

BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change 40:
Taupō Town Centre Environment

Application By: Taupō District Council

Section 42A Report on Submissions and Further Submissions
Taupō Town Centre Environment

Matt Bonis

Dated: 10 July 2023



Taupō District Plan
CHANGES - BUNDLE ONE

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List of submitters and further submitters addressed in this report

Please refer to **Appendix A** to see where each submission point is addressed, and the Officer Recommendation.

Submitters

Submitter ID	Submitter Name	Abbreviation
OS9	New Zealand Defence Force	NZDF
OS12	Laurel Burdett	
OS17	Jennifer Molloy-Hargreaves	
OS20	Byrne Family Investments Ltd	
OS29	Waikato Regional Council	WRC
OS38	Terry Palmer	
OS40	Tūwharetoa Settlement Trust	
OS46	Tukairangi Trust	
OS55	Enterprise Great Lake Taupō trading as Amplify	Amplify
OS61	McKenzie and Co	
OS63	Debs Morrison	
OS65	Richard Thompson	
OS79	Cheal Consultants	Cheal
OS86	Town Centre Taupō Board	Town Centre Taupō
OS101	Jane Penton LWAG	LWAG
OS104	Kainga Ora	KO
OS115	Te Kotahitanga o Ngāti Tūwharetoa	

Further Submitter(s)

Further Submitter ID	Submitter Name	Abbreviation
FS202	Town Centre Taupō Board	Town Centre Taupō

List of Abbreviations

Abbreviations used throughout this report are:

Abbreviation	
NPS-HPL	National Policy Statement – Highly Productive Soils
NPS-UD	National Policy Statement – Urban Development
PC40	Plan Change 40 – Taupō Town Centre
RMA or the Act	Resource Management Act 1991
RPS or WRPS	Waikato Regional Policy Statement
The Council	Taupō District Council
TMTA	Temporary Military Training Activity

1 Preamble

1.1 Purpose of the s42A Report

- 1) This report is prepared under s42A of the Resource Management Act 1991 at the request of Taupō District Council (TDC). This report is in relation to Plan Change 40 – Taupō Town Centre (PC40).
- 2) The purpose of this Report is to provide the Hearing Panel (**the Panel**) with a summary and analysis of the submissions received on PC40, and to make non-binding recommendations on either retaining the provisions of PC40 as notified, or making amendments to the provisions in response to those submissions. Where modifications are recommended, an analysis against the relevant statutory provisions of the RMA is provided to assist the Panel with its duties and functions pursuant to s32AA of that Act. The Hearings Panel are not constrained by recommendations in this report.

1.2 Author and Qualifications

- 3) My full name is Matthew William Bonis.
- 4) I am Partner at Planz Consultants in Christchurch. I have held this position since 2009. I am assisting the District Planning Team at Taupō District Council with regard to Plan Changes 40 and 43, and associated submissions.
- 5) I hold a Bachelor of Regional Planning degree and have been employed in the practise of Planning and Resource Management for 25 years. I am a full member of the New Zealand Planning Institute and am also an accredited Commissioner under the ‘Making Good Decisions’ Ministry for the Environment Certification process.
- 6) My experience in planning and resource management includes policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; the preparation and presentation of evidence at Environment Court; and the preparation and processing of resource consent applications.
- 7) I have considerable experience of the relevant statutory framework and its application within the Taupō District. This has been gained through leading the following Plan Changes for the Council:
 - a. Plan Change 28 – 30: Taupō Industrial and Commercial Plan Changes (and associated Environment Court Hearing and Decision (*Advance Properties Group Ltd et al vs Taupō District Council* [2014] NZEnvC126).
 - b. Private Plan Change 36: Whareroa North (Residential)
 - c. Private Plan Change 37: Nukuhau Development Area (Residential)
- 8) I was commissioned by Taupō District Council to prepare the Plan Change, accompanying s32 Report and this 42A Report. I have read all the submissions and further submissions made on this plan change.

1.3 Code of Conduct

- 9) I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 10) I am authorised to give this evidence on the Council's behalf.

1.4 Scope of Report

- 11) Plan Change 40 is in three parts, the Plan Change seeks to:
 - a. Provide increased building heights for that part of the Taupō Town Centre - as associated with the block between Roberts Street, Tongariro Street, Te Heuheu Street and fronting Ruapehu Street, as coupled with urban design requirements for buildings over three storeys.
 - b. Provide additional certainty that veranda requirements are not applicable to the many 'service lanes' that provide for back of house access for several businesses through the Taupō Town Centre Precincts.
 - c. Increase the permitted number of operational and non-operational (set-up – take down) days associated with Temporary Activities in the Taupō Town Centre.
- 12) This report acts as an audit of the detailed information contained in the notification report, including the accompanying Section 32, and subsequent submissions to the Plan Change.
- 13) As outlined in the overarching Report by Ms Samuel for the Council, Plan Change 40 was one of six Plan Changes notified by the Council, with notification occurring between 14 October and 9 December 2022.
- 14) There are 51 individual submission points received from 17 individual submitters (individuals, corporate entities and agencies).
- 15) A full copy of the Plan Change, submissions and summary of submissions, and other relevant documentation can be found on the Council's website¹.
- 16) Recommendations are made to either retain provisions without amendment, or delete, add to, or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Attachment B** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to

¹ <https://www.Taupōdc.govt.nz/council/consultation/Taupō-district-plan-changes-38-43/plan-change-40-Taupō-town-centre>

a provision, submissions points that sought the retention of the provision without amendment are not footnoted.

- 17) The assessment of submissions generally follows the following format:
- Submission Information.
 - Analysis, including a consideration of costs and benefits, efficiency and effectiveness of the amending proposal raised in the submissions.
 - Recommendation and Amendments.
- 18) Ms Samuel has outlined in the Overarching Report the statutory purpose of Clause 16(2) to Schedule in rectifying minor errors or alterations of minor effect. For completeness, Clause 16(2) states:
- Clause 16 Amendment of proposed policy statement or plan*
- (1) *A local authority must, without using the process in this schedule, make an amendment to its proposed policy statement or plan that is required by section 55(2) or by a direction of the Environment Court under section 293.*
- (2) *A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors. (emphasis added).*
- 19) For PC40 the application of Clause 16(2) has been utilised to replace a layer on two maps. The wrong town centre environment base layer was utilised – it did not affect the plan change but had the potential to cause confusion. The colours have also been improved as the previous colours were difficult to distinguish as notified.
- 20) I consider that the amendments are simply to remove uncertainty or improve clarity and is therefore of minor effect.

1.5 Expert Advice and background reference documents

- 21) In preparing my evidence, I have:
- (a) Visited the areas subject to the Plan Change and surrounding areas on numerous occasions, both specifically in terms of this Plan Change, as a visitor to Taupō, and in association with earlier projects for the Council.
 - (b) Reviewed the original notified Plan Change and associated s32.
 - (c) Considered the statutory framework, and other relevant planning documents.
 - (d) reviewed and relied on the following, unless otherwise specifically stated:
 - a. Economics – Tim Heath (Property Economics): **Attachment C.**
 - b. Urban Design – David Compton-Moen (DCM Urban Design): **Attachment D.**
 - c. Acoustics – Damien Ellerton (Marshall Day Acoustics): **Attachment E.**

2 Statutory Requirements

2.1 Statutory Documents

- 22) Ms Samuel has in the S42A Overarching Report provided the relevant statutory framework to be considered in assessing the Plan Change. An analysis of the matters modified by PC40 as considered against the relevant statutory framework and associated provisions is provided in the Section 32 accompanying PC40.
- 23) In terms of an overview, and noting that PC40 does not amend Objectives² in the Plan, the RMA statutory provisions requiring close attention are requirements that:
- a. a plan change:
 - (i). must give effect to any national policy statement and operative regional policy statement³.
 - (ii). shall have regard to any proposed regional policy statement, management plans and strategies prepared under other Acts and consistency with plans or proposed plans of adjacent territorial authorities⁴.
 - (iii). must not be inconsistent with an operative regional plan for any matter specified in s30(1)⁵;
 - b. No regard is to be had to trade competition or the effects of trade competition⁶;
 - c. A plan change is to accord with:
 - (i). Part 2 of the Act⁷ and assist the Council carry out its functions⁸;
 - (ii). A national policy statement, national planning standard and any regulation⁹.
 - d. In changing any a District Plan, the territorial authority:
 - (i). must take into account any relevant planning document recognised by an iwi authority¹⁰;
 - (ii). Act in accordance with Its obligation to prepare and have regard to an evaluation report prepared in accordance with s32¹¹;
 - e. The rules are to implement the policies¹², and collectively with the policies are to be examined having regard to its efficiency and effectiveness, as to whether the provision(s) are the most appropriate method for achieving the objectives¹³ of the district plan taking into account¹⁴:

² Amendments are made to Policy 3s.2.1(iii)

³ s75(3)(a) and (c)

⁴ S74(2)(a), (b) or (c)

⁵ s 75(4)

⁶ s74(3)

⁷ S74(1)(b)

⁸ S74(1)(a) and s31

⁹ S74(1)(ea) and (f)

¹⁰ S74(2A)

¹¹ S74(1)(d) and (e)

¹² S75(1)(c)

- (i) the costs and benefits of the proposed policies and methods (including rules); and
- (ii) the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and methods.

f. regard must be had to “*the actual or potential effect on the environment of activities including, in particular, any adverse effect*” when setting rules¹⁵. Particularly of relevance on the discussion regarding submissions relating to Temporary Activities as sought to be amended by PC40, the Section 3 interpretation of effect incorporates:

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—*regardless of the scale, intensity, duration, or frequency of the effect....*

- 24) In addition, the Panel is required under cl10 of Schedule 1 of the Act to include reasons for accepting or rejecting the submissions. A decision must include a further evaluation of any proposed changes to PC40 arising from submissions with that evaluation to be undertaken in accordance with section 32AA.
- 25) Having regard to any Emissions Reduction Plan¹⁶ and National Adaption Plan¹⁷ the content and direction of PC40, only in so far as it relates to intensification, is influenced albeit not to a material extent, by the broad directions contained Te hau mārohi ki anamata ‘Towards a productive, sustainable and inclusive economy (May 2022) as an Emissions Reduction Plan’.
- 26) Section 7 of the Emissions Reduction Plan ‘Planning and Infrastructure’ seeks well-functioning urban environment to reduce emissions and improve wellbeing¹⁸, with Action 7.2 seeking to support emissions reductions, including through intensification in and around Town Centres.
- 27) The relevant matters contained in these statutory frameworks are considered in more detail within this report where relevant to the assessment of submissions, otherwise I rely on the discussion of such within Section 2 of the PC40 s32 Report and summary below.
- 28) All recommended amendments to provisions, as a consequence of recommendations on submissions must be documented in a subsequent s32AA evaluation, and this has been undertaken for each sub-topic addressed in this report.
- 29) Ultimate, the primary questions with regard to the duties expressed in s32, is whether the submitter relief as requested, or the regime as notified is the most appropriate to achieve the Objectives.

¹³ S32(3)(b)

¹⁴ (s32(2)(c));

¹⁵ s76 (3)

¹⁶ S74(2)(d)

¹⁷ S74(2)(e). Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi Adapt and thrive: Building a climate-resilient New Zealand (August 2022). I am not aware of any climate change related hazards that would impact on the outcomes sought by PC40.

¹⁸ Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy (May 2022) [127]

2.2 Part 2 RMA

- 30) In terms of **Section 5**, The protection, use and development of the Taupō Town Centre Environment as a highly valued resource extends to the ‘way or rate’ in which land use development is managed to enable the Taupō District community to better provide for its, social economic and cultural wellbeing.
- 31) There are no matters under **Section 6** (Matters of National Importance) that are considered relevant to the scale and nature of amendments notified in PC40. It is acknowledged that Te Kotahitanga o Ngāti Tūwharetoa¹⁹ have submitted seeking recognition of Te Kaupapa Kaitiaki and commitment to the principles of Te Tiriti/The Treaty of Waitangi, which may have a bearing with regard to Section 6(e) and also Section 8 of the Act. They are invited to identify how these matters could be better recognised within the scope and nature of PC40.
- 32) Relevant matters in **Section 7** (Other Matters) are considered to be confined to:
- (b) *the efficient use and development of natural and physical resources:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (f) *maintenance and enhancement of the quality of the environment:*

These matters are considered to be enshrined within the respective Objectives of the WRPS and Operative Taupō District Plan, and therefore I do not consider there is a need to ‘read up’ to these provisions of the Act.

2.3 National Policy Statement – Urban Development

- 33) Taupō District is a Tier 3 local authority²⁰, and the Taupō township is considered an ‘urban environment’²¹.
- 34) The outcomes of PC40 are to contribute to a well-functioning urban environment (as defined in **Policy 1**) that enables people and communities to provide for their social and cultural wellbeing, now and in the future²². District Plans are to enable more people to live in, and businesses to be located in areas in or near the centre zone, and where there is high demand for business land relative to other areas²³, acknowledging that the amenity values associated with urban environments develop and change over time as responsive to needs²⁴.

¹⁹ OS115.23

²⁰ NPS-UD Appendix 2, Table 2.

²¹ NPS-UD Section 1.4 Interpretation

²² NPS-UD Objective 1

²³ NPS-UD Objective 3.

²⁴ NPS-UD Objective 4.

- 35) Importantly, as outlined by Mr Heath²⁵, additional floorspace capacity enabled by PC40 (or as would be enabled in accepting the submissions from Kainga Ora²⁶ or Town Centre Taupō²⁷) is not necessary to satisfy the requirements of **Policy 2**, acknowledging that Policy 2 does not specify a minimum threshold given the term ‘at least’:

“at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term”.

- 36) Also of relevance, **Policy 5** seeks for District Plans applying to Tier 3...

...‘urban environments to enable heights and density of urban form commensurate with the greater of’:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
- (b) relative demand for housing and business use in that location*

- 37) I understand the term ‘commensurate’ (as used in Policy 5 and absent from Policy 3) to mean ‘corresponding in size or degree; proportionate²⁸. The Policy therefore allows a considered approach to spatially confine enabled height limits and density as subject to the limbs in clauses (a) and (b) of Policy 5. As outlined in the accompanying Section 32, the increased height overlay corresponds with demonstrable market demand.

2.4 Waikato Regional Policy Statement

- 38) I have set out the relevant provisions of the Operative Waikato Regional Policy Statement and Change 1 to the WRPS at **Attachment G**.

- 39) Amendments associated with **veranda provisions** engage with:

- a. **IM-O1** which seeks natural and physical resources be managed in an integrated way, recognising the needs of current and future generations (clause 4), and the relationship between environmental, social, economic and cultural wellbeing.
- b. **IM-O8** which seeks that the use and development of physical resources is sustainable and efficient.
- c. **IM-O9** that the qualities and characteristics of areas, valued for their contribution to amenity are maintained or enhanced.

²⁵ EIC Heath [5.8]

²⁶ OS104.11

²⁷ OS86.8

²⁸ Oxford Dictionary

- 40) Amendments associated with **temporary activities provisions** engage with **IM-01** and **IM-09** as above, and minimising land use conflicts as sought by **UFD-01(7)**.
- 41) Amendments associated with Increased Height Limits in the Town Centre environment engage with **IM-01, IM-08** and **IM-09** as well as:
- a. **UFD-01** which seeks that development of the built environment occurs in an integrated, sustainable and planned manner, enabling positive outcomes including by minimising land use conflicts (clause 7), and providing for a range of commercial developments to support wellbeing (clause 11).
 - b. **UFD-P1** which seeks to ensure the use and development of the built environment occurs in a planned and co-ordinated manner which recognises and addresses potential cumulative effects.
 - c. **UFD-P2(1)** which seeks to ensure that the nature, timing and sequencing of new development is co-ordinated to optimise the efficient and affordable provision of both the development and the infrastructure;
 - d. **UFD-P8** which seeks to implement Taupō District 2050.
 - e. **APP1** which identifies that new development supports existing urban areas in preference to creating new ones (clause a), make use of urban intensification and redevelopment to minimise the needs for development in greenfield areas (clause c), and promote compact urban form and design (clause i).

2.5 Change 1 to the Waikato Regional Policy Statement

- 42) In terms of the relevant provisions of the WRPS amended by Change 1 as these relate to PC40, these are also included in **Attachment G**. In summary the amended provisions reinforce existing provisions in the WRPS and seek:
- a. To reduce greenhouse gas emissions within urban environments (**IM-05**);
 - b. Ensuring that where intensification in urban areas occurs, built development results in *‘attractive, heathy, safe and high quality urban form which responds positively to local context, recognising that amenity values change over time...’* (**IM-09**);
 - c. Development in built environments create responsive and well-functioning urban environments, ensure sufficient development capacity and improve connectivity (**UFD-01**).
- 43) Change 1 deletes **UFD-P8** (previously Policy 6.11) which entrenched the Taupō District 2050 Growth Strategy in the WRPS, replacing that provision with the more generic **UFD-18** which seeks to provide for urban development in a manner as set out in any council-approved growth strategy or equivalent, and has particular regard to the matters set out in APP11 (Previously Development Criteria 6A). Clause 9 seeks to:
- a. concentrate[s] urban development through enabling heights and density in those areas of an urban environment with accessibility by active or public transport to a range of commercial activities, housing and community services, and where there is demand for housing and business use;
 - b. provide[s] for high-quality urban design which responds positively to local context whilst recognising and allowing for amenity values of the urban and built form in areas planned for intensification to develop and change over time, and such change is not, in and of itself, an adverse effect;
- 44) Change 1 also introduces **UFD-M69** which requires Tier 3 local authorities to prepare a new, or update an existing council approved growth strategy within two years of the Change 1 provisions becoming operative so as to implement **UFD-18**.
- 45) Decisions on Change 1 are yet to be released. I understand having ‘regard’ to the amendments introduced through Change 1 means to give ‘genuine attention to the matters identified, and such weight as considered to be appropriate’²⁹.
- 46) Regardless, I consider that the provisions introduced by PC40 do not require any further amendment as a consequence of Change 1 to the WRPS.

²⁹ *Foodstuffs (South Island) Limited vs Christchurch City Council*. 1999. NZRMA 481. *Unison Networks Ltd vs Hastings District Council* (referencing NZ Co-operative Dairy Company Ltd). CIV-2007-485-896.

2.6 Operative Provisions in the Taupō District Plan

47) The Taupō Town Centre objectives to be achieved by PC40 are:

Objective.3s.2.1 *The Taupō Town Centre Environment will continue to reinforce and strengthen its role and function as the primary commercial, retail, recreational, cultural and entertainment centre for Taupō District.*

Objective 3s.2.2 *Maintain and enhance the character and amenity of the Taupō Town Centre Environment.*

48) I consider that the language contained in these Objectives does not indicate a hierarchy. Each objective appears to be of equal importance. The Objectives are expressed in strong directive language.

49) In addition, the relevant Taupō Business Distribution objectives include:

Objective 3r.2.1 *To promote sustainable and on-going economic development to occur through encouraging business activities in appropriate locations throughout the district.*

Objective 3r.2.2 *A distribution, scale and form of business activity which:*
 (b) *is able to provide for the efficient use of buildings, land and infrastructure in business areas;*

50) The relevant Policies, which together with the provisions as amended by PC40, are to implement and achieve the objectives are:

Policy 3s.2.1(i) *To consolidate retail and office activity within the Taupō Town Centre Environment to:*

- (a) *ensure efficiencies in infrastructure use and transportation;*
- (b) *support the walkability of the town centre;*
- (c) *encourage redevelopment of town centre properties; ...*

Policy 3s.2.1(ii) *To encourage a range of residential and accommodation activities within the Taupō Town Centre Environment in order to create a vibrant and interesting place while ensuring that reverse sensitivity issues are adequately managed.*

Policy 3s.2.1(iii) *To recognise the important role of the Tongariro Domain and its existing infrastructure and services (including those provided by commercial operators) in providing recreation and commercial opportunities that support the wider town centre environment*

Policy 3s.2.2(i) *Encourage redevelopment of existing properties in a way that consolidates and diversifies the range of activities while maintaining an appropriate scale of development consistent with the character of the Taupō town centre.*

Policy 3s.2.2(ii) *Maintain and enhance the character and amenity of the Taupō Town Centre Environment by controlling the bulk, location and nature of activities through:*

- (a) *the provision of maximum allowable heights for given locations or precincts to enable the maximum development of usable floor area to provide a sense of enclosure to the streetscape.*

Policy 3s.2.2(iii) *Enhance the special characteristics of the Pedestrian Precinct of the Town Centre Environment including the continuation of interesting, hospitable and safe pedestrian environments through the retention of verandahs, display window frontage and vehicle access to sites.*

Policy 3s.2.2(iv) *Enhance the provision of pedestrian shelter in the Retail Expansion Precinct.*

Policy 3r.2.1(i) *To establish consolidated and convenient business areas, to enable business activity, which:*

(b) ensures an adequate supply of land to meet commercial Demands so as to encourage economic growth and development.

Policy 3r.2.2(iii) *To reinforce and strengthen the Taupō Town Centre's function and its role as the primary commercial, retail, recreational, cultural and entertainment centre for the district.*

- 51) As a synopsis, the approach provides a comprehensive and holistic framework to in the long term, consolidate commercial and other compatible activities in the Taupō Town Centre to increase efficiencies, support walkability and encourage redevelopment, in a manner that maintains and enhances character and amenity (including matters associated reverse sensitivity) and specifically enhance the special characteristics associated with the Pedestrian Precinct including continuation of hospitable and interesting environments.

2.7 Strategic Directions

- 52) There are no Strategic Directions in the Operative District Plan.
- 53) As identified in the s32 accompanying PC40, Plan Change 38 seeks to insert a cohesive number of Strategic Objectives and Policies into the Plan. The provisions as notified must be given some weight, with the extent of which determined by how far these are through the statutory process and accordingly tested, circumstances of injustice, and also the extent to which the amended provisions provide a significant shift in Council policy, and / or are necessary to give effect to higher order statutory documents³⁰.
- 54) Regardless of the weight to be afforded to the Strategic Direction provisions, there is a requirement in terms of s32(1)(b) and s75(1)(b) and (c) to ensure that the provisions introduced by PC40 achieve and implement the relevant strategic directions, and therefore achieve vertical alignment between provisions.
- 55) I have identified in the s32 the relevant provisions introduced through PC38. I understand and have read the amendments proposed by Mr Sapsford to those provisions – acknowledging that these recommendations are not binding on the Panel, and until Decisions are released it is the notified provisions that remain relevant to this consideration.

³⁰ *Mapara Valley Preservation Society Inc v Taupo District Council EnvC (A083/07) [38, 39]* as related to a Resource Consent considered under s104 and *Auckland Regional Council v Waitakere Council (A065/08)* as related to a Resource Consent considered under s104.

- 56) For completeness, the recommended amendments by Mr Sapsford to the relevant provisions in Section 2.3 Urban Form and Development' are typically associated with subtle changes in terminology, or to increase the directiveness of provisions.
- 57) In terms of the provisions of PC38 as notified, these seek:
- a. **Objective 2.3.2.1** the district to develop in a cohesive, compact and structured way, contributing to well-functioning and compact urban forms, enable greater social and cultural vitality and wellbeing, including through recognising the relationship of tāngata whenua, and meeting the community's short, medium and long term housing and business needs.
 - b. **Objective 2.3.2.5** the importance of the Taupō Town Centre Environment as the primary ... centre for Taupō District is recognised in landuse planning and decision making.
 - c. **Policy 3.3.3.2** Planning and development in urban environments will positively contribute to well-functioning urban environments.
 - d. **Policy 3.3.3.6** Provision for use and development of land that will lead to beneficial social and cultural outcomes for the District's community.

3 Procedural Matters

- 58) At the time of writing this s42A report there have not been any pre-hearing conferences, formal clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 59) In terms of the submission received from NZDF³¹, I have met with Lucy Edwards, Senior Statutory Planner for the NZDF on 13 April 2023 to discuss the nature and breadth of the submission. This matter is considered within the sub-heading on Temporary Activities.
- 60) In terms of Temporary Activities, Mr Ellerton has recommended an amendment to Rule 4g.2.2 to introduce a linkage between the frequency of events and noise levels recorded within the Residential Environment. I have concluded that that approach is the more efficient and effective in implementing the provisions. The scope for that recommendation is founded in the submissions from Terry Palmer³² and Cheal³³.
- 61) For completeness, the requirement under clause 6 of Schedule 1 to the RMA is that submissions are required to “on” (or within the ambit of) the Plan Change. Such is to avoid issues associated with natural justice and unfairness.
- 62) The test, as I understand it is contained in *Clearwater* and endorsed in *Motor Machinists*³⁴, is:
- (a) can the submission reasonably be said to fall within the ambit of the Plan Change / does the submission address the change to the status quo advanced by the Plan Change; and
 - (b) is there a real risk that persons potentially affected by the submission would be denied an effective opportunity to respond in the Plan Change process.
- 63) In addition, whether the submission is “on” the Plan Change is a question of scale and degree in the particular circumstances³⁵.
- 64) Applying, this to PC40 and the nature and frequency of Temporary Activities, the submission from Terry Palmer addresses the Plan Change seeking a reduction where impacts occur on residential areas; the submission from Cheal (whilst in support) seeks consideration of the linkage to noise from the extended period (of Temporary Activities). Accordingly, I consider that the scope of those submissions encompasses the recommendation provided within this s42A Report.

³¹ OS9

³² OS38.3

³³ OS79.5.

³⁴ *Clearwater Resort Ltd v Christchurch City Council*, High Court Christchurch AP34/02 (14 March 2003); *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290.

³⁵ *Option 5 Inc v Marlborough District Council* (2009) 16 ELRNZ 1 (HC).

4 Consideration of Submissions

4.1 Overview of Submissions

- 65) There are 51 submission points on Plan Change 40 and 12 further submissions (all from Town Centre Taupō).

4.2 Structure of this Report

- 66) Given the number, nature and extent of submissions and further submissions received, this s42A Report has been structured based on sections as they appear in PC40.
- 67) The submissions will be assessed in the following order:
- a. **Temporary Activities** – PC40 as notified sought to increase the number of operational days when any (single) temporary activity can occur (from three (3) days in any one calendar year, to four (4) days in any six-month period) as well as increasing the number of non-operational days, that is to set up / take down facilities. The change is to support the functions and events that take place in Taupō Town Centre Environment.
 - b. **Building Heights** – PC40 sought to increase building heights for that part of the Taupō Town Centre – Pedestrian Precinct as associated with the block between Roberts Street, Tongariro Street, Te Heuheu Street and fronting Ruapehu Street.
 - c. **Verandas** – PC40 sought to provide certainty that the service lanes that provide for back of house access within the Taupō Town Centre Precincts are not subject to requirements for verandas.
 - d. **Miscellaneous Matters** – A number of submissions have raised aspects related to PC40 including Te Tiriti.
 - e. **Support in Full.**

4.3 Temporary Activities

- 68) The approach in PC40 as notified for Temporary Activities amends **Policy 3s.2.1(iii)** and Rule 4g.2.2. The approach is permissive in recognition of the role that Temporary Activities have played and will continue to play in contributing to the economic and social wellbeing of the District.

69) Submissions on the notified provisions are largely supportive of the overall approach, albeit that there are refinements sought by Palmer³⁶ and Cheal³⁷, and further enablement of Temporary Military Training Activities sought by NZDF³⁸.

4.3.1 Amendments sought: Application to TMTA, Noise levels and Policy

70) There are four (4) submission seeking amendment, or further considerations of the provisions as notified, and one (1) further submission opposing amendment.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS9.3	New Zealand Defence Force	Plan Change 40 - Taupō Town Centre Environment > Policies	Seek amendment	The policy framework should enable TMTA and support the requested permitted activity rule	<p>The policy framework should enable TMTA and support the requested permitted activity rule.</p> <p>Submitter seeks the following amendment to Town Centre Environment Policy iii: a. enabling a diverse range of temporary activities, <u>including Temporary Military Training Activities</u>, given the nature and frequency of these activities and taking into account the amenity of the surrounding environment;...</p>
OS9.4	New Zealand Defence Force	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Oppose	TMTA are uniquely military in nature and therefore it is appropriate for District Plans to include specific TMTA provisions to address their effects.	<p>Submitter seeks the following amendment to 4g.3.2: <u>4g.2.3 Any Temporary Military Training Activities are a permitted activity, provided that:</u></p> <p><u>1. The duration is limited to a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity.</u></p> <p><u>2. Compliance with the following noise standards [refer to Attachment B of this letter for complete noise standards] a. Weapons firing and/or the use of explosives [...] b. Mobile noise sources [...] c. Fixed (stationary) noise sources [...] d. Helicopter landing areas [...]</u></p> <p>Alternatively, the following</p>

³⁶ OS38.3

³⁷ OS79.5

³⁸ OS9.3 and OS9.4

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
					wording could be incorporated into the existing rule 4g.2.2: Any temporary activity, being an activity of up to a total of three four operational days in any one calendar year six-month period, <u>or a temporary military training activity up to 31 consecutive days</u> , which exceeds any performance standard(s), is a permitted activity, provided that:...
FS202.1 Sub# 9.4	Town Centre Taupō		Oppose	Oppose	Military training activities are inappropriate in the Taupō CBD environment.
OS38.3	Terry Palmer	Plan Change 40 - Taupō Town Centre Environment > Policies	Seek amendment	I feel it is inappropriate to increase the temporary activity rule over the district as a whole. I agree with changing the rule for town/public areas but not or private areas where people live, ie, residential, rural, rural lifestyle.	Amend this rule so that the increase only applies to the town centre environment [and perhaps industrial] and not residential, general rural, or rural lifestyle. For these private areas [residential, rural, or rural lifestyle] where people live, the current rule of 3 temporary activity days be reduced to two, one, or no temporary activity days.
OS79.5	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Support	This change provides more flexibility for temporary activities, although this does provide for a temporary activity to exceed any performance standard (including noise and odour, loading and access) for a period of 2.5 weeks.	Consider the linkage to noise, odour and loading/parking for the extended period now proposed.

Enablement of TMTA

- 71) The submissions from **NZDF** seeks to embed in Policy 3s2.1(iii) and Rule 4g.2.2 the ability to undertake a range of **Temporary Military Training Activities (TMTAs)** in the Town Centre in order to fulfil its statutory obligations under the Defence Act 1990. The functions of the NZDF under the Defence Act 1990 are acknowledged.
- 72) The definition of TMTA contained in the National Planning Standards replicates section 5 of the Defence Force Act 1990. It is noted that the submission does not seek the inclusion of this Definition.
- 73) For completeness:

means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:

- (a) *the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act:*

- (b) *the protection of the interests of New Zealand, whether in New Zealand or elsewhere:*
- (c) *the contribution of forces under collective security treaties, agreements, or arrangements:*
- (d) *the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations:*
- (e) *the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency:*
- (f) *the provision of any public service*

- 74) It is understood from discussions with Lucy Edwards, Senior Statutory Planner for the NZDF that having a nationally consistent suite of provisions relating to TMTAs would simplify for the NZDF the process of planning and conducting TMTAs throughout New Zealand, particularly where cohesive exercises are staged over several districts.
- 75) As also discussed with Ms Edwards the ability to establish a cohesive suite of enabling provisions applying to TMTAs in the Taupō District Plan is further complicated by the nature of the Plan, with its reliance on a narrow range of ‘Environments’ (zones), and an absence of a standalone Chapter for Noise or Specific Controls. Accordingly, the NZDF submission seeks similar relief as applicable within the General Rural and Rural Lifestyle Environments in the Plan.
- 76) The submission from NZDF identifies that the proposed rules for Temporary Activities do not distinguish between TMTA and other temporary activities. NZDF seeks explicit provisions to promote TMTA’s.
- 77) It is understood that the foundation of the request is predicated on ensuring that TMTAs undertaken for defence purposes as described in the Defence Act 1990 are generally permitted, albeit subject to a series of performance standards relating to weapons firing / explosives, mobile noise sources, fixed noise sources, and helicopter landing areas³⁹. The frequency of events would be limited under the submission for any TMTA ‘activity’ (being singular) of up to 31 days excluding set-up or pack down.
- 78) The submission identifies that:
- “TMTA can include a range of activities from office / classroom based activities to large scale military exercises, and might involve search and rescue, infrastructure support (such as deployment of water purification and supply facilities...) bomb deactivation training, weapons firing, personnel etc. They may be undertaken over a period of days or weeks, on an intermittent or continuous basis, and during both day and night”.*
- 79) In correspondence received from Ms Edwards on 3 May 2023, the list of TMTA was elaborated on to include (but not be limited to):
- *Search and rescue*
 - *Driver training*

³⁹ Submission 9 [Attachment B]

- *Medical and dental services*
- *Camp setup, including field kitchens and ablutions*
- *Small construction tasks*
- *Signals (radio communications) exercises*
- *Medevac simulation*
- *Civil Defence support and emergency response*
- *Improvised Explosive Device Disposal (IEDD) exercises*
- *IEDD search exercises (in commercial or industrial buildings as well as outdoors)*
- *Infrastructure support (e.g. water purification and supply facilities)*
- *Dog training*

80) In the context of the Town Centre Environment – which also enables a broad range of activities⁴⁰ (including residential and visitor accommodation⁴¹), I consider that the full nature of the relief requested by the submitter is inappropriate, whereas the more benign range of TMTA activities (such as classroom training, search and rescue etc) would already be enabled by the Plan. I note that this is consistent with the view of Mr Ellerton⁴² who states that:

“... the purpose of PC40 ... does not anticipate TMTA, nor encourage it, particularly when compared to the range of NZDF activities which are neither community focused or accessible for the general public to participate in”.

81) Given the **costs** identified as associated with a more enabling approach to TMTA in the Town Centre Environment, I consider that the proposed amendments to Policy 3s.2.1(iii), would not be the most appropriate to achieve the relevant Objectives. These objectives seek to reinforce and strengthen the role and function of the Taupō Town Centre (**Objective 3s.2.1**) and maintain and enhance character and amenity (**Objective 3s.2.2**).

82) Policy 3s.2.1(iii) as amended by PC40 states:

*To recognise the important role of the Tongariro Domain and its existing infrastructure and services (including those provided by commercial operators) ~~is~~ **as resources that support the wider town centre environment and contribute to the economic and social wellbeing of the district by:***

a. enabling a diverse range of temporary activities given the nature and frequency of these activities and taking into account the amenity of the surrounding environment; and

b. providing recreation and commercial opportunities.

83) I consider that the amendments sought to the Policy in the NZDF submission create an internal inconsistency. The permissive nature of what is sought (acknowledging such would further the NZDF purpose under the Defence Act 1990) would neither contribute to wider district *economic or social*

⁴⁰ Rule 4g.2.1

⁴¹ Noting requirements for indoor acoustic attenuation at 40dBA L_{eq}.

⁴² EIC Ellerton [5.7]

wellbeing, nor account for *surrounding amenity* values as has been sought to be inserted into the Policy. Accordingly, I recommend that the submission from NZDF be **rejected**⁴³.

84) The **recommendation to decline** the submission seeking more permissive performance standards for TMTA is based on incongruous nature of the full range of TMTA sought by NZDF within the Town Centre Environment and that it is not appropriate for larger scale TMTAs with longer duration in this environment as based on the evidence of Mr Ellerton⁴⁴. I consider that the provision of the broader range of TMTA as sought in the submission would have clearly contrasting amenity effects with the outcomes sought by **Objective 3s.2.2** for the Town Centre Environment.

85) For completeness, I note that:

- a. The proposed amendments sought in the submission to the rules do not provide a cumulative limit to TMTA activities.
- b. The proposed submission restraint⁴⁵ on weapons firing within 500m (daytime hours) and 1,250m (nighttime hours) of a noise sensitive activity⁴⁶ would effectively preclude these activities (without consent). The Town Centre Environment has a perimeter length of 980m and width of 440m, as interspersed with numerous residential and guest accommodation activities throughout the Town Centre Environment.
- c. Compliance of Helicopter Landing Areas to comply with NZS6807:1994 would permit noise created by helicopter movements (during daytime or nighttime hours), or hovering above points within the zone at up to 50 dB L_{dn}, presumably for any TMTA Activity of up to 31 days – such activities would be incongruous with the amenity and character expectations of the Town Centre Environment.
- d. From a review of a number of District Plans, there is no consistent approach to TMTA, albeit the constraints applied to TMTA in commercial zones are generally more restrictive than that sought in the NZDF submission:
 - (i). The Christchurch District Plan requires day time separation for weapons firing of 1.5km to any sensitive activity, and a night time separation of 4.5km and associated L_{Amax} levels⁴⁷.
 - (ii). The South Waikato Plan contain district wide provisions, with TMTA permitted but not to exceed two events or 48 hours in a calendar year⁴⁸, with limitations in hours and compliance with noise standards⁴⁹.

⁴³ OS9.3

⁴⁴ EIC Ellerton [6.5]

⁴⁵ Submission 9 [Attachment B]

⁴⁶ These are not defined in the Plan, nor does the Submission provide a Definition.

⁴⁷ Rule 6.2.4.1.1(P14) / Rule 6.1.6.2.2

⁴⁸ Rule 12.4.1

- (iii). The Rotorua District Plan permits TMTA except in the Town Centre Zones⁵⁰.
- (iv). For completeness, the New Plymouth District Plan (Decisions Version) provides for TMTA⁵¹ District wide subject to compliance with noise levels.

86) For the purpose of s32A(2):

- a. The **benefits** ascribed to the amended rules sought by NZDF is an increase in flexibility in undertaking TMTA within the Taupō Town Centre Environment. There is also some benefit in seeking a more consistent approach to TMTA in District Plans in NZ. Both benefits are substantially muted by the existing inconsistent provision of TMTA in District Plans, the disjointed nature by which TMTA would be provided within this section of the Taupō District Plan, and that a number of the provisions sought would be rendered unachievable given the Town Centre context.
- b. The **costs** are as described by Mr Ellerton on the amenity values of the Town Centre and the inability for the proposed rules to achieve Objective 3s.2.2 in terms of maintained and enhanced amenity and character. In addition, there are a number of administrative and clarity concerns with the provisions, specifically in terms of the cumulative nature of standalone TMTA activities and definitions associated with TMTAs and Sensitive Activities (neither of which are included in the Plan or by submission).

87) The submission relief is neither considered **efficient**, as the costs outweigh the benefits as above, nor **effective** as it does not achieve the relevant objectives.

88) It is therefore recommended that the submission(s) from NZDF⁵² are **rejected**, and the further submission from Town Centre Environment⁵³ is **accepted**.

Temporary Activities – Considerations

89) The submissions from Palmer⁵⁴ and Cheal⁵⁵ seek consideration of the Temporary Activity Area Rule as it relates to *‘where people live’* and the *‘noise, odour, loading / parking for the extended period proposed’*.

90) Under the Operative Plan provisions (Rule 4g.2.2) any single temporary activity is a permitted activity, even in the event it breaches performance standards (such as noise, parking, loading and access) where (all of the following are conjunctively achieved):

⁴⁹ Rule 12.4.1(d)

⁵⁰ Temporary Activities / TEMP-R2.

⁵¹ Temporary Activities / TEMP-R2

⁵² OS9.3 and OS9.4

⁵³ FS202.1

⁵⁴ OS38.3

⁵⁵ OS79.5

- (a) The event / temporary activity itself does not exceed a total of three operational days in any one calendar year;
- (b) No new permanent structures are constructed;
- (c) The activity is returned to a pre-event condition; and
- (d) The total number of five non-event days (that is setting up and decommissioning the site and facilities outside of days associated with operational days).

- 91) As set out in the Section 32 the approach contained in PC40⁵⁶ as notified was predicated on:
- Consideration of previous events being undertaken within Tongariro Domain
 - Consideration of TDC Temporary Event activity rules against other district plans representative of similar scale Town Centres.
 - Consideration of the history of associated with previous events undertaken in the Town Centre Environment, including registered noise complaints.
- 92) The Section 32 did not include expert acoustic advice, but identified social costs associated with the *'potential for increased annoyance and disturbance for those proximate to Tongariro Domain'* and associated implications in terms of the efficiency of the amended provisions in achieving the Objectives.
- 93) Mr Ellerton has considered the submissions and the notified provisions.
- 94) At the outset, he has identified that the operative provisions for Temporary Activities could result in unintended consequences⁵⁷.

"That these unintended consequences have not arisen to date under the Operative Plan is maybe more fortuitous rather than through good management".

- 95) He has identified that the issue stems from two matters:
- a. Firstly, there is limited clarity that the Temporary Activity provisions do not apply to existing continued day to day trading⁵⁸. That is, as Temporary Activities are not defined in the Plan there is limited clarity that these provisions should not apply to permanent activity occurring on a site, and should only be applicable to events of a limited duration and incidence. By way of example, an existing Bar or Hotel premises should not be able to rely on these provisions to undertake a series of late-night events, where the respective noise provisions are put aside.
 - b. Secondly, and in combination with the first matter, in the absence of some restraint around acceptable noise limits (and application to events and activities), the provisions could result in

⁵⁶ Section 2.4.3 and 3.4.2

⁵⁷ EIC Ellerton [3.6]

⁵⁸ EIC Ellerton [4.5]

unacceptable noise effects on Residential Environments, with reliance on enforcement action under ss16 and 17 of the Act⁵⁹.

- 96) In this regard, the requirements of s76(3) are also instructive in that they require in making a rule that regard be had to the actual or potential effects on the environment. Effects, as defined in s3 requires consideration of both positive or adverse effects, temporary effects, and cumulative effects. I understand that this is the approach undertaken by Mr Ellerton in terms of the adverse effects associated with noise from events⁶⁰.
- 97) He considers⁶¹ that the frequency of the proposed permitted level of events is appropriate, but recommends constraints as to noise levels received at the nearest residential dwelling in a Residential Environment⁶². I understand the basis is to ensure that there is an appropriate balance between reducing annoyance, maintaining Residential amenity and character, and the temporary nature and social and economic wellbeing benefits associated with hosting temporary activities and events within the Taupō Town Centre Environment⁶³.
- 98) In accommodating that approach, the submission from Cheal⁶⁴ seeks consideration of noise effects, and from Palmer⁶⁵ seeks amendments, including that there are reductions (in events) where people live – which I consider extend to including constraints on noise levels received within the Residential Environment. I note that s18A of the Act requires practicable steps to ensure plans are worded in a way that is clear and concise. What is ‘on the Plan Change’ in my view therefore extends to:
- Consideration of the receipt of noise where received in adjoining Environments, i.e. the Residential Environment.
 - Consideration of the linkages and implications of the Rule.
- 99) Accordingly, and in discussions with Mr Ellerton I consider the following as appropriate within the Scope of PC40:
- a. Clarity as to the application of Temporary Activities within the Taupō Town Centre Environment to mean: *activities (and ancillary buildings and structures) that are intended to have a limited duration and incidence (one-off, infrequent, transitional or with a defined end date, as opposed to regular and ongoing), and are not a part of a permanent activity that occurs on a site.*
 - b. A suite of controls differentiating between the frequency of events, their duration and received noise levels (as assessed at the Residential Environment).

⁵⁹ EIC Ellerton [3.7]

⁶⁰ EIC Ellerton [2.3, 2.4]

⁶¹ EIC Ellerton [6.3]

⁶² EIC Ellerton [2.4]

⁶³ EIC Ellerton [6.3]

⁶⁴ OS79.3

⁶⁵ OS38.5

- 100) I consider that for the purpose of a consideration under s32, that approach better achieves the Objectives. in seeking to maintain and enhance the character and amenity of the Taupō Town Centre (**Objective 3s.2.2**) and reinforcing the role and function of the Town Centre (**Objective 3s.2.1**) as the primary cultural and entertainment centre for the District.
- 101) In terms of **benefits**, the thresholds recommended by Mr Ellerton would be the more appropriate to recognise and provide for proximate residential amenity in the Residential Environment than the notified provisions which precluded consideration of noise limits. In addition, the application of the noise threshold predicated on an existing number of successful events (as consented by RMA090195A), which have been confirmed by event monitoring and an absence of complaints, also ascribes to the workability of the thresholds in terms of providing for events. The approach clearly improves clarity and application of the provisions.
- 102) In terms of **costs**, these are considered modest as related to ensuring / monitoring compliance with the permitted noise levels.
- 103) Accordingly, the approach recommended is seen as more **efficient** in terms of considering their costs and benefits, and **effective** in achieving the Objectives of the Plan.
- 104) The submission of Palmer⁶⁶ and that aspect of the Cheal⁶⁷ submission relating to noise is **recommended to be accepted**. The amendments are set out in **Attachment B**.
- 105) In terms of the aspects of the Cheal submission in relation to road closures these are more appropriately managed through the Council's traffic management and temporary road closure responsibilities which are outside the ambit of the Resource Management Act; with regard to litter, equally these aspects are undertaken within the Council's Local Government responsibilities, acknowledging that there would be a modest, but acceptable increase in the propensity for littering associated with a greater frequency of events.

4.3.2 Temporary Activities – Support

- 106) There are four submissions in support of the amendments to provisions relating to Temporary Activities.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS55.4	Enterprise Great Lake Taupō trading as Amplify	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Support	Support the increase in temporary activity rule to help support the development and operation of events and functions which bring economic benefits to the Taupō district	Retain
OS61.7	McKenzie & Co	Plan Change 40 -	Support	Submitter supports this	Retain.

⁶⁶ OS38.3

⁶⁷ OS79.5

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
		Taupō Town Centre Environment > 4g.2 Land Use Rules		provision.	
OS86.1	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > Policies	Support	Towncentre Taupō (TCT) agrees that is important to allow temporary activities on the Tongariro Domain as these increase vibrancy in the Taupō town centre. TCT would not like to see activities that compete directly with shops, restaurants, cafes and services in the Taupō town centre. TCT would not like to see activations that require road closures, which are hugely disruptive to movement around town and negatively impact trade at town centre businesses.	Retain.
OS86.2	Town Centre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Support	TCT believes the changes will support activation of TDC managed spaces.	Retain.

- 107) The submissions of Amplify⁶⁸, McKenzie and Co⁶⁹, Town Centre Taupō Board⁷⁰ are recommended to be **accepted, in part** on the basis of the amendments recommended by Mr Ellerton with regard noise thresholds and frequency of events.
- 108) For completeness, I note that the submission from Town Centre Taupō Board, whilst in support of the amendments identifies concerns associated with competition with existing permanent retail in the Town Centre, and disruptive road closures.
- 109) For the former, it is advised that the direct effects of trade competition are to be disregarded as pursuant to s74(3) of the Resource Management Act. It is not considered that the broader economic and social impacts which might flow from the increase in Temporary Activities enabled by PC40 would be such as to result in a material decline in lost vitality, amenity or vibrancy represented by the Taupō Town Centre, to any extent that would result in consequent adverse effects on the community as a whole. This aspect of the Town Centre Taupō Board submission should be disregarded.
- 110) In terms of the latter, as previously noted issues associated with road closures and associated disruption for events is matter for the Council to consider in terms of its road controlling authority functions under the Local Government Act 2002.

⁶⁸ OS55.4

⁶⁹ OS61.7

⁷⁰ OS86.1 and OS86.2

4.4 Building Heights

4.4.1 Background

- 111) The basis of the three-storey building height limitation applied under the Operative District Plan within the Taupō Town Centre Environment is contained within the Taupō Commercial and Industrial Structure Plan (2011) as attached (**Attachment D**). That document identifies:

Within a three-storey limit there is the potential to have a mix of uses like retail, office and residential. Any increase in the number of people living in the town centre is expected to happen slowly. However enabling such change is important if the associated benefits are to be achieved in the long term.....

Experience with other District Plan provisions suggests that people tend to build at the maximum allowed. This can create uniformity. In contrast, using the number of storeys as a limit will result in different rooflines and architectural features like gables. It also allows more flexibility for different stud heights to suit the different uses within a building. (emphasis added)

- 112) The Taupō District Plan uses a three-storey building height limit to both provide for a relatively low human scale of built form in the Taupō Town Centre, but enable variability in terms of overall height, massing and design.
- 113) It is my understanding that apart from the area where PC40 Height Overlays are to be applied, the Taupō Town Centre Environment is largely typified by single or two-storey buildings.
- 114) The s32 accompanying PC40 identifies a typical three-storey building to correspond to approximately 10m in building height.
- 115) Application of a three-storey height limit is atypical for District Plan regulation. However, this does not render the Taupō District Plan approach to be inappropriate in terms of s32 of the Resource Management Act.
- 116) Mr Heath has identified that a 12m height, in his view:

“provides slightly more development scope than three stories (and hence reinvestment potential), but in reality the outcomes are likely to be broadly similar in terms of potential building height and bulk form, i.e., a three story building, albeit with a greater loft height at grade, or opportunities for mezzanine”⁷¹.

4.4.2 Overview

- 117) The resource management issue associated with the height increase in PC40 is to provide an enhanced impetus for Town Centre redevelopment associated with ‘reinforcing and strengthening its role and function’⁷² and encourage a positive urban design response⁷³. The spatial extent of the

⁷¹ EIC Heath [5.4]

⁷² Objective 3s2.1

⁷³ Objective 3s2.2

change in enabled height is associated with the urban blocks associated with the Taupō Town Centre Lake foreshore back to Tūwharetoa Street.

- 118) The built form of this part of the Taupō Town Centre Environment consists of a low-rise level of development - including expansive areas of carparking and circulation space. The built form has been incrementally reinvested in over the past 30 years, with a concentration of hospitality, and food and beverage outlets fronting the Lake Taupō foreshore.
- 119) The 'upzoned' height limits also acknowledge the extent of built form consented in this commercial block for higher rise buildings (apartments and Cobb & Co⁷⁴ and Hotel⁷⁵).
- 120) The increase in building height (and associated floorspace) is not required to accommodate activities to meet the Council's obligations under the NPS-UD. It is understood that there is sufficient development capacity embedded in the Town Centre Environment provisions to accommodate forecast growth in retail, commercial activities and professional service employment and residential demand (dwellings and accommodation). In addition, the employment workforce, particularly in commercial services has been effectively static for the past 20 years (Section 32, Appendix A – Property Economics, Figure 2).
- 121) Relevant Operative Plan provisions relate to consolidation⁷⁶, enhancing amenity⁷⁷ providing a sense of enclosure⁷⁸ and improving efficiencies⁷⁹. On that basis, PC40 as notified established a contained and tiered approach to 'upzoning' height as related to 12m (practically four storeys) for that block between Roberts, Tongariro Street, Te Heuheu and the eastern frontage of Ruapehu Street, except for 18m (practically six storeys) along the northern frontage with Tūwharetoa Street.
- 122) Submissions on this aspect of PC40 have sought a spectrum of outcomes from: no change; to enabling up to six stories across some 32ha of Taupō Town Centre Zone.
- 123) There are two levers identified in the submissions – increased building height, and the spatial extent of application. The more 'appropriate' framework implements policies and objectives seeking consolidation, increased efficiencies and enhanced amenity.
- 124) Upzoning to too greater extent over too wider area would likely result in disparate higher rise buildings which could absorb the limited extent of growth forecast for Taupō's commercial core (especially office and commercial services) resulting in the absence of a cohesive character and amenity between streetscapes and within urban blocks, and a slower transition and more discordant character and amenity over time. Overly confining building height and the spatial extent can affect the viability of (re)development, or constrain otherwise appropriate redevelopment. It is self-evident that providing

⁷⁴ 29 Tongariro Street

⁷⁵ 29 Tūwharetoa Street - NZEnvC 090 Cypress Capital Limited vs Taupō District Council

⁷⁶ Policy 3s.2.1

⁷⁷ Objective 3s.2.2, Policy 3s.2.2(ii)

⁷⁸ Policy 3s.2.2(ii)(a)

⁷⁹ Policy 3s.2.1(i)(a)

for unfeasible development will defeat the goal of reinvestment, and any enhanced amenity and consolidation that would otherwise occur.

4.4.3 Opposition

125) There are five (5) submissions opposing the amendments within PC40 increasing building height, and four (4) further submissions opposing those submissions⁸⁰.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS12.1	Laurel Burdett	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Oppose	Submitter does not support the location of the increased building heights.	Submitter seeks the transport issues be resolved before any increases in building height.
OS12.2	Laurel Burdett	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Oppose	Submitter opposes proposed building heights due to parking issues, shading and building scale.	Delay changes in building heights until transport options have been sorted then allow increased height in the town centre in selected places, but this should be further back from the lake front and have adequate underground parking.
FS202.2 Sub# 12.2	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.
OS46.4	Tukairangi Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.9 Maximum Building Height	Seek amendment	There needs to be stricter adherence to green building principles (construction) in any future building development in the town centre. Reductions in concrete and steel use (unless certified as produced via 'green' processes), with a greater emphasis on new timber technology. This area should be showcasing the use of renewably grown construction timber.	There should be no increase in building heights. Increasing building heights will impact negatively on the character of Taupō. However because this will probably go ahead regardless, mitigation should be planting of tall trees to reduce the scale and harshness of taller buildings.
FS202.6 Sub# 46.4	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.
OS63.6	Debs Morrison	Plan Change 40 - Taupō Town Centre Environment > 4g.1.9 Maximum Building Height	Oppose	Submitter has concerns around loss of unique lake and mountain vistas, shadow casting and loss of aesthetics of our rural town environment.	Amend current proposal to "Maintain 3 storey maximum limit".
FS202.9 Sub# 63.6	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.
OS65.5	Richard Thompson	Plan Change 40 - Taupō Town	Oppose	Submitter has concerns around loss of unique lake and mountain	Amend current proposal to "Maintain 3 storey maximum

⁸⁰ All from Town Centre Taupo

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
		Centre Environment > 4g.1.9 Maximum Building Height		vistas, shadow casting and loss of aesthetics of our rural town environment.	limit".
FS202.10 Sub# 65.5	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.

- 126) The reasons given for the submissions in opposition is that the proposed height increases will lead to issues associated with parking and traffic, shading and building scale, loss of views⁸¹, and negative implications for Taupō's character⁸². The submissions seek to maintain the 3-storey maximum limit.
- 127) In terms of parking and transport, it is not considered that the proposed upzoning in height for that block associated with between Roberts, Tongariro Street, Te Heuheu and the eastern frontage of Ruapehu Street would result in material issues associated with traffic safety, congestion or parking to the extent that would result in macro effects on the transport network.
- 128) As identified in the evidence of Mr Heath, there is a net increase in 32,700m² GFA potential floorspace in PC40 as notified. He identifies that increased height provisions, above the current three storey envelope, across both sides of Tūwharetoa Street (as recommended) would add around 22,000m² GFA⁸³. This potential floorspace would unlikely be occupied by retail (which occurs at grade) and would more likely be occupied by commercial office, residential or guest accommodation, which tends to have lower traffic generation and parking demand rates⁸⁴.
- 129) Under the NPS-UD, District Plan standards associated with parking requirements for activities (excluding accessible parking) have been removed (clause 3.38).
- 130) Furthermore, it is noted that analysis and survey for the parking strategy and management plan for Taupō District Council, undertaken in 2021, concluded that the peak on-street parking occupancy was 57% across the wider town centre but noted that there are small pockets of the town centre where visitors can not park in close proximity to their chosen destination. On this basis, I consider that there remains ample parking availability to meet the future needs of Taupō residents and visitors, including as amended by PC40.
- 131) In terms of matters associated with views, shading and change in character, these are considered within the s32 accompanying PC40, as reliant on the analysis provided by Mr Compton-Moen. He has

⁸¹ Burdett OS12.1 and OS12.2

⁸² Tukairangi Trust OS46.4

⁸³ EIC Heath [5.8].

⁸⁴ Generation: Commercial Offices 26.1/100m² GFA vpd, Residential 6.8 / dwelling (medium density), Motels (3 / occ unit). Table 8.10 and page 98. NZ Transport Agency Report 453

identified that these effects are anticipated within any prospect of increasing building massing in an urban environment, but impacts associated with shading and changes in character are appropriately moderated by the proposed urban design controls. In terms of views, it is acknowledged that some views from private commercial buildings may be obstructed by new (re)developments, which in themselves will promote new or additional outlook.

- 132) Accordingly, the submissions from Burdett⁸⁵, Tukairangi Trust⁸⁶, Morrison⁸⁷ and Thompson⁸⁸ are **recommended to be declined**, and the further submissions from Town Centre Taupō⁸⁹ are **accepted**.

4.4.4 Urban Design Purpose of Rule 4g.1.10

- 133) There are three submissions, and one further submission seeking removal or clarity as associated with Rule 4g.1.10(i).
- 134) McKenzie⁹⁰ seeks that any building within the Height Overlay should be able to build up to the maximum height limit specified without the need for consent.
- 135) Cheal⁹¹ seek that the rule is simplified and combined with Rule 4g.1.9.
- 136) The outcome form both submissions would be that development within the Height Overlay could develop up to the maximum height limit specified without urban design consideration and consent for buildings over three (3) storeys.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS61.4	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Amend wording to simplify.	Any building within the Taupō Town Centre Environment Height Overlays should be able to develop up to the maximum height specified by the overlay, regardless of the number of floors. Having more than 3 floors but not exceeding the height limit specified by the overlay should not trigger need for resource consent.
FS202.8 Sub 61.4	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre. As such applications will be assessed against urban design principles and the merits of the surrounding environment, we do not believe a resource consent is required.

⁸⁵ OS12.1 and OS12.2

⁸⁶ OS46.4

⁸⁷ OS63.6

⁸⁸ OS65.5

⁸⁹ FS202.2, FS202.6, FS202.9, FS202.10

⁹⁰ OS61.4

⁹¹ OS79.2 and OS79.6

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS79.2	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Part i of this rule doesn't say anything. In conjunction with Rule 4g.1.9 is this saying that the height limit is now 3 storeys up to 16m. Why does it matter how many storeys if there is a 16m or 12m height limit.	Combine Rules 4g.1.9 and 4g.1.10 as follows 4g.1.9 Maximum Building Height The maximum height of any building shall be as follows: i. Total Maximum height of three (3) floors above ground level, except where provided by (ii) below: ii. The maximum height of any building shall be in accordance with the Taupō Town Centre Environment Height Overlays in the planning maps. 4g.1.10 Taupō Town Centre Environment Height Overlay i. Any building, or part of any building, located within the Taupō Town Centre Environment Height Overlays in the planning maps that exceeds a total height of (3) floors above ground level. iii. Any application arising from this rule shall not be limited or publicly notified
OS79.6	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.4 Assessment Criteria	Seek amendment	The assessment criteria are suitable. in light of submission point on Rules 4g.1.9 & 4g.1.10 a slight amendment is proposed	Amend: NOTE: These matters are applicable to a breach of Rule 4g.1.10 4g.1.9

- 137) The purpose of Rule 4g.1.10(i) is to provide a RDIS consenting pathway for the consideration of urban design matters for building heights above three (3) storeys (the status quo) in that urban block associated with Robert Street, Tongariro Street, Te Heuheu Street and with frontage to Ruapehu Street, but otherwise enable building height to the level specified in the Height Overlay.
- 138) The Council's discretion is limited to those matters stated in Rule 4g.4.13 relating to urban design as associated with active engagement with streetscape, and context of nearby buildings, form and detailing. Rule 4g.1.10(ii) precludes public or limited notification for a breach of Rule 4g.1.10(i).
- 139) Rule 4g.1.9 (Height) and Rule 4g.1.10 (Height Overlay) are interrelated, and public (or limited) notification is not precluded where there is a breach of Rule 4g.1.9. That is, where a proposed building in the Height Overlay exceeds the maximum height specified in Rule 4g.1.9, the application remains able to be considered pursuant to s95 of the Act. The activity status will be RDIS (Rule 4g.2.3) and subject to assessment criteria contained in both Rule 4g.4.3 'Building Height and Setback' and 4g.4.13 'Town Centre Environment Height Overlay – Urban Design'.
- 140) Deleting Rule 4g.1.10 would preclude the ability to consider and promote good urban design outcomes as development within that area subject to the Height Overlay transitions and redevelops.

As identified by Mr Compton-Moen, such rules are common practice, and provide certainty for both the Council and for the Developer to ensure positive urban design outcomes are achieved⁹².

- 141) It is not considered that either the RDIS status attributed to the Rule or the matters of discretion themselves are overly onerous. This is especially in the context of the important frontage of these sites along the Taupō Lakefront and associated public space, and location within the Pedestrian Precinct. It is considered that the approach associated with Rule 4g.1.10 (and associated 4g.1.13) achieves the appropriate balance between development enablement (as set out in **Policy 3s.2.1(i)(c)**) and enhancing and maintaining the Taupō Town Centre Environment amenity and character (as set out in **Objective 3s.2.2** and associated **Policies 3s.2.2.(i)** and **(ii)**).
- 142) A degree of certainty and efficiency is 'baked into' the provisions. The proposed matters of discretion in Rule 4g.1.10 are not considered to be numerous or exhaustive⁹³. The focus in the assessment matters is on both: active engagement of the development and contribution to public spaces; and associated proximate built form context. The breadth of these matters seeks to calibrate a consideration of urban design assessment to the specific context. In addition, as discussed clause (ii) of the rule precludes notification.
- 143) I have also considered whether a more appropriate status for a breach of Rule 4g.1.10 is a CON (controlled activity status). However, I consider based on my experience that given that the exercise of professional urban design and architectural opinion can (even where more narrowly confined as set out in the matters in 4g.1.10) be quite different, the ability for the Council to decline an application remains important.
- 144) Lastly, Rule 4g.1.10 has been drafted on the basis that development below the status quo three (3) storeys would already maintain the low level-built form, and hence amenity and character of the Town Centre Environment. To an extent, the standard built form and other standards (such as glazing and veranda requirements) would address urban design and be both effective and efficient in achieving **Objective 3s.2.2**. The purpose of Rule 4g.1.9(ii) and associated Rule 4g.1.10 is to apply a greater extent of urban design control where proposed development is of a greater height and massing than the existing built form, in recognising the important amenity and urban design values associated with that transition, and preventing significant adverse urban design effects.
- 145) The **costs** of the approach recommended by the submissions is that it could lead to significant urban design effects, especially given: the prominence of this area in terms being an important social and community focal point within Taupō township; the extent of pedestrian and public frontage; and the likely change in massing between buildings (re)developing to the heights provided for in the Height Overlay and the existing low density built form which would exacerbate any incongruence in terms of good urban design.

⁹² EIC Compton-Moen [16]

⁹³ EIC Compton-Moen [18]

- 146) The benefits of the submission approach are a reduction in potential costly subjective debates and conflict through the consenting process. Although it is considered that these benefits are marginal when compared to the notified approach given the approach to notification and narrow band of matters to be considered.
- 147) Considering the **costs** and **benefits** it is considered that the approach sought in submissions is neither **efficient** nor **effective** in achieving **Objective 3s.2.2**.
- 148) The submissions are **recommended to be rejected**⁹⁴ and the Further Submission from Town Centre Taupō is also **recommended to be accepted** (although reference should be given to 4.4.7).
- 149) However, I am not wedded to the structure of the rules, and should the submitters provide a more workable approach through evidence, that achieves the outcomes of urban design consideration (and precludes notification), these should be appropriately considered at the Hearing.

4.4.5 Non-notification clause - Rule 4g.1.10(ii)

150) There are two (2) submissions opposing the inclusion of Rule 4g.1.10(ii).

151) That rule states:

“Any application arising from this rule shall not be limited or publicly notified”.

(emphasis added)

152) These submissions are opposed by two further submissions⁹⁵.

153) As identified above, a breach of Rule 4g.1.10 renders an application as a RDIS activity with discretion set out in Rule 4g.4.13 relating to urban design matters. Rule 4g.1.10(ii) precludes notification.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS40.8	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Submitter seeks deletion 4g.1.10 (i) and (ii), as it is unclear and removes ability of genuinely affected parties from being part of the consent process.	Delete 4g.1.10 (i) and (ii). 4g.1.10 Taupō Town Centre Environment Height Overlay i. Any building, or part of any building, located within the Taupō Town Centre Environment Height Overlays in the planning maps that exceeds a total height of (3) floors above ground level. ii. Any application arising from this rule shall not be limited or publicly notified.
FS202.4 Sub 40.8	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more

⁹⁴ OS61.4, OS79.2 and OS79.6

⁹⁵ All from Town Centre Taupo

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
					opportunity for higher buildings across the town centre. As such applications will be assessed against urban design principles and the merits of the surrounding environment, we do not believe public notification is required.
OS40.9	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Submitter seeks amendment of the proposed the non-notification clause for height increase in accordance with the Taupō Town Centre Environment Height Overlays under 4g.1.10(ii) as it is not appropriate to allow genuinely affected parties to not be party to the consent process.	Amend the proposed the non-notification clause for height increase in accordance with the Taupō Town Centre Environment Height Overlays under 4g.1.10(ii).
FS202.5 Sub 40.9	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre. As such applications will be assessed against urban design principles and the merits of the surrounding environment, we do not believe public notification is required.

154) Section 76 of the Act provides that rules may be made for carrying out the territorial authority's functions and achieving the objectives and policies of the applicable plan. Those include functions as to the processing of consent applications according to the RMA. The RMA also recognises that rules can be made for the purposes of decisions as to pathways associated with consent applications notification (public or limited), or non-notification. For those purposes, it allows for rules that require or preclude public notification (s95A) or preclude limited notification (ss95A(2) and (3), and 95B(2)).

155) As raised by the submissions, who identify the reasons for opposition is *'that the approach removes ability of genuinely affected parties'*, notification cannot be dispensed with arbitrarily. Application of s76 requires that rules must ultimately serve the Council's RMA functions and they achieve the relevant objectives and policies of the Plan. The tests of s32 also require that in the design of the rules precluding notification, that the benefits exceed the costs.

156) In terms of the relevant statutory framework, the following is acknowledged:

- a. Section 18A Procedural Principles, requires *every person exercising powers and performing functions under this Act ... to (a) use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised...*
- b. **Policy 3s.2.1(i)(c)** seeks to consolidate retail and office activity within the Taupō Town Centre Environment, including through *'encouraging redevelopment of town centre properties'*.

- c. **Policy 3s.2.1(ii)** seeks to *'encourage a range of residential and accommodation activities within the Taupō Town Centre Environment in order to create a vibrant and interesting place'*.
- d. **Objective 3s.2.2**, and associated Policies seek to maintain and enhance the character and amenity of Taupō Town Centre.

157) Importantly, it is noted that the term *'encourage'* as used in **Policy 3s.2.1(i)(c)** and **Policy 3s.2.1(ii)** is to be interpreted as meaning to actively promote. The Oxford Dictionary Meaning includes *'to give courage, confidence or hope to; stimulate by help, reward etc, promise or assist'*. Accordingly, the term *'encourage'* has a more active meaning than a more inactive *'enable'* or *'permit'*, meaning that associated provisions should avoid unnecessary restrictive requirements – unless these are required to achieve other outcomes in the Plan.

158) The approach undertaken in PC40 is that neither public notification nor limited notification of applications is required where there is not a breach of the permitted maximum height standard in Rule 4g.1.9. The extent of built form and massing is anticipated by the Plan through compliance with either the 12m or 18m height standard as applicable. Accordingly, the assessment of effects on immediately adjoining properties (or public open space and the streetscape) through matters such as shading, setbacks, height and outlook are anticipated by the Plan, and it is therefore considered that individuals or the wider community would not be affected by those matters for the purpose of an assessment under s95 of the Act.

159) The Council is well equipped to bring urban design expertise to bear in a consideration of the residual urban design matters expressed in 4g.4.13. Importantly, uncertainty associated with a wide notification process may increase uncertainty and decrease reinvestment and associated redevelopment.

160) Accordingly, the notified approach provides the associated **benefits**:

- a. Encourages innovation, choice and redevelopment, through reducing uncertainty and resource consent costs associated with the notification process, in a manner that implements **Policy 3s.2.1(i)(c)** and **Policy 3s.2.1(ii)**.
- b. Is sufficiently defined in terms of the matters in 4g.4.13 to achieve **Objective 3s.2.2**, as importantly the status of the Activity is RDIS which provides the Council an opportunity to decline development that would lead to poor design outcomes.

161) The notified approach provides the associated **costs**:

- a. In precluding notification, genuine localised matters that may improve design or context that otherwise would have been raised through public notification (s95A) or limited notification (ss95A(2) and (3), and 95B(2)) will not be raised. However, these costs are reduced in that process still provides for the expert Council Officers to consider the relevant matters in 4g.4.13.

- 162) Accordingly, it is considered that the approach is the more **efficient**, in that the **benefits** outweigh the **costs** of the provision, and the approach is effective in implementing the Objectives and Policies which seek to encourage redevelopment and consolidation, and maintain and enhance the character and amenity of the Taupō Town Centre.
- 163) The submissions of Tūwharetoa Settlement Trust⁹⁶ are **recommended to be rejected**. The further submissions of Town Centre Taupō⁹⁷ are **recommended to be accepted**.

4.4.6 Amendments to spatial location of Building Height Provisions

- 164) There is one submission seeking amendments to the location of the Building Height provisions associated with PC40.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS101.5	Jane Penton LWAG	Plan Change 40 - Taupō Town Centre Environment > 3s Taupō Town Centre Environment	Seek amendment	Taupō is traditionally a low-rise urban landscape which is valued, we believe, by both residents and visitors. We are concerned with the adverse amenity effects of 4-story buildings on the lakeshore and their visual impact in the newly upgraded lakefront area (Robert St/Lake Tce). Also, the visual amenity from the Lake itself will be adversely affected by this development	LWAG ask that any multi-story buildings be limited to a zone at least two blocks back from the road/lakefront in the Taupō Town Centre. LWAG also seeks inclusion performance standard for the provision for secure multi-use active transport parking (Ebikes, bikes, scooters etc), provisions for tree planting/vegetation, and the encouragement of incorporating vertical gardens/rooftop gardens and provision for all new builds to incorporate rainwater harvesting systems designs.

- 165) The submission from LWAG⁹⁸ seek that any multi-story buildings be limited to a zone at least two blocks back from the Lake Front, so as not to affect views on the lakeshore or the newly upgraded lakefront area. The submission also seeks performance standards for multi-use active transport, additional tree plantings, and vertical gardens.
- 166) The initial s32 material and evidence of Mr Heath and Mr Compton-Moen identify the basis of the spatial extent and application of the PC40 overlay for recognising higher building heights in the Taupō Town Centre Environment. These are in summary, recognising: existing market demand, consented but as yet undeveloped buildings that breach the Plan Height limits; building profile and legibility to the Taupō Town Centre commercial hub, and seeking to ensure private investment in building redevelopment is focused to leverage off, and enhance the significant community investment in public realm improvements undertaken through the Taupō Town Centre Transformation Improvement project as partly funded by the MBIE Covid 19 Relief Fund.

⁹⁶ OS40.8 and OS40.9

⁹⁷ FS202.4 and FS202.5

⁹⁸ OS101.5

- 167) Accordingly, that aspect of the submission which seeks to shift the focus for increased building heights some two blocks back into the Taupō Town Centre Environment, is not considered to be the more efficient and effective approach, and hence is **recommended to be declined**.
- 168) The submission also seeks requirements for multi-use active transport, but does not specify or further define these requirements. An approach seeking to provide greater modal choice is not seen as being inappropriate, however a lack of specificity is unhelpful – including for further submitters. Regardless, requirements for active transport modes and associated facilities in my view are better considered through a comprehensive consideration of the Transport Section of the Plan (Section 6 - Parking, Loading and Access).
- 169) Application of specific and additional requirements for active transport facilities to this targeted area of PC40 adds additional costs to redevelopment, which would not be applicable to adjoining development, which could undermine the purpose of enabling greater development potential. This aspect of the submission is also **recommended to be declined**.
- 170) It is also noted that the Town Centre Transformation Improvement project does provide improvements for pedestrians and cyclists, including more accessibility carparks on Tongariro Street and outside the library.

4.4.7 Increased Scale or Spatial extent of building heights

Upzone all of the Town Centre Environment to 18m

- 171) Five (5) submission points, including one (1) further submission was received in relation to the spatial extent of increasing height throughout the Taupō Town Centre Environment (and Precincts).

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS20.1	Byrne Family Investments Ltd	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	All building owners within the Taupō town centre should have the opportunity to build higher.	Submitter seeks an amendment to the allow the higher building height for the whole of the Taupō town centre.
FS202.3 Sub 20.1	Town Centre Taupō		Support	Support	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.
OS86.3	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Seek amendment	Towncentre Taupō does not agree with the Height Overlays in the planning map	More opportunity for higher buildings across the whole of the CBD, not just the areas indicated on the map. This would allow for a staggered approach across town rather than a row of high buildings just on Tūwharetoa Street. This would also encourage

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
					investment in areas that would be disadvantaged by the current height overlay restriction.
OS86.4	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Towncentre Taupō does not agree with the Height Overlays in the planning map	More opportunity for higher buildings across the whole of the CBD, not just the areas indicated on the map. This would allow for a staggered approach across town rather than a row of high buildings just on Tūwharetoa Street. This would also encourage investment in areas that would be disadvantaged by the current height overlay restriction.
OS86.7	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Seek amendment	TCT seeks an expansion of the height overlay to encourage investment in areas that would be disadvantaged by the current height overlay restrictions. Also seeks some amendments to encourage a range of building heights.	Towncentre Taupō would like to see the following amendments made to Height Overlay on the planning map. <ol style="list-style-type: none"> 1. More opportunity for higher buildings across the whole of the CBD, not just the areas indicated on the map. This would allow for a staggered approach across town rather than a row of high buildings just on Tūwharetoa Street. 2. Maximum height of 6 stories, rather than a height measurement, across the entire CBD. This would allow for buildings of different heights in the same street. 3. Buildings over 4 stories high should be subject to urban design assessment criteria to make sure there is a variation in the design of the buildings and rooflines, avoiding a flat boxy roofline.
OS86.8	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > Section 32	Seek amendment	TCT seeks the height overlay cover the entire CBD to encourage investment in areas that would be disadvantaged by the current height overlay restrictions. Also seeks some changes to promote buildings of different heights.	Towncentre Taupō would like to see the following amendments made to Height Overlay on the planning map. <ol style="list-style-type: none"> 1. More opportunity for higher buildings across the whole of the CBD, not just the areas indicated on the map. This would allow for a staggered approach across town rather than a row of high buildings just on Tūwharetoa Street. 2. Maximum height of 6 stories, rather than a height measurement, across the entire CBD. This would allow for buildings of different heights in the same street. 3. Buildings over 4 stories high should be subject to urban design assessment criteria to make sure there is a variation in the design of the buildings and rooflines, avoiding a flat

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
					boxy roofline.

Analysis

- 172) The submission from Byrne Family Investments⁹⁹ seeks a general increase in building height across the whole of the Taupō Town Centre. The approach is supported in a further submission from Town Centre Taupō¹⁰⁰.
- 173) Submissions from Town Centre Taupō Board¹⁰¹ to the planning maps and provisions also seek more opportunities for higher buildings across the whole of the CBD, allowing for a staggered approach across town rather than a row of higher buildings on just Tūwharetoa Street. The approach seeks a maximum of six stories, rather than a height metric to allow for height variation; in addition buildings over four stories are to be subject to urban design criteria.
- 174) The District Plan identifies the Taupō Town Centre Environment as all the land contained within Titiraupenga Street in the east, and Waikato River to the West, and Roberts Street at the southern end to Waikato Street at the northern end. In a practical sense, the submissions are considered to exclude that area of the Town Centre Environment contained in reserves¹⁰².
- 175) Buildings within the Taupō Town Centre Environment (including the Pedestrian Precinct, Retail Expansion Precinct, and Commercial Fringe Precinct) do not use the full extent of the three floor height limit¹⁰³ enabled by the Plan.
- 176) Assuming therefore an increase in height to six levels across all of the Precincts as outlined in the Town Centre Taupō Board submission (in practical terms buildings of 18m) provides an 'uplift' of development over some 31ha of Taupō Town Centre Environment¹⁰⁴. This would result in the Plan anticipating up to six storeys of development across all three Town Centre Environment Precincts¹⁰⁵, despite the Plan seeking consolidated development and a higher intensity and scale of activity in the Pedestrian Precinct.
- 177) The explanation for Objective 3s2.2 states:

Development, within the Pedestrian Precinct, has established a certain character of building with typical street level characteristics different from the remainder of the Town Centre Environment. Buildings include features such as display windows, verandahs and general shop frontage. These features form an inherent

⁹⁹ OS20.1

¹⁰⁰ FS202.3

¹⁰¹ OS86.3, OS86.4, OS86.7 and OS86.8

¹⁰² Section 3s.1 identifies the Taupo Town Centre as 'all of the Taupō town central business district, as well as the Tongariro Domain and Landing Reserve at the Taupō Boat Harbour. Broadly this area is identified as the Taupō town centre'.

¹⁰³ Rules 4g.1.9 [Pedestrian Precinct], 4g.1.14 [Expansion Precinct] and 4g.1.18 [Fringe Commercial Precinct]

¹⁰⁴ Excluding reserves. 45ha total, exclude 30% for roading.

¹⁰⁵ There is a high degree of consistency between the development standards for the Precincts, development within the Pedestrian Precinct has additional requirements for display windows and verandas as well as for and vehicle crossings and increases in vehicle trips. Within the Retail expansion zone there are requirements for verandas and new vehicle crossings only, and no such requirements in the Commercial Fringe Precinct.

part of the Pedestrian Precinct and also add to the wider town centre amenity and are mainly provided for pedestrian benefit.

A higher intensity and scale of activity is generally found within the Pedestrian Precinct than the wider Town Centre Environment. The protection of the characteristics of the Pedestrian Precinct area will ensure the distinction between these areas, which occurs through the change in intensity, is retained.

- 178) The Pedestrian Precinct is the land between Ruapehu Street and Tongariro Street and between Roberts Street and Spa Road. Most Streets within the Pedestrian Precinct are flanked with a mix of building styles at grade (ground level), interspersed with a second storey. A higher level of built form intensity, glazing and design is typical.
- 179) The Retail Expansion Precinct extends west as inset from Ruapehu Street to Titirapunga Street north to Spa Road. The built form is a combination of low density and at grade larger scale retail to the north (Pak n Save, Rebel Sport, the Warehouse), and Trade Suppliers and Food and Beverage outlets interspersed with large areas of vehicle parking and circulation.
- 180) Within the Commercial Fringe Precinct (Town Centre environment north of Spa Road) building development is at grade, and is uniformly porous as interspersed with large areas of outdoor storage and carparking. Activities typically consist largely of *Trade Supplier* activities and vehicle based *Commercial Services*.
- 181) As outlined in the evidence of Mr Heath, the economic consequences of an increase in heights (18m) across the Town Centre Environment are that it will not provide for a coordinated and compact approach to redevelopment and reinvestment in the Taupō Town Centre Environment¹⁰⁶. Specifically, the approach:
- a. Creates uncertainty in terms of redevelopment / reinvestment.
 - b. Could lead to incremental and spatially disparate reinvestment (in higher building developments which fundamentally would be residential apartments / professional offices / commercial enterprises / visitor accommodation) resulting in inefficiencies of location.
 - c. Given the existing trends of commercial sector employment in the Taupō Town Centre Environment, providing for a height uplift over the entirety of the 'zone' could lead to reduced consolidation of office activities.
- 182) Mr Compton-Moen identifies the urban design aspects of that approach could result in disparate built form and massing¹⁰⁷, with a limited number of higher buildings accommodating medium to long term development in areas which may not leverage benefits associated with public investment in higher amenity areas (such as adjoining the Domain, opposite the Lake foreshore). Such an approach would

¹⁰⁶ EIC Heath [5.8, 5.9]

¹⁰⁷ EIC Compton-Moen [24]

- likely lead to anomalous built form in the Town Centre in a manner that would not maintain or enhance overall amenity values, and not achieve a sense of enclosure, legibility or intensity.
- 183) In addition, I consider a blanket uplift in building height enablement across the Taupō Town Centre Environment could both: reduce reinvestment across the wider Taupō Town Centre Environment spatial area given 'plan enabled' but not market favourable options; and redevelopment of more cohesive built form blocks, with associated coherent change in character and amenity from low rise built form to plan enabled 18m developments.
- 184) An increase in building height to 18m would likely be easier to implement in the Commercial Fringe Precinct and Retail Expansion Precinct given the low-density pattern of development occurring in these areas. Such an outcome would be to the detriment of the Plan intent to foster greater built form and pedestrian intensity and design quality in the Pedestrian Precinct. Such an outcome would also reduce the amenity benefits attributable to more consolidated approach focusing private investment redevelopment to leverage off recent capital expenditure along the Lake front.
- 185) In terms of a consideration under s32(2), it is considered that the submission relief would result in environmental, economic and social **costs** that outweigh the **benefits**, as identified by Mr Heath and Mr Compton Moen.
- 186) Principally, these costs are associated with fostering a less appropriate distribution of development within the Town Centre Environment in a manner that would impose adverse effects on streetscape and character, and could lead to a disparate approach to redevelopment. An increase in building height to 18m across the entirety of the Town Centre Environment is considered less effective or efficient in achieving and implementing provisions that seek consolidation¹⁰⁸, enhanced amenity¹⁰⁹ a sense of enclosure¹¹⁰ and improving efficiencies¹¹¹.
- 187) In terms of s74(2)(b) the approach would not implement the Taupō Urban Commercial and Industrial Strategy (2011) Structure Plan goals associated with *Built Form* (achieving active and vibrant street edge and improves architectural quality) and *Circulation* (reconnecting the town centre with the lakefront, and to refocus towards pedestrians, cyclists & public transport)¹¹².
- 188) I recommend that these submissions points are **accepted in part**, only as confined to that urban block with frontage to Tūwharetoa Street as discussed below.

¹⁰⁸ Policy 3s.2.1

¹⁰⁹ Objective 3s.2.2, Policy 3s.2.2(ii)

¹¹⁰ Policy 3s.2.2(ii)(a)

¹¹¹ Policy 3s.2.1(i)(a)

¹¹² Taupo Urban Commercial and Industrial Structure Plan (2011) Vision [13]

Split Heights in the Taupō Town Centre 18m west / 15m east

189) A variation on the above is contained within the submissions from Kainga Ora¹¹³ and supported in further submissions by Town Centre Taupō¹¹⁴.

190) In summary the submission seeks a height limit of 18m west of Ruapehu Street, and 15m east of Ruapehu Street. It is understood that a 15m height limit practically still only provides for a four storey building, albeit with greater potential in loft height, which could provide greater flexibility of uses at grade.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS104.11	Kainga Ora	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Seek amendment	The submitter opposes a height limit of three floors within some parts of the Taupō Town Centre Environment. This limits the intensification potential that will be required within the town centre to provide greater housing choices and typology and additional commercial space to address the growing population of Taupō. The sites bordering the Waikato River should also be excluded from the proposed height limit increase due to the nature of the site being a public outdoor living space. Also sought that height is stipulated in metres rather than storeys to remove ambiguity from the rule.	Amend the planning maps as follows: <ul style="list-style-type: none"> • 18m height overlay – covering the 6 blocks between Tongariro Street, Paora Hapi Street, Roberts Street and Ruapehu Street, but excluding the lakeside half of the southern most block (fronting onto Roberts Street). • 15m overlay – Covers all remaining Taupō Town Centre Environments but excludes Riverside Park, Tongariro Domain and the Marina area. Please view full submission bundle for map.
FS202.11 Sub 104.11	Town Centre Taupō		Support	Support	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.
OS104.12	Kainga Ora	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	The submitter opposes a height limit of three floors within some parts of the Taupō Town Centre Environment. This limits the intensification potential that will be required within the town centre to provide greater housing choices and typology and additional commercial space to address the growing population of Taupō. The sites bordering the Waikato River should be excluded from the proposed height limit increase due to the site being a public outdoor living space. The height should be stipulated in metres rather than storeys to remove ambiguity from the rule.	The submitters seeks the following amendments: <ol style="list-style-type: none"> 1. Amend the planning maps as shown within Appendix 2. 2. Accept the spatial height change sought in the submission into the Plan. 3. Undertake any consequential changes necessary across the District Plan to address and give effect to this submission.
FS202.12 Sub 104.12	Town Centre Taupō		Support	Support	As per the Towncentre Taupō original submission, we

¹¹³ Submission OS104.11, OS104.12

¹¹⁴ Further Submission FS202.12

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
					support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.

191) The analysis above is equally relevant to the KO submission, in that based on the economic evidence of Mr Heath and design evidence of Mr Compton Moen the extent of 'upzoned' Town Centre Environment could result in a disparate pattern of reinvestment and redevelopment, with associated environmental costs in terms of consolidation, amenity and urban design. The approach is not as efficient and effective in terms of implementing the relevant Plan provisions. The submission points are **accepted in part**, only as confined to that urban block with frontage to Tūwharetoa Street as discussed below.

Within Scope Alternatives to Town Centre Building Height

192) Based on the 'two levers' of increased height and the spatial extent of such, Mr Heath and Mr Compton-Moen have also been asked to consider where the relief within the submissions of KO¹¹⁵, Towncentre Taupō¹¹⁶, and Byrne Family Trust¹¹⁷ could be considered to be the more appropriate than PC40 as notified.

193) The foundation matter as raised by Mr Heath¹¹⁸ is that in achieving an active and vibrant Town Centre requires some compression / consolidation of land utilisation based on existing and forecast demand. He identifies that forecast growth in employment (nor residential apartment demand) is not sufficient in the long term (30 year forecast) to lead to cohesive regeneration across the entirety of the Town Centre Environment. Application of a holistic increase in height limits could reduce the appropriate distribution of built form, and associated efficiencies. Mr Compton-Moen subsequently has identified the adverse effects on streetscape amenity, character and design that would occur.

194) Both Mr Heath and Mr Compton-Moen agree that improving the viability of development associated with that block between Robert Street, Tongariro Street, Te Heuheu Street and with frontage to Ruapehu Street represent the more appropriate place to enable increased building height. This is a combination of recognising the existing consented baseline and market demand, the significance ascribed to the significant community investment in public realm improvements, and the existing intensity of development and investment.

¹¹⁵ OS104.11

¹¹⁶ OS86.8

¹¹⁷ OS20.1

¹¹⁸ EiC Heath [5.8, 5.9]

- 195) I agree, noting that the Taupō and Industrial Structure Plan (2011) identify the importance of this area in terms of redevelopment and reconnecting with the Lakefront as well as being the locus for Entertainment and Hospitality, and the District Plan seeks a high degree of intensity and quality design outcomes within the Pedestrian Precinct. I have identified that an approach that consolidates redevelopment is the more appropriate in terms of the provisions of the Plan.
- 196) Two options have been considered, being: the whole-scale application of 18m across the entirety of this urban block (**Option 1**); and alternatively a tiered approach of 12m fronting Roberts Street, 18m fronting Tūwharetoa Street and returning to 12m on the southern extent of Te Heuheu Street (**Option 2**).
- 197) The table below considers the respective costs and benefits between the two options for that block between Robert Street, Tongariro Street, Te Heuheu Street and with frontage to Ruapehu Street.

Table 1: Consideration of Height Options for Robert Street, Tongariro Street, Te Heuheu Street and with frontage to Ruapehu Street

	Option 1 – Uniform 18m	Option 2 – Tiered Height of Roberts Street 12m, 18m fronting Tūwharetoa Street than 12m fronting Te Heuheu Street.
Economics		
Benefits	<ul style="list-style-type: none"> Provides opportunities for cohesive redevelopment, and maximises viability for redevelopment. 	<ul style="list-style-type: none"> Provides opportunities for uplift and redevelopment of a cohesive locale. Recognises existing consented baseline Recognises and enhances significant community investment in the public realm.
Costs	<ul style="list-style-type: none"> - 	<ul style="list-style-type: none"> Viability of redevelopment may be (modestly) impacted by reduced 12m height limitations.
Urban Design		
Benefits	<ul style="list-style-type: none"> Provides for cohesive block redevelopment. 	<ul style="list-style-type: none"> Provides for tiered approach, with four storeys fronting Roberts Street and Heuheu Street, recognising the sensitivities of that area fronting the Lake Front and recent public investment in streetscape improvements and greater levels of solar gain. For frontage with Te Heuheu Street providing for a blended streetscape recognising the existing (and three storey anticipated) height of building massing north.
Costs	<ul style="list-style-type: none"> Leaves to the private sector any reductions in height and bulk (below 18m) to reflect particular characteristics of the built form context, particularly fronting Roberts Street. 	<ul style="list-style-type: none"> Viability of redevelopment may be impacted by reduced 12m height limitations, although this is likely to be modest along Roberts Street given outlooks. Potential for overlooking from 18m built form – although effects of this nature would be anticipated in a town centre environment.

- 198) Overall, **Option 2** is considered to be the more appropriate in terms of a consideration of the benefits and costs associated with the alternatives. The primary difference being that the tiered approach better accommodates the character and amenity of the receiving environment, ensuring a higher degree of sunlight and a more modest extent of built form massing fronting the lakefront, and integrating with the extent of massing further to the north of Te Heuheu Street.
- 199) Accordingly, whilst both Options are considered to be both efficient and effective in achieving **Objective 3s2.1** which seek to reinforce and strengthen the role of the Taupō Town Centre environment, Option 2 is seen as the more effective in terms of implementing **Objective 3s.2.2** which seeks to maintain and enhance the character and amenity of the Town Centre Environment, and specifically implementing:
- a. **Policy 3s.2.2(i)** in encouraging development that *'maintains an appropriate scale of development consistent with the character of Taupō Town Centre'*;
 - b. **Policy 3s.2.2(ii)** in maintaining and enhance the character and amenity of the Town centre Environment by controlling bulk, including (a) maximum allowable heights for given locations ... *'to provide a sense of enclosure to the streetscape'*; and
 - c. **Policy 3s.2.2(iii)** in *'enhancing the special characteristics of the Pedestrian Precinct...'*
- 200) Accordingly, the submissions of KO, Towncentre Taupō, and Byrne Family Trust are **accepted in part**.

Recommendation

- 201) I recommend for the reasons given above, that the Hearings Panel:
- (a) Amend the Planning Maps as shown in **Appendix B** to provide for the following associated maximum height levels.



(b) Amend the text in the Explanation for Objective 3s.2.2 to account for the amendments (either as a consequential amendment provided by KO Submission OS104.12, or alternative under cl16(2) of the RMA as follows:

Explanation

The Taupō town centre has established over time in compliance ...

Threats to the Town Centre Environment include structures of an inappropriate scale. Building envelopes will ensure that the intensity of activity within these Environments can increase while retaining the existing visual character of the area. Part of the character is the relatively low rise development that prevails, consisting mainly of one or two story buildings. At the time of preparing the TUCISP, general feedback from the community supported the retention of this scale of development. There is a three floor maximum height limit for buildings, except for that area in the Town Centre Environment – Pedestrian Precinct closer to the lakefront, which provides for a considerable increase in floor space, while maintaining a scale of development consistent with the existing character.

....

While the permitted height limit for buildings within the Town Centre Environment is three storeys, except for that block between Tongariro Street, Te Heuheu Street, Roberts Street and fronting Ruapehu Street where heights of 12m and 18m are anticipated to reinforce and connect the town centre with the lakefront, there may be circumstances where a particular development such as a hotel, seeks resource consent to exceed this height. On an appropriate site, this may create the opportunity for a land mark building, without necessarily detracting from the scale and character of the remaining town centre. As part of the consideration of such a development through the resource consent process, assessment of desired urban design outcomes would be expected.

4.4.8 Support for PC40 Building Heights as notified

202) There are seven submissions that support the amendments in PC40 related to Building Height, either as related to specific properties or generally. There is one further submission from Town Centre Taupō¹¹⁹ supporting Amplify. Except as amended as a consequence of the assessment above, and accordant amendments set out in **Attachment B**, these submissions are recommended to be **accepted in part**.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS40.6	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	The submitter supports the Pedestrian Precinct Height Overlay of 18m as it applies to 11 Tūwharetoa Street.	Support the Pedestrian Precinct Height Overlay of 18m as it applies to 11 Tūwharetoa Street, Taupō
OS40.7	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.9 Maximum Building Height	Support	Submitter supports the provision for additional height in accordance with the Taupō Town Centre Environment Height Overlays, particularly as it relates to 11 Tūwharetoa Street, Taupō.	Support the provision for additional height in accordance with the Taupō Town Centre Environment Height Overlays, particularly as it relates to 11 Tūwharetoa Street, Taupō.
OS55.2	Enterprise	Plan Change 40 -	Support	Support the proposal to increase	Retain

¹¹⁹ FS202.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
	Great Lake Taupō trading as Amplify	Taupō Town Centre Environment > 4g.1.9 Maximum Building Height		the maximum height permitted in the Taupō district to 12-18 meters in some parts of the town centre.	
FS202.7 Sub 55.2	Town Centre Taupō		Support	Support	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.
OS61.1	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	Submitter supports the provision.	Retain
OS61.3	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > 4g.1.9 Maximum Building Height	Support	The increase in building height will encourage intensification and diversification of landuse within the Town Centre.	Retain
OS61.8	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	Submitter supports the provision.	Retain.
OS86.6	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > 4g.4 Assessment Criteria	Support	Towncentre Taupō supports the change with the understanding that urban design principals are applied in these situations and not brushed over.	Retain.

4.5 Service Lanes

203) There are eleven submissions on the amendments contained within PC40 that clarify that verandas are not required as related to Service Lanes within the Pedestrian Precinct and Retail Expansion Precinct. All the submissions support the amendment, either generally or as related to a specific property.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS40.3	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	The submitter supports the identification of the service lanes, located to the south and west of 11 Tūwharetoa Street and recognises that verandas should not be required on these building frontages.	Support the identification of the laneway/service lane, located to the South and West of 11 Tūwharetoa Street, Taupō on the Taupō District Council Planning Maps
OS40.4	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	The submitter supports the identification of the service lanes, located to the south and east of 85 Tūwharetoa Street and recognises that verandas should not be required on these building frontages.	Support the identification of the laneway/service lane, located to the South and East of 85 Tūwharetoa Street, Taupō on the Taupō District Council Planning Maps

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS40.5	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	The submitter supports the identification of the service lanes, located to the south and west of 81 Tūwharetoa Street and recognises that verandas should not be required on these building frontages.	Support the identification of the laneway/service lane, located to the South and West of 81 Tūwharetoa Street, Taupō on the Taupō District Council Planning Maps.
OS40.10	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.12 Verandas	Support	The submitter supports the intent of the change to focus pedestrian frontages and shop fronts along roads and not the working areas of buildings such as service lanes which has the potential to obstruct access	Support the requirement to not require veranda's to be added on the frontage of buildings adjacent to service lanes.
OS40.11	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	Tūwharetoa Settlement Trust supports the intent of the change to focus pedestrian frontages and shop fronts along roads and not the working areas of buildings such as service lanes which has the potential to obstruct access through these service lanes and presents additional cost to building owners.	Retain.
OS55.3	Enterprise Great Lake Taupō trading as Amplify	Plan Change 40 - Taupō Town Centre Environment > 4g.1.12 Verandas	Support	Support the clarification that 'service lanes' are not subject to requirements for veranda provisioning but the pedestrian frontages and pedestrian laneways system are subject to the veranda requirements.	Retain
OS61.5	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > 4g.1.12 Verandas	Support	Submitter supports provision	Retain
OS61.6	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	Submitter supports this provision.	Retain.
OS79.3	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.1.12 Verandas	Support	Removing rules for verandahs on service lanes makes sense.	Retain.
OS79.4	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	Removing rules for verandahs on service lanes makes sense.	Retain.
OS86.5	Towncentre	Plan Change 40	Support	TCT supports the removal of	Retain.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
	Taupō Board	- Taupō Town Centre Environment > 4g.1.16 Verandas		the verandah requirement.	

204) As identified in the s32 accompanying the Plan Change, the amendment and associated clarification of the rule increases efficiency and effectiveness of the Plan provisions. The amendment clarifies that requirement for verandas for roads¹²⁰ as associated with buildings excludes frontage to service lanes.

205) The amendments engage with, and are **effective** in achieving **Objective 3s.2.2** in so far as providing for a focused approach to weather protection (and amenity) for those parts of the Town Centre Environment where pedestrians are encouraged.

206) The amendments are **efficient** in that they reduce costs associated with compliance and building costs for verandas associated with back of house service lanes. Costs are also reduced as associated with increased amenity expectations and / or conflicts between pedestrians otherwise encouraged into service lanes and the amenity and character associated the more working environments of commercial areas that utilise service lanes.

207) The submissions are **recommended to be accepted**.

4.6 Miscellaneous Matters

4.6.1 Miscellaneous Matters – Statutory Framework

208) There are three submissions that have been received that request amendments based on broader statutory matters.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS29.23	Waikato Regional Council	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	Change 1 to the WRPS has been notified and so is a 'proposed policy statement'. District Councils are required, when preparing a change to the district plan, to have regard to the WRPS under section 74(2)(a)(i) of the RMA	General - Give regard to Change 1 to the WRPS as a 'proposed policy statement' in the proposed plan changes.
OS29.29	Waikato Regional Council	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	WRC considers that PPPC38-43 should follow the new plan format provided with the National Planning	Update PPPC40 to the new plan format provided with the National Planning Standards 2019

¹²⁰ As defined in Section 10 'Definitions' as having the same meaning as in the Local Government Act 1974 (s315(f)) which includes 'any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane')

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
				Standards.	
OS115.29	Te Kotahitanga o Ngati Tūwharetoa	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	That TDC ensure that the content and interpretation of the objectives and policies of Plan Change 38-43 reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.	Amend Plan Change 40 to reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.

- 209) The submission from the Waikato Regional Council¹²¹ seek that regard be had to **Plan Change 1** to the WRPS, and the provisions contained in PC40 presumably amended accordingly.
- 210) As outlined in my consideration of the relevant Statutory framework [(23)a(i)], in preparing or changing District Plan as pursuant to S74(2)(a)(i) regard is to be had to *‘any proposed regional policy statement’*.
- 211) Change 1 to the WRPS was notified in October 2022. Plan Change 40 was notified on 14 October 2022.
- 212) Change 1 seeks to give effect to the mandatory requirements of the National Policy Statement for Urban Development (2020), and Future Proof Strategy (Waipa, Waikato and Hamilton) the latter of which are irrelevant to the matters considered in PC40. These matters are set out in Section 0.
- 213) The RPS was restructured as of September 2022, to give effect to the National Planning Standards. **Attachment G** provides a table cross referencing between the provisions identified in the s32 accompanying PC40 (which was prepared prior to the restructuring of the WRPS) and the new references introduced through the September 2022 restructuring. The September 2022 restructuring of the WRPS does not result in any changes to the provisions themselves, or their application for the purposes of s32AA.
- 214) In terms of the specific matters relating to accommodating new development in Tier 3 Authorities, the amendments introduced by PC40 are consistent with **UFD-P18(9)(a)** and **(b)** through enabling building heights to concentrate urban development as accessible by active and public transport and where there is demand, as coupled with the Urban Design assessment matters at Rule 4g.4.13 which seek to provide a high-quality design response which positively responds to context.
- 215) As set out in (46) I do not consider that PC40 requires amendment in having regard to Change 1 to the WRPS.
- 216) Accordingly, the submission from the WRC¹²² is **recommended to be rejected**.

¹²¹ OS29.29

¹²² OS29.23

- 217) The WRC also request¹²³ that the Plan Change should be reformatted under the planning template provided by the National Planning Standards. This matter is considered in the s32 accompanying the Plan Change¹²⁴, as well as in the evidence provided by Ms Samuel for the Taupō District Council.
- 218) As identified, there is not a mandatory requirement to amend the provisions introduced by PC40 to accord with the requirements of the National Planning Standards. To do so incrementally through this suite of Plan Change risks unintended consequences within the architecture of the Plan outside a more fulsome review.
- 219) Ultimately, whilst it is agreed that wholesale amendments to implement the National Planning Standards would increase certainty and application of a Taupō District Plan, the decision to undertake such a reform lies with the Council as the territorial authority, or as compelled by Section 17 – the Implementation Standard of the National Planning Standards.
- 220) Accordingly, the submission from the WRC¹²⁵ is **recommended to be rejected**.
- 221) Lastly, the submission from Te Kotahitanga o Ngāti Tūwharetoa¹²⁶ seek that the new wording of the Natural and Built Environment (**NBEA**) and Spatial Planning (**SPA**) Acts are implemented when ratified.
- 222) At the time of writing, the Environment Select Committee reported to the House on the Natural and Built Environment Bill and the Spatial Planning Bill on the 27 June 2023. I understand that the NBEA and SPA have two readings at Parliament to be passed before Parliament rises at the end of August 2023.
- 223) Subject to the Bill passing into law, it is understood that there is a likely transition period between the RMA and NBEA / SPA that will likely last for some 10 years, including establishment of the National Planning Framework, Regional Spatial Strategy development and NBE Plan development.
- 224) As enacted legislation there will be requirements for the Taupō District Council to implement the statutory requirements associated with the NBEA and SPA (if passed into law). Accordingly, the **submission¹²⁷ is recommended to be accepted in part**, as there are no amendments relevant or necessary to PC40 and the final substance of the NBEA and SPA remains unknown.

¹²³ OS29.29

¹²⁴ PC40 – Section 32: Section 2.1.2

¹²⁵ OS29.29

¹²⁶ OS115.29

¹²⁷ OS115.29

4.6.2 Miscellaneous Matters – Other

225) There are three submissions that have been received that raise other matters.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS12.3	Laurel Burdett	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	Submitter opposes the second bridge. We need pleasant, safe, environmentally friendly, alternative walking or cycling routes to the town centre and schools.	Submitter seeks pleasant walking and cycling connections to the town centre, not a second bridge.
OS115.23	Te Kotahitanga o Ngāti Tūwharetoa	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	That the content and interpretation of the objectives, policies, rules and performance standards of Plan Changes 38-43 respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Amend Plan Changes 40 to respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.
OS115.17	Te Kotahitanga o Ngāti Tūwharetoa	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	That the objectives and policies of the strategic directions and Plan Changes 38 to 43 recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki as set out within Section 181 of the Settlement Act.	Amend PC40 to recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki.

226) The submission from Burdett¹²⁸ opposes the second bridge (across the Waikato River). Plan Change 40 does not have any influence over the Taupō District Council's commitment to a second bridge (Control Gate Bridge) which is a Long Term Plan (LTP) commitment with under the Council's Local Government Act 2002 functions. The submission is **recommended to be rejected**. However, it is noted that the Taupō District Council's LTP 2021-31 includes \$317,000 for cycle facilities 2021/2 through 2023/4, and ongoing funding for Pedestrian facilities¹²⁹ demonstrating a commitment to improve facilities across the district.

227) The submission from Te Kotahitanga o Ngāti Tūwharetoa¹³⁰ seeks the provisions respect and reflect a genuine understanding of the principles of Te Tiriti. Their submission also requests that PC40 the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki¹³¹.

228) I understand from the s42A Evidence of Mr Sapsford that Strategic Directions Objective 2.2.2.6 states:

6. *The principles of te Tiriti o Waitangi are taken into account through District Plan planning and decision making.*

229) Mr Sapsford has also recommended that Strategic Direction Policy 2.1.3.1(d) is amended as a consequence of the Te Kotahitanga o Ngāti Tūwharetoa¹³² submission to:

¹²⁸ OS12.3

¹²⁹ [Taupo District Council Long-term Plan 2021-31.pdf \(taupodc.govt.nz\)](#) [56]

¹³⁰ OS115.23

¹³¹ OS115.17

1. *Recognise and provide for the following matters in land use planning and decision making:*

d. *The vision, objectives, values and desired outcomes in Te Kaupapa Kaitiaki.*

- 230) In terms of the architecture of the District Plan, the rules are to implement the policies¹³³, the policies are to implement the objectives¹³⁴, and these provisions are to be assessed in terms of their efficiency and effectiveness as being the most appropriate in achieving the objectives¹³⁵.
- 231) I understand that Te Kaupapa Kaitiaki is the high-level plan for the Taupō catchment. The plan is prepared by Te Kōpu ā Kānapanapa, being the joint committee from Te Kotahitanga o Ngāti Tūwharetoa, Waikato Regional Council and Taupō District Council and established under the Ngāti Tūwharetoa Claims Settlement Act 2018. Te Kōpu ā Kānapanapa is focussed primarily on te taiao restoration, protection, and enhancement within the Taupō catchment, accordingly it difficult to consider how the specific provisions as amended by PC40 can be modified or amended to advance the outcomes sought in Te Kaupapa Kaitiaki.
- 232) I have considered the submission from Te Kotahitanga o Ngāti Tūwharetoa in full and find no details contained within the submission as to how the principles of Te Tiriti or Te Kaupapa Kaitiaki can be better, or more appropriately enshrined in the amended provisions of PC40.
- 233) **I recommend** that the submission seeking application of Te Kaupapa Kaitiaki within the provisions of PC40 **be rejected** as I understand that the matters associated with Te Kaupapa Kaitiaki are neither effectively nor efficiently enshrined in PC40.
- 234) In terms of enshrining the principles of Te Titiri into the amended provisions of PC40, as above I have noted that provisions are to implement the Objectives, and that Strategic Directions Objective 2.2.2.6 requires that the *'principles of te Tiriti o Waitangi are taken into account through District Plan planning and decision making'*.
- 235) However, it remains unclear as to what Te Kotahitanga o Ngāti Tūwharetoa would wish to see as specific or targeted amendments to PC40. They are invited to put these forward and these will be considered at the subsequent hearing in terms of the statutory framework and requirements pursuant to s32AA. In the interim, I have respectfully **recommended that the submission be rejected**, However, I note that there has now been embedded in the Strategic Directions section of the Taupō District Plan a very clear recognition of the cultural and historic relationship of Māori, and in particular Mana whenua, with the environment.

¹³² OS115.3 and OS115.15 Te Kotahitanga o Ngāti Tūwharetoa

¹³³ S75(1)(c)

¹³⁴ S75(1)(b)

¹³⁵ S32(1)(b)(ii)

4.7 Support

236) There is one submission (Molloy-Hargreaves¹³⁶) in complete support of all of PC40 as notified. As subject to the amendments considered above, and contained in Appendix B, that submission is recommended to be **accepted in part**.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS17.5	Jennifer Molloy-Hargreaves	Plan Change 40 - Taupō Town Centre Environment	Support	Submitter is fully supportive of Plan change 40.	Retain Plan Change 40 as notified.

5 Conclusion

237) For the reasons included throughout this report, I consider that the recommended minor amendments to the provisions as otherwise notified within PC40 will ensure that the provisions are the most appropriate way:

- a. to implement:
 - (i). the relevant Policies and achieve the Objectives; and
 - (ii). the outcomes sought by other relevant statutory documents; and
- b. provide the necessary platform for the efficient and effective administration of provisions.

Matt Bonis
10 July 2023

¹³⁶ OS17.5

Attachment A: TABLE OF SUBMISSION POINTS

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS9.3	New Zealand Defence Force	Plan Change 40 - Taupō Town Centre Environment > Policies	Seek amendment	The policy framework should enable TMTA and support the requested permitted activity rule	<p>The policy framework should enable TMTA and support the requested permitted activity rule.</p> <p>Submitter seeks the following amendment to Town Centre Environment Policy iii: a. enabling a diverse range of temporary activities, <u>including Temporary Military Training Activities</u>, given the nature and frequency of these activities and taking into account the amenity of the surrounding environment;...</p>	Reject	4.3.1
OS9.4	New Zealand Defence Force	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Oppose	TMTA are uniquely military in nature and therefore it is appropriate for District Plans to include specific TMTA provisions to address their effects.	<p>Submitter seeks the following amendment to 4g.3.2: 4g.2.3 <u>Any Temporary Military Training Activities are a permitted activity, provided that:</u></p> <p><u>1. The duration is limited to a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity.</u></p> <p><u>2. Compliance with the following noise standards [refer to Attachment B of this letter for complete noise standards] a. Weapons firing and/or the use of explosives</u></p>	Reject	4.3.1

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					<p><u>[...] b. Mobile noise sources</u> <u>[...] c. Fixed (stationary noise sources [...]) d. Helicopter landing areas [...]</u></p> <p>Alternatively, the following wording could be incorporated into the existing rule 4g.2.2: Any temporary activity, being an activity of up to a total of three four operational days in any one calendar year six-month period, or a <u>temporary military training activity up to 31 consecutive days</u>, which exceeds any performance standard(s), is a permitted activity, provided that:...</p>		
FS202.1 Sub# 9.4	Town Centre Taupō		Oppose	Oppose	Military training activities are inappropriate in the Taupō CBD environment.	Accept	4.3.1
OS38.3	Terry Palmer	Plan Change 40 - Taupō Town Centre Environment > Policies	Seek amendment	I feel it is inappropriate to increase the temporary activity rule over the district as a whole. I agree with changing the rule for town/public areas but not or private areas where people live, ie, residential, rural, rural lifestyle.	Amend this rule so that the increase only applies to the town centre environment [and perhaps industrial] and not residential, general rural, or rural lifestyle. For these private areas [residential, rural, or rural lifestyle] where people live, the current rule of 3 temporary activity days be reduced to two, one, or no temporary activity days.	Accept	4.3.1
OS79.5	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Support	This change provides more flexibility for temporary activities, although this does provide for a temporary activity to exceed any performance standard (including noise and odour, loading and access) for a period of 2.5 weeks.	Consider the linkage to noise, odour and loading/parking for the extended period now proposed.	Accept	4.3.1

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS55.4	Enterprise Great Lake Taupō trading as Amplify	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Support	Support the increase in temporary activity rule to help support the development and operation of events and functions which bring economic benefits to the Taupō district	Retain	Accept in part	4.3.2
OS61.7	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Support	Submitter supports this provision.	Retain.	Accept in part	4.3.2
OS86.1	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > Policies	Support	Towncentre Taupō (TCT) agrees that is important to allow temporary activities on the Tongariro Domain as these increase vibrancy in the Taupō town centre. TCT would not like to see activities that compete directly with shops, restaurants, cafes and services in the Taupō town centre. TCT would not like to see activations that require road closures, which are hugely disruptive to movement around town and negatively impact trade at town centre businesses.	Retain.	Accept in part	4.3.2
OS86.2	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > 4g.2 Land Use Rules	Support	TCT believes the changes will support activation of TDC managed spaces.	Retain.	Accept in part	4.3.2
OS12.1	Laurel Burdett	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Oppose	Submitter does not support the location of the increased building heights.	Submitter seeks the transport issues be resolved before any increases in building height.	Decline	4.4.3
OS12.2	Laurel Burdett	Plan Change 40 - Taupō Town Centre Environment >	Oppose	Submitter opposes proposed building heights due to parking issues, shading and building scale.	Delay changes in building heights until transport options have been sorted then allow increased height in the town centre in	Reject	4.4.3

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		Planning Maps			selected places, but this should be further back from the lake front and have adequate underground parking.		
FS202.2 Sub# 12.2	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Accept	4.4.3
OS46.4	Tukairangi Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.9 Maximum Building Height	Seek amendment	There needs to be stricter adherence to green building principles (construction) in any future building development in the towncentre. Reductions in concrete and steel use (unless certified as produced via 'green' processes), with a greater emphasis on new timber technology. This area should be showcasing the use of renewably grown construction timber.	There should be no increase in building heights. Increasing building heights will impact negatively on the character of Taupō. However because this will probably go ahead regardless , mitigation should be planting of tall trees to reduce the scale and harshness of taller buildings.	Reject	4.4.3
FS202.6 Sub# 46.4	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Accept	4.4.3
OS63.6	Debs Morrison	Plan Change 40 - Taupō Town Centre Environment > 4g.1.9 Maximum Building Height	Oppose	Submitter has concerns around loss of unique lake and mountain vistas, shadow casting and loss of aesthetics of our rural town environment.	Amend current proposal to "Maintain 3 storey maximum limit".	Reject	4.4.3
FS202.9 Sub# 63.6	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Reject	4.4.3
OS65.5	Richard Thompson	Plan Change 40 - Taupō Town	Oppose	Submitter has concerns around loss of unique lake and mountain	Amend current proposal to "Maintain 3 storey maximum	Reject	4.4.3

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		Centre Environment > 4g.1.9 Maximum Building Height		vistas, shadow casting and loss of aesthetics of our rural town environment.	limit".		
FS202.10 Sub# 65.5	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Reject	4.4.3
OS40.8	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Submitter seeks deletion 4g.1.10 (i) and (ii), as it is unclear and removes ability of genuinely affected parties from being part of the consent process.	Delete 4g.1.10 (i) and (ii). 4g.1.10 Taupō Town Centre Environment Height Overlay i. Any building, or part of any building, located within the Taupō Town Centre Environment Height Overlays in the planning maps that exceeds a total height of (3) floors above ground level. ii. Any application arising from this rule shall not be limited or publicly notified.	Reject	4.4.5
FS202.4 Sub 40.8	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre. As such applications will be assessed against urban design principles and the merits of the surrounding environment, we do not believe public notification is required.	Accept	4.4.5
OS40.9	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment	Seek amendment	Submitter seeks amendment of the proposed the non-notification clause for height increase in accordance with the Taupō Town Centre Environment Height Overlays under 4g.1.10(ii) as it is not appropriate to allow	Amend the proposed the non-notification clause for height increase in accordance with the Taupō Town Centre Environment Height Overlays under 4g.1.10(ii).	Reject	4.4.5

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		Height Overlay		genuinely affected parties to not be party to the consent process.			
FS202.5 Sub 40.9	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre. As such applications will be assessed against urban design principles and the merits of the surrounding environment, we do not believe public notification is required.	Accept	4.4.5
OS61.4	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Amend wording to simplify.	Any building within the Taupō Town Centre Environment Height Overlays should be able to develop up to the maximum height specified by the overlay, regardless of the number of floors. Having more than 3 floors but not exceeding the height limit specified by the overlay should not trigger need for resource consent.	Reject	4.4.4
FS202.8 Sub 61.4	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre. As such applications will be assessed against urban design principles and the merits of the surrounding environment, we do not believe a resource consent is required.	Accept (Although reference 4.4.7)	4.4.4
OS101.5	Jane Penton LWAG	Plan Change 40 - Taupō Town Centre Environment > 3s Taupō Town Centre	Seek amendment	Taupō is traditionally a low-rise urban landscape which is valued, we believe, by both residents and visitors. We are concerned with the adverse amenity effects of 4-story buildings on the	LWAG ask that any multi-story buildings be limited to a zone at least two blocks back from the road/lakefront in the Taupō Town Centre. LWAG also seeks inclusion performance standard	Reject	4.4.6

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		Environment		lakeshore and their visual impact in the newly upgraded lakefront area (Robert St/Lake Tce). Also, the visual amenity from the Lake itself will be adversely affected by this development	for the provision for secure multi-use active transport parking (Ebikes, bikes, scooters etc), provisions for tree planting/vegetation, and the encouragement of incorporating vertical gardens/rooftop gardens and provision for all new builds to incorporate rainwater harvesting systems designs.		
OS79.2	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Part i of this rule doesn't say anything. In conjunction with Rule 4g.1.9 is this saying that the height limit is now 3 storeys up to 16m. Why does it matter how many storeys if there is a 16m or 12m height limit.	Combine Rules 4g.1.9 and 4g.1.10 as follows 4g.1.9 Maximum Building Height The maximum height of any building shall be as follows: i. Total Maximum height of three (3) floors above ground level. except where provided by (ii) below: ii. The maximum height of any building shall be in accordance with the Taupō Town Centre Environment Height Overlays in the planning maps. 4g.1.10 Taupō Town Centre Environment Height Overlay i. Any building, or part of any building, located within the Taupō Town Centre Environment Height Overlays in the planning maps that exceeds a total height of (3) floors above ground level. iii. Any application arising from this rule shall not be limited or publicly notified	Reject	4.4.44.4.6
OS79.6	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.4 Assessment Criteria	Seek amendment	The assessment criteria are suitable. in light of submission point on Rules 4g.1.9 & 4g.1.10 a slight amendment is proposed	Amend: NOTE: These matters are applicable to a breach of Rule 4g.1.10 4g.1.9	Reject	4.4.4
OS20.1	Byrne Family	Plan Change 40 -	Seek	All building owners within the	Submitter seeks an amendment	Accept in part	4.4.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
	Investments Ltd	Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	amendment	Taupō town centre should have the opportunity to build higher.	to the allow the higher building height for the whole of the Taupō town centre.		
FS202.3 Sub 20.1	Town Centre Taupō		Support	Support	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Accept in part	4.4.7
OS86.3	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Seek amendment	Towncentre Taupō does not agree with the Height Overlays in the planning map	More opportunity for higher buildings across the whole of the CBD, not just the areas indicated on the map. This would allow for a staggered approach across town rather than a row of high buildings just on Tūwharetoa Street. This would also encourage investment in areas that would be disadvantaged by the current height overlay restriction.	Accept in part	4.4.7
OS86.4	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Towncentre Taupō does not agree with the Height Overlays in the planning map	More opportunity for higher buildings across the whole of the CBD, not just the areas indicated on the map. This would allow for a staggered approach across town rather than a row of high buildings just on Tūwharetoa Street. This would also encourage investment in areas that would be disadvantaged by the current height overlay restriction.	Accept in part	4.4.7
OS86.7	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Seek amendment	TCT seeks an expansion of the height overlay to encourage investment in areas that would be disadvantaged by the current height overlay restrictions. Also seeks some amendments to	Towncentre Taupō would like to see the following amendments made to Height Overlay on the planning map. 1. More opportunity for higher buildings across the whole of	Accept in part	4.4.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				encourage a range of building heights.	<p>the CBD, not just the areas indicated on the map. This would allow for a staggered approach across town rather than a row of high buildings just on Tūwharetoa Street.</p> <p>2. Maximum height of 6 stories, rather than a height measurement, across the entire CBD. This would allow for buildings of different heights in the same street.</p> <p>3. Buildings over 4 stories high should be subject to urban design assessment criteria to make sure there is a variation in the design of the buildings and rooflines, avoiding a flat boxy roofline.</p>		
OS86.8	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > Section 32	Seek amendment	TCT seeks the height overlay cover the entire CBD to encourage investment in areas that would be disadvantaged by the current height overlay restrictions. Also seeks some changes to promote buildings of different heights.	<p>Towncentre Taupō would like to see the following amendments made to Height Overlay on the planning map.</p> <p>1. More opportunity for higher buildings across the whole of the CBD, not just the areas indicated on the map. This would allow for a staggered approach across town rather than a row of high buildings just on Tūwharetoa Street.</p> <p>2. Maximum height of 6 stories, rather than a height measurement, across the entire CBD. This would allow for buildings of different heights in the same street.</p> <p>3. Buildings over 4 stories high should be subject to urban design assessment criteria to make sure there is a variation in the design of the buildings and rooflines, avoiding a flat boxy</p>	Accept in part	4.4.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					roofline.		
OS104.11	Kainga Ora	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Seek amendment	The submitter opposes a height limit of three floors within some parts of the Taupō Town Centre Environment. This limits the intensification potential that will be required within the town centre to provide greater housing choices and typology and additional commercial space to address the growing population of Taupō. The sites bordering the Waikato River should also be excluded from the proposed height limit increase due to the nature of the site being a public outdoor living space. Also sought that height is stipulated in metres rather than storeys to remove ambiguity from the rule.	Amend the planning maps as follows: <ul style="list-style-type: none"> 18m height overlay –covering the 6 blocks between Tongariro Street, Paora Hapi Street, Roberts Street and Ruapehu Street, but excluding the lakeside half of the southern most block (fronting onto Roberts Street). 15m overlay – Covers all remaining Taupō Town Centre Environments but excludes Riverside Park, Tongariro Domain and the Marina area. Please view full submission bundle for map.	Accept in part	4.4.7
FS202.11 Sub 104.11	Town Centre Taupō		Support	Support	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Accept in part	4.4.7
OS104.12	Kainga Ora	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	The submitter opposes a height limit of three floors within some parts of the Taupō Town Centre Environment. This limits the intensification potential that will be required within the town centre to provide greater housing choices and typology and additional commercial space to address the growing population of Taupō. The sites bordering the Waikato River should be excluded from the proposed height limit increase due to the site being a public outdoor living space. The height	The submitters seeks the following amendments: <ol style="list-style-type: none"> 1. Amend the planning maps as shown within Appendix 2. 2. Accept the spatial height change sought in the submission into the Plan. 3. Undertake any consequential changes necessary across the District Plan to address and give effect to this submission. 	Accept in part	4.4.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				should be stipulated in metres rather than storeys to remove ambiguity from the rule.			
FS202.12 Sub 104.12	Town Centre Taupō		Support	Support	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Accept in part	4.4.7
OS40.6	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	The submitter supports the Pedestrian Precinct Height Overlay of 18m as it applies to 11 Tūwharetoa Street.	Support the Pedestrian Precinct Height Overlay of 18m as it applies to 11 Tūwharetoa Street, Taupō	Accept in part	4.4.7
OS40.7	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.9 Maximum Building Height	Support	Submitter supports the provision for additional height in accordance with the Taupō Town Centre Environment Height Overlays, particularly as it relates to 11 Tūwharetoa Street, Taupō.	Support the provision for additional height in accordance with the Taupō Town Centre Environment Height Overlays, particularly as it relates to 11 Tūwharetoa Street, Taupō.	Accept in part	4.4.7
OS55.2	Enterprise Great Lake Taupō trading as Amplify	Plan Change 40 - Taupō Town Centre Environment > 4g.1.9 Maximum Building Height	Support	Support the proposal to increase the maximum height permitted in the Taupō district to 12-18 meters in some parts of the town centre.	Retain	Accept in part	4.4.7
FS202.7 Sub 55.2	Town Centre Taupō		Support	Support	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Accept in part	4.4.7
OS61.1	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	Submitter supports the provision.	Retain	Accept in part	4.4.7
OS61.3	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment >	Support	The increase in building height will encourage intensification and diversification of landuse within the Town Centre.	Retain	Accept in part	4.4.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		4g.1.9 Maximum Building Height					
OS61.8	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	Submitter supports the provision.	Retain.	Accept in part	4.4.7
OS86.6	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > 4g.4 Assessment Criteria	Support	Towncentre Taupō supports the change with the understanding that urban design principals are applied in these situations and not brushed over.	Retain.	Accept in part	4.4.7
OS40.3	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	The submitter supports the identification of the service lanes, located to the south and west of 11 Tūwharetoa Street and recognises that verandas should not be required on these building frontages.	Support the identification of the laneway/service lane, located to the South and West of 11 Tūwharetoa Street, Taupō on the Taupō District Council Planning Maps	Accept	4.5
OS40.4	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	The submitter supports the identification of the service lanes, located to the south and east of 85 Tūwharetoa Street and recognises that verandas should not be required on these building frontages.	Support the identification of the laneway/service lane, located to the South and East of 85 Tūwharetoa Street, Taupō on the Taupō District Council Planning Maps	Accept	4.5
OS40.5	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > Planning Maps	Support	The submitter supports the identification of the service lanes, located to the south and west of 81 Tūwharetoa Street and recognises that verandas should not be required on these building frontages.	Support the identification of the laneway/service lane, located to the South and West of 81 Tūwharetoa Street, Taupō on the Taupō District Council Planning Maps.	Accept	4.5
OS40.10	Tūwharetoa Settlement	Plan Change 40 - Taupō Town	Support	The submitter supports the intent of the change to focus	Support the requirement to not require veranda's to be	Accept	4.5

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
	Trust	Centre Environment > 4g.1.12 Verandas		pedestrian frontages and shop fronts along roads and not the working areas of buildings such as service lanes which has the potential to obstruct access	added on the frontage of buildings adjacent to service lanes.		
OS40.11	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	Tūwharetoa Settlement Trust supports the intent of the change to focus pedestrian frontages and shop fronts along roads and not the working areas of buildings such as service lanes which has the potential to obstruct access through these service lanes and presents additional cost to building owners.	Retain.	Accept	4.5
OS55.3	Enterprise Great Lake Taupō trading as Amplify	Plan Change 40 - Taupō Town Centre Environment > 4g.1.12 Verandas	Support	Support the clarification that 'service lanes' are not subject to requirements for veranda provisioning but the pedestrian frontages and pedestrian laneways system are subject to the veranda requirements.	Retain	Accept	4.5
OS61.5	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > 4g.1.12 Verandas	Support	Submitter supports provision	Retain	Accept	4.5
OS61.6	McKenzie & Co	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	Submitter supports this provision.	Retain.	Accept	4.5
OS79.3	Cheal	Plan Change 40	Support	Removing rules for	Retain.	Accept	4.5

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
	Consultants	- Taupō Town Centre Environment > 4g.1.12 Verandas		verandahs on service lanes makes sense.			
OS79.4	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	Removing rules for verandahs on service lanes makes sense.	Retain.	Accept	4.5
OS86.5	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	TCT supports the removal of the verandah requirement.	Retain.	Accept	4.5
OS29.23	Waikato Regional Council	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	Change 1 to the WRPS has been notified and so is a 'proposed policy statement'. District Councils are required, when preparing a change to the district plan, to have regard to the WRPS under section 74(2)(a)(i) of the RMA	General - Give regard to Change 1 to the WRPS as a 'proposed policy statement' in the proposed plan changes.	Reject	4.6.1
OS29.29	Waikato Regional Council	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	WRC considers that PPPC38-43 should follow the new plan format provided with the National Planning Standards.	Update PPC40 to the new plan format provided with the National Planning Standards 2019	Reject	4.6.1
OS115.29	Te Kotahitanga o Ngati Tūwharetoa	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	That TDC ensure that the content and interpretation of the objectives and policies of Plan Change 38-43 reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.	Amend Plan Change 40 to reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.	Reject	4.6.1
OS12.3	Laurel Burdett	Plan Change 40 - Taupō Town Centre	Seek amendment	Submitter opposes the second bridge. We need pleasant, safe, environmentally friendly,	Submitter seeks pleasant walking and cycling connections to the town centre, not a second	Reject	0

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		Environment		alternative walking or cycling routes to the town centre and schools.	bridge.		
OS115.23	Te Kotahitanga o Ngati Tūwharetoa	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	That the content and interpretation of the objectives, policies, rules and performance standards of Plan Changes 38-43 respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Amend Plan Changes 40 to respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Reject	0
OS115.17	Te Kotahitanga o Ngati Tūwharetoa	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	That the objectives and policies of the strategic directions and Plan Changes 38 to 43 recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki as set out within Section 181 of the Settlement Act.	Amend PC40 to recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki.	Reject	0

Attachment B: RECOMMENDED AMENDMENTS

In the Plan Change as notified **new text to be inserted is underlined, bold and red** and ~~text to be deleted has strike through~~. Text that has been moved, but not amended is green and underlined twice.

Text amended as a consequence of recommendations to submissions is either **bold and purple** where inserted, or ~~purple with a strike through~~ where deleted.

Only those parts of each section that are being varied are included in this document.

The complete Taupō District Plan is on the Council website at www.Taupō.govt.nz

3s TAUPŌ TOWN CENTRE ENVIRONMENT

3s.1 Introduction

....

OBJECTIVE

3s.2.2

.....

EXPLANATION

The Taupō town centre has established over time in compliance ...

Threats to the Town Centre Environment include structures of an inappropriate scale. Building envelopes will ensure that the intensity of activity within these Environments can increase while retaining the existing visual character of the area. Part of the character is the relatively low rise development that prevails, consisting mainly of one or two story buildings. At the time of preparing the TUCISP, general feedback from the community supported the retention of this scale of development. There is a three floor maximum height limit for buildings, except for that area in the Town Centre Environment – Pedestrian Precinct closer to the lakefront¹³⁷, which provides for a considerable increase in floor space, while maintaining a scale of development consistent with the existing character.

....

While the permitted height limit for buildings within the Town Centre Environment is three storeys, except for that block between Tongariro Street, Te Heuheu Street, Roberts Street and fronting Ruapehu Street where heights of 12m and 18m are anticipated to reinforce and connect the town centre with the lakefront¹³⁸, there may be circumstances where a particular development such as a hotel, seeks resource consent to exceed this height. On an appropriate site, this may create the opportunity for a land mark building, without necessarily detracting from the scale and character of the remaining town centre. As part of the consideration of such a development through the resource consent process, assessment of desired urban design outcomes would be expected.

...

¹³⁷ OS104.12, or alternative under cl16(2)

¹³⁸ OS104.12, or alternative under cl16(2)

4g.2 Land Use Rules

...

- 4g.2.2¹³⁹ Any temporary activity, being an activity of up to a total of ~~three~~ ~~four~~ ~~eight~~ operational days in any ~~one calendar year~~ ~~one calendar year~~ ~~six month period~~, 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 re-instated to its condition prior to the activity commencing; and
 - iii. An allowance of ~~five~~ ~~14~~ ~~28~~ non-operational days ~~in any one calendar year~~ ~~six month period~~ 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. For the purposes of this Rule, Temporary Activities means activities (and ancillary buildings and structures) that are intended to have a limited duration and incidence (one-off, infrequent, transitional or with a defined end date, as opposed to regular and ongoing), and are not a part of a permanent activity that occurs on a site.
 - v. The noise level arising from any Temporary Activity (excluding non-operational days) measured within the boundary of any property in the Residential Environment, shall not exceed the frequency of occurrence or noise limits shown in Table 4g.2.2.
 - vi. Noise shall be measured in accordance with NZS6801:2008 assessed in accordance with NZS6802:2008. The provisions in NZS6802:2008 sections 6.3 and 6.4 shall not apply when assessing sound from Temporary Activities against the noise limits in Table 4g.2.2.

Table 4g.2.2: Temporary Activities - Noise, Duration and Frequency criteria

<u>Maximum number of events</u>	<u>Time Limit</u>	<u>Noise Limits</u>		<u>Notes</u>
<u>1</u>	<u>Seven hours between 10am and 10:30pm</u>	<u>80dB LAeq(5 minutes); and</u> <u>95dB LAeq(5minutes) at 63Hz; and</u> <u>85dB LAeq(5 minutes) at 125Hz</u>	<u>85dB LAFmax</u>	<u>Excludes fireworks.</u> <u>Excludes sound system testing providing it occurs for no more than 2 hours and between</u>
<u>3</u>	<u>4.5 hours between 10am and 10:30pm</u>	<u>80dB LAeq(5 minutes); and</u> <u>95dB LAeq(5minutes) at 63Hz; and</u> <u>85dB LAeq(5 minutes) at 125Hz</u>	<u>85dB LAFmax</u>	<u>the hours of 10am and 6pm</u>
<u>1 – New Years Eve</u>	<u>Seven hours between 10am and 12:30am</u>	<u>65dB LAeq</u>	<u>85dB LAFmax</u>	
<u>Remainder</u>		<u>60dB LAeq</u>	<u>85dB LAFmax</u>	

¹³⁹ Palmer OS38.3 and Cheal OS79.5.

Planning Maps

[Insert Taupō Town Centre Environment Height Overlay into the Planning Maps¹⁴⁰:]



¹⁴⁰ KO OS104.11 and Town Centre Taupo Board OS86.8

Attachment C: EVIDENCE IN CHIEF – TIM HEATH: ECONOMICS

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management
Act 1991 ("**the Act**")

AND

IN THE MATTER of Plan Change 40 ("**PC40**") -
Taupō Town Centre, under the
Taupō District Plan

**STATEMENT OF EVIDENCE OF TIM HEATH ON BEHALF OF THE TAUPŌ
DISTRICT COUNCIL**

ECONOMICS

3 July 2023

1. INTRODUCTION

1.1 My name is Timothy James Heath.

1.2 I am a property consultant, market analyst and urban demographer for Property Economics Limited, based in Auckland. I established the consultancy in 2003 to provide property development and land use planning research services to both the private and public sectors throughout New Zealand.

1.3 I hold a Bachelor of Arts (Geography) and a Bachelor of Planning both from the University of Auckland. I have undertaken property research work for 25 years, and regularly appear before Council, Environment Court, and Board of Inquiry hearings on economic and property development matters.

1.4 I advise district and regional councils throughout New Zealand in relation to industrial, residential, retail and business land use issues as well undertaking economic research for strategic planning, plan changes, District Plan development and National Policy Statement on Urban Development 2020 (“**NPS-UD**”), National Policy Statement on Highly Productive Land 2022 (“**NPS-HPL**”), and Medium Density Residential Standards 2022 (“**MDRS**”) capacity implementation.

1.5 I also provide consultancy services to a number of private sector clients in respect of a wide range of property issues, including residential capacity assessments, retail, industrial, and commercial market assessments, development feasibilities, forecasting market growth and land requirements across all property sectors, and economic cost benefit analysis.

1.6 I am authorised by Taupō District Council (“**Council**”) to give this statement of evidence. The purpose of this evidence is to summarise the key findings from my economic evaluation of Plan Change 40 – Taupō Town Centre (“**PC40**”)¹ and respond to higher level issues raised in relevant submissions to assist the Commissioner(s).

1.7 I have read the Code of Conduct for Expert Witnesses (“**Code**”) outlined in the Environment Court's Consolidated Practice Note 2023 and confirm that I will

¹ *Taupō Town Centre Height Cost Benefit Economic Assessment, June 2022.*

comply with it in preparing my evidence. I confirm that the issues I will address are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I will not omit to consider material facts known to me that might alter or detract from my opinions.

2. SCOPE OF EVIDENCE

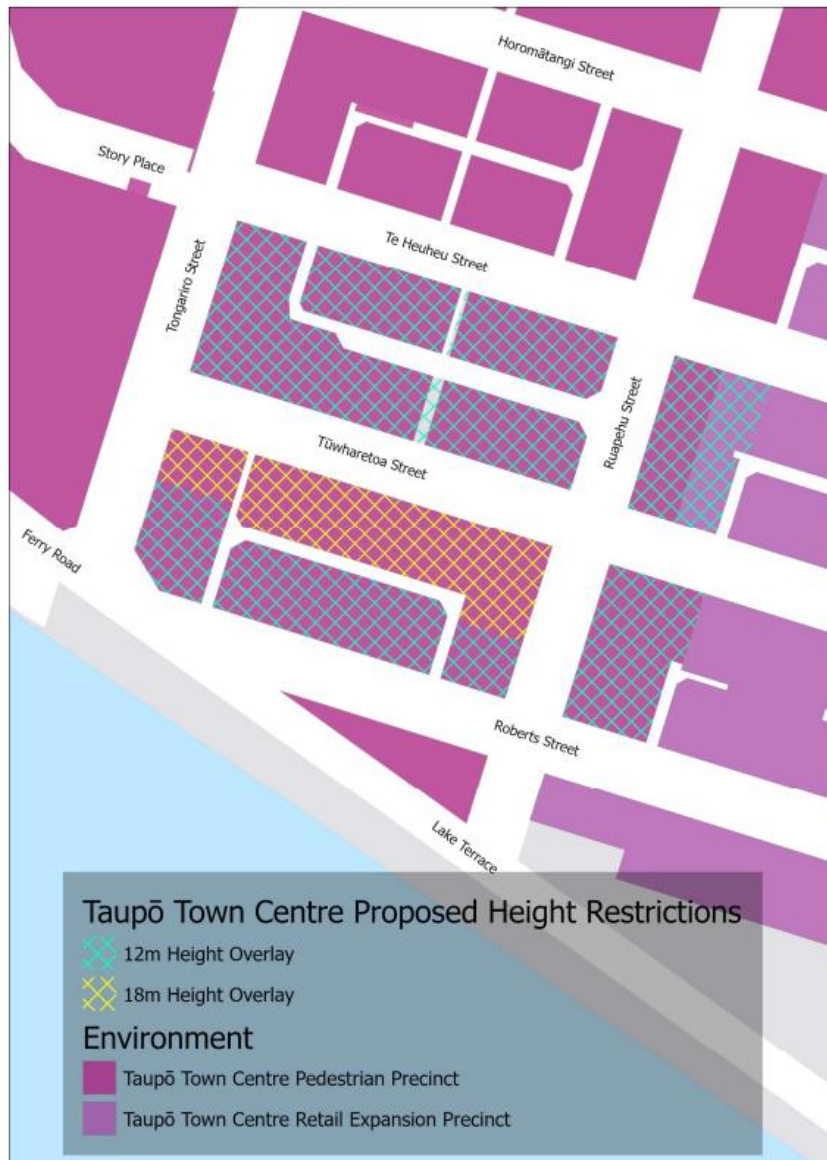
- 2.1** I was engaged by the Council to assess the appropriateness of PC40 and provide the requisite economic analysis to identify the economic costs and benefits of increasing the building height in a defined area of the Taupō Town Centre as proposed by PC40.

3. PC40 OVERVIEW

- 3.1** PC40 as notified seeks to insert amendments to the Operative Taupō District Plan (“**District Plan**”) to “*provide for increased building height limits as associated with Height Limit Overlays for that part of the Taupō Town Centre Pedestrian Precinct associated with the block between Roberts Street, Tongariro Street, Te Heuheu Street and fronting Ruapehu Street*”.
- 3.2** PC40 reinforces Objectives 3s.2.1 of the District Plan to strengthen the role and function of the Taupō Town Centre Environment, and 3s.2.1(i) to consolidate retail and office activity within the Taupō Town Centre Environment. PC40 also supports 3s.2.1(i)(a)-(c) in relation to ensuring efficiencies in infrastructure and transportation, supporting walkability and encouraging redevelopment of the town centre. PC40 further supports Objective 3s.2.1(ii) which encourages residential and accommodation activities within the Taupō Town Centre Environment.
- 3.3** PC40 also satisfies the National Policy Statement on Urban Development 2022 policy 5(b) which relates to enabling heights and density of urban form commensurate with relative demand for housing and business use in that location.
- 3.4** Specifically, the proposed maximum height changes, from three storeys (status quo), to either 12m or 18m in height as shown on the Taupō Town Centre Environment - Pedestrian Precinct Height Overlays in the Planning Maps (refer to Figure 1 following). PC40 seeks to:

- encourage greater development capacity for activities such as residential apartments, short stay accommodation and offices, above retail activities (which are typically at grade);
- as well as promote a compact commercial form fronting Lake Taupō.

FIGURE 1: PROPOSED TAUPŌ TOWN CENTRE ENVIRONMENT HEIGHT RESTRICTIONS



Source: Taupō District Council

4. ECONOMIC ASSESSMENT SUMMARY

4.1 My economic assessment identified a range of economic benefits and costs associated with PC40 within the Pedestrian Precinct. Some of the primary economic benefits include:

- Catalysing development
- Increased impetus for higher (re)development
- Consolidation of high-density residential activity
- Potential for enhanced housing affordability
- Increased employment opportunities
- More efficient land use
- More flexibility for land users and building tenants
- More efficient infrastructure use
- Increased internalisation of spend and activity within the town centre
- Enhanced profile as a commercial hub
- Greater market certainty
- Improved centre amenity
- Increased competitiveness
- Higher level of specialisation and productivity
- Potential to safeguard productive land / green space

4.2 PC40 could also generate some potential economic costs. These include:

- Change in built form and character of the Taupō Town Centre Environment
- Disruption of views from certain points
- Increased congestion or generation of disbenefits associated with density
- Potential for inappropriate building development
- Potential for property price fluctuations in adjacent areas

4.3 Having undertaken the high-level economic cost and benefit analysis, I consider the potential economic benefits associated with PC40 are likely to significantly outweigh potential economic costs.

5. RESPONSE TO SUBMISSIONS

- 5.1** There are three submitters² related to economic matters that sought increased opportunity for higher buildings across more extensive areas of the Taupō Town Centre Environment. The reasoning for this was:
- to encourage investment in areas outside PC40;
 - to allow for a staggered approach to heights across the town centre rather than just a row of high buildings on one side of Tūwharetoa Street; and
 - that a height limit of three stories in the town centre limits intensification potential.
- 5.2** Addressing these reasons individually. PC40 has no consequential impact on the (re)investment opportunity, or encouragement of investment, in other areas of the Taupō Town Centre Environment as there is no change to their existing District Plan provisions.
- 5.3** In terms of allowing for a staggered approach to heights across the Taupō Town Centre Environment, I consider PC40 achieves that. There is an area for 18m development (the high point of urban form), 12m development potential in the balance of the surrounding blocks, and 3 stories in the balance of the Taupō Town Centre Environment. This represents a staggered approach with a consolidated area of high built form as sought in Objective 3s.2.1(i) of the District Plan.
- 5.4** The 12m height, in my view provides slightly more development scope than three stories (and hence reinvestment potential), but in reality the outcomes are likely to be broadly similar in terms of potential building height and bulk form, i.e., a three story building, albeit with a greater loft height potential at grade, or opportunities for mezzanine.
- 5.5** PC40 as notified provided for a row of high(er) buildings on the southern side of Tūwharetoa Street – in part recognising approved but not yet established resource consent(s) and the height of existing hostel accommodation on the corner of Tūwharetoa Street and Tongariro Street. In light of the submissions, this is one aspect worthy of more consideration. Economically there are likely to be minimal costs associated with providing additional development and intensification potential for 18m buildings on the northern side of Tūwharetoa

² OS20 Byrne Family Investments Limited, OS86 Town Centre Taupō Board and OS104 Kāinga Ora.

Street. This would in effect double the 18m development potential relative to PC40 as notified.

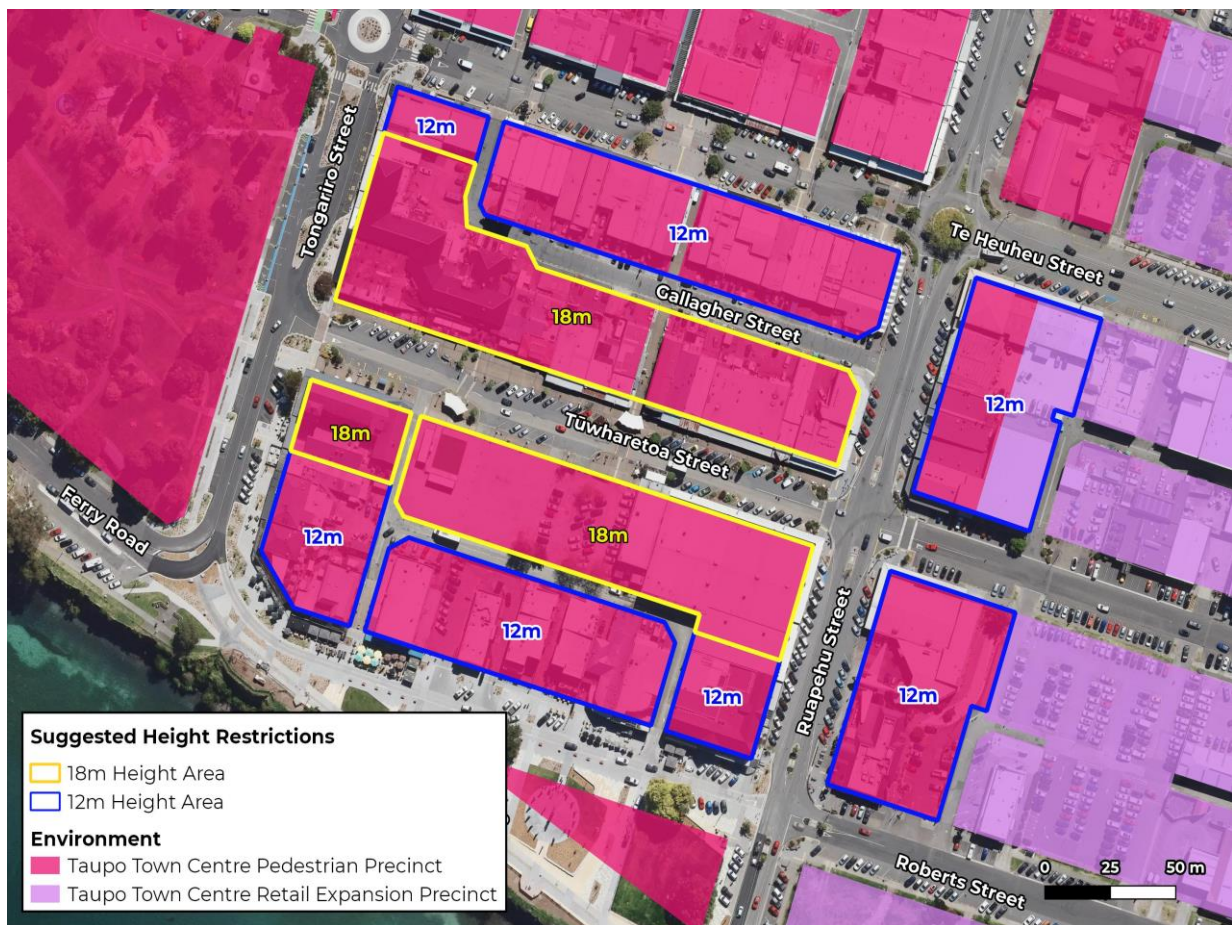
- 5.6** Importantly, the objectives of the plan change and the District Plan would remain reinforced as higher development potential on both sides of Tūwharetoa Street still provides a consolidated area (for higher density buildings), strengthens the role and function of the Taupō Town Centre Environment, improves infrastructure efficiencies of higher density development being consolidated to the street frontages on both sides of Tūwharetoa Street and encourages redevelopment of residential and accommodation activities in walkable proximity to the significant public investment (\$20.6m) upgrades on the waterfront. It also addresses submitter concerns around increasing intensification potential with no material economic costs.
- 5.7** Encouraging higher density development around the waterfront area improves the marginal benefits of the recent \$20.6m public investment, and vitality and amenity of the area for the community.
- 5.8** The fundamental cost associated with submissions seeking an 18m building height enabled across the entire Taupō Town Centre Environment is that high-density development could well be dispersed as there is not sufficient demand in the market to sustain a large number of 18m buildings. I have assessed additional commercial (office) demand over the next 30 years in the Taupō Town Centre Environment at around 13,600sqm GFA³. The increased height provision, above the current three storey envelope, across both sides of Tūwharetoa Street would add around 22,000sqm GFA. This is more than sufficient to accommodate anticipated commercial office demand.
- 5.9** The Taupō Town Centre Environment Pedestrian Precinct encompasses around 29ha of developable land (i.e., excluding roads). An 18m height across such an extensive area, in a Taupō context, would disperse rather than consolidate such activity and dilute the efficiencies generated by the consolidated approach of PC40. It would also potentially deliver high-density buildings more distant from the public waterfront investment.

³ *Taupō Proposed District Plan Review Economic Assessment, Property Economics, September 2021, Table 18.*

5.10 Given my economic analysis and the submissions received, I agree with PC40 as notified with one amendment. That is, I also consider it appropriate to increase the building height on the northern side of Tūwharetoa Street. This is my view more appropriately balances the objectives of PC40 and District Plan with some of the concerns raised by the submitters at no consequential economic cost.

5.11 As such I support a revised position as set out in the figure following.

FIGURE 2: REVISED TOWN CENTRE HEIGHT RESTRICTION POSITION



Source: Property Economics

Tim Heath

3 July 2023

Attachment D: EVIDENCE IN CHIEF – DAVID COMPTON-MOEN: URBAN DESIGN

BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change 40:
Taupō Town Centre Environment

Application By: Taupō District Council

Urban Design Evidence on Proposed Height Changes in the Town Centre
Taupō Town Centre Environment

Dave Compton-Moen

Dated: 10 July 2023



Taupō District Plan
CHANGES - BUNDLE ONE

Evidence of Dave Compton-Moen regarding Plan Change 40 Taupō Town Centre

INTRODUCTION

1. My full name is David John Compton-Moen.
2. I am a Director at DCM Urban Design Limited, a Landscape and Urban Design consultancy based in Christchurch and established in 2016.
3. I hold the qualifications of a Master of Urban Design (hons) from the University of Auckland, a Bachelor of Landscape Architecture (Hons) and a Bachelor of Resource Studies (Planning and Economics), both obtained from Lincoln University. I am a Registered Landscape Architect of the New Zealand Institute of Landscape Architects ('NZILA'), since 2001, a Full member of the New Zealand Planning Institute, since 2007, and a member of the Urban Design Forum since 2012.
4. I have worked in the landscape assessment and design, urban design, and planning fields for approximately 25 years, here in New Zealand and in Hong Kong. During this time, I have worked for both local authorities and private consultancies, providing expert evidence for urban design, landscape and visual impact assessments on a wide range of major infrastructure and development proposals, including the following relevant projects:
 - a. 2021 – *Waimakariri District Council*, Urban Design evidence associated with Private Plan Change 30 – Ravenswood Key Activity Centre (KAC) which sought to rezone to commercial, residentially zoned land;
 - b. 2020-21 – *Mike Greer Homes*, master planning, urban design and landscape design for the following Medium Density Residential and Mixed Use Developments;
 - i. Madras Square – a mixed use development on the previously known 'Breathe' site (+90 homes);
 - ii. 476 Madras Street – a 98-unit residential development on the old Orion Site;
 - iii. 258 Armagh Street – a 33-unit residential development in the inner city;
 - iv. 33 Harewood Road – a 31-unit development adjacent to St James Park in Papanui;

- c. 2020-21 – *Waimakariri District Council*, development of four structure plans for future urban growth in Rangiora and Kaiapoi which have been incorporated into the District Plan;
- d. 2020-21 – Working for several different consortiums, I have provided urban design and landscape advice for the following recent private plan changes in the Selwyn District:
 - i. Wilfield, West Melton (PC59 and PC 67);
 - ii. Lincoln South, Lincoln (PC69);
 - iii. Trents Road, Prebbleton (PC68);
 - iv. Birchs Village, Prebbleton (PC79);
 - v. Extension to Falcons Landing, Rolleston (PC75); and
 - vi. Rolleston Southeast (PC78).
- e. Acland Park Subdivision, Rolleston – master planning and landscape design for a 1,000-lot development in Rolleston (2017-current). I am currently working with the owner to establish a new neighbourhood centre in the development. The HAASHA development was originally 888 households before we redesigned the development to increase its density to ~14.5hh/ha;
- f. Graphic material for the Selwyn Area Maps (2016);
- g. Stage 3 Proposed District Plan Design Guides – Residential (High, Medium and Lower Density and Business Mixed Use Zones) for Queenstown Lakes District (2018-2020); and
- h. *Hutt City Council*, urban design evidence for Plan Change 43. The Plan Change proposed two new zones including a Suburban Mixed-use and Medium Density Residential as well as providing the ability for Comprehensive Residential Developments on lots larger than 2,000m² (2017-2019). The Medium Density Design Guide was a New Zealand Planning Institute Award winner in 2020.

CODE OF CONDUCT

- 5. Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

6. The following evidence is in regard to the proposal under Plan Change 40 to increase the maximum building heights in Taupō town centre to 12m and 18m depending on their location within the centre and as associated with the notified Height Overlay. The extent of the area affected by the height increases is shown in the Section 42a report. I was involved in the preparation of shade diagrams in mid-2022 to analyse potential shade and visual dominance issues resulting from increased height limits.
7. I have read the submissions received on Plan Change 40 with the following main areas of contention, which relate to urban design issues, being:
 - a. The appropriateness of the 12m and 18m overlays
 - b. Urban Design Performance Standards for Restricted Discretionary Activities (4g.1.10 -Taupō Town Centre Environment Height Overlay)
 - c. The spatial extent of the increased height limits

SUMMARY OF EVIDENCE

8. In summary, I consider that the proposed increase in height limits within the block defined by Robert, Tangariro, Te Heuheu Streets and frontage to Ruapehu Street is a balanced approach which considers the existing character of the Town Centre while allowing for consolidated growth for the following reasons:
 - a. The 12m and 18m overlays provide for additional development without creating inappropriate adverse shading or visual dominance effects. The increase in height provision will not have an adverse impact on the existing low-rise character of Taupō, especially when compared against the permitted baseline established by the current three-storey height limitation which exists under the Operative District Plan.
 - b. The proposed Urban Design controls under 4g.1.10 allows for a degree of control to ensure buildings retain a 'human scale' character and feel without adversely constricting future developments. The proposed assessment matters outlined in Rule 4g.4.13 are relatively limited and easy to measure/achieve to maintain a high level of certainty for developers. I do not consider the Rule to be inappropriate.
 - c. The scale and extent of the building heights overlay reflects the likely growth of the town centre to ensure that higher buildings are consolidated within the overlay area as opposed to be spread out over a wider area of the Taupō Town Centre Environment (zone). From an urban design perspective this is considered a positive design measure with the following benefits:
 - a. Increased density and efficient land use.

- b. Encouraging consolidated mixed-use development.
- c. Enabling the creation of landmarks and improving legibility while recognising existing character.
- d. Minimising shading and visual dominance effects.
- e. A balanced built form and human scale.

THE APPROPRIATENESS OF THE 12M AND 18M OVERLAYS

9. The current built character of the wider Taupō town centre is characterised by one and two-storey buildings with expansive areas of surface carparking but there are some recent developments of higher-storey buildings. The current low-rise character provides sunlight into public spaces as well as views through to the lake and mountains but tends to lack a high level of legibility or a sense of scale.
10. For the block defined by Tangariro, Te Heuheu Streets and Ruapehu Street, the built edge to streets is generally well formed with buildings built to the street edge and no setback provided. The exception to this the McDonald's building on the corner of Roberts Street and a mid-block section of Tuwharetoa Street.



Figure 1 - Block form of Taupō Town Centre

11. The current rules in the Operative District Plan allow for buildings up to 3 storeys as of right which could result in buildings being developed anywhere from 9-12m depending on the ground floor 'floor to ceiling' height and the corresponding height of floors above.
12. The proposed replacement with a maximum building height as associated only with that area within the Height Overlay (either 18m or 12m) will allow for greater flexibility in design, increased density of built form, and in some instances may result in four-six storey buildings. This potential is considered positive as it will allow for greater intensification in this area proximate to the lake foreshore without necessarily creating any additional material adverse effects in terms of shading or visual dominance. Many developers will still choose to develop to 3 storeys as it can be designed under NZS3604 (which allows for buildings up to 3 storeys in height) but the potentially higher height provisions allow for greater flexibility.
13. In terms of character, it is worth noting that there is no consistent form or material use within the town centre resulting in an eclectic character with little visual coherence.
14. The area proposed for a 18m height limit has been designed to minimise any potential effects on the Lakefront and Roberts Street while allowing for greater intensification. Shading studies were undertaken earlier to determine whether the increased height provisions would create adverse effects. This included increasing the height to 18m across the entire 'overlay area' which subsequently resulted in a moderate change and adverse effects on streetscape amenity and character.
15. In conclusion, the proposed 12m and 18m overlays provide for additional development without creating adverse shading or visual dominance issues. The increase in height provision will not have an adverse impact on the existing low-rise character of Taupō, given their proposed consolidated location, framing with an urban block, and at more of a macro level when compared against the permitted baseline established by the current three-storey height limitation which exists under the Operative District Plan.

URBAN DESIGN ASSESSMENT MATTERS (RULE 4g.1.10)

16. The inclusion of a rule outlining Assessment Matters for buildings in commercial/town centre areas is common practice in many District Plans throughout New Zealand. Based on experience, the imposition of these matters and a Restricted Discretionary status provides certainty both for the council and for the developer to ensure a positive urban design outcome is achieved.
17. The assessment matters proposed in 4g.4.13 are limited to the following aspects:

- i. promote active engagement with, and contribute to the vibrancy and attractiveness of, any adjacent streets, lanes, public spaces including Tongariro Domain, and the foreshore with Lake Taupō and Lake Terrace;*
- ii. take account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building.*

18. Both of these matters are clear in their intention and their purpose, noting that they only apply to buildings over 3 storeys. This is important where a 4-storey building maybe attempted in a 12m overlay area but would potentially result in a low ground floor ‘floor to ceiling’ design which responds poorly to its adjoining properties or limits future flexibility in the building’s future use. By having a design ‘check’, it provides an opportunity to assess each proposal on its own merits.

THE SCALE AND EXTENT OF THE BUILDING HEIGHTS OVERLAY

19. The proposed height increases combined with limiting the spatial extent of the area covered has been designed to balance several aspects to ensure a good urban design outcome in the future. These aspects are:

- a. Increased density and efficient landuse.
- b. Encouraging consolidated mixed-use development.
- c. Enabling the creation of landmarks and improving legibility while recognising existing character.
- d. Minimising shading and visual dominance effects associated with redevelopment(s).
- e. A balanced built form and Human scale

20. Allowing a balanced increase in building heights within a contained area will promote higher density and consolidated development. By utilising vertical space more effectively, the town centre can accommodate a greater number of residents, businesses, and amenities without sprawling outward into undeveloped areas, or built form areas less able to absorb substantial changes in building massing and height without substantial adverse effects on character and amenity.

21. The consolidation of higher density development tends to lead to the development of mixed-use buildings which support a range of different activities including retail, office and residential. From an urban design perspective, the development of buildings which are flexible in their activity/use is important to ensure that sites are used to their full potential.

22. Submissions by Kāinga Ora and Towncentre Taupō Board are seeking higher building heights across all of the Taupō Town Centre Environment. Kāinga Ora seek a split of

the height overlay of 18m / 15m across the Taupō Town Centre Environment. Taupō Town Centre seek a six-story maximum.

23. Selectively allowing, or consolidating opportunities for taller buildings in specified areas of the Taupō Town Centre can result in the creation of iconic landmarks and improve legibility while recognising and building on Taupō's existing character. Also acknowledging Taupō's current static employment and household growth rates as outlined in the evidence of Mr Heath, a more spatially confined approach to enabling building height increases and redevelopment(s) can provide for a more cohesive and responsive change to built form character and amenity, rather than a more incremental approach where individual property owners, potentially being quite disparate from each other (and indeed areas of higher amenity and public space) may seek to maximise yield and absorb the limited extent of forecast growth.

24. Whilst carefully designed buildings and spaces can contribute positively to the town centre, improving its identity and sense of place, it is also important to consolidate development to achieve a 'critical mass' in a town centre. Spreading development over too wider area can result in disjointed development which does not achieve a sense of enclosure, legibility or intensity. Likewise allowing too much development on to sites can result in future growth being focused into a smaller number of individual buildings rather than a more uniform spread over a cohesive or contiguous area.

25. By carefully limiting where increased building heights apply, Taupō can protect important view corridors to the lake and ensure an adequate supply of natural light into public spaces (streets in most cases but particularly along Roberts Street and the lakefront. This approach allows for the preservation of scenic vistas to the lake, mountains, or other landmarks, enhancing the overall visual experience for residents and visitors. It also helps maintain access to sunlight, minimising the overshadowing of public spaces, streets, and adjacent buildings.

26. By implementing thoughtful height regulations, Taupō can maintain a balanced urban fabric and preserve the current 'human scale' of development. Controlling building heights helps avoid a monotonous skyline and prevents overshadowing of public spaces, ensuring that streets and gathering areas retain a comfortable and inviting atmosphere. By promoting a mix of building heights, from low to mid-rise structures, the town centre will become visually appealing with diverse urban forms but a high degree of visual coherence.

27. However, after consulting with Council Planner (Mr Bonis) and Economist (Mr Heath) I consider the proposed change below to the notified Height Overlay areas to be an acceptable approach which still achieves the matters outlined above while also addressing submitter concerns. The change proposes an increase to the maximum height on the northern side of Tuwharetoa St to 18m between Tongariro and Ruapehu Streets.



**Figure 2 - Revised Town Centre Height Restriction Position
(as amended from PC40 as notified)**

CONCLUSION

In conclusion, and supported by the economic information provided by Mr Heath regarding employment and growth rates in the Taupo District, I consider that the proposed Height overlays shown above are an appropriate mechanism to provide for more growth while also consolidating the town centre to create a contiguous area of high amenity and commercial intensification. The proposed urban design rule,

4g.1.10 is also considered will assist with achieving a positive urban design outcome without creating a barrier to future development.

Dave Compton-Moen

10 July 2023

Attachment E: EVIDENCE IN CHIEF – DAMIEN ELLERTON: ACOUSTICS

BEFORE THE INDEPENDENT HEARINGS PANEL

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

AND

IN THE MATTER of Plan Change 40 (**PC40**), Taupō Town
Centre Environment (**TTCE**) under the
Taupō District Plan

STATEMENT OF EVIDENCE OF DAMIAN PAUL ELLERTON

ACOUSTICS

1. INTRODUCTION

1.1 My full name is Damian Paul Ellerton. I am an Associate at Marshall Day Acoustics, a specialist acoustic consultancy, and I specialise in environmental acoustics.

1.1 This evidence is given in response to submissions received by Council to PC40 public notice.

1.2 I have been engaged by the applicant to provide my comments on PC40 and respond to submissions with regard to the noise aspects which arise as a result of the Temporary Activities part of PC40.

Qualifications and experience

1.3 I hold the qualifications of Science degree from Waikato University majoring in Earth Sciences (Soils), and a Master of Science Degree in Environmental Acoustics from South Bank University, London, England.

1.4 I have over 25 years' experience in both the public and private sectors. I have previously worked for local government, including with the New Plymouth District Council (1994-1998) and have also worked in the United Kingdom. On my return to New Zealand, I joined Marshall Day Acoustics in 2002, starting in the Christchurch office, then moving briefly to Wellington, and then joined the New Plymouth office in 2007. I have now been in my present role for 14 years.

1.5 I am a member of the Institute of Acoustics, and of the Acoustical Society of New Zealand. I also have 'Making Good Decisions' certification which allows me to participate in decision making as a Hearing Panel member current to 2028.

- 1.6 I have a diversity of experience in environmental acoustics, including noise modelling and measurement, and policy planning.
- 1.7 I have previously been involved with application for the Taupō Amphitheatre consent in 2009 and s127 variation of consent in 2019. The purpose of this was for the control of noise with regard to temporary activities where the standard Plan noise limits would be exceeded.

Purpose and scope of evidence

- 1.8 The purpose of my evidence is to provide comments and recommendations for noise related aspects of PC40 and to respond to submissions regarding noise issues.
- 1.9 My evidence is structured as follows:
- (a) Briefly discuss treatment of Temporary Activities (Section 2); and
 - (b) Discuss PC40 (Section 3); and
 - (c) Recommendation for PC40 amendment (Section 4); and
 - (d) Submissions (Section 5); and
 - (e) Provide a brief conclusion (Section 6); and
 - (f) Suggested wording should PC40 be adopted (Appendix A).

Expert Witness Code of Conduct

- 1.10 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's 2023 Practice Note. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.11 I understand and accept that it is my overriding duty to assist the Independent Commissioner in matters which are within my expertise (acoustics).

2. TEMPORARY ACTIVITY NOISE RULES – GENERAL COMMENT

- 2.1 It is common for District Plans to include provision for Temporary Activities. The reason for this is intuitive in that a Plan cannot anticipate every potential requirement by community, nor can a landowner foresee future land uses.
- 2.2 In practicable terms, the temporary activity requirement relates to community type events. In my experience, international music acts may only give 6 months notice of their

availability and it is not negotiable. The (in)ability to guarantee securing a resource consent to exceed noise limits for a limited period of time i.e. 3-6 hours means these opportunities are generally lost.

- 2.3 The approach I have taken previously is in effect a sliding scale starting on the basis of District Plan noise limits as an acceptable base for reoccurring and typical noise emissions and associated effects as related to amenity, annoyance and health effects. The upper limit for relaxing the noise limit must be tempered with a duration component – per day and number of days in combination with commensurate upper limits as these impact on amenity, annoyance and health effects.
- 2.4 I have previously recommended on other similar projects, the upper noise limit receivers of sound from temporary activities should be exposed to is 80dB L_{Aeq} on the basis it is for limited hours i.e. 3 hours, has low frequency controls built into it, must cease at 10pm and can only occur 4 times per year and not consecutive days to provide a reprieve for adjoining activities. This is typically a music concert type scenario.
- 2.5 For temporary events other than short duration high volume music concerts, say a multiple day music festival or sports event the upper noise limit is lower than a “one off big noise event” and the hours of operation may be 12 hours per day.

3. **PC40 - COMMENTARY**

3.1 PC40 has three parts:

- Height limit overlay in Taupō Town Centre Pedestrian Precinct
- Controls on Verandas
- Temporary Activities

3.2 The operative provisions relating to Temporary Activities extend across the Town Centre Environment. The amendments associated with the PC40 change to the TTCE policies in iii and iii(a) also therefore includes the wider TTCE and the commercial operators to enable a diverse range of temporary activities.

3.3 I understand the intent of the amendments to Temporary Activities in PC40 is focused on the use of the Tongariro Domain - and the extent of non-operational days associated with set up and pack down of the event. As the Domain is zoned TTCE, the proposed provisions also apply to all sites within that zone. The s32 report 2.4.3 confirms this with a focus on Tongariro Domain.

3.4 PC40 proposes to modify the Operative Plan 4g.2.2 with regard to temporary activities and maintain no noise controls on the basis of a limit number of operational days per year with

provisos relating to no permanent structures, site re-instatement and maximum number of non-operational days (event set up and pack down).

- 3.5 In short, PC40 4g.2.2 proposes that any Temporary Activity undertaken within a TTCE site, and as otherwise compliant with the criteria listed, can generate unlimited noise eight days per year as a permitted activity.
- 3.6 In my opinion PC40 and 4g.2.2 as written could result in unintended consequences, in terms of potential noise effects, that will be counter to the TTCE policy and objectives 3s.2.1 and 3s.2.2. That these unintended consequences haven't arisen to date under the Operative Plan is maybe more fortuitous than through good management.
- 3.7 For instance, each site within TTCE could hold an event with no limit on the noise generated and do this four times per 6 months (eight times per year). This may be problematic for the following reasons:
- With no noise limits the only mechanism for control would be receipt of complaint and enforcement action via RMA s16 and 17; and
 - separation distance between the event noise and the receiver may be very small – perhaps only several metres or less in the case of TTCE sites that share a boundary; and
 - TTCE includes business, commercial, residential and accommodation uses within the town centre; and
 - The density of sites within TTCE means the occurrence of events could be numerous and frequent i.e. each site has several temporary activities as do their immediate neighbour and so on.

4. **PC40 – RECOMMENDATION**

- 4.1 PC40 could be amended to refine the potential outcomes, and associated effects that may arise as shown in purple underline and purple strikethrough as shown in Appendix A.
- 4.2 Prior to recommending these provisions I considered other options such as restricting PC40 to the Tongariro Domain exclusively and additional noise rules for TTCE intra zone.
- 4.3 However, making PC40 apply to Tongariro Domain exclusively was considered by the applicant as counter to the purpose of allowing all TTCE zoned sites to utilise PC40.
- 4.4 A relaxation of the Plan TTCE intra zone noise limits has been recommended to reflect the potential close proximity of sites within TTCE.

4.5 I note there is clarity provided by Mr Bonis in his s42A report as to the meaning of “temporary activity” with respect to PC40. I agree with this approach as it ensures the types of temporary activity undertaken are not an unbridled continuation of day to day trading.

5. SUBMITTER COMMENTS

5.1 I have reviewed the three submissions received by Council regarding PC40. The submission were from:

- T Palmer – seeks amendments as they consider it inappropriate to increase the temporary activity rule across the whole District and that PC40 only apply to TTCE and industrial, but not residential, general rural or rural lifestyle.
- Cheal Consultants – supports PC40 and seeks controls for noise, odour and loading/parking
- NZ Defence Force (**NZDF**) – seek an amendment for the inclusion of temporary military training activities (**TMTA**) to the policy framework and insert their own default set of noise limits.

5.2 The submission from Palmer seeks PC40 is restricted to TTCE and not zones where people live. I can confirm PC40 and the noise provisions contained within it relate only to sites within TTCE. The suggested wording of noise rules does include an option that allows a relaxation for noise *received* within the Residential Environment but does not allow a Temporary Activity to occur within the Residential Environment.

5.3 The Cheal Consultants submission is brief in nature and does not provide specific proposed controls or alternative wording regarding noise issues. My proposed amendment may satisfy the noise related aspect of their submission.

5.4 NZDF seek PC40 include TMTA as permitted on the basis of the nature and frequency of these activities and seek:

either

up to 31 days per year – excluding set up and pack down and compliance with TMTA noise limits as sought in other zones throughout the District

or

PC40 4g.2.2 wording to allow 31 consecutive days activity without noise limits

- 5.5 The purpose of PC40 is to allow and facilitate events that are community focussed and accessible to the public i.e. annual IRONMAN, Lake Taupō Cycle Challenge, Great Lake relay as well as music and cultural events.
- 5.6 In my opinion the purpose of PC40 is the polar opposite of NZDF and TMTA which "*can include a range of activities from office / classroom based activities to large scale military exercises, and might involve search and rescue, infrastructure support (such as deployment of water purification and supply facilities...) bomb deactivation training, weapons firing, personnel etc. They may be undertaken over a period of days or weeks, on an intermittent or continuous basis, and during both day and night*"¹.
- 5.7 In my opinion, the purpose of PC40 as expressed in the Policies and Objectives does not anticipate TMTA, nor does it encourage it, particularly when compared to the range of NZDF activities which are neither community focussed or accessible for the general public to participate in.

6. CONCLUSIONS

- 6.1 PC40 includes proposal to allow more community related activities to occur, and with that, generate noise that exceeds the typical noise standards within that zone for a short duration.
- 6.2 I agree with the definition within PC40 for Temporary Activities.
- 6.3 The number of operational days – where the standard zone noise limits are relaxed, will allow the type of events anticipated in PC40 to occur, and any potential noise effects contained within the Taupō Town Centre Precinct.
- 6.4 The submission by T Palmer and Cheal Consultants seeks greater clarity around this and I have incorporated that into my suggested alternative wording for PC40.
- 6.5 The New Zealand Defence Force seek to have their temporary military training activities, and their own default noise rules included into PC40. In my opinion carrying out of temporary training military activities is not anticipated in the Taupō Town Centre Precinct and in my opinion is inappropriate and therefore I have recommended their relief sought be disregarded.

Damian Ellerton

Marshall Day Acoustics

6 JULY 2023

¹ S42A report, Matthew Bonis

APPENDIX A – PC40 NOISE WORDING OPTION - NOISE

4g.2.2 Any temporary activity, being an activity of up to a total of ~~three~~ ~~four~~ ~~eight~~ operational days in any ~~one calendar year~~ ~~one calendar year~~ ~~six month period~~, 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 re-instated to its condition prior to the activity commencing; and
- iii. An allowance of ~~five~~ ~~14~~ ~~28~~ non-operational days in any ~~one calendar year~~ ~~six month period~~ 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. For the purposes of this Rule, Temporary Activities means activities (and ancillary buildings and structures) that are intended to have a limited duration and incidence (one-off, infrequent, transitional or with a defined end date, as opposed to regular and ongoing), and are not a part of a permanent activity that occurs on a site.
- v. The noise level arising from any Temporary Activity (excluding non-operational days) measured within the boundary of **any other property**, excluding Taupō Town Centre Environment and Taupo Town Centre Commercial Fringe Precinct, shall not exceed the frequency of occurrence or noise limits shown in Table 4g.2.2.
- vi. Noise shall be measured in accordance with NZS6801:2008 assessed in accordance with NZS6802:2008. The provisions in NZS6802:2008 sections 6.3 and 6.4 shall not apply when assessing sound from Temporary Activities against the noise limits in Table 4g.2.2.

Table 4g.2.2: Temporary Activities - Noise, Duration and Frequency criteria

<u>Maximum number of events</u>	<u>Time Limit</u>	<u>Noise Limits</u>		<u>Notes</u>
<u>1</u>	<u>Seven hours between 10am and 10:30pm</u>	<u>80dB LAeq(5 minutes); and</u> <u>95dB LAeq(5 minutes) at 63Hz; and</u> <u>85dB LAeq(5 minutes) at 125Hz</u>	<u>85dB LAFmax</u>	<u>Excludes fireworks.</u> <u>Excludes sound system testing providing it occurs for no more than 2 hours and between the hours of 10am and 6pm</u>
<u>3</u>	<u>4.5 hours between 10am and 10:30pm</u>	<u>80dB LAeq(5 minutes); and</u>	<u>85dB LAFmax</u>	

		<u>95dB $L_{eq(5minutes)}$ at 63Hz; and</u> <u>85dB $L_{eq(5 minutes)}$ at 125Hz</u>	
<u>1 - New Years Eve</u>	<u>Seven hours between 10am and 12:30am</u>	<u>65dB L_{Aeq}</u>	<u>85dB L_{AFmax}</u>
<u>Remainder</u>		<u>60dB L_{Aeq}</u>	<u>85dB L_{AFmax}</u>

Attachment F: EXCERPT FROM THE TAUPŌ COMMERCIAL AND INDUSTRIAL STRUCTURE PLAN

(2011)

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Implementation

Building height

One of the consistent messages from the community has been the preservation of the low rise character of the town centre. Balanced with this is the need to meet commercial aspirations to maximise the potential of town centre properties, and encourage a compact town centre location.

Also of growing influence is the desire to promote a greater mix of land uses in the town centre. Encouraging commercial accommodation activities and residential living into the town centre will contribute to greater vibrancy, increased safety – particularly at night – and increased footfall with the associated economic benefits for retailers and food establishments.

Currently the District Plan has an 8m height limit at the front and then a 45 degree plane stretching back into the property. The intent is to shift to a height limit over the entire property of three storeys. This would achieve a reasonable balance between the community desire to maintain a low rise feel to the town centre, while also enabling land owners to achieve redevelopment aspirations.



Developments in the town centre have shown that a variation of one to four storeys can be accommodated without being incompatible with the scale of the existing streetscape

Within a three storey limit there is the potential to have a mix of uses like retail, office and residential. Any increase in the number of people living in the town centre is expected to happen slowly. However enabling such change is important if the associated benefits are to be achieved in the long term.

Experience with other District Plan provisions suggests that people tend to build at the maximum allowed. This can create uniformity. In contrast, using the number of storeys as a limit will result in different rooflines and architectural features like gables. It also allows more flexibility for different stud heights to suit the different uses within a building.

It is anticipated that there may be some sites where higher buildings could be appropriate. This might reflect the needs of a particular use like a hotel, or the characteristics of a particular site like a corner site or an entry to the town centre. It is difficult to identify these sites in advance of a specific land use so it is proposed to use the resource consent process to determine appropriate sites based on a particular development scenario.



An example from Perth shows how larger buildings can be broken down into smaller components to reduce the perception of bulk



ATTACHMENT G: CHANGE 1 TO THE WRPS: RELEVANT AMENDMENTS TO THE POLICY FRAMEWORK

OPERATIVE WRPS COMPARISON TABLE – SEPT 2022, RESTRUCTURING TO NATIONAL PLANNING STANDARDS

Restructured Numbering Sept 2022	Referenced PC40 Referencing	Relevant Provision Text
IM-O1	Objective 3.1: Integrated Management	<p><i>Natural and physical resources are managed in a way that recognises:</i></p> <ul style="list-style-type: none"> d) <i>the needs of current and future generations;</i> e) <i>the relationships between environmental, social, economic and cultural wellbeing;</i>
IM-O8	Objective 3.10 Sustainable and efficient use of resources	<i>Use and development of natural and physical resources, excluding minerals, occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste</i>
UFD-O1	Objective 3.12 Built Environment	<p><i>Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:</i></p> <ul style="list-style-type: none"> g) <i>minimising land use conflicts, including minimising potential for reverse sensitivity; ...</i> k) <i>providing for a range of commercial development to support the social and economic wellbeing of the region.</i>
IM-O9	Objective 3.21 Amenity	<i>The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.</i>
UFD-P1	Policy 6.1 Planned and coordinated subdivision, use and development.	<p><i>Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:</i></p> <ul style="list-style-type: none"> a) <i>has regard to the principles in section 6A;</i> b) <i>recognises and addresses potential cumulative effects of subdivision, use and development;</i> c) <i>is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and</i> d) <i>has regard to the existing built environment.</i>
UFD-P2	Policy 6.3 Co-ordinating growth and infrastructure	<p><i>Management of the built environment ensures:</i></p> <ul style="list-style-type: none"> a) <i>the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure....</i>
UFD-P8 [Note deleted by Change 1]	Policy 6.11 Implementing Taupō District 2050	<p><i>Growth in the Taupō District will be managed in a way that:</i></p> <ul style="list-style-type: none"> a) <i>recognises that Taupō District 2050 provides for the management of future growth, including by: ...</i> c) <i>acknowledges that changes to the Taupō District Plan intended to implement Taupō District 2050 must be considered on their merits under the RMA.</i>
APP11	6A Development Principles (for the purpose of Policy 6.1)	<p><i>General Development Principles</i></p> <p><i>New development should:</i></p> <ul style="list-style-type: none"> a) <i>support existing urban areas in preference to creating new ones;</i> c) <i>make use of opportunities for urban intensification and redevelopment to minimise</i>

the need for urban development in greenfield areas;

- e) *connect well with existing and planned development and infrastructure;*
- i) *promote compact urban form, design and location to:*
 - i) *minimise energy and carbon use;*
 - ii) *minimise the need for private motor vehicle use;*
 - iii) *maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;*
 - iv) *encourage walking, cycling and multi-modal transport connections; and*
 - v) *maximise opportunities for people to live, work and play within their local area;*
- o) *not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;*

CHANGE 1 PROPOSED CHANGES TO THE WRPS – OCT 2022

The amendments introduced to the WRPS through Change 1 are considered to include:

- c. Definitions: Including that of a Tier 1 local authority, Urban Environment, and Well-functioning urban environment, which all take their interpretation directly from the NPS-UD.
- d. Amend IM-05 to ensure that Land use is managed to:
 - (2) support reductions in greenhouse gas emissions within urban environments and ensure urban environments are resilient to the current and future effects of climate change.
- e. Amend IM-09 Amenity (previously Objective 3.21) to insert:
 - (2) Where intensification occurs in urban environments, built development results in attractive, healthy, safe and high-quality urban form which responds positively to local context whilst recognising that amenity values change over time in response to the changing needs of people, communities and future generations, and such changes are not, of themselves, an adverse effect.
- f. Amend UFD-01 Urban Form and Development (Previously Objective 3.12) to insert:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

 - 12. strategically planning for growth and development to create responsive and well-functioning urban environments, that:
 - d. ensure sufficient development capacity, supported by integrated infrastructure provision, for identified housing and business needs in the short, medium and long term;
 - e. improves connectivity within urban areas, particularly by active transport and public transport;
- g. Delete UFD-P8 (Previously Policy 6.11) as follows:

Growth in the Taupō District will be managed in a way that:

 - ~~1. recognises that Taupō District 2050 provides for the management of future growth, including by: ...~~
 - ~~3. ... their merits under the RMA.~~
- h. Insert new UFD-P18 as follows:

New urban development in tier 3 local authority areas shall be managed in a way that:

1. recognises and provides for the intended urban development pattern as set out in any agreed council-approved growth strategy or equivalent council-approved strategies and plans;
2. contributes towards sufficient development capacity required to meet expected demand for housing and for business land over the short term, medium term, and long term as set out in the National Policy Statement on Urban Development;
3. focuses new urban development in and around existing settlements;
4. prevents a dispersed pattern of settlement and the resulting inefficiencies in managing resources that would arise from urban and rural residential development being located in the rural environment outside of identified urban growth areas;
5. avoids the cumulative effect that subdivision and consequent fragmented land ownership can have on the role of identified urban growth areas in providing a supply of land for urban development;
6. ensures that any development is efficient, consistent with, and supported by, appropriate infrastructure necessary to service the area;
7. has particular regard to the principles in APP11;
8. recognises environmental attributes or constraints to development and addresses how they will be avoided or managed including those specifically identified in UFD-M8, high class soils as identified in LF-M41, and planning in the coastal environment as set out in CE-M1;
9. in relation to urban environments:
 - a. concentrates urban development through enabling heights and density in those areas of an urban environment with accessibility by active or public transport to a range of commercial activities, housing and community services, and where there is demand for housing and business use;
 - b. provides for high-quality urban design which responds positively to local context whilst recognising and allowing for amenity values of the urban and built form in areas planned for intensification to develop and change over time, and such change is not, in and of itself, an adverse effect;
 - c. enables a diverse range of dwelling types and sizes to meet the housing needs of people and communities, including for:
 - i. households on low to moderate incomes; and
 - ii. Māori to express cultural traditions and norms;
 - d. enables a variety of site sizes and locations in urban environments suitable for different business sectors;
 - e. supports reductions in greenhouse gas emissions including through providing for an increasingly compact urban form that supports less carbon intensive transport modes such as active and public transport.

- i. Insert new Method UFD-M69 as follows:

UFD-M69 – Council-approved growth strategy or equivalent in tier 3 local authority areas Tier 3 local authorities shall prepare a new or updated council-approved growth strategy, or equivalent council-approved plans and strategies, to manage growth in accordance with UFDP18.

The growth strategy or equivalent council-approved plans and strategies must be notified within two years of either the operative date of Plan Change 1 to the Regional Policy Statement or the date at which a council determines that it is a tier 3 local authority, and must address:

1. how the local authority will provide sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term as set out in the National Policy Statement on Urban Development 2020;
2. the values and aspirations of hapū and iwi for urban development;
3. the location and extent of urban settlements meeting the definition of a tier 3 urban environment;
4. the location, land use types, staging, density and trigger requirements of future urban growth areas;
5. identification of any areas within urban environments where greater heights and density of urban form are to be enabled;
6. the type, scale and staging of infrastructure required to support or service development capacity, including three waters infrastructure, along with the general location of the corridors and other sites required to provide it;
7. the multi-modal transport links and infrastructure required to service urban development and urban environments, both within an area of new development and connecting to neighbouring areas and existing transport infrastructure, in a way that provides good accessibility between housing, jobs, community services, natural spaces and open spaces; and

8. the development principles in APP11.

The council-approved growth strategy or equivalent council-approved strategies and plans must be developed through a non-Resource Management Act special consultative procedure or a Schedule 1 Resource Management Act process.

- j. Insert new Method UFD-M70 as follows:

UFDD-M70 – District Plans

Tier 3 local authorities shall include provisions in district plans to give effect to UFD-P18.

- k. Insert new Method UFD-M72 as follows:

UFD-M72 – Interim arrangements

Until such time as a local authority has prepared or updated its council-approved growth strategy, or equivalent council-approved strategies and plans, in accordance with UFD-M69, urban growth shall be managed in accordance with the Regional Policy Statement, the council's district plan, existing adopted council-approved growth strategies for the district, and the council's current infrastructure strategy.

- l. Amend APP11 Development Principles (previously Attachment 6.1 for the purposes of Policy 6.1) as follows:

General development principles

~~New development should:~~ *The general development principles for new development are:*

(a)