td style="text-align: center;">75</td> </tr> </table> <p>f. Nothing in the foregoing maximum noise performance standards shall apply to sirens, circuit breakers and hydro spills associated with the operation of Electricity Generation</p>		L_{eq}	L_{max}	7.00am — 10.00pm	70	85	10.00pm — 7.00am	60	75
	L_{eq}	L_{max}									
7.00am — 10.00pm	70	85									
10.00pm — 7.00am	60	75									

		<p>Core Sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.</p> <p>g. The noise levels shall be measured in accordance with the requirements of NZS6801:2008 Acoustics — Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6802:2008 Assessment of Environmental Sound.</p> <p><i>Exception: for Taupō Industrial site identified on Planning Map D5, 10.00pm — 7.00am 40dBA L_{eq} and 70dBA L_{max}</i></p>
4h.1.9	Maximum Noise Received	<p>Any building containing residential or accommodation activity must be constructed to ensure that the level of noise received within any habitable space does not exceed 40dBA L_{eq}. An acoustic design certificate from an acoustic engineer will be required to demonstrate compliance with the above performance standard at the time of lodging a Building Consent.</p>
4h.1.10	Signage	<p>a. Signs painted or structurally attached to the building must only be located on the building elevation facing the street from which vehicle access is gained and shall not cover more than 30% of that building wall area (including windows and doors).</p> <p>b. One freestanding sign located adjacent to the vehicle entrance not exceeding 8m in height and 2m in width.</p> <p><i>Exception: On Taupō Industrial site identified on Planning Map D5 maximum 2m² total face area in one sign per allotment, signage must relate to the activity on the site; no flashing, reflectorised, or illuminated signage; one temporary sign per allotment, 2m² total face area, for the sale of land and buildings.</i></p>
4h.1.11	Maximum Odour	<p>a. There shall be no discharge of offensive or objectionable odour at or beyond the boundary of a site.</p> <p>b. In determining whether an odour is offensive or objectionable, the Council shall have regard to the assessment guide contained in section 7.7.</p> <p>Please note: The Regional Council may also require that resource consent be obtained for discharges to air (including odour discharges).</p>
4h.1.12	Stormwater	<p>a. All stormwater from buildings and impermeable surfaces is to be disposed of on-site to be hydrologically neutral in a 100 year return event.</p> <p>b. The function of existing secondary flow paths across the allotment shall be retained and the existing discharge point off the site shall remain unaltered as to position. Where a stormwater asset is to be vested in Council, a Catchment Management Plan that demonstrates a hydrologically neutral solution shall be prepared.</p> <p>c. EXCEPTION: Stormwater from impermeable surfaces can be disposed of via a primary or secondary stormwater drainage system within an area identified on the Planning Maps as a Stormwater Disposal Area, provided Council authorisation has been given.</p> <p>Note: The relevant Regional Council also has jurisdiction in respect of stormwater discharges and a resource consent may be required from that Council.</p>

4h.2 Land Use Rules

4h.2.1 Any activity that:

- i. complies with all of the performance standards for the Industrial Environment in which the activity is to be located; and
- ii. complies with all the District Wide Performance Standards; and
- iii. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules of the rules in Section 4h.2

is a **permitted activity**.

4h.2.2 Any temporary activity, being an activity of up to a total of three

- operational days in any one calendar year, which exceeds any performance standard(s), is a **permitted activity**, provided that:
- i. There are no new permanent structures constructed; and
 - ii. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or reinstated to its condition prior to the activity commencing; and
 - iii. An allowance of five non-operational days associated with the activity is not exceeded, during which time any breach of any performance standard(s) shall only be to the extent reasonably necessary to undertake any relevant aspect of the activity.
 - iv. Rule 4h.2.9 is complied with. Where this is not achieved, the activity is a discretionary activity with the Council's discretion limited only to this matter

- 4h.2.3 Any activity involving the maintenance, continued operation and minor upgrading of existing electricity generation core sites, geothermal steamfields and associated structures is a **permitted activity**.

For the purpose of this rule "*maintenance*" means:
All activities associated with the protective care and monitoring of a hydro dam, a geothermal or hydro electric power station, geothermal steamfield and associated structures, in order to arrest the processes of decay, structural fatigue, erosion or dilapidation and includes maintenance of surrounds and water areas.

The term "*continued operation*" of a "*geothermal steamfield*" means:

All activities associated with drilling wells, the construction and operation of well heads, pipelines, soakage ponds, separation plants, access roads and tracks, power lines cables and monitoring activities, subject to compliance with the Noise Performance Standard.

For the purpose of this rule "*minor upgrading*" means:
Structure improvement, repair and replacement of worn or technically deficient parts of the powerhouse, hydro dams, separation plants, switchyards, intake, control and diversion structures, wells, pipes, tunnels, cables, other equipment and accessory buildings and structures of similar character and scale, and includes associated drilling, earthworks and vegetation removal. Also the extension to existing Buildings and Structures, and the erection of new Buildings and Structures up to 100m² in area and not exceeding the maximum height standard for the Industrial Environment and the erection of any aerial, antennae or communication dish not exceeding 5m² in area located on top of a hydro or geothermal existing structure, subject to compliance with the Noise Performance Standard.

- 4h.2.4 Any activity which does not comply with the performance standards for permitted activities and is not otherwise identified as a controlled or discretionary activity is the other rules in Section 4h.2, is a **restricted discretionary activity**, with Council's discretion being restricted to only the matters of non-compliance specified in that standard.
- 4h.2.5 Any office activity that is not ancillary to either a retail activity as defined in Rule 4h.2.7, or an industrial business activity, on the same site, is a **discretionary activity**.
- 4h.2.6 Any residential dwelling is a **discretionary activity**.
- 4h.2.7 Any retail activity undertaken from a site in the Taupō Industrial Environment not consisting of one or more of the following:
- i. The display and sale of goods produced, processed or stored on the site as up to 20% of the Gross Floor Area on the site used to produce, process or store those goods, or 300m² of Gross Floor Area, whichever is the lesser.

- ii. Yard based activity.
 - iii. Trade supplier.
 - iv. Hire centre.
 - v. Service Stations.
 - vi. Food and beverage outlets.
- is a **discretionary** activity.
- 4h.2.8 Any retail activity undertaken from a site in the Centennial Industrial Environment not consisting of one or more of the following:
- i. The display and sale of goods produced, processed or
 - ii. stored on the site as up to 20% of the Gross Floor Area on the site used to produce, process or store those goods, or 300m² of Gross Floor Area, whichever is the lesser.
- is a **discretionary** activity.
- 4h.2.9 Any landuse within an identified "Sensitive" Environment in the Taupō Industrial Environment is a **discretionary activity**.
- 4h.2.10 Any activity that is not a permitted, controlled or restricted discretionary activity, is a **discretionary activity**.
- 4h.2.11 Any accommodation activity is a **discretionary activity**.
- 4h.2.12 Any new land use activity that requires a new public road and/or new or extended community infrastructure that is not in accordance with the Infrastructure Development Plan is a **discretionary activity**.
- 4h.2.13 Notwithstanding Rules 4h.2.14 and 4h.2.15 the following structures can be erected within 0 — 32m of a high-voltage transmission line as a permitted activity subject to compliance with NZECP34:2001:
- i. Buildings and structures up to 2.5m high and 10m² in area, and including fences up to 2.5m high;
 - ii. Alterations to existing buildings that do not increase the building envelope or footprint; and
 - iii. Network utilities
- 4h.2.14 Any building (except network utilities) located within 0 — 12m of a high-voltage transmission line is a discretionary activity
- 4h.2.15 Any building (except network utilities) located within 12 — 32m of a high-voltage transmission line is a **restricted discretionary activity**, with discretion being restricted to the following:
- i. Extent of compliance with the New Zealand Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34:2001)
 - ii. The location, height, scale, orientation and use of buildings and structures to ensure effects on the following are addressed:
 - iii. The risk to the structural integrity of the transmission line;
 - iv. The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network;
 - v. The risk of electrical hazards affecting public or individual safety, and risk of property damage;
 - vi. The extent of earthworks required, and use of mobile machinery near transmission line which may put the line at risk;
 - vii. Minimising the visual effects from transmission line.
- 4h.2.16 Any business activity not otherwise a Discretionary Activity is a **Controlled Activity** on either:
- i. the Taupō Industrial site identified on Planning Map D5; or
 - ii. the Centennial Industrial site identified on Planning Map D6, with Council reserving control over the extent to which landscape treatment and the exterior design of buildings (including building facades, material, and colour) mitigates potential visual impacts of the activity when viewed from a public place.

In addition, for the Centennial Industrial site identified on Planning Map D6, the Council also reserves control over the extent to which lighting is designed and installed so as to minimise off-site nuisance.

4h.3 Subdivision Rules

4h.3.1 Provided that the activity has not been identified as a Restricted Discretionary, Discretionary or Non Complying activity by another rule in the plan, any subdivision in the Taupō Industrial Environment which demonstrates compliance with all of the performance standards for the proposed future land use, or for which a land use resource consent has already been granted, is a **controlled activity**.

4h.3.2 Any subdivision for the sole purpose of providing for infrastructure, or access lots is a **controlled activity**.

For the purposes of Rule 4h.3.1 and 4h.3.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.

4h.3.3 Any subdivision that results in a new public road and/or new or extended community infrastructure that is in accordance with the Infrastructure Development Plan (Appendix 6) is a **restricted discretionary activity**.

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

- a. Those matters of control identified in Rules 4h.3.1 and 4h.3.2 above;
- b. The impact of the resulting development on the ability of wastewater, storm water and water (being the drinking and firefighting water standards of Taupō District Council's Code of Practice for Development of Land (2009)) infrastructure to service the new development;
- c. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;
- d. The effect that the development will have on the storm water catchment.

4h.3.4 Any subdivision within 32m of a high voltage transmission line is a **restricted discretionary activity** with discretion restricted to the following matters:

- a. The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping and

- building platforms;
- b. The ability for maintenance and inspection of transmission lines, including ensuring access;
- c. The extent to which the design and development will minimise the risk or injury and/or property damage from such lines;
- d. The ability to provide a complying building (platform);
- e. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

- 4h.3.5 Any subdivision of land in the Taupō Centennial Area where the resulting lots are less than 3000m² in area is a **discretionary activity**.
- 4h.3.6 Any subdivision of land where more than three (3) allotments share a single common access in the Taupō and Centennial Industrial Environments is a **discretionary activity**.
- 4h.3.7 Any subdivision of land identified as “Sensitive” within the Taupō Industrial Environment is a **discretionary activity** and will be subject to the recommendations of appropriate technical assessments including, but not limited to: a geotechnical assessment, and an ecological assessment where the activity affects land identified as a Significant Natural Area
- 4h.3.8 Any subdivision of land which is not identified as a controlled, restricted discretionary, or non complying activity, is a **discretionary activity**.
- 4h.3.9 Any subdivision that results in a new public road and/or new or extended community infrastructure that is not in accordance with the Infrastructure Development Plan is a **discretionary activity**.

4h.4 Assessment Criteria

Please note: The assessment criteria used when assessing Restricted Discretionary Activities will be those matters that the applications have failed. When assessing Discretionary Activities the list of assessment criteria is not exhaustive as other effects can be considered during assessment.

4h.4.1 GENERAL CRITERIA

- a. Impact of the activity on the functioning and utility of the Industrial Environment and effect on surrounding allotments and other Environments.
- b. Potential for conflict between the activity and other existing activities within the Industrial Environment.
- c. Consideration of any relevant Management Plan or Strategy as guidance during the resource consent process.

4h.4.2 DEVELOPMENT

- a. Whether the desired environmental outcome, with a consistent and appropriate standard of infrastructure, is achieved such as through compliance with the Council’s Development Guidelines and Structure Plans.
- b. For land identified as “Sensitive” the implementation of any, or all, of the recommendations from geotechnical assessment accompanying the application or commissioned by the Council.

4h.4.3 BUILDING HEIGHT

- a. The extent to which the extra height will:
 - i. adversely affect the character and amenity of the industrial location and adjoining environment;
 - ii. have an overbearing effect on other sites within the industrial location or adjoining environment;
- b. Proposed methods for the avoidance, remedying or mitigation of potential

adverse effects, and the degree to which they would be successful including:

- i. the extent to which topography, alternative design, planting or setbacks can mitigate the adverse effects of the extra height.

4h.4.4 COVERAGE

- a. The extent to which the increased coverage will:
 - i. adversely affect the character and visual amenity of the area;
 - ii. reduce the privacy and out look of adjoining allotments;
 - iii. limit the ability to provide adequate and appropriate outdoor living space on the allotment.
- b. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
 - i. the ability to mitigate adverse effects such as through the imposition of conditions such as landscaping.

4h.4.5 BUILDING SETBACK

- a. The extent to which the reduced setback will:
 - i. adversely affect the streetscape of the area;
 - ii. reduce the privacy and outlook of adjoining sites;
 - iii. limit the safe and visible access of vehicles using the allotment.
- b. The extent to which the reduction in the setback is necessary due to the shape or nature and physical feature of the allotment.
- c. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
 - i. the ability of existing topography or vegetation to mitigate any adverse visual effects on the streetscape.
 - ii. the ability to mitigate adverse effects of the reduced setback through screening, planting and alternative design.

4h.4.6 NOISE

- a. Ambient sound levels and the impact of any cumulative increase.
- b. The degree to which the sound is intrusive and contrasts with the characteristics of the existing noise environment in terms of level, character, duration and timing.
- c. The length of time, and the level by which the noise limits will be exceeded, particularly at night.
- d. The nature and location of nearby activities and the effects they may experience resulting from the increased sound levels.
- e. Whether the sound levels are likely to detract from the amenity or general environmental quality of the surrounding Residential Environment.
- f. The topography of the allotment and any influence this may have on sound propagation.
- g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
 - i. insulation and barriers and isolation of the source of the noise.

4h.4.7 PARKING, LOADING, ACCESS and VEHICLE MOVEMENTS

- a. Extent to which the safety and efficiency of the roading network, road hierarchy or users of the road would be adversely affected including cumulative effects.
- b. Whether there will be any adverse effects on the safety of pedestrians using the allotment, road, footpath or vehicle crossing.
- c. The type of vehicles using the site, their intensity, the time of day the site is frequented and the likely anticipated vehicle generation.
- d. Any adverse visual or nuisance effects on the amenity and character of the surrounding area and the Industrial Environment.
- e. Effect of factors in the surrounding roading network including the position and function of the road within the road hierarchy, the actual speed environment of the road, volume of traffic using the road and any other factors that will prevent congestion and confusion between vehicles.
- f. Proposed methods for avoidance, remedying or mitigation of potential

adverse effects, and the degree to which they would be successful including:

- i. measures to improve visibility to and from the vehicle crossing point and alternative construction, location or design

4h.4.8 EARTHWORKS

- a. Detraction from the amenity of adjoining allotments in terms of such matters as noise and dust occurring as a result of the earthworks, and the resulting impact on the use of these allotments.
- b. Potential for the creation of a nuisance effect for people working within the area.
- c. Time period for which soil will be exposed.
- d. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
- e. Planned rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation.
- f. Whether there are any Archaeological sites, and the potential effects of the earthworks on these sites
- g. The degree to which an Earthworks Management Plan manages the environmental effects of earthworks and prevents adverse effects arising, in particular sediment discharges and dust nuisance.
- h. The degree to which the finished ground levels reflect the contour of adjoining sites, and any potential impacts on stability of neighbouring properties and existing stormwater flow patterns.
- i.
- j. Earthworks within a high voltage transmission network corridor:
 - i. Any effects on the integrity of the transmission line;
 - ii. Volume, area and location of the works, including temporary activities such as stockpiles;
 - iii. Time of the works;
 - iv. Site remediation;
 - v. The use of mobile machinery near transmission line which may put the line at risk; and
 - vi. Compliance with NZECP 34:2001.

4h.4.9 ODOUR

- a. Detraction from the amenity of other allotments, including the potential for the creation of nuisance effects for residents within the area, and the resulting impact on the use of these allotments.
- b. Proposed methods for the avoidance, remedying or mitigation of potential adverse degree to which they would be successful.

4h.4.10 STORMWATER

- a. Whether there will be any actual, potential or cumulative adverse effects of additional private connections on the stormwater reticulation system.
- b. Whether there will be a requirement to upgrade the stormwater reticulation system if additional private connections are made.
- c. Whether there will be any adverse effects on the environment of not providing for the onsite disposal of stormwater and/or adequate secondary flow paths.
- d. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.
- e. The assessment of any existing or potential adverse effects of the unauthorized disposal of waste and pollutants to the stormwater system, and the methods for monitoring, and methods used to reduce adverse effects.

4h.4.11 GEOTHERMAL ACTIVITY

- a. The extent to which the activity will impact on the functioning of the existing, or consented, geothermal based industries, e.g. reverse sensitivity issues.
- b. The potential for the activity to be adversely affected in the future by known effects of geothermal based industries such as subsidence, noise or visual amenity.

4h.4.12 BUILDINGS WITHIN A HIGH VOLTAGE TRANSMISSION NETWORK

- a. Extent of compliance with the New Zealand Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34:2001)
- b. The location, height, scale, orientation and use of buildings and structures to ensure effects on the following are addressed:
 - i. The risk to the structural integrity of the transmission line;
 - ii. The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network;
 - iii. The risk of electrical hazards affecting public or individual safety, and risk of property damage;
 - iv. The extent of earthworks required, and use of mobile machinery near transmission line which may put the line at risk;
 - v. Minimising the visual effects from transmission line; and
 - vi. Any other matters set out in plans for buildings and/or structures.

4h.4.13 RETAIL, OFFICE AND RESIDENTIAL ACTIVITIES

- a. The extent to which the activity is likely to be incompatible with existing and permitted future Industrial activities that produce effects up to the levels permitted in the zone, and the potential for reverse sensitivity effects.
- b. The extent to which the activity, either alone or in association with other nearby activities, is likely to have an adverse effect upon the safety and efficiency of the road network.
- c. The extent to which the activity (having regard to its proposed size, composition and characteristics) is likely to have an adverse effect upon the amenity values and functions of the Taupō Town Centre Environment and its ongoing ability to provide for the future needs of their communities.
- d. The extent to which the convenient access of communities to commercial and community services may be positively or adversely affected by the proposed activities.
- e. The extent to which the proposed activities would occupy land and road frontage and/or be likely to attract further similar activities thus discouraging or displacing permitted Industrial activities, having regard to the extent of the Industrial Environment and its character and function.
- f. The extent to which the site is self-contained in respect of appropriate off-street parking for customers and employees and as to goods delivery service arrangements.
- g. The extent to which the activity reinforces an identified existing or potential community focus by its co-location with community facilities, and/or increased population base.

4h.4.14 SUBDIVISION

- a. 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.
- b. 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.
- c. The location and scope of earthworks, including its movement to, from and on the site.
- d. The clearance or planting of vegetation, including its location, species and maintenance.
- e. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value as identified in the plan.
- h. Whether infrastructure can sustainably service the actual or cumulative increase in the density of development above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- i. The effect of the proposed subdivision on the utilisation of geothermal energy resources of Development and Limited Development Geothermal

Systems.

- j. Whether there is suitable and appropriate physical and legal access to allotments based on the number of new allotments created and any necessary title security of ownership and maintenance.
- k. For land identified as "Sensitive" the implementation of any, or all, of the recommendations from geotechnical assessment accompanying the application or commissioned by the Council.

4h.4.15 SIGNAGE

- a. Location (off or on the allotment), design and appearance of the sign.
- b. Compatibility with the size of the allotment, and the character and amenity of surrounding industrial land and other environments, including the nature and proximity of other signage within the area.
- c. Any adverse effects on the visual amenity of the locality and whether the proposed sign would be visibly obtrusive, particularly from roads or public open spaces in the vicinity.
- d. Effect on the openness and attractiveness of the streetscape.
- e. Effect on the amenity of adjoining allotment in terms of such matters as noise, artificial light and glare occurring as a result of the sign.
- f. Necessity of the sign to direct people to the activity.
- g. Effect on the safe and efficient operation of the roading network within the area including the possible distraction or confusion of motorists.
- h. The degree to which the sign can be seen from Crown Road, Broadlands Road, the East Taupō Arterial, Centennial Drive and SH5 (Napier Taupō Road).
- i. The degree to which the sign is directional in nature as opposed to advertising general products.
- j. The visual amenities and characteristics of the locality (including tree or other planting) and whether the proposed display would be obtrusively visible beyond 50 metres
- k. The degree to which the sign relates to a transport, community or building identification purpose as opposed to advertising goods and services.

4h.4.16 LANDSCAPING

- a. The extent of effects from any reduced landscaping in terms of the scale and appearance of the buildings when viewed from the adjoining road network or adjoining sites.
- b. The extent of any reduction in tree planting provision, in respect to the visual appearances of carparking, vehicle storage, vehicle loading and outdoor storage areas.
- c. The relative importance of landscaping on the particular site concerned, taking account of the visual quality of the surrounding environment, particularly where a low standard of visual amenity exists and improvement is necessary.
- d. The nature of the activity itself, and any particular adverse visual impacts it may have.

4h.4.17 INTEGRATION WITH COMMUNITY INFRASTRUCTURE

- a. Whether there will be any actual, potential or cumulative adverse effects of additional connections to the existing community infrastructure networks.
- b. Whether there will be a requirement to upgrade the existing community infrastructure networks.
- c. The actual or potential impacts on the ability of other sites to be able to connect to the community infrastructure network through the applicant's site, both in terms of location of and size of infrastructure.
- d. Whether technological or legislative change has meant that there are more appropriate servicing solutions compared to the Infrastructure Development Plan.
- e. The likely timing of future demand for the ultimate servicing solution as identified in the Infrastructure Development Plan.

Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, resource consent may be required from the relevant Regional Council.

Refer also to Subsection E — DISTRICT WIDE RULES